

# COUNTY OF SAN DIEGO HEALTH AND HUMAN SERVICES AGENCY COMPLIANCE PLAN

## INTRODUCTION

The County of San Diego (COSD) Health and Human Services Agency (HHSA) maintains a Compliance Program that supports the ongoing commitment of HHSA management and staff to the ethical and professional conduct of County business. The HHSA Agency Compliance Office has the distinct responsibility for developing and upholding the Compliance Program designed to ensure:

- Compliance with laws, regulations and terms of federal, State, and other agreements governing HHSA operations;
- Prevention, detection and correction of fraud, waste, and abuse;
- Support of HHSA's mission, vision and core values;
- Support of San Diego County's vision of *A region that is Building Better Health, Living Safely and Thriving.*

The Compliance Program elements are designed to work collectively and to provide a robust network of internal controls including:

- A system of management and governance to ensure program effectiveness;
- Policies and procedures which provide clear and reasonable direction and expectations for employees;
- Training programs to ensure employees have clear understanding of policy, procedures and program expectations;
- Monitoring and review of business processes designed to proactively detect potential non-compliance;
- **A Compliance Plan** providing structure and direction to ensure program effectiveness.

## HHSA COMPLIANCE PLAN

The HHSA Agency Compliance Office Compliance Plan is mandated by the Code of Federal Regulations 42CFR 438.608, Section 8B2.1 of the US Sentencing Commission Guidelines Manual (Federal Sentencing Guidelines), and the various federal and State agreements governing HHSA programs. Collectively, these regulations and agreements require HHSA to have administrative and management arrangements or procedures, including a mandatory compliance plan, that are designed to guard against fraud and abuse within HHSA operations.

Designed to adhere to the guidance issued by the federal Health and Human Services Agency, "The Seven Fundamental Elements of an Effective Compliance Program", the HHSA Compliance Plan includes:

1. **Policies & Procedures:** Written policies, procedures, and standards of conduct that articulate the HHSA commitment to comply with all applicable federal and State standards.
2. **Compliance Program Structure:** Designation of an HHSA Compliance Officer and Compliance Committee that are accountable to the HHSA Agency Director.
3. **Training:** Effective training and education for the HHSA Compliance Officer and HHSA employees.
4. **Communication:** Effective lines of communication between the HHSA Compliance Officer and HHSA employees.
5. **Enforcement:** Enforcement of standards through clear and well-publicized disciplinary guidelines.
6. **Monitoring:** Provision for internal monitoring and review of HHSA program operations.
7. **Investigation:** Provision for prompt response to detected potential offenses and development and oversight of corrective action initiatives.

## POLICIES AND PROCEDURES

HHSA has adopted written policies, procedures and standards that provide direction to employees to ensure the clear articulation of HHSA's commitment to comply with federal, State, local, and organizational regulations and standards. Compliance related policies and procedures include, but are not limited to:

### CODE OF ETHICS

The COSD Code of Ethics is maintained by the COSD Office of Ethics and Compliance, the purpose of which is to establish and communicate standards of conduct for all COSD employees, interns and volunteers. All HHSA employees are provided on-boarding training to review the elements of the Code of Ethics and are required to sign an attestation of understanding and commitment to uphold the Code of Ethics during on-boarding and annually thereafter.

The COSD Code of Ethics includes guidance on:

- Workplace Conduct
- Drug Free Workplace
- Safe Work Environment
- Fraud, Waste and Abuse
- Improper Gifts and Gratuities
- Conflict of Interest
- Confidential Information
- Use of County Property
- County Information Systems
- Financial Stewardship
- Reporting Violations
- Protection Against Retaliation

### HHSA COMPLIANCE PROGRAM POLICY SUITE

The HHSA Agency Compliance Office Plan, Policies and Procedures are categorized into three distinct areas; (1) Compliance, (2) Privacy, and (3) Information and Data Security, and are made available to all HHSA employees on the COSD Intranet site.

### CODE OF CONDUCT

HHSA Agency Compliance Office maintains a distinct Code of Conduct which supplements the COSD Code of Ethics and provides additional employee standards and requirements to provide assurances for adherence to federal and State regulatory requirements for the various HHSA programs. All HHSA employees are provided on-boarding training to review the elements of the Code of Conduct and are required to sign an attestation of understanding and commitment to abide by the Code of Conduct during on-boarding and annually thereafter.

### STATEMENT OF INCOMPATIBLE ACTIVITIES

To provide internal controls to ensure employees within HHSA refrain from activities that may create a real or perceived conflict of interest with their COSD program employment, HHSA Department of Human Resources maintains signed Statement of Incompatible Activities from all HHSA employees, which are completed during on-boarding, and semi-annual thereafter.

### PROGRAM SPECIFIC COMPLIANCE RELATED POLICIES

HHSA Programs all maintain program specific compliance, privacy and information security policies, procedures and desk manuals that are developed to supplement the broader COSD and HHSA wide policies with program specificity. Program specific compliance related policies are developed with input from the HHSA Compliance Officer and are disseminated to program staff whose job functions are applicable.

### POLICY REVIEW SCHEDULE

HHSA Agency Compliance Office policies and procedures are reviewed every two years and updated as necessary. HHSA Program policies and procedures may be reviewed more frequently, based upon need, but are reviewed at minimum every two years and updated as necessary.

## COMPLIANCE PROGRAM STRUCTURE

In accordance with the regulatory mandates stipulated in Code of Federal Regulations 42CFR 438.608, and as further mandated within the agreement(s) between HHSA and the California Department of Health Care Services, the HHSA Agency Director, acting as the Mental Health Plan Director, has designated an HHSA Compliance Officer directly accountable to the HHSA Agency Director.

### COMPLIANCE OFFICER

The HHSA Compliance Officer reports directly to and has regular communication with the HHSA Agency Director. The HHSA Compliance Officer has authority and responsibility for the development, oversight and refinement of the HHSA Compliance Program. Duties include developing policy and procedure, coordinating training and education, conducting or arranging internal monitoring review, identifying compliance issues and trends, investigating and resolving compliance related complaints and promoting awareness and understanding of the HHSA Compliance Program standards. The HHSA Compliance Officer sits on the HHSA Executive Leadership team and chairs the HHSA Compliance Committee.

The COSD HHSA designated Compliance Officer is:

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Group Program Manager, Compliance  
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### COMPLIANCE REGULATORY STEERING COMMITTEE

The HHSA Compliance Regulatory Steering Committee (CRSC) is established to provide guidance, consultation, feedback, and direction for the operations, development, and continuous improvement of the Compliance Program. The HHSA Compliance Officer is the chair of the CRSC and convenes the committee on a monthly basis. The HHSA Compliance Officer develops the agenda for the CRSC, which is conducted as an attorney-client privileged, deliberative meeting.

Members of the CRSC include, at minimum, the HHSA Agency Director, HHSA Compliance Officer, HHSA County Counsel, and HHSA Chief Operations Officer.

## TRAINING

### COMPLIANCE OFFICE TRAINING AND EDUCATION

The HHSA Compliance Officer shall complete training sufficient to satisfy the requirements to maintain certification with the Society of Corporate Compliance and Ethics, or similar organization. Such training shall include an emphasis on health care program compliance elements.

The HHSA Compliance Office shall have active participation in professional trade organizations such as the California Privacy, Security, and Compliance Official (CaPSCO), Association of Certified Fraud Examiners; and/or other organizations as appropriate.

### HHSA EMPLOYEE COMPLIANCE TRAINING

HHSA employees shall participate in countywide, HHSA, and department specific compliance related training. The HHSA Compliance Office shall be responsible for providing or coordinating HHSA compliance training, and HHSA programs shall be responsible for ensuring that program employees participate in compliance related training specific to their departments. Training may be provided in a variety of delivery methods including live, web-based, attestation, or through HHSA's online Learning Management System (LMS). HHSA Human Resources maintains records of employee training.

## COMMUNICATION

### COMPLIANCE COMMUNICATIONS

HHSA Compliance policies and procedures are made available to employees through various methods including both internal and external website postings. Policies and procedures are communicated to employees through the County of San Diego Learning Management System (LMS), live trainings, and through periodic bulletins which are distributed via email to all employees as well as posted on the Compliance website.

Additional program specific policies and procedures are developed with input from the Compliance Officer and communicated specifically to HHSA employees within individual programs. These policies and procedures are made available on HHSA program internal websites, as well as communicated through LMS, live trainings, and departmental meetings.

### CONFIDENTIAL REPORTING

The County of San Diego and HHSA Compliance manage confidential reporting systems which allow for employees, contractors and members of the public to report any suspected violations of federal, State, County and/or HHSA regulation, policy or procedure in a secure method. In addition to the confidential methods, employees, contractors and members of the public may contact the HHSA Compliance Officer to discuss any suspected violations. Compliance Office contact information is published on both internal and external County websites. Additionally, posters which outline the County of San Diego confidential hotline are required to be posted in all HHSA facilities and at the facilities of HHSA contracted providers as detailed in contract agreement specifications.

## ENFORCEMENT

### ENFORCEMENT OF STANDARDS, POLICIES AND PROCEDURES

Methods for communicating suspected or actual violations of any statute, regulation or guideline applicable to federal or State healthcare programs, any law or regulation, the County of San Diego Code of Ethics, HHSA Code of Conduct, or program policies and procedures, are communicated to employees and members of the public on both internal and external Compliance websites, within all Compliance trainings whether delivered in-person or through LMS, as well as via Hotline posters which are located in all staff work areas.

Issues reported are investigated thoroughly and vetted through the HHSA Human Resources Department for appropriate consistency and confidentiality of disciplinary action. Human Resources disciplinary guidelines are communicated to all employees at time of hire and reinforced through the annual Code of Conduct attestation.

### SANCTION SCREENING

HHSA will not knowingly engage, employee or otherwise do business with any individual or entity who is excluded, debarred, suspended or declared ineligible from participating in procurement activities under the Federal Acquisition Regulation or from participating in non-procurement activities under regulations issued under Executive Order No. 12549, or who has been suspended or declared ineligible by the State from participating in the Medi-Cal program.

All employees are screened for sanctions prior to employment, and monthly thereafter. Contractors are screened semi-annually by the HHSA Agency Contract Support division, and contractors are required to perform screening for their employees as detailed in Agreement language.

## MONITORING

The County of San Diego and HHSA both maintain internal auditing programs to ensure compliance with federal, State, County and departmental regulations, policies and procedures. HHSA internal monitoring may occur at the program level

through Quality Management reviews or through Contract or Compliance reviews which are based upon organizational risk assessment.

The County of San Diego and HHSA, as reinforced in both the Code of Ethics and Code of Conduct, require employees to report in good faith, any known or suspected violation of a regulation, policy or procedure to their supervisor, manager, or other management staff within their reporting structure. Employees have the option of reporting their concerns to Human Resources, the Compliance Officer, or through the County of San Diego confidential hotline.

## INVESTIGATION

### INVESTIGATION OF REPORTS

Upon receiving a report of suspected or real fraud, waste, abuse, or other improper conduct, or upon the identification of a potential or real compliance issue in the course of monitoring, the Agency Compliance Office will investigate the allegation promptly and thoroughly. Should the content or subject of the investigation have the potential for real or perceived conflict within the Agency Compliance Office, the investigation will be referred to another party for investigation at the direction of the Agency Director.

### CORRECTIVE ACTION

If at the conclusion of an investigation it is deemed that the allegation was substantiated, and that there has been a violation of law, policy or procedure, corrective or mitigating actions will be recommended which may include policy, procedure or program review and improvement, or employee disciplinary action. If the investigation pertains to a contractor, mitigations may include corrective action notices, placement on a contract risk report, or further contractual sanctions through the Department of Purchasing and Contracting.