

Building Blocks Developmental Preschool

Updated 10/2025

CORPORATE COMPLIANCE PROGRAM

The elements of a compliance program are: written policies and procedures, leadership and oversight, effective training, open communication, internal monitoring and auditing, enforcing standards through consequences and incentives, and promptly responding to offenses with corrective action. These elements work together to create a culture of compliance and help organizations to effectively operate in a collaborative and ethical manner.

I. Organization Overview

Building Blocks Developmental Preschool is an entity incorporated under the laws of the State of New York and is governed by a Board of Directors consistent with the provisions of our by-laws and articles of incorporation.

Building Blocks Developmental Preschool is approved by the New York State Education Department to provide special education services and programming pursuant to the provisions of Section 4410 of the New York State Education Law. Building Blocks Developmental Preschool is subject to the following additional laws and regulations:

- Federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) and regulations thereunder (34 CFR Part 99); and
- Individuals with Disabilities Education ACT (IDEA) and regulations thereunder (34 CFR Part 300).
- New York State Office of Children & Family Services

In accordance with the terms of such state agency approval and consistent with the terms of certain contracts and/or agreements with specific municipalities (or school districts) on whose behalf Building Blocks Developmental Preschool provides such approved services, Building Blocks Developmental Preschool operates the following program(s) and provides the following services:

- Preschool special education programs and services including Multidisciplinary Evaluations, Special Instruction Preschool Classes and Special Instruction Classes in an Integrated Setting with accompanying IEP mandated speech therapy, occupational therapy, physical therapy, counseling/play therapy, and parent counseling when applicable; SEIT, and Related Speech Only (RSO).
- Universal Pre-Kindergarten programs (UPK) as defined in a contractual agreement with designated school districts. Currently, Building Blocks Developmental Preschool provides UPK services to the Commack Union Free School District pursuant to an annual renewable contract.

II. Mission Statement

Our mission is to create an environment of integrity and professionalism that will allow us to meet our goals of providing services that meet the highest of standards. Building Blocks Developmental Preschool is a not-for-profit preschool program committed to meeting the developmental needs of young children. We strive to assist children in reaching their fullest potential. We provide a warm, supportive and respectful environment for young children and their families. Our professional staff assesses children's needs, sets goals for each child and develops educational and therapeutic activities to address those goals. Through this experience, each child's self-confidence and self-esteem is fostered, enabling each child to achieve language, cognitive, social-emotional and physical gains.

III. Corporate Compliance Overview

In furtherance of its Mission Statement, Building Blocks Developmental Preschool has established a Corporate Compliance Program which promotes an organizational culture that encourages ethical conduct and a commitment to compliance with laws, rules and regulations which govern our operations while enhancing quality services to the children and families we serve. The Program integrates various systems of operations with an emphasis on internal and external audits, reviews, benchmarks and trends, is based on effective and open lines of communication and relies on measurements to assure sustainability and success. The Compliance Program is thereby incorporated into our operation which is committed to high standards of performance and quality of services.

IV. Compliance Plan, Specifically

Overview

In addition to any other program, policy or procedure relating to the organization and operation of Building Blocks Developmental Preschool, Building Blocks Developmental Preschool has developed, adopted and implemented a program and plan consistent with the provisions of Title 18 N.Y.C.R.R., Part 521, governing compliance programs for medical assistance providers, the components of which are set out below, including, but not limited to:

- written policies and procedures that describe compliance expectations as embodied in a code of conduct and ethics
- designation of a specific employee vested with responsibility for day-to-day compliance program operation
- training and education of employees and other affected individuals
- communication lines to responsible compliance contacts
- disciplinary policies to encourage good faith compliance program participation
- a system to routinely identify compliance risk areas
- a system for responding to compliance issues as they arise; and
- a policy on non-intimidation and non-retaliation for good faith compliance program participation.

Implementation of Plan

The Compliance Plan is effective immediately and continuously. All employees, officers, directors, and agents of Building Blocks Developmental Preschool shall be provided with a copy of this Plan and shall execute an acknowledgement of same, at which point they shall be expected to comply with the terms of the Plan. All employees, officers, directors and agents shall be instructed to direct any questions or concerns about the Plan to the Compliance Officer designated below.

Code of Conduct and Ethics

Overview

Building Blocks Developmental Preschool believes that a well articulated code of conduct and ethics provides the necessary context within which all members of our organization should function - a context which reflects the duties each individual owes to Building Blocks Developmental Preschool and the children and families we serve. Such a code not only provides a framework within which our staff, employees and administrators engage with each other and the students and families we serve, but also provides necessary guidance to employees and other affected individuals on addressing compliance issues through clear written policies and procedures which describe compliance expectations.

The code is designed to be clear, non-technical and easily understood to enhance its effectiveness. It has been approved by the Board of Directors of Building Blocks Developmental Preschool and is reviewed bi-annually thereafter to determine what, if any, modifications or changes are necessary to assure its continued effectiveness.

The Code applies to all employees, officers, directors and agents of the organization. It is intended to elaborate upon and supplement, but not replace, any obligations that otherwise exist under law or regulation, as well as the policies and procedures of applicable governmental agencies, including but not limited to Suffolk County Department of Health Services' Mandatory Compliance False Claims Policy (2007), and all other Building Blocks Developmental Preschool Procedures and Policies and as provided in Building Blocks Developmental Preschool's Employee Handbook or other statements. The Code of Conduct and Ethics is as follows:

A program's reputation for integrity is its most valuable asset and is directly related to the conduct of its officers, administrators and other employees. Therefore, staff members must never use their positions within the school or their positions with any of its students or families for private gain, to advance personal interests or to obtain favors or benefits for themselves, members of their families or any other individual, schools or business entities.

The school adheres to the highest legal and ethical standards applicable in our profession. The school's business is conducted in the strict observance of both the letter and the spirit of all applicable laws and the integrity of each employee is of utmost importance.

Staff members of the school shall conduct their personal affairs such that their duties and responsibilities to the school are not jeopardized and/or legal questions do not arise with respect to their association or work with the school.

Truthfulness

All employees, officers, directors and agents of Building Blocks Developmental Preschool are expected to be truthful at all times in conducting the affairs of Building Blocks Developmental Preschool. This includes, but is not limited to, truthfulness in completing internal and external hard copy and electronic documents on behalf of Building Blocks Developmental Preschool, as well as in oral communications both with internal Building Blocks Developmental Preschool staff and externally on behalf of Building Blocks Developmental Preschool.

The ethics of truthfulness must be reflected in all activities in which individuals associated with Building Blocks Developmental Preschool engage, including, but not limited to, the following:

Record Keeping

Preschool records mean any file, evaluation, report, study, letter, telegrams, minutes of meetings, memorandum, summary, interoffice and intraoffice communication, memorandum reflecting an oral conversation, a handwritten or other note, e-mail, chart, graph, data sheet, film, videotape, slide, microfilm or microfiche in computer readable form. Such records include all such materials pertaining to a child's participation Preschool Program and document the performance of activities including, but not limited to:

- written correspondence with or regarding the child/family
- notes recording any relevant discussions with parents, other providers, or municipalities regarding the child and family
- documentation of written notice(s) (if any) sent to the parent by the provider, including date of notice
- signed and dated parental consents relevant to service delivery and/or disclosure of information
- Individualized Education Plans (IEPs) and related documents
- service authorizations
- documentation demonstrating the provisions of services, including session/progress notes
- group attendance lists

- child/family reports, including evaluations (with relevant medical reports) and ongoing assessments related to the services provided
- physician orders and/or prescriptions; and
- such other record pertaining to the child/family.

Such records must be:

- dated
- accurate and appropriately descriptive of the activity
- contemporaneous with the activity
- free from any alteration; if altered, documentation of the process and reasons therefore
- maintained in the ordinary course of business; and
- maintained, retained and destroyed consistent with professional licensure laws and applicable guidance documents issued by the State Department of Health or any other regulatory agency.

The policies and procedures contained herein shall supplement the guidance provided by applicable guidance documents from the State Education Department such as Special Education Itinerant Teacher Guidelines (1993) and subsequent updates, Suffolk County Department of Health Services SEIT Procedures (2009) and subsequent updates, and Suffolk County Department of Health Services Division of Services for Children with Special Needs Related Services Policy and Procedure Manual.

Building Blocks Developmental Preschool incorporates policies and procedures that ensure accurate record keeping. Records are maintained in accordance with Section 4410(9)(c) of the NYS Education Law and subsequent guidance documents from our local municipality and in accordance with Part 200 Section of New York State Education Department Regulations and subsequent updates. These documents are maintained in the Executive Director's office and can be found in public records and on the internet.

Written correspondence between administrative personnel and families that relates to a child's services is maintained in the child's main file. Correspondence between service providers and families occurs primarily through communication notebooks, e-mail and Google classroom. E-mailed communication regarding a child's services must follow Building Blocks Developmental Preschool confidentiality policy after proper permission for communication is obtained.

Services for preschoolers are provided according to a child's IEP obtained by Building Blocks Developmental Preschool from a child's school district. Tracking systems are in place to assure that an IEP has been obtained. The IEP Coordinator is responsible for ensuring that the IEP has been received. Professionals assigned to provide services are responsible for checking that services listed on an IEP are accurate by comparing these services to Building Blocks Developmental Preschool CPSE Outcome forms completed following a child's CPSE meeting. Administrative staff is responsible for entering this information into the IEP computer system (CLAIMS). Any discrepancies are reported to the coordinator (via individual in-person contact or at weekly/monthly department meetings) and appropriate school districts are contacted to check meeting minutes and determine the accurate services.

A medical prescription is obtained for each child for occupational therapy, physical therapy and speech therapy, if he/she is found eligible for that service. Prescriptions are maintained in the child's main folder and a separate log book and uploaded into Suffolk County's DOH CPSE Portal System. The Director or designee (Assistant Director, Clinical Coordinator, administrative assistant) is then responsible for notifying the assigned provider that services can begin. For RSO and preschool program related services, therapies are provided in accordance with the child's IEP once a medical prescription has been obtained.

Each service provider is required to maintain session logs documenting dates of service provision. Session log notes are completed in compliance with ENTER CLAIMS, Suffolk County Department of Health RSO Policy & Procedures Manual, and SEIT Log Note Training and all subsequent updates. Updates include implementation of Nassau & Suffolk County's web-based billing system CPSE Portal/ENTER CLAIMS/CLAIMS which requires inputting of session log notes according to those procedures. Session Logs are used for attendance, record of services provided, documentation of adherence to IEP goals, review of child's progress, and documentation for billing. Session logs are reviewed periodically by the Director, Executive Director, Clinical Coordinator or designee. Logs are routinely monitored for content related to a child's performance and progress, provider attendance, child attendance, and accuracy of information. A parent signature sheet is maintained in each child's file and periodically monitored as well for RSO services. Parent feedback on SEIT logs is obtained during routine supervisory home visits and via supervisory observation/review and parent interview. Building Blocks Developmental Preschool does not typically provide home-based RSO services. Classroom teachers complete weekly task sheets for each child reflecting progress for specific IEP goals. The Educational Coordinator oversees the content and completion of the tasks sheets and requires weekly plans to be submitted by each teacher.

The Director or her designee prepares billing documents from child attendance, SEIT Log Notes and RSO Log Notes. Preschool program tuition billing is authorized through STACS generated from a child's IEP and respective school district. Most recently STACs are generated through CPSE Portal which allows for provider billing through that system.

Daily attendance is taken by the school nurse and recorded in an attendance log maintained in the nurses' office. Classroom attendance sheets are submitted and clerical staff enter preschool attendance into the CPSE Portal system. The nurse periodically compares her attendance log with the classroom attendance sheets

Building Blocks Developmental Preschool is an approved 4410 evaluator. Evaluations are performed by certified or licensed professionals. Approval for 4410 evaluations is obtained in writing from a child's respective school district through the CPSE Portal System. Authorizations are reviewed by the Director or Intake Coordinator or another designee and maintained in the child's billing file. All required documentation (i.e., child's medical form, parent permission to evaluate, Recipient of Social Security/Medicaid Form, birth certificate, etc.) is obtained by the Intake Coordinator prior to the evaluation. Prior to any speech, OT or PT evaluation a Recommendation or script for Evaluation is obtained from an approved licensure (medical doctor, licensed speech pathologist, etc). A checklist attached to the child's main folder is completed by the Director's designee. Billing for 4410 Evaluations occurs with the appropriate STAC generated by a child's school district, and then submitted to Suffolk County Department of Health.

All Building Blocks Developmental Preschool evaluations, progress reports, annual reviews prepared on behalf of NYSED are reviewed by the Director or designees. Documents are

prepared and maintained in accordance with Building Blocks Developmental Preschool's stated Confidentiality Policies and Procedures and professional certification and licensure protocol. Evaluations are reviewed for accuracy, clarity and adherence to eligibility guidelines.

The Director's designee enters all invoices in a billing ledger. This ledger as well as a copy of preschool invoices is forwarded to the accountant. When monies are received the Director's designee checks that the amounts match the ledger entries. Any discrepancies are investigated and the appropriate parties are notified (i.e. Suffolk County Department of Health).

Records reflecting expenditures are maintained by the Director and the Accountant. All expenditures must be approved by the Executive Director, Assistant Director or one of the coordinators. Staff may request specific materials and supplies necessary but they must be appropriate to the goals outlined herein and reflected in the school's mission statement. Purchase orders are completed by the supervisory staff and approved by the Director or Assistant Director prior to orders being placed. General and recurring office supplies are purchased by a designee appointed by the Director (paper, ink, etc.). An appointed designee also maintains an inventory log of major purchases.

Confidentiality

The confidentiality of a child's information is a cornerstone of Building Blocks Developmental Preschool's organizational ethos. All such information shall be treated with discretion, even internally. All disclosures of such information, even to a child's parent or guardian or other members of the child's caregiving team, shall be limited to the information necessary to disclose as required by the purpose of the disclosure, and shall at all times be within the limits of applicable laws and regulations, as well as the government's and Building Blocks Developmental Preschool's policies and procedures. Accordingly, all employees, directors, officers and agents of Building Blocks Developmental Preschool are responsible for ensuring the confidentiality of all personally identifiable information in all preschool records, as defined above, consistent with the provision of FERPA and other applicable provisions of law governing the confidentiality of records.

Specifically, the Compliance Officer, Directors, and Coordinators, or designees, shall:

- ✓ be responsible for ensuring the confidentiality of personally identifiable information in a child's records
- ✓ ensure that all records containing personally identifiable information are maintained in secure locations such as locked file cabinets or, while traveling, are in a secure brief case or file
- ✓ ensure that when records contain information about multiple children, a parent who requests access to his/her child's record only receives the record(s) pertaining to that child/family
- ✓ maintain a record of any individual who accesses children's preschool records and the purpose for which the record was accessed (with the exception of the parent, employees of municipality, providers, or State Department of Health staff or designees)

- ✓ assure that all employees, directors, officers, agents, contractors, consultants, and volunteers are informed about and are required to adhere to the confidentiality policies and procedures
- ✓ adhere to all legal requirements that protect preschool records containing sensitive information (such as sexual or physical abuse, HIV status, treatment for mental illness, the child's parentage, etc.)
- ✓ ensure the confidentiality of all information maintained in an electronic format; and
- ✓ should any question arise whether documents containing Medicaid identifying information may be released, contact the New York State Department of Health's Division of Legal Affairs, Bureau of Medicaid Law at (518) 408-1495, as directed by guidance documents governing confidentiality.

This policy reflects the directives contained in the State Department of Health Memorandum 2003-1, referenced herein and appended hereto.

Together with the Compliance Officer, the Director at Building Blocks Developmental Preschool is responsible for ensuring the confidentiality of personally identifiable information in children's clinical records. They assure that all policies are adhered to and make decisions regarding the institution of new procedures.

All records are maintained in file cabinets that are locked when unattended by the administrative staff. These file cabinets are housed in the Directors' offices and other administrative areas. Access is granted only to those directly involved in the provision of service, the supervisor of those providers, and the administrative staff responsible for maintaining the record. Records that are not current but must be saved are housed in locked file cabinets in an on-site storage area. Information containing identifiable information that is not pertinent to a child's record is destroyed by shredding.

No records are stored off-site. When it is necessary to transport a file containing pertinent or identifiable information (i.e. to attend a child's CPSE meeting), that file is brought to the meeting by the qualified personnel attending the meeting and returned immediately following. Employees of Building Blocks that provide direct service maintain 'working' files. These files may include some identifiable information such as current daily log notes. As a result, each direct service provider is required to sign a confidentiality statement and a policy statement to ensure the privacy of a child's information. These files are also maintained in a secured location.

The Executive Director makes day to day operating decisions for reviewing and approving IT plans and procedures. Building Blocks uses a third-party provider for IT. All users on the school network have unique user IDs and passwords. The Executive Director determines and controls user access and the IT consultant implements it. IT controls are tested regularly by the IT consulting firm (GIM Electronics) and verbal reports are given to the Executive Director. The server is kept on site in a locked room with appropriate temperature controls and ventilation. The school has smoke detectors and an alarm system. Passwords are changed on all network computers on a predetermined schedule and on individual software programs as automatically prompted by the vendor (i.e., CLAIMS). BBDPS has a Sonicwall firewall and Datto Siris disaster recovery business continuity device.

Electronic records are stored on a server that is part of a Windows domain. These workstation computers are password protected and access to stored electronic information

is limited and granted only to the Directors, the Clinical Coordinator and the administrative staff responsible for maintaining those records. All removable electronic storage devices and backup tapes are stored in locked containers in specified secured locations. The computer network is protected from the internet by a firewall. No incoming traffic is permitted. Building Blocks Developmental Preschool has a secure file transport e-mail system which uses password protection, and encryption.

Faxes are sent using a cover sheet on Building Blocks letterhead containing a confidentiality statement. Faxes are only sent to previously notified persons so that they are available to personally retrieve the transmission.

Only authorized personnel are able to routinely access a child's record. Records are maintained in specified areas and are under the supervision of the Director and Assistant Director and their respective support personnel. When records are unattended the files or office remains locked. The Director maintains a current list of authorized personnel. Authorized personnel are known to the Directors and support staff. Only identified authorized personnel are permitted access to children's files.

Parents are notified of the process they must follow to inspect and review all records maintained in a child's file via a memo notification included in the initial packet provided to parents when their child begins receiving services.

A parent may review their child's record on-site in the presence of an authorized staff member. An administrator will be available to interpret information contained in the child's record. Copies of any record containing personally identifiable information requested by a parent is usually presented in person but can be mailed to the child or parent's legal address. Typically, there is no fee charged for copies of records requested by parents. The parent has the right to request an amendment to their child's file. In the event that the amendment is not mutually agreed upon, the parent and designated personnel from the child's school district will complete a form Parent Request for Amendment which will then be forwarded to the applicable school district CPSE chairperson for further action.

From time to time a parent will request that an outside professional come to Building Blocks Developmental Preschool to observe their child. Prior to any visit an Observation Appointment Form must be completed by the parent identifying the person, the reason for the visit and giving signed permission. The school psychologist assigned to the child's class coordinates the visit and accompanies the professional while they are at Building Blocks Developmental Preschool.

Building Blocks Developmental Preschool does not honor requests from other agencies or professionals for child records. If the parent requests, copies are provided to the parent to disburse at their own discretion. Occasionally, a parent requests or the need arises for verbal contact between professionals regarding a child's progress. Specific written consent for these communications is obtained from the parent. When a child relocates to a different school district, records are provided to that school district only with the expressed written consent of the parent.

Legality

Building Blocks Developmental Preschool is committed to conducting all of its affairs in accordance with applicable federal and state laws and regulations. Building Blocks Developmental Preschool employs only qualified personnel, the credentials of whom are initially checked upon interview. All relevant certifications and licensures are entered into the school's

main software program and tracked monthly by the secretary to the Director. Paper copies are maintained in the Director's office. It is the responsibility of this clerical staff member to collect all license and certification renewals, as well as to notify the Director of any expiring certifications. Current and proper licensure and certification is a requirement of employment. Should a staff member allow his/her credentials to lapse, they may not work until up-to-date documentation is provided to the Director. Most recently, the billing system for Suffolk County Department of Health will notify Building Blocks employees when their respective credentials require updating.

All new employees are required to be fingerprinted through the Office of Children and Family Services. They are furthermore required to complete the application for clearance through the State Central Register for Child Abuse and Neglect. New staff members are not allowed unsupervised contact with the students until such time as clearance is obtained. Current employees are required to be fingerprinted every 5 years. The Facility & Management Application System (FAMS) notifies a task-dedicated Building Blocks' employee who, in turn, notifies and the employee and monitors when new fingerprints have been received.

At the beginning of each school year and upon hire, all staff receive specific training pursuant to OCFS regulations and OSHA standards. The staff receives training from a registered nurse on regulations regarding infection control, universal precautions, and correct hand washing techniques, as well as the use and proper disposal of removable gloves. The staff is given handouts documenting this information and provided with posted notices in the classrooms and bathrooms. Throughout the year, any newly hired staff member is required to meet with the nurse to review these health and safety issues. Toys and equipment are cleaned and disinfected at minimum, weekly, or more often if necessary (i.e. any toy mouthed by a child would be disinfected before being used again). Staff is permitted to use a 1:9 bleach to water solution or approved bacterial killing agent. All community and center-based staff are required to maintain a log of their toy cleaning schedule. This log is then required to be submitted to the school nurse at the conclusion of the school year. A registered nurse (school nurse) annually instructs the staff on Proper Diapering Procedures. These procedures are posted in bathrooms and classrooms and are aligned with OCFS guidelines. Periodic checks are performed by supervisors/school nurse as part as part of routine classroom visits and supervision.

All professional personnel, in accordance with their respective licenses, as well as all employees of a facility maintaining a daycare license, are required by law to report suspected child abuse or maltreatment. A Summary Guide for MANDATED REPORTERS in New York State is provided to each professional when they are hired and annual training is provided to all Building Blocks employees.

Building Blocks Developmental Preschool follows all Health & Safety regulations and its facility is in compliance with applicable sections of 8NYCRR155 Regulations of the Commissioner of Education and in compliance with the New York State Uniform Fire Prevention and Building Code. A safety checklist is periodically (monthly) completed by a task-dedicated coordinator.

Building Blocks Developmental Preschool has many resources available to aid in day-to-day operations and unique incidents that may occur.

- Building Blocks Developmental Preschool has access to legal counsel to aid in the interpretation of laws and guidance documents and to provide assistance in matters pertaining to the rights of Building Blocks Developmental Preschool and its employees and families as they relate to the provision of services.
- Building Blocks Developmental Preschool outsources its Human Resources needs to Paychex in order to ensure fairness and equity in personnel matters.
- Building Blocks Developmental Preschool undergoes annual, independent fiscal audits as required by NYSED.
- Building Blocks Developmental Preschool relies on a diversified Board of Directors for guidance in the establishment of school policies.

Building Blocks Developmental Preschool's Board of Directors is comprised of members with expertise in a variety of professions including the legal, financial, educational and business arenas, as well as members with personal experience having had children with special needs. The Board of Directors meets routinely (typically four times a year) and more frequently should the need arise.

Avoidance of Conflicts of Interest

Purpose

The interests of Building Blocks Developmental Preschool and the children and families we serve are superior to the personal interests of any employee, officer, director or agent of Building Blocks Developmental Preschool and those interests must be protected when the personal interests of an individual are, or may potentially be, involved in any activity, transaction or arrangement undertaken by Building Blocks Developmental Preschool. Accordingly, all employees, officers, directors and agents of Building Blocks Developmental Preschool shall avoid even the appearance of any conflict of interest, whether or not such a conflict in fact exists. A conflict of interest exists when there is any motivation or incentive for an employee, officer, director, or agent of Building Blocks Developmental Preschool to act in a manner inconsistent with the best interests of Building Blocks Developmental Preschool.

Procedures

Building Blocks Developmental Preschool employs practices to further this goal. It is our policy that therapists may not provide private therapy to individuals identified through Building Blocks Developmental Preschool as needing a particular service. Additionally, therapists are cautioned that providing therapy to individuals within the age range of the treatment scope of this agency could be considered a conflict of interest.

Building Blocks Developmental Preschool employs a team approach in all aspects of service provision. Determination of Eligibility of Services and Determination of Eligibility for Continuation of Services occurs in accordance with New York State Department of Health and New York State Education Department Eligibility Guidelines. Service providers meet routinely at Department Meetings (i.e. Teacher, Speech Therapists, etc.), Classroom Team Meetings, and Child Specific Team Meetings. Meeting notes and attendance lists are maintained for these meetings. All evaluations, annual reviews, and progress reports are reviewed by the Director or

designees. This approach ensures that each child's needs are specifically met in conjunction with stated eligibility guidelines.

Caseload schedules are developed by the Directors and Coordinators and are updated routinely. All employees are expected to report personal absences in accordance with Building Blocks Developmental Preschool's Policy Handbook. It is expected that related services missed due to provider absences will be made up in a timely fashion. Missed sessions due to provider absences are tracked monthly and monitored by the Clinical Coordinator. Building Blocks Developmental Preschool makes every effort to provide substitute service providers for SEIT and RSO services in cases of provider absence. This practice helps to assure that all mandated services are provided. In cases of child absences, parents are asked to notify the school nurse. If a make-up session is required, providers must note the date of the scheduled service and the make-up date on their session log notes. Preschool service providers must keep individual child attendance lists, complete classroom attendance sheets, weekly task sheets and maintain daily session log notes.

Employees and agents of Building Blocks Developmental Preschool are advised to maintain only a professional relationship with families of children we serve. Activities such as staff attending family dinners or functions and relating on a first-name basis are strongly discouraged. Parents are encouraged to contact the Directors and coordinators of any situation that they feel conflicts with optimum delivery of service.

These practices help ensure that there is no motivation or incentive for an employee or agent of Building Blocks Developmental Preschool to act in a manner inconsistent with the best interests of Building Blocks Developmental Preschool or the families we serve.

Duty to Disclose

In relation to the appearance of any conflict of interest, whether or not such a conflict in fact exists, an employee, officer, director or agent must disclose the existence of the interest, financial or otherwise, on forms established therefore, and be given the opportunity to disclose all material facts to the Compliance Officer and such other individuals or committees as set forth in Building Blocks Developmental Preschool's by-laws. The operating authority, Compliance Officer and/or other designated individual or committee shall determine whether a conflict of interest exists.

Addressing a Conflict

In its review of the material facts, the Compliance Officer and/or other designated individual or committee may conduct, or have conducted, an investigation of alternatives to the transaction, activity or arrangement under review. Upon due diligence, such officers, individual or committee shall ascertain whether a more advantageous activity, transaction or arrangement exists which would avoid a conflict of interests and proceed accordingly

Violations

Any violation of the conflict-of-interest policy shall be subject to disciplinary and corrective action.

Provisions in the Code directing the avoidance of conflict of interest shall supplement any law, rule, regulation, guidance or directive from the State Department of Health or any other regulatory agency including the State Education Department, its "Statement on the

Governance Role of a Trustee or Board Member” or similar document, and the Office of the Attorney General and its publications governing the “Internal Controls and Financial Accountability for Not-for-Profit Boards”, and “Right from the Start – Responsibilities of Directors and Officers of Not-for-Profit Corporations” or similar documents, or any provision of any municipal contract through which Building Blocks Developmental Preschool provides early intervention services or preschool services relating to conflicts of interest.

By making full and accurate information available about its mission, activities and operations, Building Blocks Developmental Preschool demonstrates transparency and thereby, enhanced accountability. Building Blocks Developmental Preschool’s Board of Directors is a diversified group of individuals with expertise in a variety of areas. No member benefits from the formulation of policy.

Quality

All employees, officers, directors and agents of Building Blocks Developmental Preschool shall pursue the highest quality in the services provided to the children and families we serve. Each individual will adhere to the highest level of professionalism in the conduct of business with and on behalf of Building Blocks Developmental Preschool and shall undertake all necessary effort in the successful implementation of a child's IEP and the services described therein. All employees, officers, directors and agents of Building Blocks Developmental Preschool will conduct themselves with courtesy, respect and integrity in all activities associated with Building Blocks Developmental Preschool and shall work to assure the highest level of satisfaction with the services provided as measured through communication and dialogue with the child's parent and other responsible parties.

All employees, officers, directors and agents shall exercise prudent degrees of care, diligence and skill as appropriate to their responsibilities and shall use good judgment in the performance of all activities associated with and on behalf of Building Blocks Developmental Preschool. Policies are in place to provide support to the staff in relation to staff development and provision of appropriate materials for the implementation of services.

Building Blocks Developmental Preschool is committed to encouraging staff development by providing mandatory and optional on-site training for all professional and para-professional staff members as well as financial assistance for training seminars and conferences. In addition, professionals are required to complete at least the minimum continuing education credits mandated by each respective licensure. Furthermore, despite individual licensure requirements, all staff is required to obtain 30 hours of training over a two-year period in conjunction with Building Blocks Developmental Preschool day care license from New York State OCFS. Each staff member is required to maintain documentation and a Record of Training.

Most professional staff at Building Blocks Developmental Preschool are encouraged to maintain membership in professional organizations. Some of the organizations professional staff hold membership in include the New York Psychologists Association, the National Association for Education of Young Children (NAEYC), Behavior Analysis Certification Board, Applied Behavior Analysis International (ABAI), the American Speech and Hearing Association (ASHA), Long Island Speech & Hearing Association (LISHA), American Occupational Therapists Association (AOTA), National Board of Certification for Occupational Therapists (NBCOT), American Physical Therapists Association (APTA) all of whom have as their goal, the advancement of the science and practice of their respective fields.

Additionally, Building Blocks Developmental Preschool provides age appropriate and research-tested materials and supplies, as well as diagnostic protocols to its staff members to help guarantee the optimal delivery of service.

The Employee Handbook and Policy and Procedures Manual states policy related to professionalism, attendance and confidentiality. All employees sign a form attesting to their agreement of these policies.

Building Blocks Developmental Preschool adheres to a comprehensive interview process and depending on the position, includes a series of interviews with appropriate Coordinators as well as final interviews with a Director. All newly hired professionals are required to participate in a training and mentoring program for a specified amount of time depending upon prior experience.

Supervision of staff also helps ensure quality of service. Supervision is designed to be a cyclic process implying that the process is not a one time “drop-in” event, but rather a process that allows the supervisors and providers a series of events to enhance the performance of the direct provision of service. Generally, supervision includes on and off-site observations by coordinators and supervisors

The directors and/or the coordinators, to ensure professionalism and clarity of information, review written reports prepared on behalf of Building Blocks Developmental Preschool.

Parent participation at Building Blocks Developmental Preschool is welcomed and encouraged. Preschool classes provide many opportunities for parents and caregivers to participate in class activities and special events.

The Director and Assistant Director prepare a Parent Survey seeking parent feedback regarding the quality of the program. Results are shared with the staff and suggestions are incorporated into the curriculum when they are appropriate.

A school psychologist is assigned to each preschool class and together with the board-certified behavior analyst provide frequent and ongoing input in relation to classroom management, level of services, child specific behavior management, and implementation of IEP mandated Behavior Implementation Plans. A social worker is available to serve as liaison with families and staff as needed. The Educational Coordinator, with the support of the curriculum coordinator and clinical coordinator, manages the day-to-day operations of the school as well as providing routine mentorship and oversight.

Preschool team meetings occur weekly and provide opportunity for staff to seek guidance from other discipline providers, administrative personnel, as well as the school psychologists.

Parents and families of prospective preschool children are encouraged to view the program prior to determination meetings. Building Blocks Developmental Preschool hosts an Open School Night in early September to familiarize parents and families with staff and curriculum. Conferences for preschool parents are held twice a year and more frequently if needed.

Non-retaliation

The good faith participation of employees, directors, officers and agents of Building Blocks Developmental Preschool is assured and protected by the development and effective implementation of policies of non-intimidation and non-retaliation. Accordingly, no employee, officer, director or agent of Building Blocks Developmental Preschool shall intimidate or retaliate in any way against any individual acting in accordance with the Plan.

Prohibitions

More specifically, and consistent with the provisions of sections 740 and 741 of New York State Labor Law, no employee, director, officer or agent of Building Blocks Developmental Preschool may take any retaliation action against an employee, director, officer or agency because such individual:

- ✓ discloses or threatens to disclose to a supervisor or a public body an activity, policy or practice of Building Blocks Developmental Preschool that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety, which constitutes health care fraud; or which otherwise constitutes improper quality of care;
- ✓ provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into such violation of a law, rule or regulation of such employer; or
- ✓ objects to or refuses to participate in any such activity, policy or practice which is a violation of a law, rule or regulation or otherwise reasonably believed to constitute improper quality of care.

Application

The protection provided herein shall not apply to an employee, director, officer or agent who makes such disclosures to a public body unless such individual has brought the activity, policy or practice in violation of law, rule or regulation, or otherwise reasonably believed to constitute improper quality of care, to the attention of a supervisor of Building Blocks Developmental Preschool and has offered Building Blocks Developmental Preschool a reasonable opportunity to correct such activity, policy or practice. This exemption shall not apply to an action or failure to act where the improper quality of care presents an imminent threat to public health or safety or to the health of a specific child and such employee, director, officer or agent reasonably believes in good faith that reporting to a supervisor would not result in a corrective action. A Duty to Disclose form is distributed to all employees upon hire to be used at their discretion whether in name or anonymously.

Relief

An employee, officer, director or agent of Building Blocks Developmental Preschool who has been the subject of a retaliatory personnel action may initiate such legal actions and proceedings and request such relief to the extent provided in sections 740 and 741 of the New York State Labor Law.

Procedures

An employee, officer, director or agent of Building Blocks Developmental Preschool who believes they have been the subject of retaliatory personnel action shall report such alleged or suspected intimidation and/or retaliation to the Compliance Officer. The Compliance Officer shall investigate and address such allegation promptly, thoroughly and objectively and may receive assistance from any internal or external resource as the officer deems necessary or appropriate. All documents and relevant materials shall be confidential and shall not be kept in the personnel files of such individual. The Officer shall report frequency and types of alleged intimidation and retaliation as appropriate.

Compliance Officer

While responsibility for compliance rests with each employee, officer, director and agent of Building Blocks Developmental Preschool, managerial oversight for compliance rests with the Compliance Officer and Compliance Committee with the ultimate authority residing with the Board.

An effective compliance officer is key to assuring the successful implementation of the compliance plan. Such individual promotes a culture of integrity and informs decision making around service quality and excellence, supported by the resources of the entire organization.

1. Building Blocks Developmental Preschool's Compliance Officer ("CO") shall be an employee who is a key member of the senior management team, responsible for the day-to-day operation of the compliance plan and may also hold other responsibilities in accordance with terms of employment. The Officer shall possess the experience, training and integrity necessary to fulfill the responsibilities of the position. Such training and experience shall be in areas such as compliance and operations, including the business process of compliance and shall reflect an understanding of the laws, regulations and standards applicable to preschool and preschool special education programming.

The CO shall be advised that if his or her other work duties create any conflict with his/her ability to also function as CO, whether due to a conflict of interest or as a result of time limitations, the CO shall simultaneously report same to both Building Blocks Developmental Preschool's Director's and the Chair of Building Blocks Developmental Preschool's Board of Directors ("Board"). The CO shall have direct access to both the Director and the Board.

2. The CO's duties shall include, but not be limited to:

- providing appropriate guidance to departments within the organization and to the management relating to the meeting of statutory and regulatory obligations

- periodically attending education conferences, meetings or seminars designed to enhance his/her understanding of the effective development and implementation of the compliance program and identification and management of risk areas
- promoting compliance of and adherence to Building Blocks Developmental Preschool's Code of Conduct and all applicable rules, regulations and laws
- facilitating communication and activities throughout the organization on compliance related issues
- monitoring federal and state agency websites (e.g., OIG and OMIG) for guidance, reports, and other publications indicating potential areas of weakness in compliance
- accessing resources within and without Building Blocks Developmental Preschool to effectively design, implement and monitor the compliance program which shall include information about Building Blocks Developmental Preschool's organization and operations to best assess compliance and to identify weak areas. Accordingly, the CO shall have access to all relevant documents, systems and records necessary to fulfill his/her obligations and duties
- securing support from the Director and Board of Directors for compliance initiatives including incentivizing the reporting of compliance concerns and assuring no retaliation for such reporting activities
- revising the Compliance Program, including the Code of Conduct, as deemed necessary and appropriate and to reflect changes to applicable laws and regulations
- accessing outside counsel and consultants where necessary and appropriate
- developing and ensuring the effective implementation of a confidential system through which employees, officers, directors and agents of Building Blocks Developmental Preschool may express compliance concerns, and those concerns are appropriately addressed
- identifying patterns or issues related to compliance
- investigating expressed concerns of compliance; and
- substantiating the fulfillment of his/her duties and responsibilities through appropriate documentation.

3. The CO shall report regularly on compliance matters to Building Blocks Developmental Preschool's Executive Director. The CO shall also appear at a minimum of one meeting of the Board of Directors (the "Board") annually, at which time he/she shall present compliance activities undertaken on behalf of Building Blocks Developmental Preschool's to the Board.

Compliance Committee

The Compliance Committee shares oversight responsibilities with the CO and provides support to the compliance program. The Committee shall include senior management individuals and shall meet at least quarterly with the CO to share with the CO their individual assessments in their areas of expertise and to assist in identifying risk areas.

The Building Blocks Developmental Preschool Compliance Committee shall consist of the Assistant Director, Educational Coordinator, Clinical Coordinator, Curriculum Coordinator and the IEP Coordinator.

Training and Education

Overview

The effectiveness of the Compliance Plan is further enhanced by the provision of training to all employees and affected individuals to assure accurate, reliable and consistent information which will lead to improved compliance.

1. All employees, officers, directors and agents of Building Blocks Developmental Preschool shall receive training on Building Blocks Developmental Preschool's policies and procedures and specifically, the Plan, as well as the expectations of Building Blocks Developmental Preschool's management with respect to compliance with the Plan, at the time of hire or at such other time as such individual commences activities on behalf of or for the benefit of Building Blocks Developmental Preschool.

2. All employees, officers, directors and agents of Building Blocks Developmental Preschool shall also receive training at least annually on the Plan, including its operation as well as the expectations of Building Blocks Developmental Preschool's management with respect to compliance with the Plan; and such other compliance issues as the CO deems timely and appropriate at the time of the training.

3. Training provided in furtherance of the Plan shall be provided by qualified individuals and shall contain the following components:

- training shall be mandatory and carry sanctions for failure to attend or participate
- training materials shall be annually evaluated, consider relevant audits and investigations, include a variety of teaching methods, be provided in different languages (where appropriate) and be developed at appropriate reading levels
- training information shall be disseminated through a variety of means, including, but not limited to, newsletters, notices, posters, FAQs and intranet sites and may occur at regular staff meetings
- training and education shall be tied to changes in applicable laws, regulations and policies
- training shall address identified or potential weaknesses in current operations, including the development and implementation of corrective action plans when necessary
- training shall explain the importance of complying with applicable laws, rules and regulations and convey Building Blocks Developmental Preschool's commitment to compliance and high standards of integrity
- training shall include legal requirements relating to the False Claim Act and related laws
- training shall include review of disciplinary policies which encourage good faith participation in the compliance program; and
- employees, directors, officers and agents who receive training shall be informed of when and how to obtain additional assistance

All training shall be documented by sign-in sheets reflected in the minutes from meetings and/or tracked electronically.

Compliance Reporting Mechanisms

Overview

Open lines of communication are the corner stone of an effective compliance plan - a culture that encourages questioning and assures meaningful responses.

Communication Lines to the Compliance Officer

The Compliance Officer shall be wholly accessible to all employees, directors and agents of Building Blocks Developmental Preschool and the lines of communication to him/her will be open and inviting. Reporting of compliance concerns shall be encouraged through the conspicuous posting of such officer's contact information in high traffic areas, on intranet websites and in newsletters or other mechanisms of communication, and through inclusion in new staff orientation material and compliance training information.

1. All employees, officers, directors and agents of Building Blocks Developmental Preschool shall immediately report any suspected or known violations or violation of law, regulation or the Plan. Such report should typically be made to such individual's direct supervisor, who shall then convey the report to the CO. If such supervisor receives such report orally, he or she shall make the report to the CO in writing and shall identify the individual originally having made the report, unless such individual has requested anonymity. Anonymous reports will be received and disposed in a manner that protects anonymity while allowing a meaningful assessment of the concern, whether through an independent reporting path, or some similar means.

2. If, under the circumstances, an employee, officer, director or agent wishes not to or cannot practically make such report to his or her direct supervisor, such individual may:

(a) make such report directly to the CO; or

(b) make such report via voicemail left on CO's Building Blocks Developmental Preschool phone number which is password protected. The number is (631) 499-1237 Ext. 72. The CO shall monitor such voicemails and respond as set forth in the Plan; or

(c) complete Report of Compliance Concerns Form provided to every employee upon hire. This form can be mailed directly to the CO at Building Blocks Developmental Preschool, 29 Pinewood Drive, Commack, New York, 11725. The envelope should be marked Personal and Confidential and should be addressed to the attention of the Compliance Officer.

3. The CO shall document in writing any report received pursuant to the Plan.

Response to Compliance Concerns

Overview

A well articulated process of response to compliance issues is essential to assuring compliance with the applicable policies, laws and rules and regulations, whether such issues are raised by individuals or identified in the course of self-evaluations and audits. Accordingly, Building Blocks Developmental Preschool has developed the following policies and procedures to assure that compliance concerns are corrected promptly and thoroughly and that policies and procedures are adjusted and modified to prevent any re-occurrence.

1. Upon receiving a report from any source as to suspected or actual violation of law, regulation or the Plan, the CO shall conduct an investigation as necessary in order to determine whether the report is accurate or not. The CO may involve the Directors in designing such investigation and/or securing the resources necessary to conduct such investigation, if deemed appropriate by the CO. In the event involvement of the Directors would create or exacerbate any potential or actual conflict of interest in judgment of the CO, the CO may instead seek the involvement of the Chair of the Board.

2. The confidentiality and anonymity of any individual filing a report pursuant to the plan shall be safeguarded to the maximum degree reasonably feasible subject to the obligations imposed by the Plan.

3. At the conclusion of such investigation, the CO shall render a determination in writing as to whether such reported violation has been substantiated or not. The report shall also include the following information:

(a) A statement of any steps required to remediate any consequences of any substantiated violation; and

(b) A recommendation as to any modifications to Building Blocks Developmental Preschool's policies and/or procedures that should be made to prevent the recurrence of any substantiated violation.

4. The CO shall present such written determination to the Executive Director or the Chair of the Board if the Executive Director is a subject of the written documentation.

5. The Executive Director and the President of Board of Directors shall determine whether any further disclosures are warranted, including, but not limited to, any disclosures to any government agency.

Policies that Encourage Participation

Employees' meaningful participation in the Plan shall be encouraged through well-articulated incentives which shall include, but not be limited to, the inclusion of compliance responsibilities in performance plans and evaluations and the inclusion of compliance goals in department head performance plans relevant to such individual's specific function.

Accurate record keeping, confidentiality, quality of service and adherence to Building Blocks Developmental Preschool's policy & procedures that govern health & safety issues are inherent in every day practices. Additionally, supervision by the Executive Director, assistant director and coordinators, routine review of session log notes, task sheets, weekly lesson plans and written reports & evaluations, multiple attendance records, formal observations, scheduled team meetings, a diversified and active Board of Directors, a well-articulated Employee Handbook, explicit & specific expectations for employment and continued employment and active parent participation support transparency of practices and adherence to the Corporate Compliance Plan. Review of monitoring activities ensures that policies and procedures are effective in promoting compliance.

Disciplinary Policies

Overview

Meaningful participation in the Plan is also encouraged through clear, fair and consistent disciplinary policies supported by clearly articulated sanctions. Expectations for reporting compliance issues are, therefore, reinforced through succinct disciplinary protocols. At the core, all employees, officers, directors and agents have an underlying obligation to participate in good faith in investigations of compliance concerns, to be truthful with investigators and to preserve documentation or records relevant to investigations.

1. The following shall be deemed violations of Building Blocks Developmental Preschool's policies and shall warrant disciplinary action consistent with such policies:

(a) violating any law, regulation or the Plan while conducting the affairs of Building Blocks Developmental Preschool

(b) encouraging, facilitating, or permitting actively or passively any violation of law, regulation of the Plan by another individual conducting the affairs of Building Blocks Developmental Preschool

(c) failing to report any suspected violation of law, regulation or the Plan by anyone conducting the affairs of Building Blocks Developmental Preschool

(d) failing to cooperate in any investigation undertaken in accordance with the Plan

(e) encouraging, directing, facilitating or permitting non-compliant behavior; and

(f) retaliating in any way against any individual making a report, cooperating with any investigation, or otherwise acting in accordance with the Plan.

2. Without in any way limiting the foregoing, no individual filing a good faith report pursuant to the Plan shall be subject to any form of discipline or adverse action by reason of filing such report, irrespective of the outcome of the CO's investigation of same.

3. All sanctions imposed under the disciplinary policies shall be consistent with past practices for similar violations.

Compliance Risk Areas

As of the date on which the Plan was prepared or revised, the following compliance risk areas have been identified as areas where the CO should perform affirmative monitoring from time-to-time, including, but not limited to, internal or external auditing and evaluation of potential or non-compliance as the CO deems appropriate:

- billing – separation of duties where no person has control over the entire process
- payments – Director pays bills, coordinator reviews credit card charges, outside accounting firm reviews invoices
- quality of care – supervision, mentoring, ongoing training, staff development, job performance reviews
- governance – well-defined leadership and accountability (flowchart, job descriptions)
- mandatory reporting
- credentialing; and
- such other risk areas that are or should be identified with due diligence, as such risk areas relate to Building Blocks Developmental Preschool's operations.

Building Blocks Developmental Preschool has in place a variety of monitoring activities designed to provide evaluation of these areas to ensure the integrity of the Program. Records of these activities are maintained by the CO and periodic reports are made to the Executive and Assistant Directors and the Board of Directors.

Routine Identification of Risk Areas

The CO shall, in consultation with coordinators, program supervisors and other such individuals as he/she deems appropriate, and upon review of applicable guidance materials and other industry standards, routinely identify such compliance risk areas which shall be assessed based upon review of applicable state work plans and audits, internal and external reviews, benchmarks and trends and general industry guidance.

- developed at least annually, and revised as necessary
- assesses compliance data from the previous year (audits, statistics, etc.), to identify high risk areas for the coming year (trend tracking)
- identifies corrective action plan that requires auditing to confirm compliance; and
- includes measurements, timetables and individuals responsible for addressing each risk area

Such audit findings shall be analyzed to identify non-compliance through comparison with publicly available statistics and prior audits and identification of trends and other appropriate metrics identified in advance of the audit. Audit results will be shared with the Director and the Board of Directors.

Building Blocks Developmental Preschool Monitoring Activities are documented by the appropriate personnel. Monitoring Activities encompass all areas of Compliance including but not limited to record keeping, quality of service, confidentiality, billing procedures and health & safety. Adherence to Monitoring activities are routinely reviewed, and data analyzed for efficiency of activity and quantity of data to assure the effectiveness of such monitoring activities. Suggestions from the Compliance Committee will be incorporated into decisions to modify these activities should it be determined to be necessary.

General operating practices promote compliance:

- An overview of the books and records is done monthly when the bank reconciliation is prepared. An in-depth review of the activity and postings is done quarterly by Cullen & Danowski, contracted accounting firm.
- Cullen & Danowski prepares budget updates quarterly with actual numbers projecting the end of fiscal year budget.
- The Executive Director and Board meet quarterly and more frequently if needed, to discuss Building Blocks Developmental Preschool's key goals and objectives and to review financial activity related to those achievements.
- The Executive Director and key designees review all financial information at the transaction level at least quarterly. Financial activity related to billing and attendance is reviewed monthly.

Provisions Specific to Billing

In furtherance of Building Blocks Developmental Preschool's Code of Ethics which demands integrity in all business operations, great attention must be paid to protocols governing billing and claims for reimbursement as areas of greatest/risk for non-compliance.

Accordingly, the following components are integrated into the Code of Conduct to which each employee, officer, director and agent is bound and shall be the focus of the CO's compliance review:

- Employees, directors, officers or agents who perform billing responsibilities must take reasonable precautions to confirm that their work is accurate, timely and comports with all applicable laws, rules and regulations
- No employee, director, officer or agent shall submit any claims for payment or reimbursement that is false, fraudulent, inaccurate or fictitious; and
- Only preschool special education services identified in a child's IEP shall be billed.

All billable attendance is recorded by classroom teachers on local municipality attendance sheets and OCFS attendance forms once a child has arrived at school. (Parents report child absences to the administrative or nursing staff.)

Monthly attendance is reviewed by the nursing staff and then forwarded to a clerical staff member who enters the attendance into CLAIMS. A billing clerk checks the authorizations in CPSE Portal for accuracy of frequency of services and type of program. This report is run at the start of the school year and periodically throughout the year. Program rates are entered into the system once approved and distributed by NYSED. The billing clerk prepares the monthly tuition bill which is then reviewed by the Executive Director. A second billing clerk prepares the

Related Only Services (RSO) and Special Education Itinerant Services (SEIS) bill which is also reviewed by the Executive Director.

Related services are provided by appropriately credentialed therapists according to the rate and frequency on the child's IEP. The Clinical coordinator directly supervises the therapists in the provision of these services. Session notes are completed for each provided service according to NYSED regulations and Medicaid guidelines and maintained in ENTERCLAIMS according to Suffolk and Nassau County DOH billing and record keeping procedures. Building Blocks Developmental Preschool only bills for preschool program and not individual therapy sessions.

Any employee, director, officer or agent who has compliance concerns around any billing component or procedure shall report such concerns to the supervisor and/or CO.

Provisions Specific to Credentials

In furtherance of Building Blocks Developmental Preschool's Code of Conduct, Building Blocks Developmental Preschool shall confirm and verify the appropriate credentialing and/or licensure of all employees and agents consistent with applicable laws, rules and regulations and municipal contracts. The credentials of each professional are verified upon hire. Subsequently, it is the responsibility of the Director's designee to ensure that updated and valid licenses and/or certifications are submitted to Building Blocks Developmental Preschool by all members of the professional staff. Licensures and certifications are reviewed on a quarterly basis so as to guarantee that no individual is providing early intervention or preschool services without a valid license or certification.

Reviewed and Adopted on 11/20/25

Da-10/2025

Da-5/2017

The current Corporate Compliance Officer for Building Blocks Developmental Preschool is *Dorothy A. Aversano, M.A. CCC-SLP, P.D.*

After receiving Building Blocks Developmental Preschool's Compliance Program employees must sign and date the attached attestation and return it to the Compliance Officer. These forms will be maintained in your individual personnel files.

**Acknowledgement of Receipt of Compliance Plan for Building Blocks
Developmental Preschool**

I, _____[PRINT NAME], acknowledge that I have received, read, and understand the Compliance Plan for Building Blocks Developmental Preschool (the “Plan”) and that I will abide by its terms. I understand that I may address any questions or concerns regarding the Plan to Building Blocks Developmental Preschool’s Compliance Officer. I am aware of the password protected phone number which I may use to make an anonymous report of a suspected or actual violation of law, regulation or the Plan.

Signature:_____

Name:_____

Title: _____

Date:_____

APPENDIX

A rather comprehensive body of law has been developed to prevent fraud and abuse within the health care industry, particularly, and to ensure quality of care. This body of law includes, but is not limited to:

- ✓ The Federal False Claims Act;
- ✓ Federal administrative remedies for false claims and statements (31 U.S.C. §3801 et seq);
- ✓ State laws pertaining to civil or criminal penalties for false claims and statements;
- ✓ Federal and State “Whistleblower” protections; and
- ✓ Required fraud and abuse training (10 NYCRR §98-1.21)
- ✓ By-laws
- ✓ Certificate of Incorporation
- ✓ Approval letters
- ✓ Disclosure statements

Copies of these documents are on file in the Director’s Offices and are available on-line for your review.

<p style="text-align: center;">FEDERAL AND STATE LAWS RELATING TO FILING FALSE CLAIMS</p>
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(Source: OMIG website <http://www.omig.state.ny.us/data/content/view/81/206>)

(31 U.S.C. §3729-3733)

FEDERAL & NEW YORK STATUTES RELATING TO FILING FALSE CLAIMS

I. FEDERAL LAWS

False Claims Act (31 USC §§3729-3733)

The False Claims Act ("FCA") provides, in pertinent part, that:

(a) Any person who (1) knowingly presents, or causes to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval; (2) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; (3) conspires to defraud the Government by getting a false or fraudulent claim paid or approved by the Government;. . . or (7) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages which the Government sustains because of the act of that person

(b) For purposes of this section, 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.

31 U.S.C. § 3729. While the False Claims Act imposes liability only when the claimant acts "knowingly," it does not require that the person submitting the claim have actual knowledge that the claim is false. A person who acts in reckless disregard or in deliberate ignorance of the truth or falsity of the information, also can be found liable under the Act. 31 U.S.C. 3729(b).

In sum, the False Claims Act imposes liability on any person who submits a claim to the federal government that he or she knows (or should know) is false. An example may be a physician who submits a bill to Medicare for medical services she knows she has not provided. The False Claims Act also imposes liability on an individual who may knowingly submit a false record in order to obtain payment from the government. An example of this may include a government contractor

who submits records that he knows (or should know) is false and that indicate compliance with certain contractual or regulatory requirements. The third area of liability includes those instances in which someone may obtain money from the federal government to which he may not be entitled, and then uses false statements or records in order to retain the money. An example of this so-called “reverse false claim” may include a hospital who obtains interim payments from Medicare throughout the year, and then knowingly files a false cost report at the end of the year in order to avoid making a refund to the Medicare program.

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, 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.

Administrative Remedies for False Claims (31 USC Chapter 38. §§ 3801 – 3812)

This statute allows for administrative recoveries by federal agencies. If a person submits a claim that the person knows is false or contains false information, or omits material information, then the agency receiving the claim may impose a penalty of up to \$5,000 for each claim. The agency may also recover twice the amount of the claim.

Unlike the False Claims Act, a violation of this law occurs when a false claim is submitted, not when it is paid. Also unlike the False Claims Act, the determination of whether a claim is false, and the imposition of fines and penalties is made by the administrative agency, not by prosecution in the federal court system.

II. NEW YORK STATE LAWS

New York’s false claims laws fall into two categories: civil and administrative; and criminal laws. Some apply to recipient false claims and some apply to provider false claims, and while most are specific to healthcare or Medicaid, some of the “common law” crimes apply to areas of interaction with the government.

A. CIVIL AND ADMINISTRATIVE LAWS

NY False Claims Act (State Finance Law, §§187-194)

The NY False Claims Act closely tracks the federal False Claims Act. It imposes penalties and fines on individuals and entities that file false or fraudulent claims for payment from any state or local government, including health care programs such as Medicaid. The penalty for filing a false claim is \$6,000 - \$12,000 per claim and the recoverable damages are between two and three times the value of the amount falsely received. In addition, the false claim filer may have to pay the government’s legal fees.

The Act allows private individuals to file lawsuits in state court, just as if they were state or local government parties. If the suit eventually concludes with payments back to the government, the person who started the case can recover 25-30% of the proceeds if the government did not participate in the suit of 15-25% if the government did participate in the suit.

Social Services Law §145-b False Statements

It is a violation to knowingly obtain or attempt to obtain payment for items or services furnished under any Social Services program, including Medicaid, by use of a false statement, deliberate concealment or other fraudulent scheme or device. The State or the local Social Services district may recover three times the amount incorrectly paid. In addition, the Department of Health may impose a civil penalty of up to \$2,000 per violation. If repeat violations occur within 5 years, a penalty up to \$7,500 per violation may be imposed if they involve more serious violations of Medicaid rules, billing for services not rendered or providing excessive services.

Social Services Law §145-c Sanctions

If any person applies for or receives public assistance, including Medicaid, by intentionally making a false or misleading statement, or intending to do so, the person's, the person's family's needs are not taken into account for 6 months if a first offense, 12 months if a second (or once if benefits received are over \$3,900) and live years for 4 or more offenses.

B. CRIMINAL LAWS

Social Services Law §145 Penalties

Any person who submits false statements or deliberately conceals material information in order to receive public assistance, including Medicaid, is guilty of a misdemeanor.

Social Services Law § 366-b, Penalties for Fraudulent Practices.

a. Any person who obtains or attempts to obtain, for himself or others, medical assistance by means of a false statement, concealment of material facts, impersonation or other fraudulent means is guilty of a Class A misdemeanor.

b. Any person who, with intent to defraud, presents for payment and false or fraudulent claim for furnishing services, knowingly submits false information to obtain greater Medicaid compensation or knowingly submits false information in order to obtain authorization to provide items or services is guilty of a Class A misdemeanor.

Penal Law Article 155, Larceny.

The crime of larceny applies to a person who, with intent to deprive another of his property, obtains, takes or withholds the property by means of trick, embezzlement, false pretense, false promise, including a scheme to defraud, or other similar behavior. It has been applied to Medicaid fraud cases.

- a. Fourth degree grand larceny involves property valued over \$1,000. It is a Class E felony.
- b. Third degree grand larceny involves property valued over \$3,000. It is a Class D felony.
- c. Second degree grand larceny involves property valued over \$50,000. It is a Class C felony.
- d. First degree grand larceny involves property valued over \$1 million. It is a Class B felony.

Penal Law Article 175, False Written Statements.

Four crimes in this Article relate to filing false information or claims and have been applied in Medicaid fraud prosecutions:

- a. §175.05, Falsifying business records involves entering false information, omitting material information or altering an enterprise's business records with the intent to defraud. It is a Class A misdemeanor.
- b. § 175.10, Falsifying business records in the first degree includes the elements of the §175.05 offense and includes the intent to commit another crime or conceal its commission. It is a Class E felony.
- c. §175.30, Offering a false instrument for filing in the second degree involves presenting a written instrument (including a claim for payment) to a public office knowing that it contains false information. It is a Class A misdemeanor.
- d. §175.35, Offering a false instrument for filing in the first degree includes the elements of the second degree offense and must include an intent to defraud the state or a political subdivision. It is a Class E felony.

Penal Law Article 176, Insurance Fraud,

Applies to claims for insurance payment, including Medicaid or other health insurance and contains six crimes.

- a. Insurance Fraud in the 5th degree involves intentionally filing a health insurance claim knowing that it is false. It is a Class A misdemeanor.
- b. Insurance fraud in the 4th degree is filing a false insurance claim for over \$1,000. It is a Class E felony.

- c. Insurance fraud in the 3rd degree is filing a false insurance claim for over \$3,000. It is a Class D felony.
- d. Insurance fraud in the 2nd degree is filing a false insurance claim for over \$50,000. It is a Class C felony.
- e. Insurance fraud in the 1st degree is filing a false insurance claim for over \$1 million. It is a Class B felony.
- f. Aggravated insurance fraud is committing insurance fraud more than once. It is a Class D felony.

Penal Law Article 177, Health Care Fraud,

Applies to claims for health insurance payment, including Medicaid, and contains five crimes:

- a. Health care fraud in the 5th degree is knowingly filing, with intent to defraud, a claim for payment that intentionally has false information or omissions. It is a Class A misdemeanor.
- b. Health care fraud in the 4th degree is filing false claims and annually receiving over \$3,000 in aggregate. It is a Class E felony.
- c. Health care fraud in the 3rd degree is filing false claims and annually receiving over \$10,000 in the aggregate. It is a Class D felony.
- d. Health care fraud in the 2nd degree is filing false claims and annually receiving over \$50,000 in the aggregate. It is a Class C felony.
- e. Health care fraud in the 1st degree is filing false claims and annually receiving over \$1 million in the aggregate. It is a Class B felony.

III. WHISTLEBLOWER PROTECTION

Federal False Claims Act (31 U.S.C. §3730(h))

The FCA provides protection to *qui tam* relators who are 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). Remedies include reinstatement with comparable seniority as the *qui tam* relator would have had but for the discrimination, two times the amount of any back pay, interest on any back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

NY False Claim Act (State Finance Law §191)

The False Claim Act also provides protection to *qui tam* relators who are 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 Act. Remedies include reinstatement with comparable seniority as the *qui tam* relator would have had but for the discrimination, two times the amount of any back pay, interest on any back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

New York Labor Law §740

An employer may not take any retaliatory action against an employee if the employee discloses information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that the employer is in violation of a law that creates a substantial and specific danger to the public health and safety or which constitutes health care fraud under Penal Law §177 (knowingly filing, with intent to defraud, a claim for payment that intentionally has false information or omissions). The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation. If an employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

New York Labor Law §741

A health care employer may not take any retaliatory action against an employee if the employee discloses certain information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that, in good faith, the employee believes constitute improper quality of patient care. The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action. If an employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

UNDERSTANDING FEDERAL AND STATE LAWS GOVERNING FALSE CLAIMS

THE FEDERAL FALSE CLAIMS ACT

(31 U.S.C. §3729-3733)

The federal False Claims Act (FCA), dating back to the Civil War, is designed to encourage individuals to come forward with their private attorneys to uncover fraud and prosecute such offenses on behalf of the federal government by rewarding “whistleblowers” with a percentage of the recovery.

Such a “qui tam” lawsuit allows private citizens to sue for themselves, as well as on behalf of the federal government against which the fraud has been perpetrated. The Act has been revitalized to ferret out general waste and misuse of federal dollars, especially in the Medicare program.

Under the FCA, a person may bring an action in the name of the federal government against any individual who, in part,:

- ✓ knowingly presents, or causes to be presented, to a representative or employee of the federal government, a false or fraudulent claim for payment or approval; or
- ✓ knowingly makes or uses, or causes to be made or used, a false record or fraudulent claim paid or approved by the federal government; or
- ✓ conspires to do the same; or
- ✓ has possession or control of property or money used by the federal government and, intending to defraud the government, willfully conceals or causes to be delivered less property than the amount received for such property;
- ✓ knowingly makes or uses or causes to be made or used, any false record or statement to conceal, avoid or decrease an obligation to the federal government.

A person has acted “knowingly” under the FCA when such person:

- ✓ has **actual knowledge** of the information;
- ✓ acts in **deliberate ignorance** of the truth or falsity of the information; or
- ✓ acts in **reckless disregard** of the truth or falsity of the information.

Specific intent to defraud is not, therefore, a necessary requirement.

While providing a fiscal incentive to “disclose”, the “FCA” also affords “whistleblowers” a variety of protections against intimidation or retaliation. Any employee who is discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of employment as a result of the employee’s fraudulent acts or the employee’s participation in the proceedings is entitled to the appropriate relief which may include reinstatement, special damages, and twice back pay, with interest.

<p style="text-align: center;">NEW YORK STATE FALSE CLAIMS ACT (NYSFCA) (New York State Finance Law, Article 13)</p>
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Several states, including New York, Massachusetts, New Hampshire and Rhode Island, as well as municipalities such as New York City, have their own versions of the Federal False Claims Act with its “private recovery” or “qui tam “ provisions.

The provisions of the NYSFCA are closely aligned with the federal FCA provisions including the definition of “knowing and knowingly” and the list of violative conduct and offenses. The state FCA, however, extends to offenses against local governments including any county, city, town, village, school district, BOCES, local public benefit corporation or other municipal corporation or political subdivision of the State, as well.

Either the state’s attorney general may bring a civil action on behalf of the people of the State of New York or local government under the state FCA, or, as under the federal FCA, any person may bring a “qui tam” civil action in his/her own right and receive a percentage of the recovery, accordingly.

<p>NEW YORK CITY FALSE CLAIMS ACT Local Law No. 53 (2005)</p>

New York City has created its own civil penalties and private right of action for false or fraudulent claims, modeled on the federal False Claim Act.

<p style="text-align: center;">STATE SOCIAL SERVICES LAWS COVERING FALSE STATEMENTS OR PRACTICES</p>

An essential element of New York State’s laws providing “assistance, care and services” are a series of complementary provisions designed to prevent fraud and abuse in the receipt of such public assistance or care.

The state’s Social Services Laws govern public assistance and provide both general and specific penalties for the making of false statements or representations, or concealing of information. Social Services Law, §145, criminalizes such activities, making them misdemeanors.

Some provisions, such as Social Services Law, §145-b, not only criminalize the conduct, but authorize the recovery of civil damages against the violator equal to three times the amount by which any figure is falsely overstated, or times damages available. Demands for repayments or refunds back to the state or federal government relative to the federal Medicaid program (Title XIX of the Federal Social Security Act, 42 U.S.C.A. §1396 et seq) shall also bear interest. Section 145-b also authorizes the State Department of Health to impose monetary penalties as restitution to the Medical assistance program (Medicaid) upon any person who:

- ✓ fails to comply with Medicaid requirements; or
- ✓ generally accepted medical practice on a substantial number of cases; or
- ✓ grossly and flagrantly violates such standards and receives, or causes to be received by another person, Medicaid payments

Each of these provisions is in addition to the wealth of crimes and misdemeanors around false documentation and theft, in general, found in the state’s Penal Laws.

Appendix

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