

**VAN BUREN COMMUNITY MENTAL HEALTH AUTHORITY
POLICIES & PROCEDURES**

Title: Response to Government Investigations
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Approved By: Executive Team

DIRECTIVE:

The purpose of this procedure is to establish a mechanism for the orderly response to government investigations to enable Van Buren Community Mental Health Authority to protect its interests as well as appropriately cooperate with the investigation. This procedure will apply whether government investigators arrive unannounced at Van Buren Community Mental Health Authority or the homes of employees and seek interviews and documentation.

PROCEDURES:

1. Personnel Greeting an Investigator

- Determine the investigator(s) identity, and, if possible, obtain picture identification of all individuals seeking access. Make a written record of all names and other identifying features on nametags or badges worn by the investigator(s).
- Notify the Corporate Compliance Officer of the investigator(s)' presence as soon as possible. If the Corporate Compliance Officer is not available, notify the Chief Executive Officer. Escort the investigator(s) to a private office and remain with them until the Corporate Compliance Officer and/or Chief Executive Officer arrives.

2. All Van Buren Community Mental Health Authority Personnel

- Be Courteous At All Times - Even if the investigator(s) adopts a hostile attitude, you should maintain a courteous, businesslike demeanor. Remember that the investigator(s) is only doing his/her job.
- Be Cooperative – If you have nothing to hide, you need not act as if you do. Remember, however, that you need **not** volunteer information to which the investigator(s) has **no** legal right.
- Be Observant – The objective of the investigator(s) and Van Buren Community Mental Health Authority is to gather as much information as possible.
- Be Calm – Inquiries and investigation have become more commonplace in the Medicare and Medicaid programs.

3. Corporate Compliance Officer

- Contact Van Buren Community Mental Health Authority's Chief Executive Officer.
- If the investigator(s) is in possession of some form of legal authorization, for example a subpoena or search warrant, you will be given a copy. The Corporate Compliance

Officer should make a copy of the subpoena or search warrant right away. If the investigator(s) has a search warrant, it should designate the specific office space, documents, and time frames subject to the search.

- If the investigator(s) presents a subpoena (called a “Subpoena Duces Tecum”), a copy of the subpoena should be forwarded to the Corporate Compliance Officer, Chief Executive Officer and Corporate Compliance Attorney. The subpoena will have a time frame within which Van Buren Community Mental Health Authority will be required to produce the documents. Generally, there is no need to furnish documents to the investigator(s) at the time the subpoena is served.
- Ask the investigator(s) to explain the nature of the suspected offence, if possible. The investigator(s) may not be at liberty to disclose the specific issues under investigation, but may be willing to give information on the concerns that provoked the visit.
- If the investigator(s) is seeking to enforce a search warrant, recommend to the Chief Executive Officer that all nonessential personnel in the affected area be dismissed or reassigned for the day.
- If a search is being conducted, the Corporate Compliance Officer should accompany the investigator(s). The Corporate Compliance Officer should attempt to negotiate an acceptable methodology with the investigator(s) to minimize disruptions and keep track of the progress. Considerations include the sequence of the search; whether investigator(s) are willing to accept copies in place of originals; and if so, who will make the copies and how; and arrangements for access to records seized. The Corporate Compliance Officer should assist the investigator(s) in locating the information covered in the search warrant. The Corporate Compliance Officer should keep track of all files taken. At the end of the search, the investigator(s) should be asked to provide an inventory of materials taken.
- If there is any possibility that the search will compromise privileged information, Van Buren Community Mental Health Authority should object on that basis. The Corporate Compliance Officer will negotiate a methodology to protect the confidentiality of any privileged information pending a resolution to these objections. The privileged documents should be segregated and put into a secure place until the issue is resolved.
- If the investigator(s) seeks an interview with Van Buren Community Mental Health Authority personnel, past or present, provisions should be made for the Corporate Compliance Officer to be present at the time of the interview. Interviews by an investigator(s) are never mandatory unless compelled by a subpoena for a formal disposition. Any Van Buren Community Mental Health Authority personnel, past or present, has the right to decline an interview without legal process, and always has the right to be represented by counsel at such an interview.
- Van Buren Community Mental Health Authority has the right to stop an interview at any time, with a request that the investigator(s) return when counsel is present. Legal counsel should be present whenever possible.
- The Corporate Compliance Officer will complete a report of the investigation for the Chief Executive Officer, and Corporate Compliance Counsel.