




Section: Compliance	Policy Name: Compliance Enforcement and Discipline	Policy Number: 10.09
Owner: Chief Compliance Officer	Reviewed By: Mila C. Todd	Total Pages: 3
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Application: <input checked="" type="checkbox"/> SWMBH Staff/Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH/IDD Providers <input checked="" type="checkbox"/> Other (please specify): <u>MHL Providers</u>	Line of Business: <input checked="" type="checkbox"/> Medicaid <input type="checkbox"/> Other (please specify): _____ <input checked="" type="checkbox"/> Healthy Michigan <input checked="" type="checkbox"/> SUD Block Grant <input checked="" type="checkbox"/> SUD Medicaid <input checked="" type="checkbox"/> MI Health Link	Effective Date: 1/1/2014

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.
- 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


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Final Audit Report


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