



Section: <b>Compliance</b>	Policy Name: <b>Compliance Enforcement and Discipline</b>	Policy Number: <b>10.09</b>
Owner: <b>Chief Compliance Officer</b>	Reviewed By: <b>Mila C. Todd</b>	Total Pages: <b>3</b>
Required By: <input checked="" type="checkbox"/> <b>BBA</b> <input checked="" type="checkbox"/> <b>MDHHS</b> <input type="checkbox"/> <b>NCQA</b> <input type="checkbox"/> <b>Other (please specify):</b> <hr/>	Final Approval By: 	Date Approved: <b>01/14/26</b>
Application: <input checked="" type="checkbox"/> <b>SWMBH Staff/Ops</b> <input checked="" type="checkbox"/> <b>Participant CMHSPs</b> <input checked="" type="checkbox"/> <b>SUD Providers</b> <input checked="" type="checkbox"/> <b>MH/IDD Providers</b> <b>Other (please specify):</b> <hr/>	Line of Business: <input checked="" type="checkbox"/> <b>Medicaid</b> <input type="checkbox"/> <b>Other (please specify):</b> <hr/> <input checked="" type="checkbox"/> <b>Healthy Michigan</b> <input checked="" type="checkbox"/> <b>SUD Block Grant</b> <input checked="" type="checkbox"/> <b>SUD Medicaid</b>	Effective Date: <b>1/1/2014</b>

**Policy:** Enforcement and discipline standards contained or referenced in the Southwest Michigan Behavioral Health (SWMBH) Compliance Plan will be consistently enforced through appropriate disciplinary mechanisms. Individuals responsible for an offense will receive discipline consistent with the circumstances of the offense. Officers and managers are accountable for the foreseeable behavior of their subordinates and therefore, may be subject to discipline for failure to detect an offense.

**Purpose:** The purpose of this policy is to articulate SWMBH's commitment to adhere to the standards contained and/or referenced in its Compliance Plan regarding enforcement and discipline of its employees and agents in relation to compliance with State and Federal laws and rules, Medicaid and Medicare program requirements, and Prepaid Inpatient Health Plan (PIHP) contractual obligations.

**Scope:** SWMBH Program Integrity & Compliance Department

**Responsibilities:** SWMBH's Program Integrity & Compliance Department is responsible for recommending appropriate enforcement and discipline actions in response to compliance violations.

**Definitions:** None

**Standards and Guidelines:**

- A. Through its commitment to have an effective compliance program, SWMBH will include disciplinary policies that identify the consequences of violating the organization's standards of



conduct, policies, and procedures. Intentional noncompliance will subject transgressors to significant sanctions. Such sanctions could range from oral warnings to suspension or termination as appropriate. Disciplinary action is appropriate and will be enforced where a responsible employee's failure to detect a violation is attributable to his or her negligence or reckless conduct.

- B. Disciplinary action may also be taken against a supervisory employee who directs or approves an employee's improper conduct, is aware of the improper conduct and does not act appropriately to correct it, or who fails to properly exercise appropriate supervision over an employee.
- C. Enforcement of Compliance policies and standards, and sanctions for violations, against participant CMHSPs, contracted and subcontracted providers will be carried out in conformity with the "Corrective Action Plan Guidelines" contained in Section VI of the SWMBH Corporate Compliance Plan.
- D. Each situation will be considered on a case-by-case basis to determine the appropriate response. Disciplinary action will be taken on a fair, equitable and consistent basis considering the following factors:
  - Degree of intent
  - Amount of financial harm to the organization
  - Amount of financial harm to the government
  - Whether the wrongdoing was a single incident or lasted over a long period of time
  - Certain violations, such as intentional misconduct or retaliating against an employee who reports a violation, will carry more stringent disciplinary sanctions
- E. Disciplinary actions undertaken will be documented in the employee's record and tracked by SWMBH Human Resources.

**References:** 42 CFR §438.608

Federal Register Volume 64, No. 219

SWMBH Corporate Compliance Plan – SWMBH Operating Policy 10.01

**Attachments:** None

## Revision History

# SOP Template

Final Audit Report

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