



## **VENDOR RELATIONS POLICY**

### **PURPOSE**

The purpose of this Policy is to ensure that Jewish Home of Central New York, Inc., Menorah Park Group Residences, Inc., and Syracuse Jewish Family Services, Inc. (collectively, the “Organization”) comply with all applicable laws governing their relationships with vendors and that all such relationships are carried out with honesty and integrity.

### **APPLICABILITY**

This Policy applies to Organization employees, Board members, and contractors.<sup>1</sup>

### **POLICY**

The Organization and its contractors shall comply with the applicable Medicaid, Medicare and other payer requirements and fraud and abuse laws. The Organization is ultimately responsible for the adoption, implementation, maintenance, enforcement, and effectiveness of its Compliance Program.

### **PROCEDURE**

#### **1. Conflicts of Interest**

The Organization is prohibited from entering into a contract with any entity that violates the Organization’s Conflict of Interest Policy. If an employee, Board member, or contractor becomes aware that the Organization has entered into or is contemplating a contract with an entity in violation of such Policy, the individual will immediately notify the Compliance Officer.

#### **2. Gifts and Gratuities**

Employees are prohibited from accepting gifts or gratuities of any kind from vendors

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<sup>1</sup> “Employees, contractors, and Board members” includes the Organization’s employees, Chief Executive Officer (“CEO”), senior administrators, managers, volunteers, interns, contractors, agents, subcontractors, independent contractors, corporate officers, and Board members who are affected by the Organization’s Compliance Risk Areas. “Compliance Risk Areas” are those areas of operation affected by the Organization’s Compliance Program, as set forth in Section XIII of the Organization’s Compliance Plan. For purposes of the Organization’s Compliance Program, “contractors” includes contractors, agents, subcontractors, and independent contractors who are affected by the Organization’s Compliance Risk Areas. Contractors are required to comply with the Organization’s Compliance Program to the extent that the contractor is affected by the Organization’s Compliance Risk Areas, and only within the scope of the contractor’s contracted authority and affected Compliance Risk Areas.

or prospective vendors of the Organization. Gifts include, but are not limited to, the provision of any item or service to an employee at less than fair market value. The only exception to this prohibition is that employees are permitted to accept unsolicited gifts of nominal value (e.g., candy during the holiday season) from existing vendors of the Organization. Employees must contact the Compliance Officer if they have any questions about whether a gift from a vendor violates this Policy.

Employees may not permit vendors or potential vendors to pay for business-related meals, entertainment, or travel having a value of more than \$100.00 per year without the prior approval of the Compliance Officer. Meals, entertainment, and travel are considered business-related only if they are used predominantly to facilitate business-related discussions.

### 3. Kickbacks

The federal anti-kickback statute prohibits any person or entity from knowingly and willfully soliciting, receiving, offering, or paying anything of value to another person or entity in return for the referral of a patient, or in return for the purchasing, leasing, ordering, or arranging for any item or service, reimbursed by a state or federal health care program such as Medicare or Medicaid (42 U.S.C. § 1320a-7b). Penalties for violating the statute include imprisonment, criminal fines, exclusion from government health care programs and civil monetary penalties. A similar New York law prohibits the exchange of remuneration for referrals for items or services covered by the State's Medicaid program (N.Y. Social Services Law § 366-d). Payments by vendors to induce the Organization to contract with the vendor may violate state and federal anti-kickback statutes.

Anything of value conveyed by the vendor to the Organization must generally be reflected as a price discount or rebate. Discounts and rebates usually fit within a "safe harbor" to the anti-kickback laws. Any other payments, in cash or in kind, proposed by vendors that are not structured as discounts or rebates, such as "contract implementation allowances," free equipment, grants, or charitable contributions, must be approved by the Compliance Officer in consultation with legal counsel as appropriate. A violation of this Policy's restrictions on gifts and gratuities may also be illegal under state and federal anti-kickback laws.

### 4. Required Contract Provisions

Every contract entered into by the Organization must contain certain standard provisions designed to ensure that the Organization does not do business with contractors that have engaged in fraud, waste, abuse, or other wrongful or unethical conduct. These standard provisions (or ones substantially similar) for contractors (as defined in this Policy) include the following:

- The contractor is not included on the List of Excluded Individuals and Entities ("LEIE"), Excluded Parties List System ("EPLS"), or New York State Office of

the Medicaid Inspector General (“OMIG”) Exclusion List(s) or database(s), and has not been convicted of a crime relating to the provision of or billing for health care services;

- The contractor will adhere to the applicable provisions of the Organization’s Compliance Program, which will be made available to the contractor, to the extent that the contractor is affected by the Organization’s Compliance Risk Areas and only within the scope of the contractor’s contracted authority and affected Compliance Risk Areas;
- The contractor will subcontract only with the Organization’s prior approval, will not subcontract with any persons or entities included on the LEIE, EPLS, or OMIG Exclusion List(s) or databases, and will terminate any subcontractors that engage in fraudulent or other illegal conduct;
- The contractor will immediately report to the Compliance Officer any fraud, waste, abuse, or other wrongful or unethical activity of which it becomes aware that relates to the operation of the Organization or the services provided to the Organization by the contractor or any subcontractors;
- The contractor will promptly notify the Organization of any government audit, inquiry, or investigation of which it becomes aware that relates to the Organization or the services provided to the Organization by the contractor or any subcontractors;
- The contractor and its subcontractors will make their employees available for interviews or other proceedings at the request of government investigative agencies subject to the individual’s right against self-incrimination;
- The Organization may immediately terminate the contract in the event that the contractor becomes an “excluded provider” or “excluded person” on a government database or engages in any fraud or other illegal activity;
- The Organization may immediately terminate the contract in the event that the contractor fails to adhere to the Organization’s Compliance Program requirements; and
- The contractor will immediately notify the Organization if any of the above representations cease to be true during the term of the contract.

The above list may be expanded by the Compliance Officer or legal counsel.

## 5. Termination of Contractors

Employees will promptly notify the Compliance Officer if they become aware of any suspected fraudulent, abusive, or other improper or illegal or unethical conduct by a

contractor. The Compliance Officer, in coordination with other appropriate personnel, will investigate the matter and determine whether the contractor has engaged in improper conduct. The Organization will promptly terminate the contract of any contractor that has been found to have engaged in fraudulent, abusive, or other improper or illegal conduct, or whose subcontractor has been found to have engaged in fraud, waste, abuse, or other improper or unethical conduct.

Adopted: May 18, 2021

Revised & Adopted: March 21, 2023; \_\_\_\_\_, 2023