

Northwest Georgia Oncology Centers, P.C.

Compliance Program Handbook

May 2012

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May 18, 2017

Introduction

Northwest Georgia Oncology Centers, P.C. (“NGOC”) aspires to conduct its business honestly and ethically. In order to live up to this commitment, NGOC has set forth in this Compliance Program Handbook the principles and rules to be followed by its employees and agents.

This Compliance Program Handbook will familiarize new employees and agents with the high ethical standards that guide our business and business relationships in connection with the delivery of healthcare in our highly regulated environment. For existing employees and agents, this Compliance Program Handbook will reaffirm our commitment to ethical behavior in all that we do. Conduct in violation of these principles and standards will lead to sanctions, up to and including termination.

The guidelines set out in this document are based on the Federal Sentencing Guidelines for Organizations, the Department of Health and Human Services’ Office of Inspector General’s Compliance Program Guidance for Individual and Small Group Practices, and the Department of Health and Human Services’ Office of Inspector General’s Compliance Program Guidance for Third-Party Medical Billing Companies. These source documents assist us in structuring a compliance program best suited to encouraging ethical conduct and compliance with the law.

This Compliance Program Handbook cannot cover every situation you may encounter, and it is not intended to. When the proper course of action is unclear, you should seek the guidance of your immediate supervisor or the Compliance Officer, who has been designated to administer NGOC’s Compliance Program.

Ethical and legal conduct in the provision of our services is of the utmost importance to me and the Board of Directors of NGOC. We appreciate your assistance in upholding these values.

Bruce J. Gould, M.D.
President and Medical Director
Northwest Georgia Oncology Centers, P.C.

Part 1

Commitment to Ethics and Compliance

- It is the policy of NGOC to comply with all laws governing NGOC's operations and to conduct its affairs in keeping with high moral, legal and ethical standards.
- It is the policy of NGOC to exercise due diligence designed to prevent and detect criminal conduct and to promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.
- It is intended that compliance and ethics permeate all aspects of NGOC's operations. Accordingly, all provisions of this Compliance Program Handbook apply to everyone who performs services on behalf of NGOC. For purposes of this Compliance Program Handbook, the term "Employee" includes all employees, members of the Board of Directors, owners and agents of NGOC.

Part 2

Roles and Responsibilities

A. All Employees

Each Employee is responsible for adhering to high moral, legal and ethical standards. When acting in any capacity for NGOC, an Employee must:

- Be knowledgeable about the content and operation of the Compliance Program. Each existing and new Employee must sign the Compliance Certificate at the end of this Compliance Program stating that he or she has read the Compliance Program and agrees to abide by its terms.
- Act in accordance with the Code of Conduct and all applicable NGOC policies and procedures.
- Comply with all laws, regulations and standards that apply to his or her responsibilities.
- Carry out his or her responsibilities in an ethical and professional manner.
- Report potential compliance concerns to the Compliance Officer, the Executive Director or the Employee's supervisor.
- Promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.

B. Management

Directors, Managers, and Supervisors, ("Management") are responsible for compliance efforts specific to their respective areas. Management will:

- Develop, coordinate, implement and oversee compliance measures tailored to their respective areas;
- Communicate NGOC's Compliance Program requirements and procedures to personnel in their respective areas;
- Determine department-specific compliance needs and ensure they are met, coordinating with the Compliance Officer as necessary;
- Ensure that no Employee is adversely affected as a result of his or her report of a compliance-related issue, even if the report should turn out to be ill-founded, provided that the report related to conduct that a reasonable person acting in good faith would have believed to be illegal or unethical and in violation of the Compliance Program.

- Cooperate with auditors and quality assessors, both internal and external.

C. Executives

The Board of Directors, President/Medical Director, Executive Director, Clinical Operations Director and Finance Director (“Executives”) are responsible for articulating the values, mission and vision of NGOC; fostering high ethical, organizational and operational standards; and striving to ensure compliance with policies, applicable laws, regulations and standards. Executives will:

- Require and support adherence to NGOC’s Compliance Program;
- Provide policy direction concerning compliance issues;
- Cooperate with auditors and quality assessors and ensure the integrity of reviews conducted;
- Report compliance concerns brought to their attention; and
- Ensure they are up-to-date regarding compliance issues relating to NGOC’s operations.

D. Special Role of the Board of Directors

In addition to the responsibilities set forth in paragraph C above, the Board has the specific responsibility, which may be delegated to a Board Compliance Committee, to provide high-level oversight of the Compliance Program. The Board may:

- Initiate third-party audits or reviews of the Compliance Program;
- Retain outside counsel or consultants;
- Meet in closed session with the Compliance Officer; and
- Request and receive information regarding any investigation, audit or review.

E. Compliance Officer

The Compliance Officer reports to the Board of Directors (or its designated Board Compliance Committee) and is responsible for the development, coordination, implementation and oversight of the Compliance Program. The Compliance Officer will:

- Develop, coordinate, implement and oversee the Compliance Program.
- Ensure the Compliance Program meets current legal requirements.
- Optimize the effectiveness of the Compliance Program, including integration of compliance activities throughout the organization.

- Align the Compliance Program with policies and procedures and all applicable laws and regulations.
- Assess compliance risk and ensure that the organization is responsive to those risks.
- Oversee a program of compliance education and training for Employees.
- Provide a copy of the Code of Conduct and Compliance Program to each Employee. The Compliance Officer will maintain a complete set of all original Compliance Certificates from all Employees.
- Oversee a process to promptly investigate compliance concerns and violations, and maintain written documentation regarding each alleged violation and the results of each investigation. At the conclusion of each investigation, the Compliance Officer will promptly issue a report to the President/Medical Director, and Executive Director. The report will describe the nature of the allegations, the discovery of information obtained during investigation, the Compliance Officer's findings, and any remedial and/or disciplinary measures taken or recommended.
- Communicate and collaborate with appropriate personnel to resolve compliance issues, consulting with outside experts as necessary.
- Conduct or authorize independent investigations of compliance matters when appropriate.
- Cooperate with internal and external auditors and reviewers to honestly, accurately and completely provide information designed to ensure the integrity of audit and review processes.
- Work with the Human Resources function in the determination and implementation of appropriate sanctions for compliance violations.
- Monitor applicable regulatory and legislative changes and revise the Compliance Program accordingly.
- Advise the Board of Directors regarding compliance priorities and resource allocation.
- Provide periodic reports to the Board of Directors (or its designated Board Compliance Committee) regarding the nature, progress and status of the Compliance Program and related activities (which reports shall be made a part of the minutes of the Board of Directors meetings).
- Serve as a knowledgeable resource for organizational compliance issues.
- Make reasonable efforts to maintain the anonymity or confidentiality (if requested) of the identity of an Employee who seeks guidance or reports suspected misconduct.

F. Organizational Teamwork

The overall effectiveness of the Compliance Program transcends strict categorization of roles and responsibilities. Intrinsic to its success will be a culture of communication and support by all Employees. Particularly important to the compliance infrastructure will be subject matter experts responsible for ensuring that the Compliance Program adequately addresses risk within their areas of expertise. Some examples of such specialized areas include: environmental health and safety, taxation, employment discrimination, human research and information security.

G. Compliance Committee

The members of the Operations Committee will serve as the Compliance Committee. Each member of the Compliance Committee will serve until he or she is replaced on the Operations Committee by the Board of Directors or until he or she resigns, whichever occurs first.

The Compliance Committee will meet at least annually and will have responsibility for approving all compliance-related policies and procedures for NGOC. The Compliance Committee will report at least semi-annually to the Chief Executive Officer and the Board of Directors regarding compliance matters that have arisen during the previous half-year, and such report will be made a part of the minutes of the Board of Directors meetings. The Compliance Officer and/or Compliance Committee will also recommend to the Chief Executive Officer and the Board of Directors changes to the Compliance Program as needed.

Part 3

Elements of NGOC's Compliance Program

Element 1: Compliance Standards and Procedures

“The organization shall establish standards and procedures to prevent and detect criminal conduct.”

-- U.S. Sentencing Guidelines § 8B2.1(b)(1) (Nov. 2011)

Application:

NGOC’s compliance standards, policies and procedures are statements of organizational values and expectations. By requiring adherence to these standards, NGOC supports its fundamental belief that the organization’s success depends on honesty, respect and trust.

Effectiveness Measures:

1. Code of Conduct. The Code of Conduct is distributed to all Employees and is the cornerstone of the Compliance Program. It is the most fundamental statement of NGOC’s values and standards.
2. Designation of a Compliance Officer. The Compliance Officer reports directly to the Board of Directors and is responsible for oversight of the Compliance Program.
3. Policies. Written policies apply NGOC’s standards in detail so as to meaningfully inform Employees what is required of them in the execution of their job responsibilities.
4. Compliance Program Roles and Responsibilities. The statement of roles and responsibilities (Part 2 of this document) has been reviewed and approved by executive leadership and the Board of Directors.

Element 2: Oversight Responsibilities

“The organization’s governing authority shall be knowledgeable about the content and operation of the compliance and ethics program and shall exercise reasonable oversight with respect to the implementation and effectiveness of the compliance and ethics program.”

-- U.S. Sentencing Guidelines § 8B2.1(b)(2) (Nov. 2011)

Application:

NGOC recognizes that integrity is driven by involvement and responsibility at the highest organizational level. To ensure implementation and effectiveness of the Compliance Program, NGOC has delegated overall responsibility for the Compliance Program to the Board of Directors and the Compliance Officer.

Effectiveness Measures:

1. The Board of Directors receives compliance training at least annually.
2. The Code of Conduct, Compliance Program (this document), and key policies and procedures are reviewed and approved by Compliance Committee// Operations Committee.
3. The Compliance Officer reports at least annually to the Operations Committee serving as the Compliance Committee.
4. The structure of the Compliance Program allows the Compliance Officer direct access to the Board of Directors for the purpose of reporting concerns.

Element 3: Personnel Screening

“The organization shall use reasonable efforts not to include within the substantial authority personnel of the organization any individual whom the organization knew, or should have known through the exercise of due diligence, has engaged in illegal activities or other conduct inconsistent with an effective compliance and ethics program.”

-- U.S. Sentencing Guidelines § 8B2.1(b)(3) (Nov. 2011)

Application:

NGOC exercises due care to ensure that discretionary authority is not delegated to people who are or have a propensity to engage in illegal acts. Policies and procedures have been implemented to address any conduct inconsistent with law or ethical behavior. The Compliance Program supports the hiring and promotion of individuals in a manner consistent with an organizational culture that encourages compliance with ethics and the law.

Effectiveness Measures:

1. NGOC prohibits the employment of individuals who have been convicted of a criminal offense involving healthcare or who are on the List of Excluded Individuals/Entities (“LEIE”) maintained by the United States Department of Health and Human Service’s Department Office of Inspector General.
2. Prior to employment, NGOC screens the individual against the LEIE, reviews the individual’s employment history, checks references, requests and reviews background checks, and takes such other measures as are reasonable to prevent hiring an individual who has committed any crime in connection with the delivery of a healthcare item or service (including management and administrative services), has pled guilty to or been convicted of any drug-related felony, is excluded from any federal healthcare program, or otherwise has engaged in illegal activities or other misconduct that may adversely affect the individual’s likelihood to perform his or her duties in compliance with the Compliance Program. Each instance will be considered in relation to the position for which they are applying.
3. On an annual basis, NGOC searches the LEIE to determine whether any of its Employees have been added to the LEIE.
4. NGOC will terminate any Employee who appears on the LEIE immediately upon becoming aware that such Employee appears on the LEIE.
5. Prior to employment and on at least an annual basis, NGOC verifies each individual’s professional license (as applicable to the employee) as active and in good standing with state and/or federal licensing agencies.

6. NGOC may terminate immediately any Employee who presents a professional license that is confirmed as inactive, suspended, or otherwise not valid depending on independent investigation/ circumstance.

Element 4: Education and Training

“The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program, to [members of the organization’s governing authority, high-level personnel, substantial authority personnel, employees and, as appropriate, the organization’s agents] by conducting effective training programs and otherwise disseminating information appropriate to such individuals’ respective roles and responsibilities.”

-- U.S. Sentencing Guidelines § 8B2.1(b)(4) (Nov. 2011)

Application:

NGOC provides training programs to communicate policies, procedures and organizational standards in a practical and understandable manner. These programs exist in a variety of content areas and occur at both the organization and department levels. Both one-time and continuing training and educational programs are provided.

Effectiveness Measures:

1. Education and training content includes both general and specific topics such as:
 - Code of Conduct
 - Individual responsibility for knowledge of and compliance with applicable law
 - Individual responsibility for knowledge of and compliance with policies and procedures
 - Claims billing and collection
 - Human Resources policies
 - Clinic safety
 - Consequences for violations
 - Information security and privacy, including patient confidentiality, as stated in the Administrative Safeguards/ Security Awareness and Training section of the HIPAA and Security Policies Manual.
 - Reporting violations or questionable conduct and the routes for making such reports
2. The Compliance Officer leads organization-level training initiatives. The following areas collaborate in the development and delivery of training education:
 - Information Technology
 - Human Resources
 - Managers and supervisors of clinics
 - Administrators
 - Reimbursement Manager

3. Attendance of training programs and completion of key compliance education modules is monitored and tracked.
4. Sanctions are imposed on any Employee who fails to complete required training. Possible sanctions may include, but not limited to:
 - Employee may forfeit any merit or cost of living increase(s).
 - Suspension without pay

Element 5: Monitoring, Auditing and Reporting Systems

“The organization shall take reasonable steps (A) to ensure that the organization’s compliance and ethics program is followed, including monitoring and auditing to detect criminal conduct; (B) to evaluate periodically the effectiveness of the organization’s compliance and ethics program; and (C) to have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby the organization’s employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation.”

-- U.S. Sentencing Guidelines § 8B2.1(b)(5) (Nov. 2011)

Application:

NGOC conducts audits and monitoring to prevent and detect unethical and non-compliant practices. Audit reports are reported to the relevant directors or managers and/or to the applicable board committee (e.g. Compliance, Finance, Human Resources). Departments are also responsible for the development of quality assessments and improvement activities in conjunction with the Privacy Officer.

Effectiveness Measures:

1. NGOC conducts internal audits, reviews or monitoring of:
 - Billing and coding
 - Financial operations, including a 401K audit
 - Information security and privacy
 - Conflicts of interest
2. NGOC maintains an “open door” policy, encouraging an individual reporting method whereby Employees may report compliance concerns confidentially.
 - *Direct verbal communication with your manager, Medical Director, Executive Director, physician, or Compliance Officer.*
 - *Anonymous drop box, using the Suggestion Box located in each office. The drop box will be checked on a monthly basis*
 - *The practice will make its “best effort” to maintain the anonymity of the employees reporting and/or involved in possible fraud situations.*
3. Employees who report compliance concerns in good faith are not subject to retaliation or harassment as a result of the report.
4. Compliance reports are documented, investigated and resolved under the supervision of the Compliance Officer. Appropriate discipline, disclosure and corrective action occur in a timely fashion. Should patterns be identified, controls are implemented to prevent and detect recurrence.

Element 6: Enforcement and Discipline

“The organization’s compliance and ethics program shall be promoted and enforced consistently throughout the organization through (A) appropriate incentives to perform in accordance with the compliance and ethics program; and (B) appropriate disciplinary measures for engaging in criminal conduct and for failing to take reasonable steps to prevent or detect criminal conduct.”

-- U.S. Sentencing Guidelines § 8B2.1(b)(6) (Nov. 2011)

Application:

Employees are expected to conduct themselves with integrity. Individuals are responsible for their actions and are accountable if they know or should know of a violation of law, regulation or policy. NGOC enforces compliance standards through appropriate disciplinary mechanisms. Disciplinary action is determined according to the type of violation, case-specific considerations and the individual’s history.

Effectiveness Measures:

1. Compliance with law and NGOC’s policies and procedures is an element of job performance and Employees are evaluated for raises, promotions, bonuses, and other such matters based, in part, on their compliance or noncompliance with the Compliance Program.
2. Disciplinary action, up to and including termination, will be taken against Employees who fail to comply with applicable law or NGOC’s compliance policies and procedures. Disciplinary measures may include oral or written warnings, required retraining, oral or written reprimands, probation, demotion, temporary suspension, restitution of damages, reduction in pay, transfer to a different department, termination, institution of legal actions against the responsible Employee, and/or advising appropriate authorities of the conduct involved.
3. Disciplinary measures are handled on a case-by-case basis and are adequate and appropriate in light of the conduct involved, the knowledge and intent of the culpable Employee, and other factors deemed relevant by NGOC. Disciplinary measures are applied to all Employees consistently throughout NGOC.
4. Some of the factors NGOC may consider in determining an employee’s discipline include: (a) whether the conduct is a crime; (b) whether, if a crime, the crime is a misdemeanor or a felony; (c) whether the conduct is unethical, even if not illegal; (d) the knowledge and intent of the Employee; (e) whether there were any victims of the conduct; (f) the amount of money involved, if any; (g) how long the Employee has been with NGOC; (h) the Employee’s prior track record for compliance; (i) the attitude and acceptance of responsibility of the Employee; (j) the nature of the conduct; and (k) any other relevant circumstances or characteristics that bear on the type of discipline adequate and appropriate to address the noncompliance.
5. NGOC documents all compliance concerns and its responsive action.

Element 7: Response and Prevention

“After criminal conduct has been detected, the organization shall take reasonable steps to respond appropriately to the criminal conduct and to prevent further similar criminal conduct, including making any necessary modifications to the organization’s compliance and ethics program.”

-- U.S. Sentencing Guidelines § 8B2.1(b)(7) (Nov. 2011)

Application:

NGOC is committed to maintaining high ethical, organizational and operational standards. Its Compliance Program is designed to prevent and respond to integrity concerns and to address occurrences that may be a part of a pattern of conduct.

Effectiveness Measures:

1. NGOC prevents compliance violations by:

- Appropriate screening and selective hiring practices
- Communicating expected standards of behavior
- Providing on-going training and education
- Providing performance oversight
- Encouraging high standards of conduct
- Providing numerous avenues to report compliance concerns
- Responding appropriately to compliance concerns
- Conducting risk-based audits, reviews and monitoring (OSHA, Compliance and Code of Conduct, 401K program, EEOC, Worker’s Compensation Program)
- Remaining informed about applicable laws, regulations and standards, and revising policies and procedures as needed

2. NGOC responds to compliance concerns by:

- Reviewing concerns to determine if a violation has occurred
- Investigating concerns as appropriate
- If a violation is determined to have occurred, assessing if the violation is a pattern of conduct
- Developing and implementing corrective action plans to address violations
- Revising workflows, policies, procedures, reporting relationships and monitoring activities as indicated
- Reporting appropriately to regulatory agencies regarding violations

Attachment A

**Certificate of
Receipt, Understanding of and Agreement to Abide by
The NGOC Compliance Program Handbook**

I hereby attest to the following:

- I have read and I understand the NGOC Compliance Program Handbook.
- I will abide by the Compliance Program in all respects, including the reporting of noncompliance to the Compliance Officer or my supervisor.
- I will not knowingly engage or permit those over whom I have supervisory responsibility to engage in noncompliance.
- I understand that my violation of the Compliance Program may subject me to disciplinary sanction, including dismissal.
- In cases of doubt as to whether to act in a certain manner or to report perceived noncompliance, I will promptly seek guidance from the Compliance Officer or my supervisor.
- I understand that I have the right to request that my identity be kept confidential in reporting noncompliance and that, under such circumstances, NGOC will make good faith, reasonable efforts not to disclose my identity.
- I understand that NGOC has a policy of non-retribution against employees who make good faith reports of potential noncompliance, and that a reporting employee will not be adversely affected for making a good faith complaint concerning a supervisor's noncompliance, even if it ultimately is determined that the supervisor did nothing wrong.

Signature of Employee

Printed Name of Employee

Date Signed