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References:	<i>NCQA CR 6</i>

## Investigation Policy

### POLICY

All Detroit Wayne Integrated Health Network ("DWIHN") employees, contractors, and providers have an affirmative duty to report anything that a reasonable person might think is a violation of the DWIHN's Compliance Plan, Standard of Conduct Policy, Conflict of Interest Policy, Fraud, Waste and Abuse Policy and/or state or federal law. All reports received through the compliance hotline or through any other monitoring mechanism shall be initially screened by the Corporate Compliance Officer. If the initial assessment indicates that there is a basis for believing that the conduct reported constitutes non-compliance with the Compliance Plan and applicable policies, and/or related state or federal law, the matter shall be fully investigated. When the investigation is complete, corrective action will be taken as appropriate. Violations of federal, state, or local law will be reported to the appropriate governmental authorities (if required) in accordance with this policy.

### PURPOSE

To provide a mechanism to respond to and investigate alleged offenses of federal, state, and local laws and regulations, as applicable, to the DWIHN's operations.

### APPLICATION

1. The following groups are required to implement and adhere to this policy: DWIHN Board, DWIHN Staff, Contractual Staff, Access Center, Network Providers, Crisis services vendor, Credentialing Verification Organization (CVO)
2. This policy serves the following populations: Adults, Children, I/DD, SMI/SEI, SED, SUD, Autism
3. This policy impacts the following **contracts/service lines**: MI-HEALTH LINK, Medicaid, SUD, Autism, Grants, General Fund

### KEYWORDS

### STANDARDS

1. Investigations:
  - a. The Corporate Compliance Officer, in consultation with the Compliance Committee, will be responsible for directing the investigation. If needed, outside counsel, auditors, or health care experts may be engaged to assist in an investigation.

- b. If the alleged violation is suspected to be a felony, or if criminal conduct may have occurred by an DWIHN employee, outside counsel will be retained by the DWIHN's General Counsel to conduct the investigation. Attorney-client privilege will apply. Outside counsel will meet with the Corporate Compliance Officer and/or the Compliance Committee prior to the investigation to determine: steps of the investigation, time frame for the investigation, and provision of periodic updates. Outside counsel will provide the final privileged report to General Counsel, Corporate Compliance Officer and/or the Compliance Committee. The Corporate Compliance Officer will share the information with the President and CEO and with the Board of Directors, if there is a verification that a crime was committed.
- c. The investigation will be commenced within five (5) office days following the receipt of the report, information, or complaint regarding the potential non-compliance.
- d. If a cursory investigation (prior to completion) reveals that the violation may require the DWIHN to report the conduct to federal, state or local authorities as required by law, the Corporate Compliance Officer will notify the DWIHN's CEO, Compliance Committee and Board Chair as soon as reasonably possible.
- e. Persons involved in or having knowledge of the potential non-compliance will be interviewed. In addition, documents may not be destroyed and the Corporate Compliance Officer will take appropriate steps to prevent the destruction of evidence, documents or other evidence related to the investigation.
- f. As needed, the Corporate Compliance Officer may request assistance from the staff of any division of the DWIHN to assist with the investigation or provide subject-matter expertise.
- g. During investigations of any DWIHN staff, such persons may be temporarily relieved of job responsibilities related to the alleged violation. When the investigation is complete, the employee will either be returned to work or will be disciplined, if the result of the investigation demonstrates a violation, in accordance with the DWIHN's Human Resource Manual or respective collective bargaining agreements, if applicable.
- h. Records of the investigation may include (depending on the situation) the following information: documentation of the alleged violation, a description of the investigative process, copies of interview notes, copies of key documents, a log of the witnesses interviewed, a log of the documents reviewed, the results of the investigation, disciplinary action taken, and any corrective action plan implemented.
- i. All DWIHN employees will be subject to disciplinary action for failure to comply with ethical standards or legal requirements. Any violation of law or DWIHN policy or procedures related to the Compliance Plan will result in appropriate sanctions as outlined in the DWIHN's Human Resource Manual.
- j. A final summary report/findings of non-compliant conduct will be provided to the Compliance Committee. The report will be prepared by the Corporate Compliance Officer. This report will include: the initial report or complaint, the results of the investigation, recommended corrective actions (if applicable), reports made to governmental agencies, and recommended disciplinary action (if applicable). If the Compliance Committee authorizes, the DWIHN Board, specifically the Program Compliance Committee, will be provided with the summary report as a part of their regular Compliance Report.

## 2. Corrective Action Plan (CAP):

- a. A CAP will be developed by the division or external provider that had responsibility for managing or administering the services that resulted in the violation. Corrective action may include: referral to

criminal and/or civil law enforcement authorities having jurisdiction over such matter, reports to the Government, submission of any overpayments (if applicable), appropriate education or training, and/or appropriate disciplinary action.

- b. If an investigation determines that an overpayment has been made, the overpayment will be repaid within thirty (30) days of the completion of the investigation. Repayment will be made as described in federal and state Medicare and Medicaid guidelines.

## **QUALITY ASSURANCE/IMPROVEMENT**

DWIHN shall review and monitor contractor adherence to this policy as one element in its network management program, and as one element of the QAPIP Goals and Objectives.

The quality improvement programs of direct contractors and their subcontractors must include measures for both the monitoring of and the continuous improvement of the programs or processes described in this policy.

## **COMPLIANCE WITH ALL APPLICABLE LAWS**

DWIHN staff, contractors, and subcontractors are bound by all applicable local, state and federal laws, rules, regulations and policies, all federal waiver requirements, state and county contractual requirements, policies, and administrative directives, as amended.

## **LEGAL AUTHORITY**

Michigan Department of Health and Human Services Medicaid Provider Manual (in effect, and as as amended)

## **RELATED POLICIES**

1. Compliance Plan
2. Conflict of Interest Policy
3. Claims Verification Policy
4. Fraud Waste and Abuse Policy
5. Standard of Conduct Policy

## **RELATED DEPARTMENTS**

1. Administration
2. Claims Management
3. Clinical Practice Improvement
4. Compliance
5. Customer Service
6. Information Technology
7. Integrated Health Care
8. Legal
9. Managed Care Operations
10. Management & Budget

- 11. Purchasing
- 12. Quality Improvement
- 13. Recipient Rights
- 14. Substance Use Disorders

## **CLINICAL POLICY**

NO

## **INTERNAL/EXTERNAL POLICY**

EXTERNAL

### **Attachments**

No Attachments

### **Approval Signatures**

<b>Approver</b>	<b>Date</b>
Dana Lasenby: Chief Clinical Officer	03/2020

Approver	Date