

# CareMax National Care Network, LLC Compliance and Privacy Program Description

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## Contents

Purpose .....	3
Scope .....	3
Element 1: Written Policies, Procedures, and Standards of Conduct .....	3
Element 2. Compliance Leadership and Oversight .....	3
Element 3: Training and Education .....	4
Element 4. Effective Lines of Communication.....	5
Element 5. Risk Assessment, Auditing, and Monitoring .....	5
Element 6. Enforcing Standards .....	6
Element 7. Responding to Detected Offenses and Developing Corrective Action Initiatives .....	7
Contacting Compliance or Making a Report .....	8
Definitions .....	8
Related Policies.....	9
References.....	9
Change Log .....	9

## Purpose

CareMax National Care Network, LLC (CNCN) is committed to maintaining an organizational and accountability structure which supports an effective Compliance Program (“Program”) in accordance with 42 CFR § 425.300 - Compliance plan. CNCN actively maintains an effective Program to prevent, detect, and correct instances of fraud, waste, and abuse (FWA) and noncompliance with applicable state and federal laws and regulations.

The activities comprising the Program help the CNCN Accountable Care Organization (ACO) meet its mission and vision. The Program also fosters compliance with the appropriate laws, rules, and regulations that pertain to all forms of information, including Protected Health Information (PHI), Personally Identifiable Information (PII), or Sensitive Information (SI), that is used or disclosed by CNCN.

This document describes CNCN’s Compliance Program, including required internal processes, reporting, and accountability structure.

## Scope

The Compliance Program applies to all CNCN Partners, including team members, physicians, officers, managers, volunteers, interns, governing body members (Board of Directors), vendors/contractors, and employees of any contractor or related entity that is acting on behalf of the CNCN Medicare Shared Savings Program (MSSP).

## Element 1: Written Policies, Procedures, and Standards of Conduct

CNCN maintains and disseminates the *CNCN Compliance Program Description*, the *CareMax Code of Business Conduct and Ethics (“Code of Conduct”)*, and CareMax compliance and privacy policies and procedures (P&Ps) to instruct and advise all CNCN Partners on the ACO’s commitments, responsibilities, and expectations. Each new CNCN Partner receives notice about the availability of the *CNCN Compliance Program Description*, the *Code of Conduct*, and CareMax compliance and privacy P&Ps at the time of hire/appointment/engagement, annually thereafter, and when material changes are made to the content of a specific document.

The CareMax compliance and privacy P&Ps are enforced by the Compliance Team and Executive Leadership Team and adhered to by all team members, as appropriate. Additionally, each department is required to implement compliant, department-specific P&Ps that support the regulatory and contractual obligations that impact their operations. The Compliance Team will work directly with departments, as appropriate, to implement departmental P&Ps.

The Compliance Program and P&Ps are reviewed/revise at least annually and more frequently if needed. All compliance documentation is approved by the CareMax P&P Committee and the CNCN Compliance Committee.

## Element 2. Compliance Leadership and Oversight

### *CNCN Board of Directors*

The CNCN Board of Directors (“Board”) is the sole and exclusive governing body authorized to make final decisions on behalf of CNCN. The CNCN Board members have a fiduciary duty to CNCN and are responsible for oversight and periodic review of the Program. The Board members adhere to the CNCN bylaws which outline the requirements for Board composition, such as the inclusion of a Beneficiary Representative, disclosures of potential conflicts of interest, responsibilities for board participation, conduct of meetings,

record of votes, and meeting minutes. CNCN bylaws, policies, and procedures are in place to ensure the interests of the beneficiaries and providers are represented adequately.

### ***CNCN Compliance Committee***

The CNCN Compliance Committee is responsible for the planning, implementation, and periodic review of the Program; review of compliance and privacy documentation; evaluation of compliance and privacy risks; and for authorization of operational initiatives to support the Program.

The CNCN Compliance Committee's responsibilities include:

- Meeting, at a minimum, on a quarterly and on ad hoc basis;
- Recommending and monitoring the development of internal systems and controls to carry out CNCN standards, policies, and procedures while maintaining compliance with regulatory requirements;
- Reviewing and addressing monitoring and auditing reports in which CNCN is at risk of noncompliance or FWA, and ensuring corrective action plans are implemented and monitored;
- Reviewing results of ongoing monitoring of operational areas to ensure compliance with MSSP and other regulatory requirements and remediation for instances of noncompliance;
- Reviewing reported issues of noncompliance and FWA, and their investigations; and
- Developing methods to effectively promote compliance throughout the organization.

The CNCN Compliance Committee is comprised of key senior leadership from the primary CNCN operational and clinical areas to ensure the Committee has visibility into operations across the ACO. Minutes from CNCN Compliance Committee meetings are maintained for a minimum of ten (10) years.

### ***CNCN Compliance Officer***

The CNCN Compliance Officer serves as the Chairperson of the CNCN Compliance Committee and does not serve as legal counsel to CNCN. This position provides recommendations regarding compliance and privacy matters to the CNCN Board of Directors at least annually. The CNCN Compliance Officer may bring any compliance or privacy matter that may result in any form of criminal or civil penalty against CNCN to the immediate attention of the following individuals:

1. CareMax CEO;
2. CareMax Chief Compliance & Privacy Officer; and/or
3. Chairperson of the CNCN Board.

The CNCN Compliance Officer reports up through the chain of command to the CareMax Chief Compliance & Privacy Officer (CCO) and is a member of CareMax Compliance Department. The CareMax CCO reports directly to the CareMax CEO and reports compliance and privacy program activity updates to the CareMax Board of Directors at least quarterly.

## **Element 3: Training and Education**

Compliance and privacy awareness and educational materials are provided and made available to all CNCN Partners as outlined in CareMax's *ACO Participant Compliance Training Policy*.

As part of its annual education plan, the CareMax Compliance Department provides general compliance program and FWA training to all team members as well as education on the *Code of Conduct* and HIPAA Privacy Rule during new employee orientation and annually thereafter. Content is reviewed and revised (as needed) at least annually to reflect changes in laws, regulations, and/or compliance requirements. In

addition, specialized training is provided to designated CNCN Partners, team members, and contractors as needed.

CareMax retains all ACO Participant training records and expects ACO Participants to retain all training records for a period of ten (10) years from the final date of the ACO Participation Agreement period or from the data of completion of any related audit, evaluation, or inspection, whichever is later, in accordance with 42 CFR § 425.314 - Audits and record retention.

## **Element 4. Effective Lines of Communication**

CareMax maintains a toll-free compliance hotline that is available 24 hours a day, 7 days a week (**1-800-672-3039**) for CNCN team members or contractors, CNCN Partners, and other individuals or entities performing functions or services related to CNCN activities to anonymously report suspected problems related to CNCN. Individuals may also report their concerns anonymously via the Internet using an alias at [www.ReportAnIssue.com/CareMax](http://www.ReportAnIssue.com/CareMax). This information is publicized via CNCN Partner educational materials and on [www.CareMax.com](http://www.CareMax.com).

The CareMax Compliance Department logs, investigates, and responds to all compliance hotline calls, as well as other applicable inquiries. Callers to the compliance hotline may remain anonymous if they wish to the extent feasible and permissible by law. There is a non-retaliation policy to protect reporters who, in good faith, report a concern or question about potential or actual noncompliance or FWA. A failure to report suspected unethical or unlawful conduct is harmful to the integrity of CNCN and is a potential Program violation.

The CareMax Compliance Department also maintains an email address ([compliance@CareMax.com](mailto:compliance@CareMax.com)) as additional means of communication with CNCN Partners and team members.

## **Element 5. Risk Assessment, Auditing, and Monitoring**

Risk identification, monitoring, and auditing are important aspects of the CNCN Compliance Program. The CNCN Board must ensure adequate resources are dedicated to auditing and monitoring efforts so risk areas may be appropriately addressed.

Comprehensive compliance risk assessments are conducted at least annually to identify and rank areas of potential risk to the organization. The Compliance Team uses risk assessment results to develop compliance work plans intended to address key risk areas.

Monitoring and auditing are performed through multiple channels (internal and external) and may include risk assessments; departmental and compliance monitoring of operational areas and facilities; focused audits; reviews of newly promulgated laws and regulations; and/or member and provider feedback. Internal audits of CNCN and vendor processes may take the form of desk reviews; walkthroughs; or announced/un-announced on-site visits. CNCN may also choose to engage independent third parties to audit specific processes and operations against applicable regulatory standards.

Monitoring and auditing results are reviewed by the CCO, senior leaders, and the CNCN Compliance Committee. As necessary, the audited operational area may be required to implement a corrective action plan (CAP) to manage the remediation of the identified issues. Findings and the resulting CAPs may be reported to senior management and the CNCN Compliance Committee.

### ***OIG/GSA Exclusion Monitoring***

CNCN reviews team members, physicians, officers, managers, volunteers, interns, governing body members (Board of Directors), vendors/contractors, and employees of any contractor or related entity that is acting

on behalf of CNCN against the Department of Health and Human Services' (HHS) Office of Inspector General's (OIG) List of Excluded Individuals/Entities (LEIE) or the General Services Administration (GSA)'s exclusion records in the System for Award Management (SAM) prior to their hire/engagement/appointment and monthly thereafter, to ensure that none of these persons or entities are excluded from participating in federal healthcare programs.

### ***Monitoring and Auditing of Third Parties***

CNCN may contract with third parties to administer or support the services provided to patients. These third parties must abide by CNCN's contractual agreements and regulatory requirements. Various departments and business areas are responsible for overseeing the ongoing compliance of vendors using desk reviews, on-site audits, monitoring of self-audit reports, etc. Appropriate corrective actions are implemented on a timely basis when remediation is required. Oversight activities and results are regularly reported to senior management and the CNCN Compliance Committee.

### ***Participating in Audits by External Auditors and Regulatory Agencies***

CNCN participates in audits performed by external auditors and regulatory agencies. CNCN views regulatory reviews and audits as an opportunity to review its compliance status, including confirmed compliance or noncompliance. In cases where a review or audit outcome indicates that CNCN has not met a regulatory requirement, CNCN uses the audit findings to perform root cause analysis and develop corrective action plans to address identified areas of noncompliance, as appropriate.

## **Element 6. Enforcing Standards**

### ***Disciplinary Actions***

An integral part of CNCN's Compliance Program is the *Code of Conduct* which establishes the standards that all CNCN Partners must follow. The *Code of Conduct*—along with compliance and privacy P&Ps and ongoing training and education—outlines the expectations of ethical behavior and compliance with applicable laws and regulations. Every CNCN Partner must abide by the *Code of Conduct* and report situations where one believes noncompliant or unethical conduct may have occurred.

CNCN publicizes its disciplinary standards for all CNCN Partners—including the duty to report issues and concerns—through a variety of mechanisms which may include websites, presentations, meetings, email messages, and/or training sessions. CNCN enforces disciplinary standards in a timely, consistent, and effective manner. Disciplinary actions are the result of noncompliant actions—they may be educational or remedial and non-punitive, they may be punitive sanctions, or they may involve both. Disciplinary action taken is appropriate to the egregiousness of the violation. Serious or severe performance or conduct problems may result in immediate written notice and/or termination of employment or contract.

### ***Incentives***

CareMax incentivizes individuals for their participation in the Compliance Program by recognizing a quarterly Compliance Champion and through other methods. The Compliance Champion is an individual who goes above and beyond their day-to-day responsibilities to support compliance efforts. A Compliance Champion may be identified proactively by the Compliance Team or through nominations. Some examples of Compliance Champion behaviors include:

- Demonstrating exemplary achievement of compliance goals or knowledge of compliance topics;
- Achievements that reduce compliance risk (e.g., developing a process that reduces compliance risk or enhances compliant outcomes); or

- Performance of compliance activities outside of the individual’s job description (e.g., mentoring of team members in compliant performance or performing as a compliance representative within their department or team).

## **Element 7. Responding to Detected Offenses and Developing Corrective Action Initiatives**

### ***Investigations of Potential Violations***

Any CNCN Partner or other individual aware of a potential or actual violation of the *Code of Conduct* has a duty to report it to their supervisor, the Compliance Department, CCO, through the compliance hotline, or using other available reporting mechanisms. Allegations of noncompliant conduct are treated independently and confidentially and are investigated immediately and thoroughly. Investigations may involve interviews, reviews of relevant documentation and data, email searches, and independent audits or forensics. Investigations are used to substantiate or invalidate a report and to determine whether, and what kind of, reporting is necessary, including reporting to external oversight bodies. As needed, external counsel, auditors, or health care experts may be engaged to aid with an investigation.

CNCN enforces disciplinary standards that result from substantiated reports of noncompliance, misconduct, or FWA. All substantiated reports of noncompliance, misconduct, and FWA allegations are reviewed with the CNCN Compliance Committee and executive leadership.

Regardless of the size or severity of the violation being investigated, a contemporaneous record of the investigation is maintained, so that a record of the investigation can be compiled. The record will include:

- documentation of the alleged violation;
- a description of the investigative process;
- copies of interview notes and key documents;
- a log of the witnesses interviewed and the documents reviewed;
- the results of the investigation; and
- any disciplinary action taken or corrective action implemented.

Investigation records are maintained for a period of ten (10) years.

### ***Corrective Actions***

Incidents of noncompliance may be identified through a variety of sources, such as, but not limited to, self-reporting; internal monitoring and audits; regulatory agency audits including but not limited to CMS and the OIG; hotline calls; external audits; or provider or patient complaints. Whenever CNCN identifies an incident of noncompliance, misconduct, or FWA, the company takes prompt action to investigate the matter, determine root cause, and develop effective corrective action measures.

The CNCN Compliance Program maintains a process for tracking, investigating, and responding to reports of potential and actual noncompliance and FWA issues. The CCO or their delegate will conduct a timely, reasonable inquiry upon evidence of misconduct. The CCO and the Compliance Team oversees the resulting corrective actions and follow-up activities.

Any time an incident of misconduct or noncompliance is discovered or a department’s process or system results in noncompliance with regulatory requirements, the department may be required to submit a corrective action plan (CAP) to the Compliance Team or CCO. CAPs represent a commitment from the

department to correct the identified issue in a timely manner and specific tasks to be completed, completion dates, and responsible parties. The CCO or their delegate is responsible for approving CAPs in advance of implementation.

The CCO or their delegate systematically tracks and monitors CAP progress and requires business departments to provide interim updates on their CAPs. Once a CAP is complete, the Compliance Team validates the CAP by monitoring individual action items over a period of time to demonstrate sustained compliance. The CNCN Compliance Committee is charged with reviewing ongoing activity to ensure CAPs are being worked timely.

### ***Reporting***

When appropriate, CNCN will notify regulatory authorities of aberrant findings. Such reporting may include voluntary disclosure of misconduct or FWA identified by the company. The decision to disclose may be made in conjunction with the guidance of legal counsel.

As a general matter, if credible evidence of misconduct from any source is discovered and, after a reasonable inquiry, the CCO or legal counsel has reason to believe that the misconduct may violate criminal, civil, or administrative law, then CNCN should promptly (not more than 60 days after the determination that credible evidence of a violation exists) notify the appropriate government authority of the misconduct.

Some violations may be so serious that they warrant immediate notification to governmental authorities, prior to, or simultaneous with, commencing an internal investigation. This includes conduct that:

- is a clear violation of criminal law;
- has a significant adverse effect on either patient safety or the quality of care provided to patients (in addition to any other legal obligations regarding quality of care or abuse or neglect); or
- indicates evidence of a systemic failure to comply with applicable laws or other standards of conduct, regardless of the financial impact on Federal health care programs.

## **Contacting Compliance or Making a Report**

Team members may use any of the following means to make an inquiry to the Compliance Team or to make a report on suspected noncompliance or FWA without fear of retaliation:

- Reach out to your immediate supervisor
- Contact the CareMax Compliance Team at: [Compliance@CareMax.com](mailto:Compliance@CareMax.com)
- Contact the CareMax Chief Compliance Officer
- Call the confidential and anonymous compliance hotline at: 1-800-672-3039 or submit a written report at <https://reportanissue.com/caremax>

## **Definitions**

This Policy may contain capitalized terms not defined herein. For complete definitions of such terms, please refer to the Medicare Managed Care Manual, Chapter 21, “Compliance Program Guidelines”, <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/mc86c21.pdf> (or any policies or regulations promulgated by the Centers for Medicare & Medicaid Services (CMS) from time to time to update or replace Chapter 21).



## Related Policies

- *CareMax Code of Business Conduct & Ethics*
- *CareMax Compliance Program*
- *CareMax Fraud, Waste, and Abuse Program*

## References

- 42 CFR § 425.300 - Compliance plan
- 42 CFR § 425.314 - Audits and record retention
- Office of the Inspector General’s (OIG’s) General Compliance Program Guidance, November 2023, at <https://oig.hhs.gov/documents/compliance-guidance/1135/HHS-OIG-GCPG-2023.pdf>
- Medicare Managed Care Manual, Chapter 21, “Compliance Program Guidelines”

## Change Log

Version	Major/Minor Revision?	Date	Name	Comments
1.0	Major	April 26, 2023	Chief Compliance Officer	Initial release
2.0	Major		Chief Compliance Officer	General revisions throughout