



## ***CORPORATE INTEGRITY PLAN***

*July 2008*

## *Table of Contents*

Introduction.....	3
Imagine! Mission, Vision, Values and Principles.....	4
I Policy.....	5
II Purpose.....	5
III Scope of Integrity Plan.....	6
IV Code of Conduct .....	7
V Integrity Officer .....	10
VI Integrity Committee.....	11
VII Education and Training.....	12
VIII Disclosure and Communication.....	12
IX Monitoring and Auditing.....	13
X Inquiries and Investigations.....	14
XI Response and Corrections.....	15
XII Sanctions.....	15
XIII Reporting.....	16
Appendix A Imagine! Organizational Ethics.....	a
Appendix B Imagine! Federal False Claims Act Policies and Procedures.....	c
Appendix C Imagine! Employee Protection Policy-Whistleblower Activities...	f
Appendix D Conflict of Interest Disclosure Statement.....	g

## Introduction

The Imagine! Corporate Integrity Plan sets forth a Code of Conduct (Section IV) to provide standards for the Imagine! network to follow in order to protect and promote organization-wide integrity and to enhance Imagine!'s ability to achieve its mission.

The Corporate Integrity Plan defines entities responsible to the Code of Conduct and entities responsible for implementing the Plan (Section V and VI). The Plan outlines methods for implementation of the Plan, including training and education (Section VII), methods for communication and reporting concerns (Section VIII) and monitoring and auditing responsibilities (Section IX).

In addition, the Plan outlines procedures and remedies to be followed when a suspected infringement of the Code or related rules and procedures occurs. These procedures include Inquiries and Investigations (Section X), Response and Correction (Section XI) and Sanctions (Section XII).

Lastly, the Plan sets forth methods for reporting to the Imagine! Board of Directors (Section XIII).

## Imagine! Mission, Vision, Values and Principles

### Mission

*The mission of Imagine! is to create and offer innovative supports to people of all ages with cognitive, developmental, physical and health related needs so they may live fulfilling lives of independence and quality in their homes and communities.*

### Vision

Imagine! is a highly regarded and respected organization that is the first choice of families, consumers and the State for quality services for people with cognitive and health related needs in Colorado. Imagine! is seen as:

- Ethical in all dealings;
- Comprised of an empowered and engaged Board of Directors and workforce that seeks and supports progressive practices;
- Committed to collaborative partnerships;
- Improving and enriching the lives of the individuals we serve;
- Ensuring community – and individually – empowered decisions;
- Advocating for people with cognitive and developmental disabilities at the local, State and National levels;
- Generating local community commitment to assisting individuals with cognitive, developmental, physical and health related needs.

## VALUES AND PRINCIPLES

**LIFESTYLES:** The lives of persons that we support reflect the contributions, diversity of lifestyles, and choices that are available to all citizens in our communities. Priority is placed on achieving individual dignity, privacy, and quality of life.

**PARTNERSHIPS AND SUPPORTS:** Supports for care, learning, leisure, play and work are shaped both by individual choice and by family choices and needs. Successful outcomes are achieved through a partnership of individual consumers, family, friends, community members and Imagine! staff.

**QUALITY SERVICES:** All services provided by Imagine! reflect community values and lifestyles, support community integration and adopt a non-punitive posture towards the development of pro-social behaviors. Quality services demand our commitment to continuous improvement through research and development, evaluation, feedback, and practice.

**COMMUNITY RESOURCES:** Assisting persons with cognitive, developmental, physical and health related needs is essentially a community building endeavor. Through creativity, innovation, marketing, professional and personal teamwork and individual effort, a variety of human and business resources in the community collaborate to achieve the mission of Imagine!.

## **I. POLICY**

Imagine! is dedicated to maintaining excellence and integrity in support of its mission and in all aspects of operations and professional and business conduct. Accordingly, Imagine! is committed to conformance with high ethical standards and compliance with all governing laws and regulations, not only in the delivery of services but in its business affairs and its dealings with consumers, families, employees, providers, payors and the communities it serves. Imagine! is committed to fostering an environment of integrity that extends beyond the employees of Imagine! to include members of the Imagine! Board of Directors, the Imagine! Foundation Board of Directors, Imagine!'s network of providers, subcontractors, consultants and others acting on behalf of Imagine!. As such, Imagine! shall develop and maintain a Corporate Integrity Plan designed to articulate these commitments and to establish procedures for implementation of the plan. It is the personal responsibility of all who are associated with Imagine! to honor these commitments in accordance with the terms of the Imagine! Code of Conduct, and related policies, procedures and standards developed by Imagine! in connection with the Corporate Integrity Plan (CIP).

## **II. PURPOSE**

The Imagine! CIP promotes organization wide integrity and enhances the ability for Imagine! to achieve its mission. The CIP describes and articulates Imagine!'s commitment to compliance with rules and regulations. The CIP aims to promote high standards, ethical conduct, compliance and a framework for decision making. The CIP provides a system of checks and balances to achieve the overall purpose of the Plan.

The Imagine! Corporate Integrity Plan (CIP) is intended to provide reasonable assurances that Imagine!:

1. Complies in material respects with all federal, state and local laws and regulations that are applicable to its operations;
2. Satisfies the conditions of participation in programs funded by the state and federal government and the terms of its other contractual arrangements;
3. Prevents, detects and deters criminal conduct or other forms of misconduct by those acting on behalf of Imagine! that might expose Imagine! to significant criminal or civil liability;
4. Promotes self-auditing and self-policing, and provides for, in appropriate circumstances, voluntary disclosure of violations of laws and regulations;
5. Establishes, monitors, and enforces high professional and ethical standards.

### **III. SCOPE OF INTEGRITY PLAN**

The provisions of the CIP apply to all activities performed by the members of the Imagine! network, including the Imagine! Board of Directors, the Imagine! Foundation Board of Directors, Imagine! employees, Imagine!'s providers, subcontractors, consultants and volunteers.

The expectations regarding compliance with the CIP are as follows:

1. Comply with the Imagine! Mission and Code of Conduct;
2. Develop an understanding of the purpose of the CIP;
3. Perform roles and responsibilities in a manner which demonstrates commitment to compliance with all applicable laws and regulations;
4. Report known or suspected compliance issues and participate in investigations to the point of resolution of an alleged violations as needed; and
5. Strive to prevent errors and provide suggestions to reduce the likelihood of errors.

#### **IV. CODE OF CONDUCT**

This Code of Conduct provides standards by which members of the Imagine! Board of Directors, the Imagine! Foundation Board of Directors, Imagine! employees, Imagine!'s network of providers, subcontractors, consultants and volunteers (hereinafter collectively referred to as "members of the Imagine! network") will conduct themselves in order to protect and promote organization-wide integrity and to enhance Imagine!'s ability to achieve the organization's mission.

All members of the Imagine! network are responsible to ensure that their behavior and activity are consistent with this Code of Conduct as well as Imagine! Policies and Procedures, and applicable federal, state and local laws and regulations (hereinafter collectively referred to as "applicable rules").

##### **Principle 1 - All members of the Imagine! network will uphold all applicable rules and regulations.**

Members of the Imagine! network will strive to ensure that all activity by or on behalf of the organization is conducted in compliance with applicable rules. All members of the Imagine! network must be aware of the legal requirements and restrictions that are applicable to their respective roles and responsibilities. All members of the Imagine! network must refrain from engaging in activities which may negatively impact Imagine!.

##### **Principle 2 - All members of the Imagine! network shall conduct all activities in accordance with the highest ethical standards.**

All members of the Imagine! network will be responsible to conduct all activities in accordance with Imagine! Organizational Ethics (Appendix A). All members of the Imagine! network will conduct all activities in a manner which shall uphold Imagine!'s reputation and standing. To further Imagine!'s commitment to the highest standards of business ethics and integrity, members of the Imagine! network will accurately and honestly represent Imagine! and will not engage in any activity or scheme intended to defraud anyone of money, property or honest services. All members of the Imagine! network shall ensure that statements regarding Imagine! are accurate and truthful.

##### **Principle 3 - All members of the Imagine! network shall avoid conflicts of interest.**

All members of the Imagine! network have a duty to avoid conflicts with the interests of Imagine! and may not use their positions and affiliations with Imagine! for personal benefit.

All members of the Imagine! network must consider and avoid not only actual conflicts but also the appearance of conflicts of interest.

All members of the Imagine! network shall avoid situations or conduct that could influence (or appear to influence) objective decisions in the performance of assigned duties and responsibilities or that could raise questions as to the honesty and integrity of Imagine! or negatively impact its reputation and standing. Members of the Imagine! network may not use their positions to profit personally or to assist others in profiting in any way at the expense of the organization. Conflicts of interest must be disclosed using methods of communication established in the Imagine! Corporate Integrity Plan.

All members of Imagine!'s governing bodies are required to sign the Conflict of Interest Disclosure Statement annually (Appendix D).

**Principle 4 - Imagine! shall strive to attain the highest standards for all aspects of consumer and family care.**

All members of the Imagine! network must support the Imagine! Mission to provide services of the highest quality that respond to the needs of consumers, families and the community. Services provided must be reasonable and necessary to the care of each individual, as appropriate to the situation, and such services must be provided by properly qualified individuals. All services must be properly documented as required by applicable rules, reimbursement requirements and professional standards.

**Principle 5 - Imagine! shall provide equal opportunity and shall respect the dignity of all members of the Imagine! network.**

Imagine! is committed to providing services related to its mission for all persons, without regard to race, color, age, nationality or ethnic origin, religion, gender, sexual orientation, disability or veteran's status. Imagine! is committed to maintaining an environment that respects the dignity of each individual in its network. Discrimination is prohibited in any form or context and will not be tolerated.

**Principle 6 - Imagine! will maintain confidentiality for information and documents.**

Members of the Imagine! network have access to a variety of sensitive and proprietary information, the confidentiality of which must be protected. All members of the Imagine! network must adhere to the applicable rules, including HIPAA Privacy Practices, to ensure that confidential information is properly maintained and inappropriate or unauthorized release is prevented.

**Principle 7 - Imagine! shall maintain a relationship of integrity with respect to payment for services.**

Imagine! and the members of its network shall ensure that all requests for payment for services are (i) reasonable, necessary and appropriate; (ii) provided by properly qualified persons; and (iii) the claims for such services are billed in the correct amount and supported by appropriate documentation.

All members of the Imagine! network will abide by the Imagine! Federal False Claims Act (FCA) Policies and Procedures (Appendix B).

**Principle 8 - All members of the Imagine! network shall conduct all business with honesty and integrity.**

All business practices of Imagine! must be conducted with honesty and integrity and in a manner that promotes Imagine!'s reputation. All members of the Imagine! network will:

- Adhere to proper business practices and federal and state fraud, abuse and referral prohibitions in dealing with referral sources;
- Conduct business transactions free from offers or solicitations of gifts, favors or other improper inducements in exchange for influence. Members of the Imagine! network are prohibited from *soliciting* tips, personal gratuities or gifts from customers of Imagine!. Members of the Imagine! network shall not accept gifts, favors, services, entertainment, or other things of value to the extent that decision-making or actions affecting Imagine! might be influenced.
- Similarly, the offer of giving of money, services or other things of value with the expectation of influencing the judgment or decision-making process of any

purchaser, supplier, customer, government official or other person is prohibited. Any such conduct must be reported immediately using processes defined in this Corporate Integrity Plan. Members of the Imagine! network shall not seek to gain any advantage through the improper use of payments, business courtesies, or other inducements. Offering, giving, soliciting, or receiving any form of bribe or other improper payment is prohibited;

- Conform to all applicable antitrust laws and regulations, and ensure that Imagine! does not violate law and regulations with respect to (i) pricing or other sale terms or conditions, (ii) improper sharing of competitive information, (iii) the impermissible exclusion of others from economic activities;
- Maintain the confidentiality of proprietary information belonging to other persons or entities doing business with Imagine!; and
- Prepare accurate financial reports, accounting records, research reports, expense accounts, time sheets and other documents so that they completely and accurately represent the relevant facts and true nature of all Imagine! business transactions. Improper or fraudulent accounting, documentation, or financial reporting is contrary to the policies and procedures of Imagine! and may be in violation of applicable laws.

**Principle 9 - All members of the Imagine! network will have proper regard for safety.**

Imagine! shall provide work environments that conform to regulations regarding occupational health and safety.

**Principle 10 - All members of the Imagine! network will protect the property and assets of Imagine!**

All members of Imagine! will strive to preserve and protect Imagine!'s assets, including intellectual property and proprietary information, equipment, supplies and funds, by making prudent and effective use of Imagine! resources and properly and accurately reporting its financial condition. Imagine! assets may not be used for non-work related purposes unless express written permission is obtained.

Travel expenses should be consistent with the member's responsibility and Imagine!'s needs and resources. Members are expected to exercise reasonable judgment in the use of Imagine!'s assets and to spend Imagine!'s assets as carefully as they would their own. All members must comply with Imagine!'s policies related to travel expenses.

**Principle 11 - The Code of Conduct shall be integral to the operation of Imagine! and its activities.**

The Code of Conduct exists for the benefit of Imagine! and the members of its network. It is a dynamic document that will change through the contributions of Imagine! members. All members of the Imagine! network are encouraged to suggest changes or additions to the Code of Conduct. The Code of Conduct must be incorporated into the daily activities of all members of the Imagine! network.

The Code of Conduct augments, but does not limit, specific policies and procedures of Imagine!.

It is the responsibility of each member of the Imagine! network to uphold the standards set forth in the Code of Conduct. As part of this responsibility, it is expected that any activity or practice that may violate applicable rules be reported following the reporting procedures established by the CIP. The Imagine! Whistleblower Policy (Appendix C) provides for protection from retaliation for any individual who reports potential violations to the code.

Officers, managers and supervisors of Imagine! have an additional duty to support other members of the Imagine! network in their adherence to the Code of Conduct, to recognize and detect violations of the Code of Conduct, and to enforce the standards set forth in support of the Code.

Failure to abide by this Code of Conduct may result in sanctions that may range from retraining to termination of employment or contract. Nothing in this Code of Conduct is intended to or shall be construed as providing any additional employment or contract rights to any member of Imagine!.

## **V. INTEGRITY OFFICER**

The Imagine! Chief Executive Officer will appoint a Chief Integrity Officer (CIO) to develop and implement the CIP. The CIO reports directly to the CEO and the Executive Committee of the Imagine! Board of Directors. The CIO's primary responsibilities include:

- Development of the Corporate Integrity Plan and related policies, procedures and practices;
- Oversight and monitoring of the implementation of the Corporate Integrity Plan;
- Updating and revising the CIP, as appropriate, to ensure it remains current and continues to meet the mission, values and needs of Imagine!;
- Development of the CIP work plan to identify areas of review, audit timetables, key personnel;
- Establish an Integrity Committee;
- Oversight for the development of training and educational materials relative to the CIP;
- Ensure the CIP has been effectively communicated to all employees and other members of the Imagine! network, as appropriate;
- Manage investigations into allegations of fraud, abuse and other allegations of misconduct;
- Meets with CEO monthly or more frequently if issues arise;
- Prepare reports to the Imagine! Board of Directors as needed regarding CIP activities including investigations, actions taken, monitoring;
- Serving as a resource across the organization for questions and issues related to integrity, quality and compliance; and
- Track rule and law changes and other activities that affect Imagine!'s operations relative to the CIP.

## **VI. INTEGRITY COMMITTEE**

The Imagine! CIO, in conjunction with the administrative team, will establish an Integrity Committee as an oversight committee for the implementation of the CIP. The committee will be composed of managers representing each department of Imagine! including program areas, business operations, human resources and case management. Members of the committee should have broad backgrounds and experience levels as well as expertise in operations, monitoring quality and service delivery. The committee will meet regularly as needed to address its charge and at a frequency determined by the CIO and members of the Integrity Committee.

The Imagine! Corporate Integrity Committee will have primary responsibilities that include:

- Evaluate the CIP to ensure it meets all requirements;
- Ensuring the implementation of the CIP across the organization and within each respective department;
- Ensuring the CIP is relevant to the operation of each department within Imagine!;
- Participating, as needed, in investigations of allegations within the program area;
- Review departmental audits and monitoring activities to ensure compliance with the CIP;
- Report monitoring and auditing activities;
- Reviewing the CIP at least annually and recommend revisions to the CIP as needed;
- Ensure that employees and providers within the program area have been trained in the CIP and related policies and procedures;
- Evaluate the effectiveness of the CIP; and
- Identify areas of strengths, risk, needs for training, and make recommendations to address needs.

## VII. EDUCATION AND TRAINING

All members of the Imagine! network will be provided information and training in the Code of Conduct and related policies and procedures.

- The CIO, in conjunction with Human Resources, will develop training materials, methods to establish competency and a system to document and review that training has occurred;
- Current employees of Imagine! will be introduced to and trained in the Code of Conduct within ninety days of the creation of training materials;
- All managers and supervisors will receive training in the Corporate Integrity Plan;
- All new employees of Imagine! will be introduced to and trained in the Code of Conduct within ninety days of hire;
- Establishment of competency will demonstrate an awareness of ethical business approaches;
- All training will be documented. Departmental supervisors will be responsible to ensure that employees have received the training and that competency has been established;
- The CIP and appendices will be made available to all members of the Imagine! network and other interested parties on the Imagine! website;
- All contract providers and business associates will receive a copy of the Code of Conduct annually when contracts are renewed or established; and
- The CIO will monitor to ensure that these methods have been implemented and are effective. Modifications to the methods for dissemination of the CIP will be made as needed.

## VIII. DISCLOSURE & COMMUNICATION

Methods for communicating concerns, potential misconduct or abuses have been established to allow for face-to-face, confidential, written or anonymous reporting. Reports should be made within three business days of becoming aware of a concern. These methods include:

- The supervisor of the program area or department of Imagine! may be contacted by telephone, email, written correspondence or face-to-face.
- The CIO for Imagine! may be contacted by telephone, email, written correspondence or face-to-face.

CIO Leslie Rothman 303 926-6401 [lrothman@imaginecolorado.org](mailto:lrothman@imaginecolorado.org)

- Other administrators of Imagine! may be contacted by telephone, email, written correspondence or face-to-face.

CEO Mark Emery 303 926-6446 [memery@imaginecolorado.org](mailto:memery@imaginecolorado.org)

CFO John Nevins 303 926-6403 [jnevins@imaginecolorado.org](mailto:jnevins@imaginecolorado.org)

- The EthicsPoint hotline/helpline may be used for reporting. EthicsPoint can be accessed through the Imagine! website under 'Resources' for Employees or Families and Consumers, by telephone at 1-888-258-0151 or on the web at [www.ethicspoint.com](http://www.ethicspoint.com). Reports made through EthicsPoint can be made anonymously.

Employees who, in good faith, report possible infractions or misconduct will not be subjected to retaliation or harassment as a result of their reports and in accordance with Imagine!'s Whistleblower Policy (Appendix C) . Retribution related to reporting of compliance concerns is prohibited and anyone who engages in such activity will be subject to disciplinary action.

## IX. MONITORING & AUDITING

All members of the Imagine! network have a responsibility to participate in the detection and prevention of fraudulent activities. To that end, Imagine! will ensure that its practices include processes for detecting, preventing to the extent possible, and correcting any actions that would violate the Corporate Integrity Plan, Code of Conduct or related policies and procedures.

Oversight of monitoring activities for the Corporate Integrity Plan will be the responsibility of the Chief Integrity Officer, the Integrity Committee and each department of Imagine!.

Departmental representatives serving on the Integrity Committee will work with managers within their departments to develop methodologies needed to carry out monitoring activities.

Departmental monitoring activities will include:

- Ensuring departmental staff has received training and education in the CIP and related policies and procedures;
- Developing a work plan to implement the schedule of monitoring activities specific to the department. The work plan is to be coordinated with existing internal reviews scheduled, if possible. The work plan will identify personnel responsible for conducting monitoring activities;
- Assurances that monitoring occurs at least annually for each Imagine! department and will be based on a sample;
- Conducting on-going, periodic audits to ensure compliance with billing policies and procedures, and with applicable rules based on the developed work plan;
- Reporting findings to the CIO and determine needs for inquiries and development of corrective plans with CIO, as needed; and
- Conduct follow-up reviews to ensure that corrective plans have been implemented.

In addition, members of the Integrity Committee will:

- Review departmental monitoring activities to ensure the CIP and work plans are being implemented;
- Participate in the annual (or more frequent if needed) identification of potential risk to Imagine! based on monitoring and audit activities and establish increased monitoring, if needed, for detection and prevention; and
- Evaluate investigation processes, including timeliness, effectiveness and completeness (completed by an administrative subcommittee).

## **X. INQUIRIES & INVESTIGATIONS**

The CIO will initiate an inquiry, as needed, in response to reports of infractions, misconduct, or potential fraud and abuse.

When a report has been received, the CIO will determine the need for investigation. This determination may be made in conjunction with the CEO, CFO or Department Director, if applicable. If it has been determined that an investigation is warranted, the following procedures will be followed, as appropriate and as circumstances allow:

- The CIO will conduct the inquiry or will designate an individual who will conduct the inquiry with guidance from the CIO;
- If needed, the CIO or designee appointed to conduct the interview will arrange to meet with the complainant, if identified, to gather additional information;
- If appropriate, the CIO or designee will arrange to meet with the person the issue was raised against to gather additional information, documentation and/or conduct an interview;
- If consumer care is of concern, immediate action may be needed and taken to protect the consumer, in accordance with the Division for Developmental Disabilities rules;
- The initial information will be entered into the EthicsPoint reporting system, if not already completed;
- An inquiry will be conducted, with the assistance of the complainant, staff or the CCB investigator as needed. Proper investigative methods will be utilized, if warranted by the nature of the inquiry;
- Legal counsel will be consulted to provide legal advice, if appropriate. If legal counsel is obtained, the remainder of the inquiry will be conducted under counsel's direction;
- A report with all relevant information will include the documentation of the issue, investigative methods used, interviews, documents, and findings will be prepared within one week of completing the inquiry. The report will document the results of the inquiry, action plans needed as a result of the inquiry, including any needed restitution, and timelines for completing the action plan. The CIO will enter a synopsis into EthicsPoint for the reported issue. Reports will be filed with the CIO and an administrative file maintained. Action plans involving employees of Imagine! will also be placed in the employee personnel file. Results of inquiries will be maintained confidentially;
- As needed, restitution will be made to relevant government entities; and
- As needed, violations may be reported to criminal, civil or administrative law authorities and/or to the State Medicaid office and the Division for Developmental Disabilities.

## **XI. RESPONSE AND CORRECTION**

When an identified issue requires corrective action, a formal action plan will be required. The corrective action plan may be determined by the CIO or designee and provided to the entity involved; or the CIO or designee will request a response or corrective action plan.

Corrections may include retraining, disciplinary actions, repayment, restrictions and reports to regulatory bodies.

Action plans will include:

- Tasks to be completed;
- Methods to prevent recurrence;
- Completion dates; and
- Responsible parties.

The CIO, or designee, will record the action plan and will establish a date to conduct a follow-up review to ensure that correction has been implemented.

Issues for which corrective actions have not been implemented as expected will be reviewed by the CIO and reported to the Imagine! Chief Executive Officer to determine further appropriate action, including sanctions, as needed.

## **XII. SANCTIONS**

The standards established in the CIP will be consistently enforced with disciplinary proceedings and sanctions, as appropriate.

Failure to adhere to the CIP principles may be grounds for disciplinary action. The level of disciplinary action, including termination of employment, will be determined in accordance with the severity of the infraction. Imagine! maintains a "zero tolerance" policy towards any illegal conduct. Employees engaging in an infraction of applicable rules may be terminated from employment. Where appropriate, disciplinary action may also be levied against employees for failing to detect or report wrongdoing. The CIO will review needed disciplinary actions to be taken against an employee with the CEO, Director of Human Resources and the department Director.

Disciplinary actions will be determined on a case-by-case basis and will be taken appropriately, equitably and consistently, given the underlying circumstances and the degree of infraction. These actions may include informal or formal reprimands, demotion, financial penalties, suspension and termination.

When an issue involves a contract provider, provider organization, volunteer, board member or other entity that does not meet the criteria of an Imagine! employee, sanctions may also apply. Sanctions will be determined by the CIO and CEO. Sanctions may be reported to regulatory and funding agencies, as needed.

### **XIII. REPORTING**

The CIO, in conjunction with the Integrity Committee, will prepare reports for review by the Imagine! Board of Directors detailing information about issues and corrective actions. All reports will ensure that HIPAA and other confidentiality measures are enforced.

Reports will be submitted to the Imagine! Board of Directors each quarter, beginning July 2008. Reports will include:

- Issues and general steps completed to date to address the issue;
- Any outstanding issues and corrective actions;
- Any sanctions imposed;
- Trend analysis, if applicable, relative to the department or provider;
- Further actions needed by the CIO or Integrity Committee; and
- Any changes to the Corporate Integrity Plan.

## Appendix A

# Imagine! Organizational Ethics

Imagine!'s ethical standards are, more than anything, about treating people with respect and dignity. We will respect people's opinions and privacy, and act with fairness, honesty and genuine concern. All employees and volunteers are expected to follow ethical standards of conduct in their dealings with consumers, and with one another, as well as with the community at large and stakeholders.

We promote ethical conduct in financial, marketing and professional actions. Should any allegation of unethical conduct be made known it will be investigated and resolved expeditiously by the appropriate level of management. Grievances are expected to be resolved between the persons in the conflict unless there is adequate reason to bypass that route of communication.

Imagine! believes that an individual's contribution in the community as a valued, interdependent, member occurs when human dignity is respected and opportunities are provided to pursue responsible actions. While as paid human service professionals, staff cannot create inclusive communities, we can positively impact on their emergence and growth. We commit ourselves to the following basic human principles in relation to the people we serve, our community and our stakeholders:

### ***Choices***

We respect the right of consumers to make choices and accept the responsibility for those choices. We recognize that some people will need help in learning to make informed choices. We will be honest with people about the relevance of our services to their needs. If appropriate we will refer them elsewhere for assistance.

### ***Individuality***

Consumers receive assistance as unique individuals with varying interest and aptitudes.

### ***Respect***

Services shall be designed, to the extent possible, to be dignified, age appropriate, and life enhancing.

### ***Participation***

Consumers are encouraged to actively participate in all pursuits of life.

### ***Competence***

Consumers are provided with opportunities to discover, develop and express their talents and capacities.

### ***Social Connectedness***

Consumers are encouraged to access diverse individuals in various social contexts in order to build friendships, working relationships and networks of individuals who share common interests.

### ***Community Settings with Minimal Intrusion***

Services are designed to support people in their pursuit of a quality life in natural settings and in ways that are as typical of other community members and as socially valued as possible.

### ***Services Provided by Imagine!***

At all times, the person served is the central driving force in the development of options and decisions. In the design of services, staff has an obligation to utilize principles that promote services consistent with human dignity.

We also commit ourselves to the following ethical standards in financial practices and marketing activities:

*Imagine! will provide staff with the information they need to complete their jobs responsibly and effectively.*

*Imagine! will treat staff and consumers with respect and fairness.*

*Imagine! will stay abreast of current trends in the field in order to serve the interests of their community, consumers and staff.*

*Imagine! will provide its Board of Directors with adequate information to make decisions.*

*Imagine! will utilize the organization's resources in a fiscally prudent manner.*

*Imagine! will present honest and accurate information and data, both programmatic and financial.*

*Imagine! will maintain audited financial information.*

*Imagine! will explain what we stand for when marketing our services, without criticizing any other agency.*

*Imagine! will follow all applicable laws.*

*Imagine! will work collaboratively with other organizations.*

*Imagine! will advocate for adequate pay and staffing patterns for staff.*

Imagine! strives to be a cutting edge organization that excels in innovation and problem solving, and where individual and organizational leadership is strong in all aspects and capacities. Our services are consumer driven, delivering hope, possibilities and value above and beyond requirements and expectations. We are responsive to our consumers and follow through on our promises.

Imagine! strives to create a work environment that is exciting, challenging and flexible, and where staff have autonomy and are limited only by their own imaginations. We believe our staff members are our most important asset, therefore, professional development and continuous learning are paramount.

Imagine! values the balance between work and personal life, and we encourage employees to use leave time, benefits, and company sponsored social events to maximize their well being and enjoyment of life at work and beyond.

**APPENDIX B**  
**False Claims Act (FCA)**  
**Medicaid Integrity Plan-Deficit Reduction Act**

**Effective Date: January 1, 2007**  
**Amended November 15, 2010**

Pursuant to the Deficit Reduction Act of 2005, Section 6032 and Sections 3729 through 3733 of Title 31 of the United States Code, as amended August, 2010, Imagine!, it's employees, contractors, and agents shall comply with the federal False Claims Act and related state requirements. These policies and procedures may be amended to address requirements as directed by the State of Colorado, Health Care Policy and Financing, and the Colorado Department of Human Services.

**Policy**

Imagine! is committed to following local, State and Federal laws, rules and regulations that address the prevention, detection, reporting, and correction of fraud, waste, and abuse of public funding. Complaints regarding acts which violate the False Claims Act, such as false claims or attempts to defraud health care programs will be promptly reported, investigated, and remedied, as appropriate and required by law.

**Definitions**

Fraudulent and abusive claims activities may include:

- Knowingly billing for services not rendered;
- Knowingly including improper entries on cost reports;
- Knowingly assigning incorrect codes to secure higher reimbursement for services rendered;
- Knowingly characterizing unallowable services or costs in a way that secures reimbursement;
- Not seeking payment from beneficiaries who may have other primary payment sources;
- Knowingly falsifying, forging, altering, or destroying documents to secure payment;
- Knowingly concealing, avoiding or decreasing an obligation to pay money to the government.

The terms "knowing" and "knowingly" mean that a person, with respect to information (1) has actual knowledge of the information; (2) acts in deliberate ignorance of the truth or falsity of the information; or (3) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required. A person who is 'material' to a false claim may also be considered to have intent in false claims activities.

**Procedures**

***Preventing and Detecting False Claims***

All Imagine! employees, contractors, vendors and agents are required to participate in the prevention, detection and reporting of fraud, waste and abuse of resources. Detailed information regarding the False Claims Act shall be provided all Imagine! employees, agents and contractors.

*All individuals who engage in financial documentation and billing will be responsible for ensuring that information is accurate and does not constitute fraud as defined above.* Entities responsible for the monitoring of programs and services will also be responsible for verifying that documentation and billing is accurate and reflective of the services provided to individuals. Information that is not reconcilable and is not intentionally falsified is to be corrected prior to the submission of any billing. If it has been determined that a fraudulent or abusive act has occurred, the act is to be reported following reporting procedures below.

### ***Reporting Suspicions of Fraudulent Claims***

If an employee, contractor or agent of Imagine! believes that a representative of Imagine! is fraudulently billing for services as described above, s/he should immediately contact a member of the Imagine! Executive Team, the Chief Executive Officer, the Integrity Officer, or report the concern through the Imagine! reporting hotline (EthicsPoint). Concerns are to be promptly reported, and will be thoroughly investigated, and remedied in a timely manner. Imagine! will follow procedures delineated in the *Corporate Integrity Plan* for the completion of investigations.

Reports of suspected or observed acts shall include:

- Name(s) of individuals involved in the suspected or observed fraudulent act
- When the suspected or observed fraudulent act occurred
- Where the suspected or observed fraudulent act occurred
- Which programs, departments, and/or individuals were affected by the fraudulent act
- A thorough description of the suspected or observed act
- Name(s) of individuals who have first hand knowledge of the suspected or observed act
- Name(s) of other individuals who may have knowledge of the suspected or observed act

### ***Protection for Reporting Fraudulent Claims***

The False Claims Act provides protection from retaliation by an employer to employees who act as whistleblowers. An employee may not be discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the FCA, 31 U.S.C. 3730(h), and as defined in the Imagine! Whistleblower Activities Policy.

Retaliation against an employee or other reporting individual because that individual, in good faith, reported a violation or assisted in a complaint investigation is strictly prohibited. If an individual feels that retaliation has occurred, a complaint regarding the retaliation is to be filed with the Imagine! Chief Executive Officer or designee within forty-five days. If the employee can demonstrate that s/he was retaliated against, the False Claims Act provides for conditions for reinstatement, if applicable.

In addition, the False Claims Act provides for financial remedies to the employer when an action is brought forth for the purpose of harassment, and/or the case is determined to have no merit. In these instances, the whistleblower may be responsible to recompense for legal fees and the costs of defense.

### ***Administrative Remedies and penalties***

Violations of this policy as well as actual wrongdoings in the areas of fraud, waste, and abuse may have severe consequences including, but not limited to, civil and criminal penalties as allowed under applicable federal and state laws including the False Claims Act.

The False Claims Act allows individuals, who have first-hand knowledge of fraudulent billing as described above, to sue the entity that submitted the false claim on behalf of the United States. These are called "qui tam" lawsuits and are also known as "whistleblower lawsuits". In addition to its substantive provisions, the FCA provides that private parties may bring an action on behalf of the United States. 31 U.S.C. 3730 (b). These private parties, known as "qui tam relators," may share in a percentage of the proceeds from an FCA action or settlement.

Section 3730(d)(1) of the FCA provides, with some exceptions, that a qui tam relator (whistleblower), when the Government has intervened in the lawsuit, shall receive at least 15 percent but not more than 25 percent of the proceeds of the FCA action depending upon the extent to which the relator substantially contributed to the prosecution of the action. When the Government does not intervene, section 3730(d)(2) provides that the relator shall receive an amount that the court decides is reasonable and shall be not less than 25 percent and not more than 30 percent.

Additionally, another federal statute, *the Federal Administrative Remedies for False Claims, 31 USC Sections 3801 through 3812*, creates a penalty for submitting a false claim of up to \$5,000 per claim and twice the amount of the claim. This law is violated when a false claim is submitted, not when it is paid. Under this statute, investigations and recoveries are handled by federal agencies, not the courts. Although private individuals may report violations to the government, there is no option for the whistleblowers to share in the amounts recovered.

Failure to meet the requirements of the False Claims Act may result in the forfeiture of all Medicaid payments during the period of noncompliance.

#### ***Education About the False Claims Act***

Imagine! will ensure that all employees, contractors, vendors and agents are informed of the False Claims Act and related acts creating the need for this policy. Imagine! employees will be provided this information as part of their employment orientation and training. Contractors, vendors and agents will be provided a copy of this policy to ensure compliance.

Any new employee, contractor, vendor or agent will receive the same information at the time of employment or when entering into a written agreement with Imagine!.

## APPENDIX C

### IMAGINE! EMPLOYEE PROTECTION POLICY WHISTLEBLOWER ACTIVITIES

The involvement of all employees is necessary for Imagine! to maintain an outstanding organization and complete legal compliance. It is important for Imagine! to maintain an open environment, conducive to cooperative and willing behavior on the part of all employees. It is the intent of Imagine! to adhere to all laws and regulations that apply to the organization, and in particular those that apply to the protection of our employees. Imagine! employees shall be protected from employment retaliation for legitimate whistleblower activities.

If any employee reasonably believes that some policy, practice or activity of Imagine! is in violation of law, a written complaint must be filed by that employee with the Chief Executive Officer or the Imagine! Board President.

Imagine! can only guarantee that an employee is protected from retaliation if the employee brings the alleged unlawful activity, policy, or practice to the attention of Imagine! in the manner described above and provides the organization with a reasonable opportunity to investigate and correct the alleged unlawful activity. The following protection is available to those employees that comply with the above requirement.

Imagine! will not retaliate against an employee who, in good faith, has made a protest or raised a complaint against some practice of Imagine!, or of another individual or entity with whom Imagine! has a business relationship, on the basis of a reasonable belief that the activity is in violation of law or a clear mandate of public policy.

Imagine! will not retaliate against employees who disclose or threaten to disclose to a supervisor or a public body, any activity, practice, or policy of Imagine! that the employee reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of clear mandate or public policy concerning the health, safety, welfare, or protection of the environment.

Anyone filing a complaint who believes that some policy, practice or activity of Imagine! is in violation of law must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Imagine! will investigate all allegations of illegal activity, whether made openly, confidentially, or anonymously. Allegations will be reviewed by the CEO and/or a delegate from the Imagine! Executive Team, which will appoint an investigation committee, based on the contents of the allegation. Considerations will include the position of the alleged wrong doer, the severity of the alleged activity, and the credibility of the allegation. Records of the complaint, investigations, findings, and results will be maintained for seven years.

As an Imagine! employee, I have reviewed and understand the above policy and agree to comply with requirements for protection. I understand that I may direct any questions I have regarding this policy to my department director or another member of the Imagine! Executive Team.

APPENDIX D



**CONFLICT OF INTEREST  
DISCLOSURE STATEMENT**

I have read the attached Imagine! Code of Conduct. I understand that board members of Imagine! shall not receive compensation or personal gain through direct dealing as a board member.

**During the course of deliberation and action of Imagine! board business, members of the Board of Directors shall abstain from discussion or voting on matters, which have been identified by the board as a potential conflict of interest.**

I have listed below any matters, which might institute a conflict of interest.

I agree to abide by the requirements of the Imagine! Code of Conduct.

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date