

# Niagara County Department of Mental Health & Substance Abuse Services Standards of Conduct

## Mission, Vision, Values

The **Mission** of the Niagara County Department of Mental Health and Substance Abuse Services (NCDMH) is to engage and empower people in Niagara County to achieve optimal health and quality of life, using both community and individualized approaches.

Our **Vision** is that we will transform the overall wellness of our community through a comprehensive network of innovative, compassionate, and efficient behavioral health services.

### Our Values:

- **Achieving Outcomes:** We do our jobs with intense focus and effort because we believe people can succeed.
- **Collective Ownership:** We demonstrate commitment and accountability through the combined efforts of our team.
- **Innovation:** We are leaders in change, igniting and cultivating efforts that result in individual and system transformation.
- **Optimism:** A positive outlook allows us to persist, to be resilient, and to inspire those around us.
- **Respect:** We acknowledge and honor the fundamental value and dignity of all.
- **Strong Partnerships:** We develop and engage in strong partnerships so that we can be unified in purpose.

## Intent

**Niagara County Department of Mental Health & Substance Abuse Services** (sometimes referred to as “NCDMH” or “the Department”) Standards of Conduct (the Standards) apply to all Affected Individuals. The term “Affected Individuals” includes all employees including Director of Community Services, Executive and Senior Leadership/Management, Community Services Board members, employees, interns, volunteers, independent contractors, subcontractors, and agents.

The Standards of Conduct are approved by NCDMH’s Community Services Board. This document is a formal statement of the Department’s commitment to the standards and rules of ethical conduct.

NCDMH is committed to compliance with all applicable Federal and State laws and the prevention of unethical, improper or unlawful behavior or acts in the delivery and billing of services, and prevention and detection of fraud, waste and abuse. NCDMH is committed to stopping such behavior as soon as possible after discovery, and to discipline those persons involved in such behavior or acts, including those who fail to report a violation.

All Affected Individuals, as defined above, must comply with the Standards of Conduct, immediately report any alleged violations of wrongdoing, and assist Senior Leadership / Management and the Compliance Officer in investigating allegations of wrongdoing.

While the standards addressed in this document are intended to guide Affected Individuals in their daily responsibilities, they do not replace any NCDMH policies and procedures. **There may be instances not addressed by the Standards of Conduct or existing policies and procedures, or there may be activities that seem to conflict with the Standards.** Affected Individuals must seek direction from their supervisor, other Management staff, Executive / Senior Leadership or the Compliance Officer in these instances.

## **Ethics**

It is the policy of NCDMH to comply with all laws and regulations applicable to its business and to conduct business with the highest degree of integrity. To accomplish this, all Affected Individuals must obey the laws and regulations that govern their work, as well as the County's Code of Ethics, and always act in the best interest of those who receive services and their families (collectively referred to as service recipients) and the Department.

### **Guidelines for Affected Individuals: Ethics**

- Affected Individuals are expected to keep supervisory staff informed of what they are doing; to document or record all services or transactions accurately; and to be honest and forthcoming with the Department, regulatory agencies, and internal and external auditors.
- Affected Individuals are expected to comply with the County's and NCDMH's policies and procedures, accounting rules, and internal controls.
- Affected Individuals are expected to function with honesty in their work for the Department and with service recipients, other providers, suppliers, and all others with whom the Department does business.

## **Conflict of Interest**

For purposes of this section on conflict of interest, an immediate family member is any person who is related by blood or marriage, or whose relationship with the Affected Individual is similar to that of persons who are related by blood or marriage. An immediate family member of a person includes:

- The person's spouse;
- Natural or adoptive parent, child, or sibling;
- Stepparent, stepchild, stepbrother, or stepsister;
- Father-in-law, mother-in-law; son-in-law; daughter-in-law; brother-in-law; or sister-in-law;
- Grandparent or grandchild; and
- Spouse of a grandparent or grandchild.

Affected Individuals may not engage in any conduct that conflicts – or is perceived to conflict – with the best interest of the Department. Affected Individuals must not allow any outside financial interest or competing personal interest to influence their decisions or actions taken on behalf of the Department. This means that Affected Individuals or their immediate family should not personally benefit from doing business with the Department, should not have independent relationships with those who deal with the Department, should not use NCDMH property for personal benefit, and should not compete with the Department.

Affected Individuals must avoid any situation where a conflict of interest exists or might appear between their personal interests or those of their family and the interest of the Department. The appearance of a conflict of interest may be as serious as an actual conflict of interest.

Affected Individuals must disclose any circumstances where the employee or their 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 the Department; (ii) provides to, or receives from, the Department any referrals of service recipients; or (iii) competes with the Department.

If an Affected Individual has a potential conflict, they must make full disclosure to the Compliance Officer, members of Executive / Senior Leadership and the Community Services Board, as appropriate. They will be provided with actions that may be necessary to address or prevent conflict of interest.

### **Guidelines for Affected Individuals: Conflict of Interest**

It is a conflict of interest for an Affected Individual to personally take for themselves opportunities that are discovered through the use of the Department's property, information, or their position with the Department; to use the Department's property or information for personal gain; or to compete with the Department.

There are many types of situations where potential conflicts may arise. Affected Individuals must promptly report any actual or potential conflict of interest to their immediate supervisor or directly to the Compliance Officer.

### **Outside Activities and Employment**

- Affected individuals may not conduct outside activities during work time. Such activities interfere with your regular duties and negatively impact the quality of your work.
- Affected Individuals are a representative of the Department in their everyday life and must represent the Department positively in the community.
- Outside employment must not conflict in any way with responsibilities to the Department or its service recipients. Affected Individuals may not compete against NCDMH, work for its competitors, or have any ownership interest in a competitor.

### **Use of Organization Funds and Resources**

- The Department's assets are to only be used for the benefit of the Department and its service recipients. Assets include not only funds, equipment, inventory, and office supplies, but also concepts, business plans and strategies, information about service recipients, financial information, computer property rights, and other business information about the Department.
- Affected Individuals may not use NCDMH assets for personal gain or give them to any other persons or entities, except in the ordinary course of business as part of an approved transaction.

- Property and resources of the Department should only be used for the benefit of the Department or its service recipients.

## **Maintenance of Records**

Employees, interns, volunteers and independent contractors must record and report all information related to NCDMH and its operations, its service recipients, and financial information fully, accurately, and honestly. Records include, but are not limited to, records of the service recipients, documentation of services, accounting books or records, financial statements, timesheets or records, expense reports, vouchers, travel / mileage expenses, bills, payroll, claims, payment records, correspondence, and any other method of communication. Employees, interns, volunteers and independent contractors must not omit or conceal any relevant information.

### **Guidelines for Employees, Interns, Volunteers and Independent Contractors (Staff): Recordkeeping**

Many of the Department forms are legal documents used to prove that a service was provided, to bill for a service, to record a job task, or to record specific happenings. Staff must document accurately and honestly, and only for those services that staff provided or those events in which staff were involved.

Staff are expected to maintain complete, accurate, and contemporaneous (timely) records as required by the Department. The term “records” includes all documents, both written and electronic, that relate to the provision of NCDMH services or provide support for the billing of NCDMH services. Records must reflect the actual service provided.

### **Falsification of Records**

- Staff must not make any false entries in any of the Department’s records or in any public record for any reason.
- Staff may not alter any permanent entries in the Department’s records. 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.
- Staff may not sign the name of another person to any document.
- Signature stamps may not be used.
- Staff may not create or participate in the creation of any records that are intended to mislead or to conceal anything that is improper.
- Backdating and predating documents is unacceptable.

### Expense Records

- Staff must always charge expenses accurately and to the appropriate cost center or account, regardless of the financial status of the program, project, contract, or the budget status of a particular account or line item.

### Retention of Records

- The retention, disposal, or destruction of records of or pertaining to the Department must always comply with legal and regulatory requirements and NCDMH policy.
- Staff may not destroy records pertaining to any legal action or government investigations or audit without written approval of the Compliance Officer.

## **Protection of Confidential Information**

During employment, contract, or association with the Department, staff may acquire confidential information about NCDMH, its staff, and service recipients which must be handled in strict confidence and not discussed with outsiders. The protection of confidential business, staff, and service recipient information is very important. Violations may result in fines and penalties, legal action, or criminal charges.

The Department has developed policies and procedures to assure that the confidentiality of NCDMH information and information about service recipients is protected and released only with the appropriate authorization or for lawful reasons. All Affected Individuals are required to comply with all HIPAA, HITECH, 42 CFR Part 2, NYS Confidentiality Laws and Privacy Laws and adhere to NCDMH's HIPAA, Confidentiality and Privacy Policies and practices. If individuals have any questions concerning confidential information or related NCDMH policies, they are directed to contact their immediate supervisor or the Compliance Officer.

### **Guidelines for Affected Individuals: Confidentiality**

Staff must treat all of the Department's records and information as confidential.

Staff may not release confidential information without the proper authorization. Confidential information includes not only information about service recipients and their families, but also non-public information about the Department that may be of use to the Department's competitors or harmful to the Department or its service recipients if released.

Staff must protect the Department's information and avoid discussing or disclosing the Department's information, purposefully or inadvertently (through casual conversation), to any unauthorized person inside or outside the Department. Furthermore, staff may not share confidential information about the Department with anyone, except where required for a legitimate business purpose. Staff are expected to ask their supervisor if they are not sure whether certain information is confidential.

The Department's information may not be removed from the Department's property without permission from a supervisor or administrator with proper authority over the information.

## Termination of Employment or Contract

- Staff may not use any confidential information gained from their employment or contract with the Department for their benefit or another organization's benefit. Staff may not take copies of any reports, documents, or any other property belonging to the Department.
- Upon termination of employment or contract with the Department, staff must return all of the Department's / County's property including, but not limited to, copies of documents, notes, and other records containing confidential information; computer disks; ID badge and keys; cell phones, laptops; Kevlar vests; and credit cards.

## **NYS Justice Center Pledge to Abide by the Code of Conduct for Custodians of People with Special Needs**

Upon hire and annually thereafter, all NCDMH staff must sign a Code of Conduct form to pledge to prevent abuse, neglect, or harm toward any person with special needs. Any NCDMH staff who learns of, or witnesses, any incident of abuse, neglect, or harm toward any person with special needs must offer immediate assistance and then notify emergency personnel, including 9-1-1 where appropriate, report the incident to the Justice Center for the Protection of People with Special Needs, then inform the Senior Leadership of NCDMH

## **Boundaries**

All staff are required to maintain clear and explicit boundaries with individuals who are currently receiving, or have received, services from the Department. See Professional Boundaries Policy and Procedure.

### Staff Relationship Boundaries:

It is the policy of the NCDMH that all staff of each program area maintain appropriate professional and social boundaries with other staff. Objective boundaries need to be maintained so that oversight, daily operations, and audit functions are impartial, accurate, adhere to policies, and are implemented fairly. This would include limits on giving or receiving gifts, gratuities, favors or preferential services of any kind.

## **Client Rights**

All Affected Individuals shall adhere to the standards of conduct defined in the NCDMH's Compliance Manual Section on Client's Rights.

## **Quality of Care**

The goal in serving the individuals with Behavioral Health issues in the Department's programs is to provide high quality services that are medically necessary, meet generally accepted standards of care in the industry, are compliant with regulation and law, and maximize wellness and promote recovery. NCDMH will recognize and respect the individual's right to participate in decisions involving his or her health care. All

staff are required to report any concerns or questions about the quality of care being delivered to their supervisor, Senior Leadership/Management, or the Corporate Compliance Officer.

## **Information Security**

### **Guidelines for Affected Individuals: Information Security and Technology**

- Affected Individuals are responsible for properly using information stored and produced by all the Department's /County's computer systems.
- Computers, internet access, email, or other office communication systems are intended for business-related purposes only and not for uses that may be disruptive, offensive, harassing, or harmful to others.
- System usernames or passwords are not to be shared with another person or Affected Individuals are not to allow another to access the computer with their password or log-on information.
- All Affected Individuals are required to comply with **Niagara County Information Technology Security and Email policies**.
- If individuals have any questions concerning information security, they are directed to contact their immediate supervisor or Compliance Officer.

## **Fair Dealing**

### **Business Dealings and Referrals**

NCDMH will not be inappropriately influenced with goods or services from any business in which Affected Individuals and their immediate family members have a substantial interest.

Conducting business with providers, contractors, suppliers, service recipients, and competitors may pose ethical, and sometimes legal, problems. Affected Individuals are expected to deal fairly with providers, contractors, service recipients and competitors.

As defined in the Conflict of Interest Policy, and for purposes of these Standards of Conduct, an immediate family member is any person who is related by blood or marriage, or whose relationship with the Affected Individual is similar to that of persons who are related by blood or marriage. An immediate family member of a person includes:

- The person's spouse;
- Natural or adoptive parent, child, or sibling;
- Stepparent, stepchild, stepbrother, or stepsister;
- Father-in-law, mother-in-law; son-in-law; daughter-in-law; brother-in-law; or sister-in-law;
- Grandparent or grandchild; and
- Spouse of a grandparent or grandchild.

## **Guidelines for Affected Individuals: Fair Dealing**

The Standards of Conduct and the following guidelines are intended to help Affected Individuals make appropriate, responsible, and correct decisions in these and all matters:

### **Kickbacks and Rebate**

- Kickbacks and rebates in cash, credit, or other forms are prohibited. They are not only unethical, but also in many cases illegal.

### **Gifts and Gratuities and Entertainment**

- Affected Individuals may not without permission accept, solicit, or offer anything of value from anyone doing business with the Department.
- Under no circumstances may an Affected Individual or immediate family member of an Affected Individual accept a cash gift or gratuity from a service recipient, a family member or friend of a service recipient, or a vendor or potential vendor. Any Affected Individual who gives or accepts such a cash gift or gratuity will be subject to disciplinary action, including termination of contract, assignment or engagement with NCDMH.
- Affected Individuals may not solicit money, gifts, gratuity, or any other personal benefits or favors of any kind from providers, contractors, accounts, or service recipients and their families.
- Affected Individuals must not offer or accept entertainment that is not a reasonable addition to a business relationship but is primarily intended to gain favor or to influence a business decision.

### **Competition (Antitrust):**

The Department shall exercise caution in any venture with other organization(s) that collaborates on information and/or services to ensure that activities do not eliminate fair competition or to engage in price fixing in direct violation of antitrust laws.

### **Agreements with Contractors and Vendors**

The Department must ensure that any agreements with independent contractors and vendors clearly and accurately describe the services to be performed or items to be purchased. Performance standards and the applicable compensation, if any, must be reasonable in amount, not be excessive in terms of industry practice, and must equal the value of the service(s) rendered or items purchased.

### **Improper Use of Funds or Assets**

Use of the Department's funds or assets for any improper purpose is strictly prohibited. If an Affected Individual is aware of or have reason to believe that funds or assets are being improperly used, they must report this immediately to their supervisor or the Compliance Officer.



Affected Individuals may only approve payments or receipts on behalf of the Department that are described in documents supporting the transaction “Slush funds” or similar off-book accounts, where there is no accounting for receipts or expenditures on the Department’s books, are strictly prohibited.

No person with access to cash and bank accounts shall steal or otherwise misappropriate funds of the Department. All internal control procedures shall be adhered to at all times.

### Financial/Loan Agreements

The Department shall maintain a familiarity with the terms, conditions, and covenants contained in any financing/loan agreements and shall refrain from engaging in any activity in direct conflict or breach of these terms, conditions, or covenants.

### Grants

All individuals associated with an organizational sponsored Research or other type of Grant shall conduct their activity in accordance with the grant guidelines. All grant funds shall be used only in accordance with the grant approval with documentation to support all grant activity

### Tax Exemption:

Affected Individuals shall not engage in any prohibited activity that violates or could result in a challenge of its tax exemption status.

## **Federal and State Programs**

NCDMH is committed to complying with the laws and regulations that govern the Federal and State programs that it administers. The Compliance Program, these Standards of Conduct, and policies and procedures are developed to provide guidance in Affected Individual’s day-to-day work and activities they perform on behalf of the Department. Affected Individuals must abide by the policies and procedures and the Standards set by the Department.

NCDMH’s programs and services are largely funded by Federal and State healthcare programs, including Medicaid and Medicare. NCDMH is committed to full compliance with all Federal and State healthcare program requirements. NCDMH must also comply with laws and regulations designed to combat fraud, waste, and abuse and the submission of inaccurate or false claims.

NCDMH has put in place procedures and practices to ensure that:

- All service documentation, records, and reports are prepared timely, accurately, and honestly;
- All documentation supporting claims for service is complete and maintained in accordance with regulatory requirements and the Department’s policies;
- All claims submitted to any government or private healthcare program are accurate and comply with all Federal and State laws and regulations and payer requirements;
- Claims are only submitted for medically necessary services provided by eligible providers;
- All claims are properly documented and accurately coded; and

- Billing errors are promptly identified and any payments received in error are promptly returned to the payer and reported following the OMIG Self-Disclosure requirements.

Affected Individuals are responsible for the documentation, charging, coding, billing, and accounting of services must comply with all applicable State and Federal regulations and NCDMH policies and procedures.

It is against the law and NCDMH's policies to knowingly or carelessly submit a false claim. Submitting a false claim includes using false records, using the wrong code, double billing, or billing or causing to be billed services that are not provided or fully documented, and billing for services that are not medically necessary.

All Affected Individuals have a responsibility to notify the Compliance Officer promptly if they are charged with a criminal offense related to healthcare or are proposed or found to be subject to exclusion from Federal or State healthcare programs.

## **Governmental Investigations**

There may be times that the Department is asked to cooperate with an investigation by a Federal or State governmental agency, or to respond to a request for information. A request may be formally addressed to the Department or to an individual employed by or associated with the Department. All Affected Individuals must report any requests for information or cooperation with an investigation to the Director and Compliance Officer immediately.

## **Employment Environment**

NCDMH is committed to creating a safe and professional workplace where employees and others are treated with respect and without regard to their race, sex, age, religion, national origin, color, marital status, disability, or other protected characteristics. Business integrity, teamwork, trust, and respect are the Department's most important values. Unlawful discrimination or harassment of any sort violates these values. All Affected Individuals must exhibit and promote respect, integrity, trust, and teamwork in the workplace and must comply with the County's policies prohibiting discrimination and harassment in all facets of the Department's work.

All Affected Individuals are required to support the Department's commitment to a safe and professional work environment and to demonstrate appropriate behavior in the workplace.

All Affected Individuals are prohibited from joking about another person's race, sex, age, religion, national origin, color, marital status, disability, or other protected characteristics.

All Affected Individuals are prohibited from considering someone's race, color, religion, sex, national origin, age, disability, or other protected characteristic in making decisions about hiring, placement, assignment of duties, training, promotion, termination, compensation, benefits, and other work terms.

Sexual harassment is prohibited. Sexual harassment includes any form of unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual or sex-based nature.

Affected Individuals are responsible for understanding the County's policy prohibiting discrimination and sexual harassment. Affected Individuals should consult with an appropriate supervisor, Executive / Senior Leadership, or Human Resources if they have questions about their right to a workplace free from unlawful harassment or discrimination or if they have questions about their duty to avoid discrimination.

## **Seeking Guidance and Reporting Violations**

All Affected Individuals must report any suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal or State laws and regulations; actual or suspected violations of the Standards of Conduct, the Compliance Program and NCDMH's policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively referred to as "compliance concerns") to their immediate supervisor, member of Senior Leadership /Management, Compliance Committee member or the Compliance Officer. Other Compliance Reporting Mechanisms are also available for confidential or anonymous reporting of such issues.

Direct call to Compliance Officer, Myrla Gibbons Doxey, at (716) 439-7420

Hotline: (716) 438-3160

Fax: (716) 438-3161

Email: [NCDMHCompliance@niagaracounty.com](mailto:NCDMHCompliance@niagaracounty.com)

Office / Mailing Address: 5467 Upper Mountain Rd. Suite 200, Lockport, NY 14094  
Compliance Boxes located at in each program area for staff

When actual or suspected noncompliance is reported to any Affected Individual, it must be promptly referred to the Compliance Officer. Steps will be taken to protect the confidentiality and anonymity of the reporters. The Organization will not tolerate any form of retaliation or intimidation against a person who makes a good-faith report in accordance with the Standards of Conduct and its Compliance Program.

All Affected Individuals must cooperate fully and honestly in any investigation into reported noncompliance.

## **Corrective Action and/or Discipline**

Affected Individuals found to have engaged in non-compliant activity or wrongdoing addressed in these Standards of Conduct will be subject to appropriate disciplinary action, up to and including termination of employment, contract, assignment, or association with NCDMH.

Affected Individuals who knowingly fail to report compliance concerns are subject to appropriate disciplinary action, up to and including termination of employment, contract, assignment, or association with the Department.

Employees may face disciplinary action ranging from a verbal warning to suspension or termination, depending on the incident and the relevant surrounding circumstances. A more significant level of discipline will be taken for intentional or reckless behavior.

## **Affected Individual Responsibilities**

- ✓ Attend required training, and read and understand NCDMH's Compliance Plan, Compliance Program Policies and Procedures, and Standards of Conduct.
- ✓ Follow NCDMH's Standards of Conduct and abide by all policies and procedures, guidelines, and Federal and State laws and regulations.
- ✓ Be alert to any situation that could violate NCDMH's Standards of Conduct, Compliance Program, policies and procedures, guidelines, and/or Federal and State laws and regulations.
- ✓ Promptly report any questions, issues, compliance concerns, wrongdoing, violations, or suspected violations to your supervisor, another member of Senior Leadership / Management, a member of the Compliance Committee, or the Compliance Officer.