

NORTHCARE NETWORK

POLICY TITLE: Responding to Government Investigations	EFFECTIVE DATE: June 1, 2004
DATE OF LAST REVIEW: (Reviewed with no changes or minimal text revisions.) December 13, 2010	DATE OF LAST POLICY REVISION: (Revision to policy statement.) May 2, 2007

POLICY

It is the policy of NorthCare to cooperate with any lawful audit, inquiry and investigation including warrants and subpoenas. Employees are expected to respond as noted below and not interfere with the investigation. They should remain professional and courteous when dealing with any investigators or their agents.

PURPOSE

To provide direction to NorthCare/Pathways employees in responding to Government Investigations, subpoenas, search warrants, etc.

APPLIES TO

This policy applies to all employees, agents, volunteers, contract and sub-contractors of NorthCare Network, herein, referred to as "covered parties" for the purpose of NorthCare's Compliance Program and who have access to NorthCare/Pathways facilities, equipment/computers, documentation, etc.

PROCEDURES

A. **Procedure for unannounced government representative visits or audits**

1. Any employee of the agency who knows of an impending visit by a government investigator shall report this information immediately to the CEO, NorthCare's COO, the Compliance Officer, and/or legal counsel.
2. Any employee of the agency who greets an individual arriving at a facility or site of NorthCare who identifies himself or herself as a government auditor, investigator, or other representative should:
 - a) Treat the individual(s) with respect and courtesy;
 - b) Politely inform them that you will contact someone who can assist them;
 - c) Take them to an unused conference room, office (make sure no confidential information is in view) or location where business is not currently be conducted to wait for others to arrive;
 - d) Immediately notify NorthCare's CEO, COO, and/or Compliance Officer;
3. NorthCare's CEO, COO, or Compliance Officer should:
 - a) request identification from the individual and the reason for the visit. **Do not attempt to photocopy credentials as this is a violation of Federal law;**
 - b) immediately contact the CEO, COO, legal counsel and/or Compliance Officer.
 - c) wherein NorthCare can request contact information from the investigator for verification purposes.

4. Do not reply to questioning, submit to an interview, or provide the government representative with any documents or other information until directed to do so by legal counsel.

B. Procedure for search warrants

1. Call legal counsel immediately. If possible and if time permits, also contact the CEO, COO, and/or the Compliance Officer. Legal counsel or a representative will review the proper procedure with the employee. Legal counsel will be asked to proceed to the site immediately to provide on-site support and advice.
Legal Counsel – Joe Lavey at 906-228-2205
Chief Executive Officer – John Basse at 906-225-5152
Chief Operating Officer – William Slavin at 906-225-7253
Compliance Officer – Diane Bennett at 906-226-0043
2. Request identification from the individual and the reason for the visit. Record the name of the lead agent and the agency they represent. **Do not attempt to photocopy credentials as this is a violation of Federal law.**
3. The government agent is required to provide a copy of the search warrant at the time of the search. If it is not provided, request a copy of the search warrant document. Carefully examine the search warrant for:
 - ✓ Any limitations on the areas or locations specified in the document to be searched?
 - ✓ Is the warrant being executed during the hours indicated on the document?
 - ✓ Has it been signed by a judge?
4. You may politely object if you believe there is any obvious problem with the warrant or if you believe the agents are searching anything or anywhere you feel is outside the scope of the warrant, but do not interfere should agents proceed and search. Note the fact of your objection and get this information to legal counsel.
5. Always remain present while the agents are conducting the search. In cases where agents are in multiple areas, assign staff to act as monitors to document what has been searched and what documents or object have been seized. Never interfere with the search.
6. Request an “inventory list” of the documents and items seized by the agents. Try to make sure there is enough detail to be able to identify the documents and items taken by the agents. Also maintain a record of the areas searched and documents/items seized that you or assigned staff have observed.
7. Provide information to the agents to direct them to the information requested, but you do not need to submit to any form of questioning or interviewing.
8. The senior employee assigned to deal with search warrants or their designee should be responsible for responding to the agent’s questions.

9. Any questions by employees as to how to proceed, other than as described above, should be answered by legal counsel. The senior manager should not advise employees of their legal rights nor direct them in any way to interfere with the process of the search.

C. **Procedure for subpoenas** (In the course of a government investigation.)

1. Any subpoena, whether delivered in person or by mail, should be delivered immediately to NorthCare's CEO, COO, or supervisor present on site. And, a copy of the subpoena should be faxed to legal counsel.
2. If the subpoena is delivered in person:
 - ✓ The employee receiving it should get the name, title and telephone number of the agent who serves the subpoena, as this information must be given to NorthCare's CEO, COO, or supervisor on duty along with the subpoena.
 - ✓ The employee receiving the subpoena or NorthCare's CEO, COO, or supervisor should provide the agent/investigator with the information they need to deliver the subpoena to the appropriate individual.
 - ✓ Do not volunteer any information to an agent/investigator or submit to any form of questioning or interviewing.
3. NorthCare's CEO, COO, or supervisor upon notice or receipt of the subpoena should contact, as soon as possible, the CEO, COO, compliance officer and legal counsel.
4. Legal counsel will provide direction on how to proceed with the organization's response.

BOARD ADOPTED/REVIEWED DATE

6/04 (Originally part of Compliance Plan); 5/2/07;

COO APPROVAL

1/13/11

HISTORY

REVIEW DATES: 12/13/10

REVISION DATES: 4/23/07