



COMMUNITY WELLNESS PARTNERS

— Making life about you —

*An affiliation of LutheranCare® and Presbyterian Homes & Services*

# COMPLIANCE MANUAL

*Updated: 6/2022*

# CWP CORPORATE COMPLIANCE MANUAL

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## **INTRODUCTION**

Community Wellness Partners, an affiliation of Lutheran Care and Presbyterian Homes & Services, (hereinafter: CWP) is dedicated and committed to meeting high ethical standards and compliance with all applicable laws in all activities regarding the operation of CWP. This commitment and dedication is essential to CWP meeting its mission and is critically important because a significant portion of CWP services are reimbursed through governmental programs which require that CWP business be conducted with complete integrity.

To assure that CWP operations are being conducted in compliance with applicable law and the highest ethical standards, CWP has established a Compliance Program ("Program") under the direction of two Compliance Officers – one serving Presbyterian Homes & Services and one serving Lutheran Care. A Compliance Committee has been established to oversee the implementation and operation of the Program.

## CWP Corporate Compliance Officers

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## **GENERAL POLICY**

It is the policy of CWP to provide services in compliance with all state and federal laws governing its operation and consistent with the highest standards of business and professional ethics. This policy is a solemn commitment to our residents, our community, to those governmental agencies that regulate CWP and to ourselves.

All CWP employees, as well as those professionals who enjoy professional staff privileges, must carry out their duties for CWP in accordance with this policy. To assist employees and professional staff with their obligation to comply with this policy, this Manual includes statements of CWP policies in a number of specific areas. Conduct that does not comply with these policy statements is not authorized by CWP and is outside the scope of employment or professional staff membership at CWP.

Any violation of applicable law, the policy statements contained in this Manual, or deviation from appropriate ethical standards, will subject an employee or independent professional to disciplinary action, which may include oral or written warning, disciplinary probation, suspension, and demotion, dismissal from employment or revocation of privileges. These disciplinary actions also may apply to an employee's supervisor who directs or approves the employee's improper actions, or is aware of those actions but does not act appropriately to correct them or who otherwise fails to exercise appropriate supervision.

If, at any time, an employee or professional staff member becomes aware of any apparent violation of CWP policies, he or she must report it in accordance with the reporting requirements of this Manual. All persons making such reports are assured that such reports will be treated as confidential to the extent permissible and that such reports will be shared only on a bona fide need to know basis. CWP will take no adverse action against persons making such reports in good faith and without malicious intent whether or not the report ultimately proves to be well founded. If an employee or professional staff member does not report conduct violating CWP policies, the employee or professional staff member may be subject to disciplinary action up to and including termination of employment or revocation of privileges.

The laws affecting the operation of CWP activities are complex and many. In addition, this Manual addresses, in general terms, only several of the more important legal and ethical principles affecting CWP activities. Their mention in this Manual is not intended to minimize the importance of other applicable laws, professional standards, or ethical principles. It is not expected that each employee will be fully versed in all laws of permissible activities involved in their work. Therefore, if an employee has a question regarding the legality or propriety of a course of action, the employee should seek guidance from his or her supervisor or from the Compliance Officer before taking any action.

## **POLICY STATEMENTS**

### **A. Resident Care and Resident Rights**

It is CWP policy to provide the highest quality of care to its residents. CWP believes that state and federal regulations governing CWP operation provide a minimum baseline of care standards which CWP strives to exceed in the provision of care and services to CWP residents.

Each resident will receive services in accordance with a comprehensive plan of care developed by an interdisciplinary care team based on periodic comprehensive assessments of the resident's condition. Each plan of care is designed to ensure that CWP provides the necessary care and services to attain or maintain a resident's highest practicable physical, mental and psychosocial well-being.

Each resident is entitled to a dignified existence, self determination and the provision of care and services in a manner and in an environment that promotes the maintenance or enhancement of a resident's quality of life. It is CWP policy to protect, promote and foster for each resident his/her rights as a resident of the CWP.

CWP has developed policies and procedures to ensure quality of care and the protection and promotion of resident rights which are to be adhered to by staff. It is not the intent of this Manual to set forth all such policies and procedures but to identify several of the more significant ones which are:

1. Comprehensive assessments for each resident will be conducted in accordance with applicable federal and state laws and regulations;
2. All resident plans of care will be developed by an interdisciplinary care team based upon the periodic comprehensive assessment of the resident's condition which shall include measurable objectives and timetables to meet the resident's medical, nursing, mental and psychosocial needs;
3. All services and care required by a resident's plan of care will be provided to the resident by qualified staff;
4. Residents are free from verbal, mental, sexual or physical abuse, corporal punishment or involuntary seclusion.

CWP policies and procedures with regard to resident rights and resident care are available from the Compliance Officer, the Administrator's office, the Director of Social Services or the Director of Nursing.

### **B. Referrals**

Federal and state law prohibit CWP and its employees from (1) soliciting or accepting or (2) offering or paying remuneration in exchange for referrals of patients eligible for Medicare, Medicaid or another federal health care program. Federal and state law also prohibit (1) the offering or payment or (2) the soliciting or receipt of remuneration in return for directly purchasing, leasing, ordering, or recommending the purchase, lease or ordering of any goods, facilities, services or items covered under the benefits of Medicare, Medicaid or other federal health programs. The term "remuneration" broadly covers the transferring of anything of value in any form or manner whatsoever.

Remuneration is not limited to bribes, kickbacks and rebates. These federal and state laws are broadly written to prohibit CWP and its employees from knowingly and willfully offering, paying, asking or receiving any money or other benefit, directly or indirectly, overtly or covertly, in cash or in kind. These laws are violated even if only one purpose of a payment arrangement is to influence referrals or the procuring of goods or services.

There are many transactions that may violate these laws. It is impossible to list each and every potential violation of these laws. For your benefit, the following examples are illustrative of prohibitive activity under these laws:

1. Receiving free goods or services from a vendor in exchange for the purchase of other goods and services;
2. The routine waiver of co-insurance payments and deductibles;
3. The offering or making of gifts, loans, rebates, services or payments of any kind to an individual or entity that is an actual or prospective referral source;
4. Entering into a professional service, management service or consulting service agreement where payment is based on other than fair market value or is based on the volume of referrals, i.e., percentage of revenue generated.

Federal regulations known as the "Safe Harbor" regulations provide that certain payment practices will not violate these laws if the regulatory requirements for such payment practices are adhered to. The "Safe Harbor" regulations are intended to help providers protect against abusive payment practices while permitting legitimate ones. If an arrangement fits within a "Safe Harbor" it will not create a risk of criminal penalties and exclusion from the Medicare, Medicaid or other federal health care programs. "Safe Harbor" protection is available for the following payment practices:

1. Investment interest;
2. Space rental;
3. Equipment rental;
4. Personal service and management contracts;
5. Sale of practice;
6. Referral services;
7. Warranties;
8. Discounts;
9. Payments to employees;
10. Group purchasing organizations;

11. Certain waivers of beneficiary co-insurance and deductible amounts by hospital;
12. Increased coverage, reduced cost sharing amounts or reduced premium amounts offered by health plans;
13. Price reductions offered to health plans.

Analysis of payment practices under these laws and the "Safe Harbor" regulations is complex and depends on the specific facts and circumstances of each transaction. Employees should not make unilateral judgments on the availability of a "Safe Harbor" for a payment practice, investment, discount or other arrangement. These situations should be brought to the attention of the Compliance Officer for review with legal counsel.

As a result of the foregoing, **all contracts and arrangements with actual or potential referral sources and all contracts and arrangements with vendors must comply with applicable state and federal laws and regulations. All personal service, management service and consulting service agreements must comply with applicable state and federal laws and regulations. Moreover, any other financial or other business arrangement between CWP and other health care professionals or providers must be structured to comply with all applicable state and federal laws and regulations.**

If questions arise regarding whether a proposed business arrangement, financial arrangement, or contract is in compliance with federal or state law, an employee is required to seek guidance from the Compliance Officer who in turn may seek appropriate guidance from legal counsel.

### **C. Billing and Claims; Cost Reports**

CWP has an obligation to its residents, third party payors and the state and federal government to exercise diligence, care and integrity when submitting claims for payment. The right to bill the Medicare and Medicaid programs carries a responsibility that may not be abused. CWP is committed to maintaining the accuracy of every claim it processes and submits. Many employees have responsibility for entering charges and procedure codes. Each of these individuals is expected to monitor compliance with applicable billing rules. Any false, inaccurate, or questionable claims should be reported immediately to the employee's supervisor or the Compliance Officer.

False billing is a serious offense. Medicare and Medicaid rules prohibit knowingly and willfully making or causing to be made any false statement or representation of the material fact in an application for benefits or payment. It is also unlawful to conceal or fail to disclose the occurrence of an event affecting the right to payment with the intent to secure payment that is not due. Examples of false claims include:

1. Claiming reimbursement for services that have not been rendered;
2. Filing duplicate claims;
3. "Upcoding" a resident's condition to a higher RUG's category;
4. Including inappropriate or inaccurate costs on cost reports to be submitted under the Medicare or Medicaid programs;
5. Billing for services or items that are not medically necessary;

6. Failing to provide medically necessary services or items;
7. Billing excessive charges.

With respect to the submission of claims to the Medicare or Medicaid program, it is CWP policy that claims must: (1) be accurate and timely submitted; and (2) be only for items or services that (a) are medically necessary, (b) fall within the coverage guidelines contained in applicable laws, rules and regulations, and (c) are documented in the resident's medical record. In this regard:

1. Prior to submitting a claim for payment, it is necessary to verify that all documentation for services reflected on the claim, such as physician orders and certificates of medical necessity, are available in a proper and timely manner;
2. Claims may only be submitted when appropriate documentation supports the claim and only when such documentation is maintained and available for audit and review;
3. Documentation which serves as the basis for a claim must be appropriately organized in legible form so that such documentation may be audited and reviewed;
4. Diagnosis and procedures reported on reimbursement claims must be based on the medical record and other documentation;
5. Documentation necessary for accurate code assignment must be made available to all employees with coding responsibility; and
6. Compensation for billing department coders and billing consultants shall not provide for any financial incentive to improperly upcode claims.

With regard to the filing of cost reports, it is CWP policy that all Medicare and Medicaid cost reports must be prepared utilizing generally accepted accounting principles based upon documents and reports that are maintained in CWP day to day business. Cost reports must document only those costs which CWP employees and/or agents believe in good faith are allowable. Employees and agents must provide accurate and complete documentation and reports to the business office in connection with the preparation of cost reports.

With regard to claim submissions and cost reporting, the following conduct is specifically prohibited:

1. Claims for payment or reimbursement of any kind that are false, fraudulent, inaccurate or fictitious;
2. Falsified medical records, time cards or other records used as the basis for submitting claims;
3. For services that must be coded, use of a code that does not accurately describe the documented service when there is a more accurate code that could have been used. This includes post-dating orders or signatures. Late entries should include an explanation of reason for delay in entry;
4. Bills submitted to Medicare, Medicaid or applicable insurance plan for items or services which are known are not covered by Medicaid, Medicare or applicable insurance plan;

5. Filing claims for the same item or service to more than one payer source whereby CWP will receive duplicate or double payments;
6. Submission of claims without the availability of adequate documentation;
7. Falsification of any report or document used to document the cost of utilization of services by payor source;
8. Failure to report a known error or inaccuracy in any cost report or underlying document used to prepare a cost report; and
9. Recording inappropriate, inaccurate, or non-allowable costs on a cost report.

Any employee or professional staff member who discovers an error or inaccuracy in any claim for payment for health care services that has been submitted or will be submitted should alert his or her supervisor, the Chief Financial Officer or the Compliance Officer. Any employee who discovers an error or inaccuracy in any cost report that has been submitted or will be submitted should alert his or her supervisor, the Chief Financial Officer or the Compliance Officer.

#### **D. Non-Discrimination in Resident Services and Charges**

It is CWP policy, as required by state and federal law, not to discriminate in the admission, retention and care of residents because of race, color, blindness, national origin, sex, sexual preference, religion, sponsorship or source of payment. Each resident will receive medically necessary items and services that, in the opinion of the interdisciplinary care group and as set forth in the resident's plan of care, are required to assure the resident attains or maintains the highest practicable physical, psychosocial and mental well-being.

Such medically necessary items and services shall be offered to the resident regardless of the resident's source of payment. Charges for all items and services provided shall be based upon the usual and customary charges. Nothing of value, including but not limited to the offer of free of services, shall be offered to residents or prospective residents to induce them to utilize our services.

Under appropriate circumstances, CWP may provide financial accommodation (such as allowing monthly payments over time) or may waive resident co-insurance payments or deductible amounts based on an assessment of the individual resident's financial condition and a determination that the payment of such co-insurance payment or deductible amount would cause a financial hardship for the resident. Any such financial accommodation must be based on financial hardship, documented in writing and approved by CWP Chief Financial Officer and the Compliance Officer. Any approved waiver of resident co-insurance payment or deductible amounts must be appropriately disclosed to all third party payors responsible for the resident's bill.

In addition, it is CWP policy, as required by state and federal law, not to charge, for any service provided to a resident under Medicaid, money or other consideration at a rate in excess of CWP established Medicaid Reimbursement rate. Moreover, it is CWP policy not to charge, solicit, accept or receive in addition to any amount

otherwise required to be paid under Medicaid any gift, money, donation or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient) - (a) as a precondition of admitting a resident or (b) as a requirement for the resident's continued stay at CWP.

The following activities are specifically prohibited under this Policy Statement:

1. Failure to provide services that are either (a) ordered by the resident's physician; (b) indicated as necessary by the resident's most recent MDS assessment; and/or (c) contained in the resident's plan of care.
2. Rendering care based upon the resident's payor source without regard for the resident's needs and/or state of preferences;
3. Waiver of resident deductibles and/or co-insurance payments without advanced written approval of the Compliance Officer;
4. The offering or payment of anything of value, including but not limited to free services, to any resident or prospective resident to induce such individual to utilize CWP services;
5. Discounts, credits, charity care or other arrangements that have not been approved in writing by the Compliance Officer;
6. Discriminating in the admission, retention and care of residents on the basis of race, color, blindness, national origin, sex, sexual preference, religion, sponsorship or source of payment;
7. Charge a Medicaid resident for Medicaid covered services provided by CWP any money or consideration at a rate in excess of CWP established Medicaid rate; and
8. Charge, solicit, accept or receive any gift, money, donation or other consideration as:  
(a) a precondition of admitting a resident to CWP or (b) as a requirement for a resident's stay at CWP, except for charitable, religious or philanthropic contributions from an organization or a person unrelated to the resident.

#### **E. Confidentiality**

Employees and professional staff members possess sensitive, privileged information about residents and their care. Residents properly expect that this information will be kept confidential. CWP takes very seriously any violation of a resident's confidentiality. Discussing a resident's medical condition or providing any information about a resident to anyone other than hospital personnel who need the information or other authorized persons will result in disciplinary action. Employees and professional staff should not discuss residents outside CWP or with their families.

CWP is required to maintain the confidentiality of each resident's medical record. In this regard, medical records may not be released except with the consent of the resident or in other limited circumstances as required by law. Special confidentiality requirements apply with regard to medical records relating to HIV infection and AIDS.

Medical records should not be physically removed from CWP, altered or destroyed. Employees who have access to medical records must exercise their best efforts to preserve their confidentiality and integrity and no employee is permitted access to the medical record of any resident without a legitimate reason for doing so. If a question arises as to the permissibility of the release of a resident's medical record or any information contained therein, the employee

should seek guidance from the employee's supervisor or the Compliance Officer.

Additionally, employees are to treat as confidential CWP proprietary business assets including: valuable ideas, business plans, and other information about CWP business. CWP employees should respect CWP assets as they would their own. No employee shall divulge to unauthorized persons, either during or after their employment, any information of a confidential nature connected with the business of CWP. Examples of confidential business information include: personnel information, such as job title, level, duties, skill or salary; or any information disclosure of which could adversely affect the business interests of CWP.

#### **F. Business Entertainment or Gifts**

CWP recognizes that business dealings may include shared meals or other similar social occasions which may be proper business expenses and activities. More extensive entertainment, however, only rarely will be consistent with CWP policy and should be reviewed and approved in advance by the Compliance Officer before the employee may partake of or offer such entertainment.

Employees may not receive any gift under circumstances that could be construed as an improper attempt to influence CWP decisions or actions. Moreover, employees may not receive any gift from any vendor who provides services, or is seeking to provide services to CWP or from any actual or potential patient referral sources. When an employee receives a gift that violates this policy, the gift should be returned to the donor and reported to the Compliance Officer. Gifts may be received by employees when they are of such nominal value that they would not reasonably be perceived by anyone as an attempt to effect the judgment of the recipient, for example, token promotional gratuities from suppliers, such as advertising novelties marked with the donor's name, are not prohibited under this policy.

No employee may make a cash gift or non-cash gift of more than nominal value to any officer, director or employee of a firm or entity or any individual that is an actual or prospective vendor of CWP or an actual or potential source of referrals.

Under no circumstances may an employee of CWP pay for the meals, refreshment, travel, lodging expenses or give anything of value to a government employee (state, federal or local) who in the course of his or her official conduct may investigate, survey or otherwise deal with CWP.

Moreover, no employee may charge, solicit, accept or receive a tip, gift, money, or other consideration from a resident or a resident's next-of-kin and/or sponsor for any services provided or arranged or for denial of services by CWP other than specified fees ordinarily paid for care, excluding donations, gifts and legacies given in behalf of CWP.

If an employee has any question as to whether (1) the receipt of a gift or offering of a gift or (2) the participation in an entertainment event or the offering to another the opportunity to participate in an entertainment event violates this policy, the employee is required to seek guidance from the Compliance Officer.

#### **G. Conflicts of Interest**

No employee should place himself or herself or allow himself or herself to be placed in a situation where the employee's personal interests might conflict with the interests of CWP. CWP recognizes and respects an individual employee's right to invest or participate in activities outside of his/her employment provided that these in no way conflict

with CWP interests or welfare and do not interfere with the employee's responsibilities or the effectiveness of the employee's job performance.

Although it is difficult to set forth all possible situations which might be considered as conflicting with CWP interests, the following are examples of situations which employees, including members of their immediate families, must avoid:

1. No employee should perform any outside employment or engage in any outside activities which interfere with the effective performance of the employee's duties as a CWP employee;
2. No employee shall have a financial interest in a firm or entity which is doing, or seeking to do, business with and/or which is a competitor of CWP. However, ownership of less than 1% of the securities of a publicly traded company shall not be considered significant or contrary to this policy;
3. No employee should render services in any capacity, such as a director, officer, employee or consultant to any person or firm that is competitive, provides services or is a third-party payor with regard to services provided at CWP;
4. No employee should use their position at CWP for personal gain such as by soliciting or accepting for personal benefit business opportunities that might otherwise accrue to the benefit of CWP;
5. No employee should use for his or her personal benefit, or disclose to unauthorized persons, any confidential or proprietary information about CWP or its operation;
6. No employee should borrow money from individuals or firms (other than banks and/or lending institutions) doing, or seeking to do, business with CWP;
7. No employee should compete with CWP by selling or leasing or offering to sell or lease services or products similar to those services or products offered by CWP;
8. No employee should purchase services or products for CWP from their family members or from business organizations with which they or their family members are associated, without first obtaining written permission from the Compliance Officer;
9. No employee or member of their immediate family should accept significant gifts, discounts or other preferred personal treatment from any person associated with a present or prospective customer, competitor or supplier of CWP;
10. No employee should have outside employment or business interests that place the employee in a position of appearing to represent CWP; and
11. No employee may use CWP assets for personal benefit or personal business purposes.

Any personal or business activities by an employee that may raise concerns along these lines must be reviewed with and approved in advance and in writing by the Compliance Officer.

## **EDUCATION AND TRAINING**

To ensure that all employees and professional staff members are familiar with their responsibilities under CWP Compliance Program, CWP will implement an ongoing educational and training program. All employees will be required to participate in initial and annual training sessions. Additionally, periodic training sessions will be required, as determined by the Compliance Committee, for employees of certain departments with responsibilities for purchasing, billing and coding or any other responsibilities that the Compliance Committee determines appropriate for periodic training.

### **A. Initial and Annual Training**

Initial and annual training sessions will focus on the requirements of CWP Compliance Program as set forth in this Manual and the legal and ethical standards generally required of all employees. Each employee will be required to sign a certification acknowledging attendance at the initial and each annual Compliance Training Session which certification will be maintained in the employee's personnel file.

### **B. Periodic Training**

Periodic Training Sessions will highlight federal and state laws that affect the employees' area of responsibility. For example, periodic training will be held in areas involving: federal and state anti-kickback statutes; current billing requirements; and current coding requirements. Employees required to attend periodic training sessions will be required to sign a certification of attendance which will be maintained in the employee's personnel file.

### **C. Ongoing Communication and Changes in Compliance Manual**

The Compliance Officer will distribute in writing and/or post in conspicuous places, any modifications of or amendments to the Compliance Manual. The Compliance Officer will also provide employees and professional staff members with written explanations of any substantial changes in the Compliance Manual or, if the Compliance Officer determines that written materials are insufficient, interim training sessions will be conducted.

Employees and professional staff will be provided periodic information about CWP Compliance Program, changes in applicable laws or ethical standards that may affect an employee's responsibilities through written memoranda, newsletters, periodic training sessions or other appropriate forms of communication.

## **REPORTING REQUIREMENTS**

### **A. Reporting**

It is the responsibility of every employee to report any known instances of or reasonable suspicions of any

violation of applicable state or federal law, ethical standards or CWP policies, including the policy statements contained in this Manual. To report a suspected violation, an employee is required to notify, either verbally or in writing, the Compliance Officer or the employee's immediate supervisor. Any supervisory staff personnel receiving a report of a suspected violation is required to immediately notify the Compliance Officer. If the suspected violation involves the employee's immediate supervisor, the employee should make the report directly to the Compliance Officer. If the suspected violation involves the Compliance Officer, the report should be made directly to Presbyterian Home or the PRC administrator or a member of the Compliance Committee. An employee may make a report of a suspected violation anonymously. Failure to report a suspected violation may result in disciplinary action.

## **B. Examples of Activities to be reported**

The following list of activities that should be reported is not an all-inclusive list but is designed to illustrate the types of conduct that should be reported:

- (1) the acquisition of any information that gives an employee reason to believe that another employee, professional staff member or contractor is engaged in or plans to engage in any conduct prohibited by applicable law, ethical standards or the policies of CWP, including the policy statements contained herein (hereinafter collectively "Standards");
- (2) the acquisition of any information indicating that any other person or entity associated with CWP plans to violate any of the foregoing Standards; and
- (3) an employee is instructed, directed or requested to engage in conduct which violates any of the foregoing Standards.

## **C. Confidentiality**

To the extent permissible, CWP shall treat all reports of suspected violations of Standards as confidential. However, it must be recognized that under certain circumstances the name of the individual making the report will be communicated to the Compliance Officer, if the report is made originally to the employee's supervisor, to an individual responsible for conducting an investigation of the suspected violation or to a governmental agency investigating any such suspected violation. Any such disclosure will only be made on a bona fide need to know basis.

## **D. Investigations**

It is important to the integrity of CWP operation that all suspected violations of Standards be thoroughly reviewed and investigated so that appropriate action can be taken as necessary. CWP will promptly and thoroughly investigate any suspected violation and take appropriate disciplinary action if warranted. Investigations may be conducted internally by the Compliance Officer or externally by either accountants or lawyers engaged by CWP.

Employees are required to cooperate with the individual or individuals conducting an investigation of a suspected violation. Such cooperation may involve being interviewed by the individual or individuals conducting the investigation or supplying such individual or individuals with requested documentation. Failure to cooperate in an investigation of a suspected violation may result in disciplinary action being taken.

## **E. Non-Retaliation**

To ensure employee cooperation, neither CWP nor its respective employees shall take any retaliatory action or retribution against any employee who has submitted a report of a suspected violation or who has participated in an investigation of a suspected violation. Any employee who takes retaliatory action or retribution against another employee who has either reported a suspected violation or participated in an investigation of a suspected violation will be subject to disciplinary action. All of this is covered within the CWP “Whistleblower” Policy that states that anyone who reports, in good faith, suspected improper conduct shall be protected from retaliation.

## **DISCIPLINARY PROCEDURES**

All employees and professional staff members are required to comply with applicable state and federal law, ethical standards and CWP policies, including the policy statements contained in this Manual (hereinafter collectively "Standards"). Any employee or professional staff member who violates any of the foregoing Standards will be subject to disciplinary action, up to and including termination of employment or termination of professional staff privileges.

Disciplinary action will be taken against an employee or professional staff member who:

- A. Authorizes or participates directly in a violation of a Standard;
- B. Deliberately fails to report a violation of a Standard;
- C. Deliberately withholds relevant and material information concerning a violation of a Standard;
- D. Deliberately fails to cooperate in an investigation of a suspected violation of a Standard;
- E. Retaliates or seeks or causes retribution against any employee or professional staff member who has either reported a suspected violation of a Standard or participated in an investigation of a suspected violation of a Standard; and
- F. Fails to participate in required training programs.

Disciplinary action may also be taken against any supervisory personnel who direct or approve an employee's actions which result in a violation of a Standard, is aware that an employee's actions which violate a Standard but fails to take appropriate corrective action or who otherwise fails to exercise appropriate supervision.

Disciplinary action may include oral or written warning; probation; suspension; demotion; termination from employment or suspension or termination of staff privileges. Disciplinary action will be taken in accordance with CWP personnel policies and procedures. Disciplinary action will be taken on a fair, equitable and consistent basis.

Disciplinary action will be appropriate to the level of the employee's culpable conduct, that is, the more serious the level of culpable conduct (intentional conduct or reckless non-compliance) will result in more significant disciplinary action. Notwithstanding the foregoing, this statement is not a guaranty of progressive discipline and CWP reserves the right to terminate an employee at any time for any lawful reason.

