



Corporate Compliance Policy



Saint Regis Mohawk Tribe
Corporate Compliance
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SRMT CORPORATE COMPLIANCE POLICY

Vision Statement

To advance an organizational culture of ethics, integrity and compliance.

Mission and Purpose

The purpose of Saint Regis Mohawk Tribe's Corporate Compliance Office ("CCO") is to ensure compliance with all applicable laws, regulations, policies and payor requirements, and to promote a work culture that encourages Tribal employees to conduct operational and business activities with integrity, impartiality, and accountability in a manner consistent with the Tribe's mission of "***Working Together Today to Build a Better Tomorrow.***"

The Corporate Compliance Office works in partnership with employees to help prevent, detect, and correct Fraud, Waste, and Abuse, ethical and policy violations, and to identify areas of compliance risk. Corporate compliance also helps mitigate the risk(s) of non-compliance.

All Tribal employees shall adhere to the Corporate Compliance Policy, which serves as the guiding standard for the Tribe's business actions and decisions, and to commit to compliance and fiscal responsibility.

Compliance means meeting all requirements that govern the Tribe's daily operations and business including laws, rules, regulations, contract requirements and internal policies and procedures to prevent fraud, waste, and abuse.

This policy now incorporates the SRMT Whistleblower Policy (previously TCR 2009-62), as well as the Conflict-of-Interest requirement for all employees in the Code of Ethics of the SRMT Employee Handbook.

Our Commitment

The Saint Regis Mohawk Tribe ("SRMT" or the "Tribe") remains committed to its responsibility to conduct business affairs with integrity based on sound ethical and moral standards and holds our employees and vendors to these same standards.

Corporate Compliance Policy

The Corporate Compliance Policy provides operating guidelines and procedures that promote the Tribe's expectations, commitment to compliance and responsibility to prevent, detect, and correct fraud, waste, and abuse.

It is the policy of the Saint Regis Mohawk Tribe to comply with all applicable tribal, federal, state and local laws, ordinances, rules, regulations, and payer requirements.

The Tribe is steadfast to preserving and measuring the effectiveness of its compliance policies and standards through monitoring, and auditing systems designed to detect non-compliance by its employees, contractors, and vendors.

To ensure these policies are upheld, the SRMT shall require the performance of regularly scheduled and assigned compliance audits by the Corporate Compliance Officer, or its designee the internal auditor(s), to ensure compliance with tribal, federal, state and local laws, as well as tribal policies, ordinances, rules, regulations, and payer requirements. In addition, the CCO shall audit the Tribe's health care programs on an annual basis.

The Tribe shall comply with the Whistleblower Policy. This policy protects employees who make good faith disclosures or report misconduct to the CCO from retaliation in any form.

1. Scope

This Policy is applicable to all Tribal employees and to any other individual or entity providing services or contracting with the Saint Regis Mohawk Tribe.

It also applies and to individuals or entities providing services to the Tribal government.

Detected non-compliance through any mechanism, i.e. compliance auditing procedures and/ or confidential reporting, will be responded to within three business days. The CCO is dedicated to the resolution of such matters and will take all reasonable steps to prevent further violations of same nature, including reviewing this Policy for necessary amendments.

The SRMT will at all times, exercise due diligence with regard to background and professional license investigations for all prospective employees, contractors, vendors and members of the Tribal Council.

This policy is applicable to the Tribal Police Department, Tribal Gaming Commission, and Tribal Court Administration.

2. Responsibilities

The Corporate Compliance Office is responsible to communicate the Tribe's compliance standards and policies through required training initiatives to all employees; and elected officials pursuant to their supervisory responsibility of employees and programs. The CCO shall also communicate its compliance standards and policies to any and all contractors and vendors as stipulated within contracts, service agreements, or purchase orders.

All employees acknowledge their responsibility to report any instances of suspected or known non-compliance to their immediate supervisor, or directly to the Corporate Compliance Officer, or via the Whistleblower hotline. Reporting via the Whistleblower hotline may be made anonymously, without fear of retaliation or retribution.

Contractors and vendors may report any instances of suspected or known non-compliance to the Corporate Compliance Officer or via the Whistleblower hotline.

The CCO shall complete its responsibilities by providing in-person and/or virtual training (at the discretion of the CCO) on an annual basis, presenting at regular employee orientation sessions, as well as through the distribution of corporate compliance tools/resources, and publishing CCO contact information in all tribal facilities.

3. Violations

Failure to detect, mitigate, or report known non-compliance or false reporting, or submitting reports not in good faith, may be grounds for disciplinary action, up to and including termination.

4. Disclosures and Reporting (Whistleblowing)

Purpose:

The Tribe has adopted this Policy in order to:

- Encourage disclosure and investigation of improprieties before they can disrupt the business or operations of the Tribe or lead to serious loss;
- Promote a climate of accountability with respect to the Tribe's resources, including its employees; and
- Ensure that no employee is at a disadvantage when raising legitimate concerns.

The reporting hotline (Whistleblower) policy shall apply only to the matters set forth above and shall not apply to all grievances that an employee may have such as those related to terms of employment, items covered by the Employee Handbook, or those concerns that are addressed by other policies of the Tribe.

Any employee making a disclosure in good faith shall not be retaliated against by their supervisor, other tribal employees, or elected officials.

Definitions:

- "good faith" means that the employee has a reasonably held belief that the disclosure being made is true and is not being made for personal gain or for other ulterior motive.
- "retaliation" means discharge, demotion, suspension, threats, harassment, or discrimination against an employee in the terms and conditions of his or her employment.
- "disclosure" is any lawful act by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct when the employee reasonably believes non-compliance occurred, or when information of non-compliance is provided to their supervisor, the CCO, or the reporting hotline.

Disclosure Procedures:

Any disclosure made by a tribal employee (whistleblower) to the Tribe under this Policy may be submitted to one of the following, as appropriate:

- to the employee's immediate supervisor;
- the supervisors' superior;
- directly to the Corporate Compliance Officer; or
- via the Reporting Hotline.

Protection of Whistleblower:

The Reporting Hotline (Whistleblower) policy offers protection from retaliation to employees who make any disclosure under it. Any acts of retaliation against an employee making a good faith disclosure shall be treated by the Tribe as a serious violation of Tribal policy and may result in action, including discharging employee(s), or terminating contracts where applicable.

Confidentiality:

The Tribe encourages its whistleblowers to include their name to any disclosure they make, but any employee may also make anonymous disclosure pursuant to the procedures set forth below.

The Tribe treats all disclosures by whistleblowers with confidentiality. The Tribe will keep confidential the identity of any whistleblowers making a disclosure under this policy until a formal investigation commences. Thereafter, the identity of the whistleblower may be kept confidential, if requested, unless such confidentiality is incompatible with a fair investigation, or there is an overriding reason for identification, or where the disclosure of the whistleblower's identity is required by law.

Where disciplinary proceedings are invoked against any individual as a result of a disclosure under this Policy, the Tribe may require that the name of the whistleblower be disclosed to the individual subject to such disciplinary proceedings.

In responding to an anonymous disclosure, the Tribe will pay due regard to fairness to any individual named in the disclosure, the seriousness of the issue raised, the credibility of the information or allegations in the disclosure, and the prospect of an effective investigation.

Unsubstantiated Allegations:

In making a disclosure, a whistleblower should exercise due care to ensure the accuracy of the information disclosed. Where allegations are not substantiated, the conclusions of the investigation will be reported to the whistleblower and to the individual(s) against whom any allegation was made.

The finding that the allegations were not substantiated will be made a part of the record.

If a whistleblower discloses in good faith and any allegations are not substantiated by the subsequent investigation, no action shall be taken against the whistleblower.

5. Employee Ethics

Employment with the Tribe carries with it a special obligation of trust that imposes responsibility to conserve and protect public resources, funds, and materials. All Tribal employees are expected to professionally conduct themselves in accordance with the SRMT Employee Handbook.

Prohibited Conduct:

An employee must not engage in any illegal and/or dishonest business activity. In addition, an employee is prohibited from engaging in any activity that could have the potential to conflict with the interests of the Tribe, coworkers, or clients or that could be viewed unfavorably by clients or the public. Examples of prohibited conduct include, but are not limited to:

- Directly or indirectly soliciting or accepting a bribe, kickback, loan, gift, service, or entertainment from a current or prospective vendor, supplier, or a company/organization/business for the employee's personal gain in return for influencing the Tribe or its activities;
- Directly or indirectly giving a bribe, kickback, loan, gift, service, or entertainment to a current or prospective vendor, supplier, or a company/organization/business in return for influencing that individual or entity regarding the Tribe or its activities.

Gifts – A Tribal employee who is offered a gift, money, service, travel, entertainment, or other special consideration from any current or prospective vendor, supplier, or client must politely refuse the gift, advising the giver of the Tribe's policy that prohibits its acceptance. However, an employee may accept inexpensive items of insignificant value, but no more than \$50.00. Food gifts such as fruit baskets are considered gifts to the entire staff. Community event sponsorships where entry tickets are part of the sponsorship package shall not be considered "gifts."

The Tribe is unable to list every example of conduct that may violate this Policy, an employee should use good judgment and seek guidance and assistance from the employee's supervisor or the Corporate Compliance Officer.

Conflict of Interest:

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for the employee, a relative or a close personal friend as a result of Saint Regis Mohawk Tribal business. Employees shall avoid situations of actual or potential conflict of interest.

In order to avoid an actual or perceived conflict of interest, the Tribe requires that all new employees complete the Conflict-of-Interest form upon hiring, on an annual basis, or whenever circumstances change creating a conflict of interest. It is the responsibility of each employee to update the Conflict-of-Interest Form as circumstances arise. Example: An immediate relative or personal relation was not employed when you were hired, but becomes employed by the Tribe before your annual completion of the Conflict-of-Interest form.

Employees are required to sign the Conflict-of-Interest form.

Conflict of Interest forms shall be reviewed by the CCO to ensure forms are fully completed, and to determine if the employee has a potential or actual conflict of interest. If a potential or actual conflict of interest is determined, parties shall formulate a mitigation plan.

Forms shall be kept on file by the CCO.

1. Employee Expectations

1.01 The SRMT will ensure that all aspects of consumer care and business conduct are performed in compliance with our policies and procedures, professional standards, applicable governmental laws, rules, and regulations, and other applicable standards. SRMT expects every person who provides services to our consumers to adhere to the highest standards and to promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately.

1.02 Employees may not engage in any conduct that conflicts with the best interest of SRMT.

1.03 Employees must disclose as soon as possible any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, contractor, or investor in any entity that:

- (i) engages in any business or maintains any relationship with SRMT;
- (ii) provides to, or receives from, SRMT any consumer referrals; or

Employees may not accept, solicit, or offer anything of value from anyone doing business with the Tribe.

1.04 Employees are expected to maintain complete, accurate, and contemporaneous records as required by SRMT. The term “records” includes all documents, both written and electronic, that relates to the provision of SRMT services or provides support for the billing of SRMT services. Records must reflect the actual service provided. Any records to be appropriately altered must reflect the date of the alteration, the name, signature, and title of the person altering the document, and the reason for the alteration, if not apparent. No person shall ever sign the name of another person to any document.

1.05 When any person knows or reasonably suspects that the expectations above have not been met, this must be reported to their immediate supervisor, manager, director or the Corporate Compliance Officer, so each situation may be appropriately dealt with.

1.06 Upon request of the CCO, employees cooperating in an investigation may provide additional information or supporting documentation, or may testify or assist in a proceeding resulting from an investigation.

1.07 Submit information or a complaint to the Tribe regarding accounting, internal accounting controls, or auditing matters.

Roles and Responsibilities:

Tribal Council

- Evaluating the risk of non-compliance
- Supporting the Corporate Compliance program
- Overseeing the performance of the program to reduce risk
- Monitor the Corporate Compliance Office for any oversights

Corporate Compliance Officer

The Saint Regis Mohawk Tribal Council shall designate a Corporate Compliance Officer (CCO). The Corporate Compliance Officer shall have direct lines of communication to the Executive Director, the Chief Financial Officer, Legal Counsel, and Tribal Council.

Corporate Compliance Officer Duties:

The Corporate Compliance Officer is directly obligated to serve the best interests of the Tribe, consumers and employees. Responsibilities of the Corporate Compliance Officer include but are not limited to:

1. Developing and implementing compliance policies and procedures.
2. Overseeing and monitoring the implementation of the compliance program.
3. Directing SRMT internal audits established to monitor effectiveness of compliance standards.
4. Providing guidance to management, medical/clinical program personnel, and individual departments regarding policies and procedures, and governmental laws, rules, and regulations.
5. Updating, periodically, the Compliance Program as changes occur within the Tribe, within the law and regulations, or governmental and third-party payers.
6. Overseeing efforts to communicate awareness of the existence and contents of the Compliance Program.
7. Actively seeking up-to-date material and releases regarding regulatory compliance.
8. Maintaining a reporting system (hotline) and responding to concerns, complaints, and questions related to the Compliance Program.
9. Acting as a resourceful leader regarding regulatory compliance issues.
10. Investigating and acting on issues related to compliance.
11. Coordinating internal investigations and implementing corrective action.

Corporate Compliance Committee

The Corporate Compliance Committee (“CCC” or the “Committee”) will be comprised of the Corporate Compliance Officer and the Tribal Council. Corporate Compliance Committee Advisors shall be the General Counsel, Human Resource Director, and Chief Financial Officer when called upon by the Corporate Compliance Officer of the Committee.

The components of the Program shall include, but is not limited to:

- Development and implementation of Corporate Compliance related policies, standards and procedures;
- Development and implementation of training and other programs designed to educate

employees regarding applicable laws, rules, regulations, policies, procedures and standards, collectively referred to as “requirements”;

- Develop and implement auditing, monitoring, and other controls designed to prevent, detect and correct violations of applicable.
- Develop and implement mechanisms for internal reporting of questionable or inappropriate activities and timely investigation and resolution of such instances;
- When there is a finding recommend to the Director, Program Manager, or Immediate Supervisor, as applicable a corrective action plan and/or disciplinary action to address and prevent recurrence of misconduct or noncompliance;
- Review and assess existing policies and procedures that address risk areas for possible incorporation into the Corporate Compliance Program.
- Working with and monitor Divisions/Program regarding
- internal and external audits to identify potential non-compliant issues.
- Developing a process to solicit, evaluate, and respond to complaints and problems.
- Conduct daily business in compliance with the laws and regulations.

Reporting Procedures

If an employee or vendor witnesses, learns or is asked to participate in any activities that are potentially in violation of this Compliance Program, he or she should contact the Corporate Compliance Officer, their immediate supervisor, Contract Representative or call the Whistleblower Hotline.

Reports may be made in person or by calling the Corporate Compliance Officer at (518) 358-2272 or by mailing information to Corporate Compliance Officer.

Upon receipt of a question or concern, the supervisor, program manager or Division Director or Contract Representative shall document the issue at hand and report to the Corporate Compliance Officer.

Any questions or concerns relating to potential Non- Compliance by the Corporate Compliance Officer should be reported to the CCC.

The Corporate Compliance Officer or designee shall record the information necessary to conduct an appropriate investigation of all complaints. If the employee was seeking information concerning the Code of Ethics or its application, the Corporate Compliance Officer or designee shall record the facts of the call and the nature of the information sought and responds as appropriate. SRMT shall, as much as is possible, protect the anonymity of the employee or contractor who reports any complaint or question.

Enforcement of Compliance Standards

Background Investigations

For all employees who have authority to make decisions that may involve compliance issues, SRMT will conduct a reasonable and prudent background investigation, including a reference check, as part of every employment application.

Disciplinary Action

Employees will be subject to disciplinary action, up to and including termination for failure to comply with SRMT's Corporate Compliance Policy and standards by the following:

- Failing to report suspected problems
- Participating in non-compliant behavior
- Encouraging, directing, facilitating, or permitting non-compliant behavior
- Failing to perform any obligation or duty required of employees relating to compliance with this program or applicable laws or regulations
- Failure of supervisory or management personnel to detect non-compliance with applicable policies and legal requirements and this Program, where reasonable diligence on the part of the manager or supervisor would have led to the discovery of any violations or problems.

The Tribe will ensure that any disciplinary action follows existing disciplinary policies and procedures, including Human Resources policies and procedures. Discipline will be fairly, firmly, and consistently enforced.

Any discipline will be appropriately documented in the employee's personnel file, along with a written statement of reason(s) for imposing such discipline. The Corporate Compliance Officer shall maintain a

record of all disciplinary actions involving the Compliance Program.

Performance Evaluation – Supervisory

The Tribe’s Corporate Compliance Program requires that the promotion of, and adherence to, the elements of the Compliance Program be a factor in evaluating the performance of SRMT employees and contractors. They will be periodically trained in new compliance and procedures. In addition, all managers and supervisors will:

1. Discuss with all supervised employees the compliance policies and legal requirements applicable to their function.
2. Inform all supervised personnel that strict compliance with these policies and requirements is a condition of employment.
3. Disclose to all supervised personnel that the Tribe will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

Disciplinary Action – Supervisory

Managers and supervisors will be sanctioned for failure to adequately instruct their subordinates or for the failure to detect noncompliance with applicable policies and legal requirements where reasonable diligence would have led to the earlier discovery of any problems or violations and would have provided the Tribe with the opportunity to correct the failure(s).

Exclusion Screening

Requirement

Any employee or prospective employee who holds or intends to hold a Tribal position is required to disclose any name changes and any involvement in non-compliant activities including health care related crimes at the time of application for employment with the Tribe.

It is the Tribe’s policy that individuals considered for employment with the Tribe have a background investigation performed by the Human Resource department or Human Resource’s designee which will

include whether or not the applicant is listed on the Health and Human Services/Office of Inspector General (“HHS/OIG”) Cumulative Sanction Report and General Services Administration’s (GSA) List of Parties Excluded from Federal Programs.

All vendor’s contracted agents are screened by the Procurement personnel for sanction or exclusion on the HHS/OIG and GSA listings during the requisite preapproval review process.

Physicians and physician-extenders (such as physician assistants, nurse practitioners, etc.) are screened against the HHS/OIG listing as part of the determination of privileges and credentialing process.

Sanction verification for current team members, vendors/contractors, and medical staffs will be checked against the OIG Cumulative Sanction Report, and the GSA exclusion listing of terrorism-sponsored organizations.

Prospective employees/applicants, contractors and vendors will be screened prior to any binding association with the SRMT.

Monthly exclusion screenings will be conducted of all employees, contractors and vendors to ensure compliance by the CCO.

Exclusion Identified

In the event exclusion is identified in the above screening process, the Tribe reserves the right to sever employment or business ties with a vendor or employee based upon the results.

The exclusion will be reviewed by the Corporate Compliance Officer to ensure a fair and consistent review of the findings and the Corporate Compliance Officer will render a decision based upon the findings. The Compliance Officer’s decision is final.

Education and Training

Education and training are critical elements of the Corporate Compliance Program. Every employee is

expected to be familiar and knowledgeable about the Tribe's Corporate Compliance Program and have a solid working knowledge of his or her responsibilities under the program. Compliance policies and standards will be communicated to all employees through required participation in training programs.

Training Topics

All personnel and members of the Tribal Council shall participate in training on the topics identified below:

- Government and private payer reimbursement principles;
- Government initiatives;
- History and background of Corporate Compliance;
- Prohibitions against submitting a claim for services when
- documentation of the service does not exist to the extent required;
- Prohibitions against signing for the work of another employee;
- Prohibitions against alterations to medical records and
- appropriate methods of alteration;
- Prohibitions against rendering services without a signed
- physician's order or other prescription, if applicable;
- Proper documentation of services rendered; and
- Duty to report misconduct.

In addition to the above, targeted training will be provided to all managers and any other employees whose job responsibilities include activities related to compliance topics. Managers shall assist the Corporate Compliance Officer in identifying areas that require specific training and are responsible for communication of the terms of this Corporate Compliance Program to all independent contractors doing business with the Tribe.

Orientation

As part of their orientation, each employee shall be educated on the Corporate Compliance Program, policies and specific standards of conduct that affect their position with the SRMT.

Attendance

All education and training relating to the Corporate Compliance Program will be verified by attendance and signed acknowledgement of the Corporate Compliance Officer. Attendance at Compliance Training is **mandatory** and is a condition of continue employment.

Auditing and Monitoring of Compliance Activities

Internal Audits

Ongoing evaluation is critical in detecting and correcting non-compliance and will help ensure the success of SRMT' s Compliance Program. An ongoing auditing and monitoring system, implemented by the Corporate Compliance Officer and Internal Auditor and in consultation with the Corporate Compliance Committee, is an integral component of our auditing and monitoring systems. This ongoing evaluation shall include the following:

- Review of relationships with third-party contractors, specifically those with substantive to government enforcement actions;
- Compliance audits of compliance policies and standards; and
Review of documentation and billing relating to claims made to federal, state, and private payers for reimbursement, performed internally or by an external consultant as determined by Corporate Compliance Officer and Compliance Committee.

Legal principles regarding compliance and Council responsibilities related thereto;

Prohibitions against submitting a claim for services when documentation of the service does not exist to the extent required;

- Prohibitions against signing for the work of another employee;
- Prohibitions against alterations to medical records and
appropriate methods of alteration;
- Prohibitions against rendering services without a signed
physician's order or other prescription, if applicable;
- Proper documentation of services rendered; and
- Duty to report misconduct.

The audits and reviews will examine the Tribe's compliance with agency specific rules and policies through on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), and consumer record documentation reviews.

Program Integrity

Additional steps to ensure the integrity of the Corporate Compliance Program will include:

Annual review with legal counsel of all records of communications and reports of all employees or contractors kept in accordance with this Policy.

The Corporate Compliance Officer and legal counsel will be notified immediately in the event of any visits, audits, investigations, or surveys by any federal or state agency or authority, and shall immediately receive a photocopy of any correspondence from any regulatory agency charged with licensing SRMT and/or administering a federally or state-funded program in which the SRMT participates.

Effective Date

The effective date of this policy shall be the date of the Tribal Council Resolution approving the policy or its amendments.

Appendix



Saint Regis Mohawk Tribe Conflict of Interest Disclosure Form

Employees may not engage in any conduct that conflicts, or is perceived to conflict, with the best interest of the Saint Regis Mohawk Tribe, (herein referred to as SRMT). Employees must disclose any circumstances where the employee or his or her immediate family member (as described in Section 305 of the Employee Handbook Version 002) is a consultant, owner of a business, a contractor, a vendor, or an investor in any entity that:

- i. engages in any business or maintains any relationship with the SRMT;
- ii. provides to, or receives from, SRMT any consumer referrals or services; or
- iii. competes with SRMT.

Employees may not, without permission of the Corporate Compliance Officer accept, solicit, or offer anything of value from anyone doing business with SRMT.

Please disclose all conflicts of interest below: *(please print legibly)*

Full Name:	
Division or Department:	
Program Name:	
Job Title:	
Supervisor's Name:	

Please list immediate family only. If none, write "none" in the first box below.

Relationship	Department

The Employee must submit the form to their immediate Supervisor, Procurement, and Corporate Compliance Officer when a conflict may arise.

I, _____, have disclosed any conflict of interest to the best of my knowledge.
PRINT NAME

 EMPLOYEE SIGNATURE

 DATE

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