



## **Corporate Compliance: Discipline & Enforcement of Compliance Standards**

### Purpose:

Advocates (sometimes referred to as “organization” or “the organization”) is committed to conducting its business ethically and in conformance with all Federal and State laws, regulations, interpretations thereof, and the Advocates’ Standards of Conduct. To support this commitment, Advocates has developed procedures for disciplinary actions to be taken for illegal or unethical acts; violations of Federal or State laws and regulations; violations of the Standards of Conduct, the Compliance Program, and Advocates’ policies and procedures; improper acts in the delivery, documentation or billing of services; and other wrongdoing (collectively referred to as “compliance violations” for purposes of this Policy) by Affected Individuals.

### Regulatory/Additional Authority:

Social Services Law 363-D  
18 NYCRR Part 521

### Scope:

All Affected Individuals

### Responsible Employees (Title) and/or Department:

The Compliance Officer (Director of Compliance, Quality & Incident Management or their designee.

### Definitions:

Affected Individuals-All Advocates’ employees including the Executive Director, and senior leadership, contractors, subcontractors, independent contractors, agents, corporate officers, and the Board of Directors.

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### Policy

It is the Policy of Advocates to ensure that:

1. Affected Individuals who, upon investigation, are found to have committed compliance violations will be subject to appropriate disciplinary action, up to and including termination of employment, contract, appointment or relationship with Advocates.
2. The following actions shall result in disciplinary action:

- Authorization of or participation in actions that violate Federal or State laws, regulations, the Compliance Program, Standards of Conduct, or any related policies and procedures either actively or passively;
  - Failure to comply with the Organization's policies governing the prevention, detection, or reporting of fraud and abuse;
  - Falsification of records/documentation;
  - Making false statements;
  - Submitting or causing to submit a false claim;
  - Failure to report suspected violations;
  - Failure to participate and/or cooperate in an investigation; and
  - Retribution, retaliation, or intimidation against a person for reporting a possible compliance violation or participating in an investigation.
3. The Organization will apply progressive discipline consistent with the violation. Examples of the disciplinary action that may be taken in accordance with the nature and scope of the infraction include but are not limited to: (a) verbal warning; (b) written warning; (c) retraining; (d) suspension without pay; and (f) termination of employment, contract, appointment or relationship with the organization. Advocates will consider intentional or reckless behavior as being subject to more significant disciplinary action.
4. The Compliance Officer in collaboration with the Director of Human Resources will be responsible for assuring that disciplinary actions related to compliance violations are consistent with actions taken in similar instances of non-compliance and that the same disciplinary action applies to all levels of Affected Individuals.

### Procedures

1. All reports of compliance violations are to be reported to the Compliance Officer or a Compliance Team member in accordance with the Reporting and Investigation of Compliance Concerns Policy and Procedure.
2. To the extent possible, disciplinary action for employees will be taken in accordance with the Advocates' Employee Handbook.
3. When the determination is made that a compliance violation by an Affected Individual has occurred, the Compliance Officer or their designee will notify the Executive Director, Leadership Team, the appropriate Department Director, and the employee's supervisor.
4. When the determination is made that a compliance violation by a Board member or a corporate officer has occurred, the Compliance Officer will notify the Executive Director and the President of the Board. If the President of the Board is implicated in the violation, the Compliance Officer and Executive Director will work with the unimplicated members of the Executive Committee of the Board to determine and execute appropriate disciplinary action.

When the determination is made that a compliance violation by the Executive Director has occurred, the Compliance Officer will notify the President of the Board in order to determine and execute appropriate disciplinary action. Legal counsel may be consulted, as appropriate.

5. When the determination is made that a compliance violation occurred involving a contractor or vendor, the Compliance Officer will notify the Executive Director and work collaboratively to determine and execute the appropriate corrective action.
6. If appropriate, the Compliance Officer may notify the Board or the Compliance Committee prior to the next regularly scheduled meeting when a full report of compliance-related disciplinary actions would normally be presented.
7. The Compliance Officer or their designee and Director of Human Resources will work in collaboration with the appropriate Department Director/supervisor in determining and executing the disciplinary action related to a compliance violation by an employee. The Compliance Officer or their designee may recommend a disciplinary process other than the normal procedure if circumstances warrant.
8. The Compliance Officer and/or Director of Human Resources shall consult with the Compliance Committee, the Executive Director, Leadership Team and legal counsel, as necessary to determine the appropriate disciplinary action to be taken.
9. Discipline will be appropriately documented in the disciplined employee's personnel file.
10. The Compliance Officer in collaboration with the Director of Human Resources will maintain a record of disciplinary actions taken against Affected Individuals related to compliance violations and will reference these records when necessary to ensure consistency in the application of disciplinary measures.
11. The Compliance Officer in collaboration with the Director of Human Resources shall maintain a record of disciplinary actions taken against Affected Individuals related to compliance violations and report regularly to the Compliance Committee and not less than annually to the Board of Directors regarding such actions.
12. The Compliance Officer will ensure that the disciplinary procedures are disseminated to all Affected Individuals and that these individuals have received relevant training in accordance with the organization's training plan.

Sanction Statement:

Non-compliance with this policy may result in disciplinary action, up to and including termination.

Compliance Statement:

As part of its ongoing Compliance Program review and improvement process, Advocates will review this policy at least annually and as needed to respond to changes in laws or regulations and to determine if this policy:

- Has been implemented.
- Is being followed.
- Is effective.
- Needs to be updated.

Record Retention Statement:

Advocates will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six years.

Attachments

Advocates' Professional Development Note Policy  
Advocates' Electronic Documentation Policy  
Electronic Documentation Policy Clarification