



Department: COMPLIANCE AND HUMAN RESOURCES	Version #: 4
<b>Title: Compliance Program Disciplinary Standards</b>	
Process Owner: Chief Compliance Officer	Date Created: 2/27/2019 Last Reviewed Date: 05/11/2023
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References: Medicare Managed Care Manual, Chapter 21, Sections 50.5; Prescription Drug Benefit Manual, Chapter 9, Section 50.5; Human Resources Corrective Action Form	Approved 5/23/2023

**Printed copies are for reference only. Please refer to the S/Policies and Work Instructions for the most recent version.**

**Purpose:** To ensure that ATRIO Health Plans (ATRIO) maintains well-publicized disciplinary standards for noncompliant and/or unethical behavior.

**Summary:** ATRIO requires all Employees to report issues of Non-Compliance, fraud, waste, abuse, or unethical behavior and assist in the investigation and resolution of such matters. In addition, ATRIO requires all Employees to adhere to job performance standards and requirements as outlined in ATRIO’s Employee Handbook, Corporate Code of Conduct, Compliance Plan, as well as applicable policies and procedures.

ATRIO takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding disciplinary action. ATRIO’s disciplinary actions shall be appropriate to the seriousness of the violation, fairly and consistently administered, and imposed within a reasonable timeframe. Employee compliance with job performance standards and requirements is included as a measure on employee annual performance reviews.

**Scope:** This policy applies to all Employees.

**Definitions:**

**Compliance Program:** ATRIO’s Compliance Program outlines the activities that ATRIO has implemented in order to ensure it is operating an effective Compliance Program that meets regulatory requirements. These activities include measures to prevent, detect and correct Part C and D non-compliance, Fraud, Waste and Abuse (FWA) and/or privacy/security violations.

**Employee(s):** Full time employees, part-time employees, temporary employees, contracted employees, and volunteers.

**Fraud, Waste and Abuse (FWA):**

- *Fraud*: Knowingly and willfully executing, or attempting to execute, a scheme or artifice to defraud any health care benefit program or to obtain (by means of false or fraudulent pretenses, representations, or promises) any of the money or property owned by, or under the custody or control of, any health care benefit program.
- *Waste*: The overutilization of services or other practices that directly or indirectly, result in unnecessary costs to the Medicare program. Waste is generally not considered to be caused by criminally negligent actions but rather the misuse of resources.
- *Abuse*: Includes actions that may directly or indirectly, result in unnecessary costs to the Medicare Program, improper payment, payment for services that fail to meet professionally recognized standards of care, or services that are medically unnecessary. Abuse involves payment for items or services when there is no legal entitlement to that payment and the provider has not knowingly and/or intentionally misrepresented facts to obtain payment. Abuse cannot be differentiated categorically from fraud, because the distinction between “fraud” and “abuse” depends on facts and circumstances, intent and prior knowledge, and available evidence, among other factors.

**HIPAA violation** is a failure to comply with any aspect of HIPAA standards and provisions detailed in detailed in 45 CFR Parts 160, 162, and 164.

**Non-compliance** is failure to adhere to any laws, regulations, CMS requirements, contractual requirements, company policies and procedures, and/or ATRIO’s Code of Conduct. Non-Compliance also means actions that may result in adverse impact to ATRIO members. Non-compliance includes but is not limited to:

- Members receiving untimely services or inaccurate plan information
- Inappropriate denial of benefits, services, medications
- Members being inappropriately held responsible for cost-sharing
- Failure to provide members access to due process (appeal)
- Failure to adhere to regulatory timeframes

Generally, a Corrective Action Plan (CAP) will be required when an issue of non-compliance results in one or more of the following:

- Regulatory or Contractual violations
- Measurable beneficiary/member harm (financial liability, inability to access drugs or benefits)
- Repetitive/systemic issues, rather than a one-time occurrence

Issues that fall outside of the above parameters should be documented and addressed by the applicable operational owner(s) in a Process Improvement Plan (PIP).

## **Policy:**

### **Employee Responsibilities-**

ATRIO requires all Employees to support and comply with the Employee Handbook, ATRIO Code of Conduct, Compliance Program, and all Compliance policies and Work Instructions. ATRIO's Employee Handbook, Code of Conduct, Compliance Program, and all Compliance policies are distributed to new Employees within 90 days of hire or contracting, when there are changes, and at least annually.

### **ATRIO Employees must:**

- Complete required general compliance, Fraud, Waste and Abuse (FWA) and Privacy/Security training within 90 days of hire or contracting, and at least annually by the established deadline;
- Complete operational monitoring as committed to by operational business owners and documented in ATRIO's annual Monitoring Plan (as applicable);
- Complete annual review and maintenance of departmental policies (as applicable);
- Complete annual employee performance evaluations by established deadline (as applicable);
- Complete required Security Refresher Training (due to failing a phishing email) by the established deadline;
- Report suspected or detected incidents of Non-Compliance, including FWA, HIPAA Violation and/or unethical behavior;
- Cooperate with audits, investigations, and document department actions to remediate and correct any potential or actual Non-Compliance, FWA, or HIPAA violation; and
- Provide evidence upon request and ensure that documentation of corrective or remediation is documented and available for future audit.

ATRIO maintains a policy of non-intimidation and non-retaliation for good faith participation in the ATRIO Compliance Program. This includes, but is not limited to:

- Reporting actual or suspected Noncompliance, FWA, HIPAA violation(s) and/or unethical behavior; and/or
- Participating in the investigation of such issues, conducting self-evaluations, audits and remedial actions.

### **Disciplinary Standards:**

ATRIO timely, fairly, and consistently enforces these disciplinary standards when noncompliant and/or non-ethical behavior is detected.

For issues of Non-compliance, ATRIO may impose one or more of the following disciplinary actions in a timely manner to effectively stop the activity or correct the behavior:

- Education and training;
  - Payment suspension as part of an ongoing investigation;
  - Termination of employment or contract;
  - Corrective Action Plan;
  - Revision of Policy, Procedures and/or implement monitoring;
  - Prepayment review of claims, as part of an ongoing investigation;
  - Recommendations to add or modify system edits;
  - Recoup improper claim payments; and/or
  - Referral to the appropriate regulatory agency or law enforcement.
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- First time Monitoring not completed, the business owner must provide an explanation to Compliance.
  - Second time Monitoring not completed, the non-compliance will be escalated to Chief Compliance Officer (CCO). CCO will follow-up with business owner(s) and their manager(s) with written warning. Business owners and/or Management will be required to provide a detailed remediation plan to address root causes (e.g., staffing issues, changes in operational risk and prioritization of monitoring efforts, etc.).
  - Third time Monitoring not completed, the CCO will escalate to the CEO and/or Audit & Compliance Board Committee.

#### **Training:**

- Employees who fail to complete all required compliance courses by the established deadline will be reported to their manager by Compliance.
- Failure to complete the trainings 30+ days beyond the initial deadline will be tracked by Compliance, escalated to the CEO, and the employee will be added to the non-compliant list, which may impact their overall performance review and ability to earn raises, bonuses, promotions.

#### **Policies:**

- Employees who are designated policy owners who fail to review/revise all applicable departmental policies by the established deadline will receive one (1) past due warning from Compliance and will be reported to their manager by Compliance.
- Failure to review/revise policies 30+ days beyond the initial deadline will be tracked by Compliance, escalated to the CEO, and the employee will be added to the non-compliant list, which may impact their overall performance review and ability to earn raises, bonuses, promotions.

#### **Annual Performance Evaluations (Managers and Above):**

- Managers who fail to complete all employee performance evaluations by the established deadline will receive a past due written warning by HR.
- If the manager fails to complete the evaluation 30+ days beyond the initial deadline, the manager will escalate to the CEO, and the employee/manager may

be added to the non-compliant list, which may impact the manager's overall performance review and ability to earn raises, bonuses, promotions.

**Repeated Failures of Phishing Emails:**

- Employees who fail 3 phishing emails within a 12-month rolling look back period will be added to the non-compliant list, which may impact their overall performance review and ability to earn raises, bonuses, promotions.

**Security Refresher Training (due to failing a phishing email)**

- Assigned security training must be completed by employee within 5 working days.

Prior to the start of ATRIO's annual employee performance evaluation process (November), Compliance will send applicable manager(s) a list of their employees who have failed to comply with one or more of the requirements listed above, so that the manager can factor in the non-compliance when assessing employee performance, rating score, and recommendations for raises, and promotions.

ATRIO is committed to appropriate corrective action to prevent future reoccurrences. If an Employee fails to comply with the standards set forth in this Policy, ATRIO will conduct an investigation. If it is confirmed that a state law, federal law, or documented policy or policies have been violated, the Employee will be subject to appropriate disciplinary action based on the severity of the violation. Any disciplinary action will be in coordination with Human Resources policies and will be applied in a fair and equitable basis.

Any compliance action that results in a disciplinary action against an Employee will be recorded in the Employee's personnel file.

**Resources:**

Compliance Investigations Work Instructions  
Corporate Code of Conduct Policy  
Compliance Program  
Record Retention Policy  
Employee Handbook  
Email Phishing Protection Policy  
Policy and Procedure Maintenance Policy