

SAN MATEO COUNTY HEALTH SYSTEM  
BEHAVIORAL HEALTH & RECOVERY SERVICES

DATE: December 1, 2003

BHRS POLICY: 03-15

SUBJECT: Compliance Officer - Duties

AUTHORITY: 42 CFR (438.608) Managed Care Regulations, Program Integrity.  
Contracts with Department of Health Care Services for: Behavioral Health, SUDS,  
and DMC.  
Center for Medicaid & Medicare (Chapter 21 - Compliance Program Guidelines and  
Prescription Drug Benefit Manual Chapter 9 - Compliance Program Guidelines).  
BHRS Compliance Program.

AMENDED: August 29, 2016

**PURPOSE:**

To define the duties and responsibilities of the Compliance Officer for Behavioral Health & Recovery Services (BHRS).

**POLICY:**

It is the policy of BHRS to ensure that all of the division's operations are in full compliance with Federal and State laws and regulations. In order to ensure that the necessary oversight is provided, the division shall have a Compliance Officer who is responsible for the BHRS Compliance Program.

The primary charge to the BHRS Compliance Officer shall be to help establish a work environment that promotes ethical behavior, integrity and a commitment to comply with all applicable Federal and State laws and standards, prevents fiscal or documentation errors and identifies and remedies instances of conduct that do not conform to legal requirements. The Compliance Officer oversees a Compliance Program that effectively articulates and demonstrates the division's commitment to legal and ethical conduct.

**PROCEDURE:**

The Compliance Officer shall be appointed by and report to the BHRS Director, and shall be an individual holding a senior management level staff position. The role of Compliance Officer may be assigned in addition to other duties performed by the staff member. Sufficient resources will be allocated to ensure successful organizational compliance can be achieved through the activities undertaken by the Compliance Officer, Compliance and Oversight Delegation Committee, and BHRS staff. The following are duties and responsibilities of the Compliance Officer:

- Act as Chair of the Compliance and Oversight Delegation Committee. The Compliance Officer, along with the Compliance and Oversight Delegation Committee, shall develop and maintain a Compliance Plan; this plan shall be reviewed annually and updated as appropriate.

- Report at least every quarter to the BHRS Director, senior management policy committees and the Quality Improvement Committee regarding compliance activities and issues. Report on the current program annually and make recommendations for changes to the Compliance Program.
- Monitor the day-to-day activities engaged in by BHRS to further its compliance objectives, as well as be responsible for any compliance related reporting obligations.
- Establish and maintain a Confidential Disclosure Program including a Compliance Improvement Hotline. The intent of this program shall be to enable employees, contractors and other individuals to identify issues or questions associated with BHRS compliance policies, practices and procedures. The Compliance Officer shall gather information in such a way as to elicit all relevant information from the disclosing individual and make a preliminary good faith effort to look into the allegations made in every disclosure, so as to determine whether further review should be conducted.
- Maintain a confidential disclosure log, which shall include a record and summary of each allegation received, the status of the internal reviews, and any corrective action taken in response to the internal reviews. Documentation is maintained for each report of potential non-compliance or fraud, waste, or abuse from any source including the results, corrective action plans and any disciplinary actions taken.
- Conduct investigations of any potential fraud and compliance violations. Inquiries and investigations with respect to any reported or suspected violation or questionable conduct including the coordination of internal investigations and investigations of First Tier, Downstream, and Related Entities (FDRs) will be: initiated in a timely fashion and completed and reported to the appropriate organization (DHCS, CMS or its designee, and/or law enforcement) as necessary.
- Provide guidance and interpretation to the BHRS Director and personnel, in conjunction with legal counsel, on matters related to the Compliance Program.
- Ensure that appropriate disciplinary actions and corrective action plans are implemented.
- The BHRS Compliance Officer is responsible for developing and implementing policies, procedures and practices designed to ensure compliance with Federal and State health care programs, including the Medicare Programs. The Compliance Officer may only delegate tasks set forth in this Compliance Program to other BHRS employees upon authorization from the BHRS Director.
- The Compliance Officer receives periodic training in compliance procedures. He/she has the authority to oversee compliance and regularly reports on compliance activities to the BHRS Director. Proper execution of compliance responsibilities and the promotion and adherence to the Compliance Program shall be factors in the annual performance evaluation of the Compliance Officer.

*The Compliance Officer:*

- Holds a full-time senior management level position at BHRS and reports directly to the BHRS Director.
- Receives training in compliance issues and/or procedures at least annually.
- Has the necessary authority to oversee compliance.
- Oversees compliance standards and procedures.

- Submits reports to the BHRS Director and, the Compliance and Oversight Delegation Committee, and reports compliance issues involving the BHRS Director directly to the Chief of the Health System.

*The Compliance Officer shall ensure that:*

- The Code of Conduct and Policies and Procedures are developed, implemented, and distributed to all BHRS employees.
- The Compliance Program is reviewed, and updated if needed, at least annually based on BHRS policy changes, regulatory requirements, and applicable law.
- BHRS employee certifications confirming receipt, review, and understanding of the Code of Conduct are obtained at the time of hire (at new employee orientation) and annually thereafter. Those records are maintained by Quality Management.
- An appropriate education and training program that focuses on elements of the Compliance Program (including information on Medicare, Medi-Cal, DMC, SUD and fraud, waste, and abuse) is implemented and provided to BHRS employees and made available to Contractors, as appropriate.
- The Compliance and Oversight Delegation Committee is briefed on the status of compliance training.
- Contractors/FDRs implement education and training for their staff involved with Drug Medi-Cal, DHCS, Medicare and Medi-Cal and includes information about the BHRS Compliance Program.
- All data submitted to regulatory agencies are accurate and in compliance with reporting requirements.
- A work plan is developed to monitor the implementation and compliance with DMC, DHCS, Medicare and Medi-Cal related Policies and Procedures.
- Effective lines of communication are instituted, communication mechanisms such as telephone hotline calls are monitored, and complaints are investigated and treated confidentially (unless circumstances dictate the contrary) including any involving Medicare non-compliance or fraud.
- Policies, procedures and practices are designed and implemented to ensure division-wide compliance with Federal and State law, including, but not limited to, the requirements of Federal Health Care Programs.

Approved: \_\_\_\_\_  
(Signature on File)

Scott Gruendl, MPA, Compliance Officer

Approved: \_\_\_\_\_  
(Signature on File)

Stephen Kaplan, LCSW, BHRS Director

Next Review Due: August 2017

Reviewed by: \_\_\_\_\_

Scott Gruendl, MPA, Compliance Officer (Date)