



2017 BOARD RETREAT



Annual Compliance & Board Responsibilities Training

Presented by
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January 28, 2017



N.C.G.S. § 122C-117(b)

The governing unit of the area authority is the area board. All powers, duties, functions, rights, privileges, or immunities conferred on the area authority may be exercised by the area board.

Overall Responsibility

N.C.G.S. § 122C-117(a)(1): “The area authority shall engage in ... comprehensive planning, budgeting, implementing, and monitoring of community-based MH/IDD/SUD services.”

Primary Board Responsibilities

- Approve the annual budget, audit, finance reports, and local business plan
- Appoint and evaluate the CEO
- Approve Bylaws
- Oversee **compliance**, quality and performance

Powers

- Authority to borrow money with the approval of the Local Government Commission
- Authority to buy property
- Authority to contract to provide services to governmental *or private entities* (but still has to meet constitutional public purpose test)
- Authority to subcontract for LME functions

Duties

- Prepare and submit reports that assess the quality and availability of public services within the catchment area
- Recommend local services
- Perform public relations and community advocacy functions
- Maintain a 24-hour a day, seven day a week crisis response service

Duties

- Ensure the provision of services to clients in the catchment area, with an emphasis on collaboration and coordination with DJJ, DPS and TASC (Treatment Accountability for Safer Communities) for criminal justice clients
- Comply with federal requirements as a condition of receipt of federal grants

N.C.G.S. § 122C-115.4.

Functions of LMEs

(a) Local management entities are responsible for the management and oversight of the public system of mental health, developmental disabilities, and substance abuse services at the community level. An LME shall plan, develop, implement, and monitor services within a specified geographic area to ensure expected outcomes for consumers within available resources.

N.C.G.S. § 122C-115.4(b): Primary Functions

- Access to Care through 24/7 Screening, Triage and Referral
- Develop wait list for IDD services
- Provider monitoring, technical assistance, capacity development, and quality control
- UM/UR - including for state facilities
- Care coordination, including one designated for Veterans
- Quality management
- Community collaboration and consumer affairs including protection of consumer rights, appeals process, and support of the CFAC
- Financial management & accountability for use of public funds
- Information management for publicly funded services

Board Member Responsibilities

- Attend meetings
- Report conflicts
- Comply with Code of Ethics
- Don't disclose confidential information
- Read Bylaws & materials
- Ask questions
- Participate in annual retreat/ training

Code of Ethics

- Be respectful
- No gifts from providers or members
- No financial advantage or personal benefit
- Don't misuse government property
- Differentiate between personal statements and statements made on behalf of Board
- Comply with laws, rules, regulations
- Enhance integrity of Board

Conflict of Interest Overview

- Board members must properly disclose any actual, potential or perceived conflicts of interest that may arise as active members of their communities
- Conflicts related to members, stakeholders, anyone that does business with Vaya
- Both the fact and the appearance of a conflict of interest is to be avoided

What is a Conflict?

- A conflict of interest may occur if any Board member's outside activities, personal financial interests, or other personal interests influence *or appear to influence* his or her ability to make objective unbiased decisions in the course of the their membership.
- Actual conflict or *could be perceived by individuals in the community as a conflict.*

Conflict of Interest Procedure

- Duty to Disclose
- Self Recusal
- Board Determination of Conflict and Response
- Standing Agenda Item
- List of Providers, Stakeholders, Vendors available
- Violation grounds for removal from Board

Compliance Overview

- Board has ultimate responsibility for Vaya compliance
- Bylaws allow direct report to Board
- Board can hire independent investigator/counsel if necessary
- Vaya has effective Compliance Program that addresses and incorporates OIG guidelines

Why Have a Compliance Program?

- 42 CFR Part 438
- DMA Contract Section 14
- Manage public dollars
- Maintain sensitive information
- 500+ employees
- Federal Sentencing Guidelines reduce penalties if organization has *effective* compliance program.

Risk – Fail to meet DHHS Requirements

- Complaints & Grievances
- Performance reports
- Financial reports
- External Quality Review
- Intra-departmental Monitoring
- Accreditation

How are we addressing?

- Internal Regulatory Compliance Committee
- Risk & Regulatory Affairs Director
- Regulatory Compliance Team
- Internal Audits
- Policies & Procedures
- Performance Dashboards reviewed by Executive Leadership

Risk – Data Breach

- Not if, but when
- 4 ransomware attacks in 2016
- Increasingly sophisticated intrusions
- Security measures expensive

How are we addressing?

- Incident Reporting & Tracking
- Privacy & Security Committee
- Clearwater Compliance project
- Cyber-liability insurance
- Email encryption
- Mobile Device Management ***NEW***
- **Training**

Risk – Fraud, Waste & Abuse

- Twofold risk – internal and provider network
- Provider issues
 - Billing for services not provided
 - Services not medically necessary
 - Double Billing
 - Upcoding or inflated hours
 - False Credentials
- Encounter Claims

How are we addressing?

- Provider Monitoring
- Data Mining
- Investigation Oversight Committee
- Technical Assistance
- Robust Internal Controls
- EthicsPoint ***NEW***
- **Training**

False Claims Act Pop Quiz

- What is it?
- How old is it?
- What federal program is not included?
- What type of monetary penalties?
- Can you go to jail?
- Is specific intent to defraud required?
- What is a *qui tam* lawsuit?

Questions? Want to Report?

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24/7 Compliance Hotline

1-866-916-4255

[**www.ethicspoint.vayahealth.com**](http://www.ethicspoint.vayahealth.com)