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**BYLAWS OF
ADAIR COUNTY SB40 DEVELOPMENTAL DISABILITY BOARD.**
A Political Subdivision of the State of Missouri

PREAMBLE

The Adair County SB40/Developmental Disability Board ("Political Subdivision") is dedicated to creating conditions that promote the wellbeing of persons with developmental disabilities. The Board seeks to enhance the care and/or employment of disabled persons as described in Revised Statutes for Missouri.

RSMo 178.900:

(2) "Disabled persons", a lower range educable or upper range trainable developmentally disabled or other disabled person sixteen years of age or over who has had school training and has a productive work capacity in a sheltered environment adapted to the abilities of persons with a developmental disability but whose limited capabilities make him or her nonemployable in competitive business and industry and unsuited for vocational rehabilitation training;

RSMo 205.9683:

- (1) "Developmental disability" shall mean either or both paragraph (a) or (b) of this subsection:
- a. A disability which is attributable to intellectual disability, cerebral palsy, autism, epilepsy, a learning disability related to a brain dysfunction or a similar condition found by comprehensive evaluation to be closely related to such conditions, or to require habilitation similar to that required for intellectually disabled persons; and
 - a. Which originated before age eighteen; and
 - b. Which can be expected to continue indefinitely;
 - b. A developmental disability as defined in section 630.005;
- (2) "Person with a disability" shall mean a person who is lower-range educable or upper-range trainable intellectually disabled or a person who has a developmental disability.

RSMO 630.005:

- (9) "Developmental disability", a disability:
- a. Which is attributable to:
 - a. Intellectual disability, cerebral palsy, epilepsy, head injury or autism, or a learning disability related to a brain dysfunction; or
 - b. Any other mental or physical impairment or combination of mental or physical impairments; and
 - b. Is manifested before the person attains age twenty-two; and
 - c. Is likely to continue indefinitely; and
 - d. Results in substantial functional limitations in two or more of the following areas of major life activities:
 - a. Self-care;
 - b. Receptive and expressive language development and use;
 - c. Learning;
 - d. Self-direction;
 - e. Capacity for independent living or economic self-sufficiency;
 - f. Mobility; and
 - (e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, habilitation or other services which may be of lifelong or extended duration and are individually planned and coordinated;

ARTICLE I
Corporate Office

The Political Subdivision's address and location of the principal office (if any shall exist) is located within Adair County and shall be designated by and may be changed from time to time by the Board of Directors by a majority vote. The address of record will be: Office of the Adair County Clerk, 215 North Franklin Street, Kirksville, Missouri 63501-2916.

ARTICLE II
Board of Directors

Section 2.1 General Powers.

- (a) The board may engage in and contract for any and all types of services, actions or endeavors, not contrary to the law, necessary to the successful and efficient prosecution and continuation of the business and purposes for which it is created, and may purchase, receive, lease or otherwise acquire, own, hold, improve, use, sell, convey, exchange, transfer, and otherwise dispose of real and personal property, or any interest therein, or other assets wherever situated and may incur liability and may borrow money at rates of interest up to the market rate published by the Missouri division of finance.
- (b) The board may contract to provide services relating in whole or in part to the services which the board may provide to handicapped persons as defined in this law and for such purpose may expend the tax funds or other funds.
- (c) The board may contract with any not-for-profit corporation for any common services, or for the common use of any property of either group.
- (d) The board may accept any gift of property or money for the use and benefit of the facility, and the board is authorized to sell or exchange any such property which it believes would be to the benefit of the facility so long as the proceeds are used exclusively for facility purposes. The board shall have exclusive control of all gifts, property or money it may accept; of all interest or other proceeds which may accrue from the investment of such gifts or money or from the sale of such property; of all tax revenues collected by the county on behalf of the facilities or services; and of all other funds granted, appropriated, or loaned to it by the federal government, the state, or its Political Subdivisions so long as these resources are used solely to benefit the facility or related services except those paid for transportation purposes under the provisions of RSMo 94.645.

Section 2.2 Number and Qualifications. The Adair County Commission shall appoint a board of directors consisting of a total of nine (9) members, two (2) of whom shall be related by blood or marriage within the third degree to a handicapped person as defined in RSMo 205.968, and four (4) of whom shall be public members. At least seven of the board members shall be residents Adair County, Missouri.

Section 2.3 Term of Office and Election: All board members shall be appointed to serve for a term of three years, except that of the first board appointed three members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Each director will hold office until the expiration of the term or until his/her successor is appointed. Directors may be re-appointed.

Section 2.4 Resignation. Any director may resign at any time by written notice of resignation to the Board of Directors and the Adair County Presiding Commissioner.

Section 2.5 Removal. Any board member may, following notice and an opportunity to be heard, be removed from office by a majority vote of the other members of the board for any of the following grounds:

- 1. Failure to attend five consecutive meetings, without good cause;
- 2. Conduct prejudicial to the good order and efficient operation of the facility or services; or

3. Neglect of duty.

The chairman of the board shall preside at such removal hearing, unless he or she is the person sought to be removed. In which case the hearing shall be presided over by another member elected by the majority vote of the other board members. All interested parties may present testimony and arguments at such hearing, and the witnesses shall be sworn by oath or affirmation before testifying. Any interested party may, at -his or her own expense, record the proceedings.

Section 2.6 Vacancies. Vacancies in the board occasioned by removals, resignations or otherwise shall be reported by the board chairman to the Adair County Commission and shall be filled in like manner as original appointments; except that, if the vacancy occurs during an unexpired term, the appointment shall be for only the unexpired portion of that term.

Section 2.7 Annual Meeting **The Board of Directors shall meet annually in August.** The first order of business at each Annual Meeting shall be the accepting the directors appointed by the Adair County Commission and the election of officers.

Section 2.8 Regular Meetings. The Board of Directors may provide by resolution for regular meetings of the Board for the transaction of business of the Political Subdivision. The time, place, and frequency of regular meetings shall be determined from time to time by resolution of the Board. Meetings will be held at least four times a year.

Section 2.9 Special Meetings. Special meetings of the Board of Directors shall be called by or at the request of the Chairman, or any two (2) members of the Board of Directors. The person or persons authorized to call special meetings of the Board of Directors shall fix the time and place of such meeting and shall notify all directors of the time and place of the meeting in the notice of meeting.

Section 2.10 Notice of Meetings. Notice of all meetings shall be posted as prescribed by RSMo 610.020. Notice of any special meeting shall be given by written notice deposited in the US Mail at least (5) days prior to the date of the meeting with postage prepaid for first class delivery to the directors' address as they appear on the records of the Political Subdivision, or by written notice at least two (2) days prior to the meeting date if hand delivered notice is given. Any director may waive notice of any meeting. The attendance of a director at any meeting shall constitute waiver of notice of the meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business thereat and asserts that the meeting is not lawfully called or convened.

Section 2.11 Place of the Meeting. The annual and all regular or special meetings of the Board of Directors shall be held at a place within Adair County, Missouri as may be designated by resolution of the Board of Directors or consented to in writing by all directors.

Section 2.12 Quorum. A majority of the directors in office immediately before a meeting begins shall constitute a quorum for the transaction of any business at any meeting of the board of directors.

Section 2.13 Conflict of interest. Each member of the Board of Directors and all management employees of the Political Subdivision shall be required to disclose fully and frankly to the Board any and all actual or potential conflict or duality of interest or responsibility and any financial interest whether individual, personal, or business which may exist or appear as the Political Subdivision or nay matter of business which may come before the Board or a committee thereof at any time prior to actions thereon. After disclosure of such interests and all material facts, and after any discussion with the interested person, the Board of Directors, absent the interested person, shall determine if a conflict of interest exists and what steps are appropriate.

Ordinarily the interested person will leave the meeting during the discussion of, and the vote on the transaction or arrangement involving the conflict of interest.

Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board. No person shall be employed by the board who is related within the third degree by blood or by marriage to any member of the board.

Section 2.14 Compensation. The directors shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

ARTICLE III **Officers**

Section 3.1 Number. The officers of the Political Subdivision shall be: Chairman, Vice Chairman, Treasurer, Secretary and such other officers as it deems necessary. All officers shall be duly appointed directors with the exception of the office of secretary which may be held by a non director. The offices of Secretary and Treasurer may be held by the same person.

Section 3.2 Election. The officers are elected by Board at the Annual Meeting of the Board or Directors for one year terms. Each officer shall be elected by a majority vote of the Board of Directors and shall hold office until his or her successor shall have been duly elected and shall have qualified of until he or she resigns or otherwise vacates the office or shall be removed in the manner provider herein.

Section 3.3 Chairman. The Chairman of the Board shall be the principal officers of the Board, The Chairman shall preside at all meetings of the Board of Directors. The Chairman shall be an ex officio member of all board committees. The Chairman shall perform all duties incident to the office of Chairman and all other duties as may from time to time be prescribed or designated .by the Board of Directors.

Section 3.4 Vice Chairman. The Vice Chairman shall perform such duties as may be assigned by the Chairman, the Board of Directors, or by these Bylaws. In the absence of the Chairman or in the event of the Chairman's inability or refusal to act, the Vice Chairman shall preside at Board meetings and shall perform the duties and exercise the powers of Chairman with the same force and effect as if performed by the Chairman.

Section 3.5 Treasurer: The Treasurer shall perform such duties as may be assigned by the Chairman, the Board of Directors, or these Bylaws. The Treasurer shall oversee and monitor the funds of the Political Subdivision and shall ensure that a full and accurate record of all receipts and disbursements is made. The Treasurer will oversee and monitor the disbursement of all funds, demanding and requiring proper vouchers for such disbursements. The Treasurer will ensure the rendering of an account of all transactions and the financial condition of the Political Subdivision that at such time or times as the Board of Directors may require.

Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of his duties and faithful accounting of all moneys that may come into his hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the Political Subdivision.

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Section 3.6 Secretary. The Secretary shall perform such duties as assigned by the Chairman, the Board of Directors, or these Bylaws. The Secretary shall ensure that a record is kept of attendance at all Board

meetings, shall ensure that all Board votes are recorded and ensure that minutes of all meetings are taken and kept. The secretary shall keep a register of the mailing addresses and contact telephone numbers of each Director. The Secretary will be the custodian of records as required by RSMo 610.023.1.

ARTICLE V
Committees of the Board

Section 4.1 Board Committees. The Board of Directors, by resolution adopted by a majority of directors, may establish or designate one or more committees, each of which shall consist of not less than two (2) directors. The Board of Directors may designate that persons not appointed to the Board may serve on committees. Appointment to all committees and designation of Committee Chairs shall be made by the Chairman of the Board subject to ratification by the Board.

Section 4.2 Finance Committee. The Finance Committee will be a standing committee of the Board of Directors and shall be appointed by the Chairman of the Board and ratified by the majority of the Board each year at the Annual Meeting or the next regular meeting of the Board following the Annual Meeting. The Treasurer will serve as the Chairman of the Finance Committee. The Finance Committee shall review and make recommendations to the board regarding an annual budget, financial feasibility of all Political Subdivision activities and undertakings, compensation of any staff, annual audit of the Political Subdivision.

ARTICLE V
Contracts, Loans, Checks and Deposits

Section 5.1 Execution of Instruments. All documents, contracts, agreements, instruments or writings of any nature shall be signed, executed, verified, acknowledged and delivered by such officer or officers, or by such other agent or agents of the Political Subdivision, and in such manner as the Board of Directors shall from time to time determine. Unless so authorized, no officer, director or employee shall have the power or authority to bind the Political Subdivision by contract, to pledge any asset of the Political Subdivision, or to render the Political Subdivision pecuniarily liable for any purpose in any amount.

Section 5.2 Loans. No borrowing or loan obligations shall be contracted on behalf of the Political Subdivision and no evidence of such indebtedness of the Political Subdivision shall issue in the name of the Political Subdivision unless authorized by resolution of the Board of Directors. No loan shall be made by the Political Subdivision to any of its directors.

Section 5.3 Authorized Signatories. All checks, notes, drafts and other instruments for the payment of money or disbursement of funds drawn, endorsed or executed in the name of the Political Subdivision shall be signed by the Treasurer and either the Chairman or the Vice Chairman. In the absence of the Treasurer, the Chairman and Vice Chairman will be the authorized signatories.

Section 5.4 Deposits. All funds of the Political Subdivision not otherwise employed shall be deposited from time to time to the credit of the Political Subdivision in such depositories as the Board of Directors may from time to time direct.

Section 5.5 Fiscal Year: The fiscal year shall be from July 1 until June 30.

ARTICLE VI
Notice

Whenever notice is required to be given under the provisions of these Bylaws waiver of notice in writing signed by the person or persons entitled to notice, whether before or after the event noticed, shall

be deemed to be equivalent to the giving of such notice except as may otherwise be specifically prohibited by RSMo Chapter 610 or by any other law.

ARTICLE VII
Dissolution

The Political Subdivision may be dissolved as prescribed by the laws of the State of Missouri, or in the absence of any such laws, as directed by the Attorney General of the State of Missouri.

ARTICLE VIII
Amendments

The Bylaws of the Political Subdivision, or any portion thereof, may be altered, amended, or repealed from time to time and new Bylaws, or new provisions thereof may be adopted in lieu hereof upon affirmative vote of a two-thirds of the directors then in office, provided that written notice of such alterations, amendment or repeal and restatement of the Bylaws shall have been given each director and the same having been discussed at not fewer than two (2) meetings of the Board, including the meeting a which the vote thereon is taken.

Certificate of Secretary

The undersigned, being duly elected, qualified and acting Secretary of the Political Subdivision, hereby certifies that the forgoing Bylaws consisting of seven (7) pages (not including this certificate), were approved and adopted by the Board of Directors of the Adair County SB40/Developmental Disability Board on the Twenty-Seventh day of July, 2005.

Printed Name: _____

Title: Secretary

Dated: APPROVED Version 1.2 dated July 28, 2005

ADAIR COUNTY SB40/DEVELOPMENTAL DISABILITY BOARD
BYLAWS AMENDMENT #2
FIRST READING 01/10/06

AMEND ARTICLE I: CORPORATE OFFICE

REPLACE: % Adair County Ambulance District; 606 West Potter Avenue; Post Office Box 189; Kirksville, MO 63501-0189.

WITH: 1011 East George Street, Kirksville, Missouri 63501-4548

The article as amended would read:

ARTICLE I

Corporate Office

The Political Subdivision's address and location of the principal office (if any shall exist) is located within Adair County and shall be designated by and may be changed from time to time by the Board of Directors by a majority vote. The address of record will be: 1011 East George Street; Kirksville, Missouri 63501-4548.

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**BYLAWS AMENDMENT #3
FIRST READING 3-17-09
SECOND READING 4-14-09**

AMEND ARTICLE 1: CORPORATE OFFICE

REPLACE: 1011 E. George Street, Kirksville, Missouri 63501-4548

WITH: 1107 Country Club Drive, Kirksville, Missouri 63501-5355

The article as amended would read:

ARTICLE I

Corporate Office

The Political Subdivision's address and location of the principal office (if any shall exist) is located within Adair County and shall be designated by and may be changed from time to time by the Board of Directors by a majority vote. The address of record will be: 1107 Country Club Drive, Kirksville, Missouri 63501

APPROVED; Lk- ILA-09

**ADAIR COUNTY SB40 DEVELOPMENTAL DISABILITY BOARD
BYLAWS AMENDMENT #4
FIRST READING 3/8/16
SECOND READING 4/12/16**

Amend PREAMBLE to reflect the changes in the Revised Statutes of Missouri. APPROVED 4/12/16

Adair County SB40 Developmental Disability Board 2023-2024

Mission:

The MISSION of the Adair County SB40 is to engage in ADVOCACY, promote INCLUSION, and provide essential RESOURCES to assist people with developmental disabilities to live self-determined lives.

Our Vision:

Our VISION is to see people's ABILITIES and change the world so that everyone can live their best life.

What We Value:

- SELF-DETERMINATION – Having opportunities, respectful support, and the authority to exert control in one's own life with decisions that are honored and the opportunity to succeed or learn from failure
- COMMUNITY – The importance of community in the lives of people with developmental disabilities and the importance of people with developmental disabilities in the life of the community with emphasis on collaboration and belonging.
- EQUALITY – Believing all people are of equal value and ensuring they are treated with equal dignity.
- EQUITY – Believing that no one should have poorer life chances because of their race, color, religion, sex, national origin, age, disability, or genetic information, ensuring systemic barriers are removed, and helping people meet their unique needs to make the most of their lives and talents.
- EXCELLENCE – Believing the organization must go *beyond compliance* in delivery of services to meet current needs and anticipate future needs of the people we support.

Key Focus Areas:

- ❖ Implement quality, effective Person-Centered Planning using proven life planning tools & *in-person* assessments supported by learning programs which improve life skills and social relationships. We are committed to being trauma informed and responsive.
- ❖ Promote Competitive and Integrated Employment; workforce ready upon graduation from High School.
- ❖ Foster development of support networks for Advocacy/Self-Advocacy; small groups, education & information for people with IDD and their supports.
- ❖ Advocate for *equity* in education, healthcare, employment, housing and other areas of home & community living.
- ❖ Ongoing promotion of *authentic* inclusion of people with IDD as valued members of our community.

Adair County SB40 Developmental Disability Board Strategic Plan 2023-2024

Key Performance Indicators #1: Ensure quality programs and services for people with intellectual/developmental disabilities (IDD) in accordance with the Mission and Vision of the organization.

- Provide individual and group information, education and social programs to people with IDD through the Community Learning Center which align with DMH’s Missouri Quality Outcomes.
 - *Goal: Facilitate at least one self-advocacy group which meets monthly at the CLC (Individuals, Parents, Siblings, etc.)*
 - *Goal: Provide information/education programs, at least one per quarter. (i.e. Project STIR, CIRCLES, Life Course, etc.)*
 - *Goal: The CES and Executive Director will include individuals using CLC programs in the monthly program review and development of the planning calendar and have at least one program planned for no less than 4 days per week each month.*

- Provide quality Targeted Case Management Services
 - *Goal: Quarterly and annual Audits by DMH and CMS yield no major areas of concern.*
 - *Goal: Average 85% success in implementation of goals identified through the Tier 2 Positive Behavioral Supports project facilitated through DMH.*
 - *Goal: All TCM staff will complete DMH training for MAAS, HRST and CONNECXION. Once all new DMH systems are operational, the TCM staff will develop process maps for all functions/duties associated with TCM services to aid with workflow and succession planning.*
 - *Goal: Community inquiries for new referrals to the Division for Intake & Assessment (MAAS) will be tracked to be sure the MAAS is completed and referrals are sent to the Agency as appropriate.*

- Provide individual grants to Adair County citizens for disability related expenses with no other source for payment.
 - *Goal: Establish an agency budget for Respite reimbursement program available to individuals and their families relying on natural supports. Respite would be arranged by caregiver and costs reimbursed up to a cap of \$150 per month per person upon presentation of proof of payment.*

- Provide agency grants to applicant Adair County agencies which adhere to the stated mission and values of Adair County SB40
 - *Goal: All agency grants approved by the Board of Directors will adhere to both the tax levy ballot language approved by taxpayers and the mission statement of Adair County SB40.*
 - *Goal: Agency and individual grants from SB40 fund programs and services that maximize the human potential of persons with a developmental disability.*

- Provide ongoing administrative supports to individuals that the agency serves. (i.e. Organizational Payee, Benefits Counseling, etc.)

- Develops and administers satisfaction surveys annually to measure the success of Adair County SB40 programs including but not limited to Service Coordination and the Community Learning Center.
 - *Goal: Satisfaction surveys returned score an average of 4.5 on a 5-point scale.*
 - *Goal: Enable satisfaction surveys to be completed online.*

Key Performance Indicators #2: Maintains positive work environment with highly trained staff who demonstrate commitment to excellence.

- Directors, Management and Staff practices are transparent and demonstrate positive communications.
- The Agency ensures competitive compensation plans.
 - *Goal: Wage ranges for each position are compared to regional wage studies annually.*
- The Agency secures an employee benefits plan which maintains the status of an ‘employer of choice’.
- Management fosters a work environment which supports reasonable work/life balance of the staff.
 - *Goal: HR will provide information and ongoing support to staff for Student Loan Forgiveness programs.*
- Management and Board support initiatives of the Agency which address Secondary Trauma experienced by staff and prevents compassion fatigue/burnout.
 - *Goal: The 360 Committee will host monthly employee social hours to discuss or have trainings on healthy living, self-care and individual resiliency.*
- Management provides ongoing training, development and advancement opportunities for staff.
 - *Goal: All HR, QA and Fiscal processes will be mapped out for succession planning by the end of the fiscal year.*
 - *Goal: TCM Management will maintain an ongoing training calendar with links to archived recordings and made available for access through a shared server with staff.*
- Implements ongoing employee recognition for excellent performance.
 - *Goal: An employee recognition program will be implemented each month throughout the year.*
 - *Goal: The HR Coordinator will administer the 360 Survey each quarter and report trends to the Board.*

Key Performance Indicators #3: Ensure an efficient and financially strong organization.

- Ensures clear and accurate accounting, purchasing and asset management systems.
 - *Goal: Annual Financial Audits by independent audit yields no reports of exceptions.*
 - *Goal: Monthly and YTD Financial reporting will include breakout of revenue & expense by program.*

- Develops and maintains an annual budget in cooperation with the Board of Directors.
- Coordinates, reviews and evaluates local individual funding requests on a weekly basis.
 - *Goal: Prioritize the use of Assistive Technology in the support of individuals served; to offset the service provider DSP staffing shortages and labor market deficiencies.*
- Coordinates, reviews and evaluates agency funding requests with Board of Directors each month.
 - *Goal: Agency grants from SB40*
 - *address the SB40 funding outcomes as listed in SB40's funding policy,*
 - *supports the 'Employment First' goals of the Missouri Department of Mental Health, and*
 - *enables individuals with IDD to progress toward normal living and to develop, as far as possible, their capacity, performance and relationships with other persons.*
- Actively researches and pursues funding sources and opportunities (e.g. grants, matching funds, partnerships, services) to supplement and enhance programs consistent with the organization's mission.
 - *Goal: Routinely promote QR Code for donations to support the 501(c)3 organization, Adair DD Link, in all external and social media communications.*

Key Performance Indicators #4: Develop positive and professional working relationships with interagency contacts to maximize synergy in meeting the needs of the IDD community

- Advocates for people with IDD in the community
 - *Goal: The agency will provide Community Resource Coordination for individuals with IDD in Adair County who are non-Medicaid eligible.*
- Maintains positive and proactive working relationships with Service Providers for individuals served by the agency.
 - *Goal: TCM Services will promote the use of Tools of Choice for positive behavioral supports of the people that we serve.*
 - *Goal: The CLC programming will include Mandt Training and Certification for Service Provider staff to support positive behavioral supports in residential settings.*
 - *Goal: The agency will organize and host annual DSP recognition event for Service Provider staff.*
- Cultivates effective relationships with community and business leaders, public officials, and potential funding sources.
 - *Goal: The agency will collaborate with representatives of community leadership to support programs impacting people with intellectual and developmental disabilities.*
 - *Goal: The agency will maintain and promote a community online resource directory (NEMO Resources)*

- Identifies gaps in services for people with IDD and initiates formation of workgroups to find resolution.
 - *Goal: The agency will conduct an annual needs assessment survey to identify gaps in services.*
 - *Goal: The agency annual needs assessment survey will be available online.*
- Actively participates in community work groups formed to resolve pressing local issues impacting people with IDD.
 - *Goal: Assures equity in services and supports through facilitating and participating in community workgroups which result in equitable outcomes for people with IDD.*
 - *Goal: The agency will facilitate ongoing positive and productive working relationships with local school districts, Children's Division, Department of Health & Human Services and other agencies that also service the people that the agency services.*

Key Performance Indicators #5: Represents the interests of citizens with intellectual/developmental disabilities in Northeast Missouri through effective governmental relations efforts.

- Advocates for people with IDD in the community at local, county, state and federal levels.
 - *Goal: The agency will participate in the local Chamber Government Affairs committee, MACDDS Legislative committee and other government related entities.*
 - *Goal: The agency will host an annual legislative forum to assist legislators in identifying priority issues impacting people with IDD and potential resolutions.*
- Agency staff, management and Directors maintain a strong knowledge of State plans, policies and resources.
 - *Goal: Adair County SB40 will provide funding match for the Missouri Partnership for Hope Waiver program up to the programs funding limit as waiver slot requests are approved.*
- Maintain productive working relationships with elected officials
- Provides representatives with ongoing education/information on local issues impacting local citizens with IDD.

Key Performance Indicators #6: Promotes the programs and services of the organization to citizens with intellectual/developmental disabilities, their families and their supports, in Northeast Missouri

- Demonstrates attitude of sincere interest, concern and accessibility toward persons served by Adair County SB40, as well as toward their families and others supporting them.
- Maintains updated social media presence with platforms including Agency website, Online Resource Directory, Facebook page and Facebook Live.
- Maintains a positive and professional relationship with the local community.

- *Goal: The agency will host monthly 'coffee chats' with various local community professionals that impact the lives of citizens with IDD.*
- *Goal: The agency will participate in community events that promote awareness of services provided, at least one per quarter.*
- Management represents the Agency in a positive and professional manner with the local media.
 - *Goal: Distributes monthly newsletters, calendars and occasional press releases to local media.*
- Management initiates frequent presentations and interactions with local service groups, civic organizations and governmental entities.
 - *Goal: Self-Advocates volunteering through the SB40 AmbassaDDAIR program will present at least quarterly to various groups and organizations about SB40 programming and solicit enrollment into Operation Life Check.*
 - *Goal: The Agency will host community events that raise awareness of issues involving people with IDD such as the annual Community Engagement Conference, Spotlight Awards, March Developmental Disabilities Awareness month, etc.*
 - *Goal: Presentations and interactions will include representatives from self-advocacy groups.*

Key Performance Indicators #7: Actively participate in professional development, training and educational opportunities to continuously grow knowledge and understanding of community resources, disability issues and the best practices to assure quality services to the individuals served by the organization.

- All activities of the Staff and Board of the Agency demonstrates a commitment to the mission, vision and values of the organization.
 - *Goal: Agency staff and management actively participates in regular meetings and training opportunities, including but not limited to those opportunities available through DMH, MACDDS and other advocacy groups at the state and national level.*
- Develops partnerships through networking with other professionals in the field of developmental disabilities locally and abroad.
- Strives to uphold highest standards of professional integrity and accountability in fulfillment of commitment to Adair County SB40 Board members and employees, individuals/families served by Adair County SB40, and the citizens of Adair County.

Board of Directors

Policy: It is the policy of Adair County SB40 to operate under the direction of the Board of Directors.

Procedure:

1. The Adair County SB40/Developmental Disability Board is a Political Subdivision in Adair County of the State of Missouri, providing essential resource for people with developmental disabilities.

2. The functions of the Board of Directors include, but are not limited to the following:
 - a. Establishing by-laws
 - b. Approving a mission statement and direction of the organization
 - c. Approving core values
 - d. Approving service lines and a strategic plan
 - e. Reviewing and approving an annual budget that ensures financial solvency
 - f. Assuring that the agency's physical and financial resources are insured and risk managed
 - g. Advocating for resources needed to meet the agency's mission
 - h. Complying with insurance and risk management requirements/practices
 - i. Participating in accreditation/licensure processes as determined by the Directors
 - j. Supporting the activities of the quality improvement program
 - k. Approving the organizational structure
 - l. Reviewing program and administrative activities
 - m. Assuming responsibility and accountability for programs/services offered
 - n. Developing and implementing corporate responsibilities
 - o. Appointing the Executive Director and establishing duties and responsibilities
 - p. Annually evaluating the Executive director's performance
 - q. Collaborating with the Executive Director
 - r. Insuring that personnel and employment practices function in accordance with established law and regulatory requirements
 - s. Insuring client rights
 - t. Insuring adequate professional liability and hiring practices insurance protection for its Board of Directors and employees
 - u. Documentation of Board of Director activities are found in meeting minutes kept on file by the Executive Director or designee.

Board of Directors Recruitment Process

Purpose

The purpose of this policy is to outline the process to be used to fill vacancies on the Board of Directors of Adair County SB40 Developmental Disabilities Board ('the Agency'). Nothing in this policy shall be construed to be in conflict with the Agency's existing By-Laws and where questioned, the content of the By-Laws shall supersede the content of this policy.

Process

In accordance with the authority of the Adair County Commissioners, any eligible citizen that is interested in appointment to the Agency's Board may notify the Commission of their interest at any time.

When there becomes a vacancy on the nine-member Board of Directors, due to the resignation of a member or because of an expiration of the term of a member, the Executive Director shall notify 1) the Chair of the Board of Directors and 2) the Adair County Commissioners. The notification shall be in writing and sent within three (3) business days of the vacancy. The notification may be communicated electronically.

In addition, a notice of Board vacancy shall be posted on social media, the Agency Website and on the front entrance of both Agency locations. The notice of vacancy shall be posted within three (3) business days of the vacancy. The notice of vacancy must contain details about how to apply for consideration for appointment to the Agency's Board and establish a deadline for submitting an application for that vacancy.

All applications submitted for that vacancy will be reviewed by the Board Recruitment Committee of the Agency. The Board Recruitment Committee will consist of the Executive Director and three members of the Agency staff as appointed by the Executive Director. This committee will review the applications and may request that any candidate meet with the committee to discuss their interests. Following this review, the Committee will submit all applications received to the Adair County Commissioners along with the Committee's recommendations for appointment.

The Adair County Commissioners are not bound by the recommendations of the Board Recruitment Committee.

Upon the Commission's appointment to the vacancy, the Executive Director shall notify the Chair of the Board and the new Board member of the appointment.

The Executive Director shall schedule Board member orientation within thirty (30) calendar days of appointment.

Board of Directors Orientation

Policy: It is the policy of Adair County SB40 to provide formal orientation for all new Board members during the first thirty (30) days of appointment.

Procedure:

1. All new Board members will complete an orientation that includes, but is not limited to, a review of the following:
 - a. Agency mission statement
 - b. Governing structure
 - c. Board functions, duties, responsibilities, operations and annual reviews
 - d. Strategic and annual plan, goals and objectives, services, hours of operation, and table of organization
 - e. Quality improvement program and plan
 - f. Summary of client rights activities
 - g. All policies and procedures
2. Scheduling, completion, and documentation of each new Board member's orientation will be the primary responsibility of the Executive Director and shall occur within 30 days of the person's appointment to the Board.

Board Operations Manual

Policy: The Board of Directors shall maintain an Operations Manual reflective of all Board activity.

Procedures:

1. The Operations Manual of the Board will include, but not be limited to, the following:
 - a. Agency By-Laws
 - b. Governing policies, rules and regulations
 - c. Board of Directors membership roster and terms
 - d. Officer roster, responsibilities, and terms
 - e. Committee membership roster
 - f. Meeting minutes
 - g. Annual reviews
 - h. Strategic plan
 - i. Annual goals and objectives
2. Board meeting minutes shall contain, at a minimum, the following:
 - a. Date, time and place of the meeting
 - b. Members in attendance
 - c. Topics discussed and actions taken

Board of Directors Meetings and Meeting Minutes

Policy: It is the policy of the Board of Directors to conduct scheduled Board meetings on a monthly basis, but not less than quarterly, and to maintain minutes of each meeting.

Procedure:

1. The Executive Director or designee shall be responsible for notifying all Board members by email and/or postal mail of a scheduled meeting no less than 10 days prior to the scheduled board meeting.

2. The Executive Director or designee shall be responsible for maintaining the minutes of all meetings of the Board. A copy of all minutes shall be kept in chronological order in the Board of Directors Operational Manual.
3. All meeting minutes shall reflect the date, time, place, names of members present, topics discussed, actions taken and required follow-up.

Board of Directors Annual Reviews

Policy: It is the policy of the Board of Directors to perform scheduled Annual Reviews to fulfill the responsibilities of agency governance.

Procedures:

1. As scheduled, the Board of Trustees will conduct annual reviews to include the following:
 - a. Mission statement
 - b. Agency Vision and Values statements
 - c. Strategic plan
 - d. Annual goals and objectives
 - e. Annual budget
 - f. Annual independent fiscal audit
 - g. Quality improvement plan
 - h. Policies and procedures
 - i. Executive Director's annual performance evaluation
 - j. Summary of client rights activities
 - k. Agency insurance program
2. Documentation of Board Annual Reviews will be reflected in the Board meeting minutes and records.

Board of Directors Conflict of Interest

Policy: The Board of Directors shall maintain a Conflict-of-Interest Policy for all members.

Procedure:

1. All Board members will be notified of the Conflict-of-Interest Policy as part of the new Board member's orientation process.
2. All Board members will complete and sign an annual Conflict of Interest Declaration to be stored in the Board of Directors Operational Manual.
3. If a Board member believes a conflict of interest pertaining to a specific issue exists, it will be presented to the Board for discussion.
4. If the Board determines that a conflict of interest exists for a member(s), the member(s) will abstain from discussion and vote on that specific issue.
5. Appropriate documentation will be maintained in the Board Meeting Minutes.

Conflict of Interest Policy

Each member of the Board of Directors and all management employees of the Political Subdivision shall be required to disclose fully and frankly to the Board any and all actual or potential conflict or duality of interest or responsibility and any financial interest whether individual, personal, or business which may exist or appear as the Political Subdivision or nay matter of business which may come before the Board or a committee thereof at any time prior to actions thereon. After disclosure of such interests and all material facts, and after any discussion with the interested person, the Board of Directors, absent the interested person, shall determine if a conflict of interest exists and what steps are appropriate. Ordinarily the interested person will

leave the meeting during the discussion of, and the vote on the transaction or arrangement involving the conflict of interest.

Individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board. No person shall be employed by the board who is related within the third degree by blood or by marriage to any member of the board.

Organizational Ethics

Policy: It is the policy of Adair County SB40 to maintain an Organizational Ethics Policy to guide the business practices and programming conduct of the organization.

Procedure:

1. Administration shall develop an Organizational Ethics Policy for review and approval of the Board.
2. Upon board approval, the Organizational Ethics Policy shall be communicated to all staff, persons served, and other stakeholders through existing communication channels.
3. The Organizational Ethics Policy shall be reviewed annually by the administration and the Board for approval.
4. The Organizational Ethics Policy will address professional responsibilities, personal behavior, business practices, marketing practices, programming practices, conflicts of interest, and human resources.
5. Adair County SB40 has a “no reprisal” policy for personnel reporting waste, fraud, abuse, and questionable activities and practices.

Organizational Ethics Policy

This policy shall apply to Board members of Adair County SB40 Developmental Disability Board (“the Agency”).

1.0 Compliance

- 1.1 Maintain a high standard of personal and professional conduct in capacity or identity as a Board member of the Agency.
- 1.2 Act in compliance with and abide by the code of ethics and the compliance plan during the entire term as a Board member.
- 1.3 Report first-hand knowledge of unethical activity to the Board Chairperson or Vice-Chairperson for investigation and appropriate action.

2.0 Responsibility to Organization

- 2.1 Work to achieve the organization’s mission, vision and values.
- 2.2 Support the integrity and reputation of the organization and represent the organization in a positive manner.
 - 2.2.1 Respond responsibly to criticism from those outside the organization.
 - 2.2.2 Fully support and promote the Board approved the Agency’s Strategic Plan.
- 2.3 Work to accomplish the organization’s goals and outcomes.
 - 2.3.1 Accessibility: Immediacy of Service
 - 2.3.2 Effectiveness: Services provide for positive persons served outcomes.
 - 2.3.3 Efficiency: Services are cost-effective and competitive.
 - 2.3.4 Satisfaction: Services meet needs & expectations.
 - 2.3.5 Quality: Services promote wellness.
- 2.4 Respect organizational policies and Board decisions.
- 2.5 Be prepared for and faithfully attend all meetings and trainings as assigned and enrolled.
 - 2.5.1 Attend all meetings for which per diem is received or registration fees are paid by the organization.
 - 2.5.2 Be prepared to report to full Board on information obtained from conferences and meetings attended on behalf of the Board.

3.0 Persons served

- 3.1 Primary responsibility is to the community and person served.
- 3.2 Foster every effort to support the community and self-determination of the person served, including person-centered planning through policy and annual budget.

4.0 Confidentiality

- 4.1 Maintain the highest level of confidentiality by not disclosing any information identifying consumers to others, unless the disclosure is required by a court order.
- 4.2 Respect Board decisions as final and binding on the organization, including all Board members and staff. Actively participate in Board decision-making process. Once a decision is made, accept and support the Board decision.

5.0 Discrimination

- 5.1 Avoid discrimination against anyone on the basis of race, color, sex, gender, age, height, weight, national origin, LGBTQ status, religion, handicap, disability, marital status, financial status, or political affiliation.

6.0 Competency

- 6.1 Board members shall accurately represent their education, training, experience and competencies as they relate to the business of the Board.
- 6.2 Advise on problems within the boundaries and scope of any recognized competency.
- 6.3 Take responsibility for enhancing professional knowledge, skills and abilities, and actively improve Board member competency through documented development plan.

7.0 Conflict of Interest

- 7.1 Comply with Missouri Department of Mental Health, Division of Developmental Disability guidelines and agency policies and procedures regarding conflict of interest.
- 7.2 Avoid and abstain from activities or decisions that constitute a conflict of interest or the appearance of a conflict of interest.
 - 7.2.1 All Board members shall sign an annual Declaration of Conflict of Interest.
 - 7.2.2 An updated Declaration of Conflict of Interest shall be completed when a new Conflict of Interest arises.
- 7.3 Avoid using Board member relationship with the organization to further personal or professional interests.
- 7.4 Avoid relationships with the Executive Director, staff, and persons served that could impair professional judgment or exploit their trust and vulnerability.

8.0 Colleagues

- 8.1 Treat all Board members, Executive Director, and community partners with respect, fairness, courtesy, and good faith.
- 8.2 Avoid engagement in any form of harassment or discrimination, including sexual harassment.

9.0 Removal of Board Member

A Board member may be removed from office by the appointing board of commissioners for neglect of official duty or misconduct in office after being given a written statement of reasons and an opportunity to be heard on the removal.

Rights of the Public

POLICY

This policy shall apply to all Adair County SB40 services operated by or under contract with it.

1.0 Policy

All Adair County SB40 Board/Committee Meetings are required to be open to the public unless a closed meeting is held.

- 1.1 All persons shall be permitted to attend any meeting except as discussed subsequently.
- 1.2 The right of a person to attend a meeting includes the right to audio record, video record, broadcast live on radio and television.
- 1.3 A person cannot be required, as a condition of attendance at a meeting, to register or otherwise provide his/her name or other information.
- 1.4 A person shall be permitted to address a meeting of Adair County SB40 Board providing the individual wishing to address the meeting identifies him/herself.
- 1.5 Public comments shall be limited to three (3) minutes per speaker.
- 1.6 Public comment shall be allowed only where so designated on the agenda.

2.0 Order of Business

Notice of all meetings shall be posted as prescribed by RSMo 610.020 and include a written agenda.

3.0 Closed Meeting

Upon a two-thirds roll call vote of Adair County SB40 Board members appointed and serving, Adair County SB40 Board may meet in closed session utilizing a written agenda for any of the following reasons:

- 3.1 To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. [not the sale of real estate owned by the Agency]
- 3.2 To consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
- 3.3 To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. All interviews of a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this Act except as otherwise provided in this subdivision.
- 3.4 To consider material exempt from discussion or disclosure by State or Federal statute.
To hold a closed session for consideration of a written legal opinion within the attorney-client privilege. A closed session may not be held for consideration of an oral opinion.

3.5 Closed sessions may also be held by the Board for the following reasons without a two-thirds roll call vote:

3.5.1 To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. The named person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered thereafter only in open sessions.

4.0 Disorderly Conduct

The chairperson shall call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities.

4.1 Such person shall thereupon be seated until the chairperson shall have determined whether the person is in order.

4.2 If the person shall continue to be disorderly and to disrupt the meeting, the chairperson may ask the person to leave the meeting.

4.3 No person shall be requested to leave an open meeting except for an actual breach of the peace committed at the meeting.

4.4 The chairperson shall have the right to immediately declare a recess of the meeting for such time as may be, in the chairperson's discretion, necessary to deal with disruptive or disorderly behavior.

By-Laws

The Adair County Board of Directors shall conduct, at minimum, an annual review of the organizational by-laws in consultation with, as appropriate, the Executive Director. Documentation of the completion of the review will be reflected in the meeting minutes.

Board of Governance Policies

POLICY

This policy shall apply to all Adair County SB40 services operated by or under contract with it.

1.0 Board Leadership

The Adair County SB40 Board of Directors (Board) serves as the body representing the citizens of Adair County. Community representation is carried out in a manner that is intended to provide leadership of the organization that reflects person served and community-based values rather than popular opinion or special interest.

The fundamental purpose of the Board is to establish the vision, mission, values, and policies of the organization. The Board provides ultimate leadership to the organization by establishing the vision, mission, values, and policies.

The Board speaks as one voice through a deliberative decision-making process set forth in the by-laws and governance policies. No individual board member may act to influence or affect the Executive Director and Agency employees in any way that does not agree with the board's by-laws, policies, and decisions.

1.1 Board Responsibility Relative to Providing Leadership

The Board is responsible for their own self-governance. This responsibility includes the development of by-laws and a governing policy that details the responsibilities of the Board and the responsibilities and relationship with the Executive Director.

The Board is intended to hold the Executive Director accountable for the immediate leadership relative to the implementation of the Board-approved direction. This is accomplished through the development of a relationship with the Executive Director articulated through expectations established in the Board governance policy.

1.2 Board Responsibilities Relative to Organization Direction

As the formulators of the organization's direction, the Board is responsible for developing the vision, mission, and values.

1.2.1 Vision

The organization's vision statement is intended to provide the organization with long-term strategic direction. The vision is likened to a statement of where the organization plans to go and the organization's future mission statement. The organization's vision is as follows:

**Our VISION is to see people's ABILITIES and
change the world so that everyone can live their best life.**

1.2.2 Mission

The organization's mission statement, in comparison to the vision, speaks more directly to the immediate purpose of the organization. The mission is intended to

promote a strategic course consistent with the intent of the organization's vision. The organization's mission statement is as follows:

The MISSION of the Adair County SB40 is to engage in **ADVOCACY,
promote **INCLUSION**, and provide essential **RESOURCES**
to assist people with developmental disabilities to live self-determined lives.**

1.2.3 Values

The organization's value statements are intended to provide the parameters for the operation and practices of the organization. The values provide the ultimate boundaries for all organizational decisions and are intended to promote the operating practices consistent with the intent of the organization's mission. The organization's value statements are as follows:

What We Value:

- **SELF-DETERMINATION** – Having opportunities, respectful support, and the authority to exert control in one's own life with decisions that are honored and the opportunity to succeed or learn from failure
- **COMMUNITY** – The importance of community in the lives of people with developmental disabilities and the importance of people with developmental disabilities in the life of the community with emphasis on collaboration and belonging.
- **EQUALITY** – Believing all people are of equal value and ensuring they are treated with equal dignity.
- **EQUITY** – Believing that no one should have poorer life chances because of their race, color, religion, sex, national origin, age, disability, or genetic information, ensuring systemic barriers are removed, and helping people meet their unique needs to make the most of their lives and talents.
- **EXCELLENCE** – Believing the organization must go *beyond compliance* in delivery of services to meet current needs and anticipate future needs of the people we support.

Key Focus Areas:

- ❖ Implement quality, effective Person-Centered Planning using proven life planning tools & *in-person* assessments supported by learning programs which improve life skills and social relationships. We are committed to being trauma informed and responsive.
- ❖ Promote Competitive and Integrated Employment; workforce ready upon graduation from High School.
- ❖ Foster development of support networks for Advocacy/Self-Advocacy; small groups, education & information for people with IDD and their supports.
- ❖ Advocate for *equity* in education, healthcare, employment, housing and other areas of home & community living.
- ❖ Ongoing promotion of *authentic* inclusion of people with IDD as valued members of our community.

1.2.4 Policies

The Board is responsible for reviewing and acting on all organizational policies. This responsibility includes evaluating any deletions, additions, new, and/or modified policy proposals presented by the Executive Director in terms of their adherence to, consistency with, and relevance to promoting the vision, mission, and values of the organization.

2.0 Board-Executive Director Relationship

The Executive Director serves as the only employee of the Board. The Executive Director role as sole employee of the Board is to provide ethical and sound leadership within the organization, community, and state consistent with the directives, values, and policies developed by the Board.

The Executive Director recognizes the single voice of the Board. The Executive Director acts on the Board voice with the same integrity and intensity of effort regardless if an issue or item received a unanimous or single vote victory.

The Executive Director may not transgress into the scope of those responsibilities that are defined as the responsibilities of the Board.

The Executive Director is responsible for the administrative management of the organization's financial, human, technical, and physical resources.

2.1 Executive Director Responsibilities Relative To Organization Direction

As the implementer of the organization's direction and as the only employee of the Board, the Executive Director is ultimately held accountable and responsible for assuring that the vision, mission, and values are implemented in a manner consistent with the intent and scope established by the Board. In this role, the Executive Director is also responsible for assuring the development of all organizational policy proposals for presentation to the Board

2.1.1 Vision

The Executive Director is responsible for keeping the Board informed of federal and state policy directions that may serve to influence the Board's ongoing evaluation of and decisions regarding the organization's vision statement. It is expected that the Executive Director will fulfill this obligation by adhering to the principles of honesty, completeness, accuracy, objectivity, critical relevancy, and integrity in keeping Agency's Board informed and providing the Board with any analysis of information.

2.1.2 Mission

The Executive Director is responsible for assuring the implementation of the organization in a manner consistent with the intent and scope of the organization's mission statement. It is expected that the Executive Director will fulfill this obligation through a process of operationalizing the organizational values and ongoing reporting to the Board on the status of said values. The aggregate reporting of status of the organizational values serves as the method for the Board to evaluate implementation adherence and accomplishments relative to the organization's mission.

2.1.3 Values

The Executive Director is responsible for developing conceptual definitions for the organizational values and presenting said conceptualizations to the Board for their review and action. This process assures the most complete and best possible understanding of meaning of the organizational values. This also ensures that the steps necessary to operationalize the organizational values are complete.

Operationalization speaks to the implementation and the measurement of the organizational values.

The Executive Director is responsible for delivering a monthly report to the Board that provides detail regarding the status, accomplishments, and achievements relative to each of the organizational values. The substance of the report should include quantitative and qualitative information and analysis and reaction to said information that adheres to the principles of honesty, completeness, accuracy, objectivity, relevancy, and integrity.

In demonstrating a commitment to the organizational values, the Executive Director is responsible for conducting the practices of the organization in a manner that promotes the total wellness of persons served, provides for immediate access to services, maintains cost-effective and quality services, achieves person served and agency outcomes, and meets the needs of the community.

2.1.4 Policies

The Executive Director is responsible for developing and presenting draft board governance, finance, recipient rights, programming, and human resources policies for review and action by the Board. In developing proposed policies, the Executive Director is responsible for the following:

1. An assurance of need for the proposed policy;
2. An assurance that the proposed policy is not contradictory to any of the organization's values;
3. An assurance that the policy will serve to promote an organizational value or values; and
4. An assurance that the policy is legal.

2.1.5 Procedures

- 1) The Executive Director is responsible for implementing policies approved by the Board. It is expected that the Executive Director will faithfully and with honor fulfill the obligation of implementing and abiding with all Board approved policies.
- 2) Implementation is defined as the development of a corresponding set of standard operating procedures, practices, guidelines, and/or instructions that will comprehensively and accurately assure the instructive detail necessary to implement the policy. The Executive Director is solely responsible to issue a directive to the organizational members to implement the standard operating procedures, practices, guidelines, and/or instructions that correspond to an approved Board policy.

3.0 Organizational Evaluation

The Board is responsible for assuring that the Executive Director implements the vision, mission, values, and polices. This is to be accomplished through the development and use of valid, reliable evaluation and monitoring instruments. The ultimate evaluation of the organization involves an appraisal of the organizations' performance and outcomes compared to its identified vision, mission, values, and policies. The evaluation is intended to be reflective of the community who entrusts leadership to the Board and the individuals who are affected by the actions.

Selection of Executive Director

Policy: The Board of Directors assume primary responsibility for the recruitment and selection of the Executive Director, as well as establishing the duties and responsibilities of the position.

Procedure:

1. The Board of Directors shall write the position description for the position and be responsible for the annual evaluation of performance.
2. The Board of Directors shall recruit, interview, and select the Executive Director in accordance with agency and Board policies including EEO and Affirmative Action.
 - a. When the Executive Director's position is vacant, the Board President shall appoint a Search Committee within 14 working days of the occurrence of the vacancy. Members shall be appointed from among the Board and Agency staff, if deemed appropriate.
 - b. Recommendation of the candidate will be made to the Board of Directors as soon as a qualified candidate is identified. The qualifications of the Executive Director are contained in the Executive Director's job description.
 - c. In the interim, the Board President may appoint an "Acting Director" from among the professional management staff of the organization.
3. The Executive Director's compensation will be determined by the Board of Directors based upon recommendations of the Search Committee. The Executive compensation should be reflective of market trends in order to attract and retain an Executive Director that can meet the functional demands of executive work and guide the organization.
4. The Board shall conduct the annual performance evaluation of the Executive Director using the position description and established performance indicators and competency requirements as benchmarks for this review.

Executive Compensation

The full Board retains authority for approving all executive compensation actions. The compensation and changes to the compensation will be based upon the recommendations of the Talent/Leadership Committee Chair who is tasked with conducting the annual evaluation of the Executive Director. The Chair will consider an analysis of functionally comparable positions, market comparator data, available salary surveys and/or salary consultants.

Succession Planning

Succession Planning is critical to assuring continuity of leadership due to planned or unplanned departure of the Executive Director and to affirm the principles of developing potential internal candidates for promotion at all levels of the organization.

It is the intention of the Agency to develop and promote internal candidates to supervisory and administrative positions whenever possible. This is necessary to encourage recruitment and retention of staff. Considerations shall be given based on skills, abilities, best fit for the position and demonstration of organizational values. The organization shall have in place a professional development plan for all staff to assist in this endeavor of developing depth of leadership potential within the organization. The Executive Director shall annually report on the status of succession development.

Appointment of Interim Executive Director

In the event of the premature departure or extended absence (30 days) of the Executive Director ("ED"), the Board shall appoint an interim ED for a specific period of time documented in a letter to the interim ED.

The interim ED shall be a current internal agency administrator.

1. A list of potential internal interim ED candidates shall be provided to the Board annually.
2. The interim ED may or may not be a candidate for the permanent ED position and the appointment to interim ED shall not implicitly or explicitly imply a permanent appointment.
3. A temporary salary adjustment shall be made, in the amount of 20% above that administrator's current base pay, while the administrator is serving in the role of the Interim ED.
4. The interim ED shall retain responsibility for their current position and job duties as well as the responsibility of interim ED.
5. During their tenure as interim ED the interim ED may not hire, terminate, contract with, or promote any internal or external person without formal approval of the Board.

No Reprisal

Adair County SB40 requires Directors and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Adair County SB40, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

This No Reprisal Policy is intended to encourage and enable employees and others to raise serious concerns internally so that Adair County SB40 can address and correct inappropriate conduct and actions. It is the responsibility of all board members, officers, employees and volunteers to report concerns about violations of Adair County SB40 Compliance Policy or suspected violations of law or regulations that govern Adair County SB40's operations.

No Retaliation

It is contrary to the values of Adair County SB40 for anyone to retaliate against any board member, officer, employee or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of Adair County SB40. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Reporting Procedure

Adair County SB40 suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with the Executive Director or HR Coordinator. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to Adair County SB40's Executive Director, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or the Executive Director.

Compliance Officer

Adair County SB40's Executive Director, as the designated Compliance Officer, is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The Compliance Officer will advise Board of Directors of all complaints and their resolution and will report at least annually to the Finance Committee/Audit Committee on compliance activity relating to accounting or alleged financial improprieties.

Accounting and Auditing Matters

Adair County SB40's Compliance Officer shall immediately notify the Audit Committee/Finance Committee of any concerns or complaint regarding corporate accounting practices, internal controls or auditing and work with the committee until the matter is resolved.

Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

Adair County SB40's Compliance Officer will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be investigated commencing within three business days and concluded within ten business days. Appropriate corrective action will be taken if warranted by the investigation.

Policies, Procedures and Standard Operating Practices

It is the intent of this policy for the Board to establish authority as related to the establishment and implementation of the policies, procedures, and standard operating practices of the organization.

The Board has sole authority to approve, rescind, and/or modify policies. Policy proposals, new and revised, may be developed within the organization and presented to the Board for review and disposition. Policies provide a conceptual description of the Board's intent relative to a specific issue, topic, and/or standard and serves as the framework for the Executive Director to develop operational guidelines and procedures. The policies of the organization are divided into seven major categories as identified and defined in the subsections that follow:

Governance

These policies address the role of the Board and the manner in which the Board governs itself, including the Board Bylaws, Code of Ethics, Organizational Planning, the Board's relationship with other organizations, Board member development, Corporate Compliance, Outcomes, Quality Improvement, and also establishes the relationship with the Executive Director.

Operations

These policies address the administrative support practices of the organization and includes guidelines for records management, care and maintenance of property, acquisitions and disposal of property and Emergency/Disaster planning.

Fiscal Resources

These policies address standards to ensure the fiscal integrity and viability of the organization including Method of Accounting, Audits, Schedule of Rates, Assets, Liabilities, Contracts, Purchasing, Budgets, Internal Controls, as well as Information Systems.

Funding

These policies address the requirements of individual and agency funding request, fundraising practices and grant administration.

Consumer Services

These policies address the standards of providing service coordination and support, and/or Learning Center programming to consumers of the organization. It includes Best Practices, Eligibility and Access, Delivery of Supports and Services. These policies also address the choice of the person(s) served, inclusion, confidentiality and service recipient rights.

Information Systems Management

These policies will address the security and usage of organizational computers, internet and phones, address staff training requirements and responses to a data or security breach.

Human Resources

These policies will address policies found in the Employee Handbook such as employee Health and Safety, Recruitment, Employment at Will, Termination, Supervision, Personal and Professional Conduct, Training and Education, Compensation and Benefits, Hours of Work, Drug Free/Tobacco Free Workplace, Employee Records and standards regarding all human resource practices.

The policies of the organization will be subject to continuous review. A comprehensive annual review of all of the organization's policies shall be conducted and documented by the Board.

Adair County SB40 reserves the right to amend, modify or delete any of its Policies from time to time as it determines necessary or desirable, at its sole discretion.

The Executive Director is responsible for implementation of the Board's approval of a new or revised policy within 30 calendar days or unless otherwise specified by the Board.

The development of procedures is intended to provide operating guidelines necessary to implement Board approved policies. All procedures developed are to be consistent with both the letter and intent of the corresponding policy. The Executive Director is solely responsible for ensuring the development, continuous review, and modifications of all existing procedures.

Staff are responsible to maintain awareness and perform application of all organizational policies and procedures.

If any portion of any policy or procedure, or the application thereof to any person or circumstance is found to be invalid by legislation or case law, such invalidity shall not affect the remaining portions or application of the policies and procedures which can be given effect without the invalid portion or application, provided such remaining portions are not determined to be inoperable; and to this end, such policies and procedures are declared to be severable.

The Executive Director may temporarily waive any policy at his/her discretion, to maintain congruence with the organizational values and the policy direction and intent of the Board of Directors. Such action shall be reported at the next scheduled full Board meeting.

Emergent Business

This policy shall apply to Adair County SB40, Executive Director.

It is the intent of this policy to ensure that the daily operations of agency business continue in an uninterrupted manner and that the Executive Director has the authority to make urgent decisions affecting the ongoing operations and vitality of the organization when they emerge between regularly scheduled Board Meetings.

1. The Adair County SB40 Board of Directors empowers its Executive Director with the authority to act on its behalf in situations that require urgent or immediate action without pre-approval of the Board.
2. These actions shall be consistent with applicable Board policies and the organization's annual budget and in full compliance with all applicable regulatory standards.
3. The Executive Director shall notify the Chairperson of the Board as soon as possible to report the nature of the urgent business.
4. The Executive Director shall, within seven business days, prepare and disseminate a report to the full Board describing the nature of the emergent business, the consequences had the decision been delayed, the decision made, and supporting rationale.

Quality Improvement

Quality Improvement is a philosophy involving the ongoing process of monitoring, evaluating, and improving the quality, efficacy, and efficiency of organizational systems, processes, services, and outcomes; the accessibility of services; and the satisfaction of persons served and stakeholders. The scope of quality improvement encompasses all services and supports provided by Adair County SB40 either directly or by contract.

A continuous improvement plan (Quality Improvement Plan) will be developed and implemented in a manner consistent with the intent of this policy; in accordance with the Vision, Mission, and Values of the organization; and in keeping with the standards of the Missouri DMH/Division of Developmental Disabilities quality improvement initiatives.

Specific, measurable performance outcomes will be identified and developed in a manner consistent with the intent of this policy and in keeping with the agency Mission, Vision, Values, and strategic plan.

The authority for Quality Improvement Plan is vested by the Board in the Executive Director. The Executive Director will appoint members of Targeted Case Management and other staff to the QI Team. The Executive Director will submit the Quality Improvement Plan to the Board annually for review and approval. The Board will receive periodic reporting as to the progress of quality improvement efforts and process improvements throughout the fiscal year. Annually, the organization, with the input of staff, persons served, and providers, will evaluate the effectiveness of the quality improvement structure and processes and make recommendations to the Executive Director for revisions to the Quality Improvement plan and Agency Performance Outcomes.

Corporate Compliance Program

It is the intent of Adair County SB40 to comply with all applicable federal and state laws and regulations, affiliation policies and regulations, Federal and State contractual requirements and applicable accreditation standards. To ensure compliance, the Agency will enforce the Compliance Investigation, Reporting, Documentation & Resolution policy. It is the intent of the Board to implement the Corporate Compliance Program for the purpose of assuring ongoing compliance, reporting of potential violations, investigating reported compliance issues, resolving confirmed violations and addressing any areas of concern, as appropriate.

Authority is vested by the Board of Director in the Executive Director for overall implementation and oversight of compliance. The Executive Director is designated as the Compliance Officer. The Executive Director is responsible to review and evaluate compliance with the Board of Directors on an annual basis.

Compliance Investigation, Reporting, Documentation & Resolution

1.0 Intent

It is the intent of Adair County SB40 to establish and maintain mechanisms for the investigation, reporting, resolution, and documentation of suspected violations or potential misconduct with assurances for confidentiality and non-retaliation. It is the intent of Adair County SB40 to also ensure that all Board Members, employees, and contractors fulfill the requirements of the Deficit Reduction Act.

2.0 Deficit Reduction Act & Compliance

- a. Adair County SB40 shall have internal processes to monitor for actions by providers to prevent fraud, abuse, and waste, and to identify actions likely to result in unintended expenditures.
- b. Adair County SB40 Board members, employees and contractual providers will receive training or education on federal and state False Claims Acts and Whistleblower Provisions.
- c. Adair County SB40 Board members, employees and contractual providers are required to report any suspected occurrences of fraud, abuse and waste. The designated Adair County SB40 Compliance Officer will investigate the allegations and will assure that appropriate reporting occurs.
- d. Adair County SB40 Compliance Officer will inform the Board of Directors if incidents occur which require reporting to state or federal agencies or place Adair County SB40 in jeopardy.

3.0 HIPAA/HITECH Act Reporting, Investigation and Documentation

- a. Adair County SB40 will comply with the Health Insurance Portability Accountability Act of 1996 (HIPAA), the Health Information
- b. Technology for Economic and Clinical Health Act (HITECH Act), Subtitle D— Privacy, the Department of Health and Human Services (DHHS) security and privacy regulations, and Commission on Accreditation for Rehabilitation Facilities (CARF) accreditation standards, as well as our duty to protect the confidentiality and integrity of confidential medical information as required by law, professional ethics, and accreditation requirements. The following procedure will assist Adair County SB40 in fulfilling its obligation under DHHS privacy regulations to mitigate damages caused by breach of individual privacy.
- c. **Reporting breaches:** The purpose of reporting health information breaches, and suspected breaches, is as follows:
 - a. Minimize the frequency and severity of incidents.
 - b. Provide for early assessment and investigation before crucial evidence is gone.
 - c. Quickly take remedial actions to stop breaches, correct problems, and mitigate damages.

- d. Implement measures to prevent recurrence of incidents.
 - 1. Facilitate effective disciplinary actions against offenders.
 - 2. Properly make required notifications.
- d. **Duty to Report:** All employees, providers, contractors, persons served, interns, temporary staff of Adair County SB40 have a duty to report breaches and should feel free to report breaches without fear of retaliation.
- e. **Protection for those who Report:** Adair County SB40 will not take any adverse personnel or other action against a person who reports actual or suspected breach of security, confidentiality or policies and procedures protecting the security and confidentiality of health information so long as the report is made in good faith.
 - a. What are the risks to the subject(s) of the breach?
 - b. What was the motive for the breach if not accidental?
 - c. Does the potential for further harm exist?
 - d. What can Adair County SB40 do to limit or eliminate further damage?
 - e. What steps can Adair County SB40 do to prevent this type of breach in the future?
- f. **HITECH Act:** If the breach qualifies as a breach under the HITECH Act definition of breach in Subtitle D – Privacy, Part I, § 13400, the data is unsecured, and the breach poses a significant risk to the affected individuals, Adair County SB40 must, without unreasonable delay and in no case later than 60 days after the discovery of the breach, notify the individual(s) whose protected health information (PHI) was involved in the breach.
- g. **Documentation:** The report and recommendations will be discussed with appropriate personnel and appropriate action to prevent recurrence of the breach, mitigate any harm caused by the breach, and necessary disciplinary action(s) will occur.
 - a. Provide copies of the report with an endorsement as to any corrective action taken, including suspensions of access, and recommendations for future action to all the following people and departments, as necessary and appropriate:
 - b. Executive Director
 - c. HR Director
 - d. Directors, Managers and Supervisors
- h. All reports will be kept for not less than 6 years from the date of the report.
- i. No such report will be made a part of a patient’s medical record. The report is a risk management tool.

Resolution

- j. A breach notification must be provided without unreasonable delay, and in no case later than 60 days after the discovery of a breach. **The notice must include:**
 - a. Description of the types of unsecured PHI that were involved in the breach (i.e. Name, SSN, Patient ID, insurance number, date of birth, home address, disability code, etc.)
 - b. Brief description of what Adair County SB40 is doing to investigate the breach to mitigate losses, and to protect against further breaches.
 - c. Contact information for individuals to ask questions or learn additional information, which will include a toll-free telephone number, an email address, and/or postal address. The HHIPAA Security Officer or HIPAA Privacy Officer shall respond to all such contacts.
 - d. The notification, unless the contact information is insufficient or out-of-date, shall be sent by first class, certified mail to the individual, guardian, legal representative or next-of kin of the individual or, if specified as a preference the individual, by email.
 - e. If the contact information is insufficient or out-of-date, Adair County SB40 will use a substitute form of notice, such as, if the breach involves 10 or more individuals for which there is insufficient or out-of-date information, a conspicuous posting on the home page

website or notice in major print or broadcast media in geographic areas in which the individuals affected by the breach likely reside as determined by the HIPAA Security Officer in conjunction with legal and risk management administration. Such notice will include a toll-free number where the individual can learn whether the individual's unsecured PHI was possibly involved in the breach

- f. If the HIPAA Security or Privacy Officers, in consultation with the Executive Director or designee determines that the breach requires urgency because of the possible imminent release of unsecured PHI, immediate notification may also be made by telephone or other appropriate means.
- k. If the breach involves 500 or more individuals' unsecured PHI, Adair County SB40 will provide notice, as required by HIPAA and the HITECH Act, to prominent media outlets in the state or jurisdiction of the individuals and immediately to DHHS.
 - a. The HIPAA Security Officer must report breaches of fewer
 - i. than 500 individuals to DHHS not later than 60 days from the end of the calendar year in the form of a log.
 - b. Notifications may be delayed if law enforcement represents
 - i. that the notification will impede a criminal investigation or damage
 - ii. national security.

4.0 Reporting Other Compliance Violations

- a. Employees, providers, contractors, persons served, and other individuals are to report suspected violations or potential misconduct to the Executive Director, or in situations involving the Executive Director, to the Compliance Officer by phone/voicemail, email, in person, in writing, or to one of the Board of Directors. A posting shall be placed at all Adair County SB40 offices with the applicable contact information of all Board of Directors Officers. A standard form shall be made available for individuals wanting to utilize a specific form to file a report in writing.
- b. Reports made to the Board of Directors Officers will be forwarded for investigation and follow up to the Executive Director, or in situations involving the Executive Director to the organization's Compliance Officer in which the potential/suspected violation was to have occurred.
- c. Staff are expected to cooperate in the investigation of an alleged violation of the Compliance Plan or related policies.
- d. FRAUD AND ABUSE:
 - a. Adair County SB40 employees, contractual providers and the provider network will report all suspected fraud and abuse to the Compliance Officer. The report will include the nature of the complaint and the name of the individuals or entity involved in the suspected fraud and abuse, including address, phone number and Medicaid identification number if applicable.
 - b. The Compliance Officer will be immediately informed of any suspicion of Medicaid Fraud and Abuse prior to attempting to investigate or resolve the alleged fraud and/or abuse.
 - c. The Compliance Officer will report suspected fraud and abuse to the Missouri Department of Mental Health Division of Developmental Disabilities.
- e. Confidentiality:
 - a. Individuals making a report are encouraged to disclose their identity, recognizing that anonymity may hamper complete and timely investigation. However, no anonymous report shall be refused or treated less seriously because the complainant/reporter wishes to remain anonymous.
 - b. No promises will be made to any individuals making a report or witnesses providing supporting information about the report by the EXECUTIVE DIRECTOR, the Compliance Officer, or anyone else in regard to his/her culpability or what steps may be taken by Adair County SB40 in response to the report.

- c. Confidentiality and anonymity of the individual making the report and the content of the report will be preserved to the extent permitted by law and by the circumstances. Information about reports, investigations, or follow-up actions shall not be disclosed to anyone other than those individuals charged with responsibility in investigation and investigative findings as well as legal counsel.

5.0 Non-Retaliation

- a. No employee, provider, contractor, person served, or other individual making such a report in good faith shall be retaliated against by Adair County SB40 employees or agents and will be protected by the Whistleblower's Protection Act.
- b. Discipline for engaging in acts that violate applicable laws and regulations, making knowingly false reports, failure to report known violations, or discipline for any other performance-related reason unconnected to reporting potential violations is not retaliation.

6.0 Investigation

- a. Within five business days of receiving a report, the Compliance Officer shall provide a written acknowledgement of receipt (sample attached) to the individual making the report (if known) and conduct an initial assessment to determine whether the report has merit and warrants further investigation.
- b. If it is determined that the matter does not constitute a violation of any applicable laws or regulations and warrants no further action, the issue will be closed following the appropriate documentation and reporting by the Compliance Officer.
- c. If it is determined that the matter does not constitute a violation of any applicable laws or regulations but does identify an area for improvement or raises concern for potential future violations, the matter will be referred to the Quality Improvement Director for appropriate assignment and follow-up action.
- d. If it is determined that the matter requires further investigation, the Compliance Officer shall take the necessary steps to assure that documents or other evidence are not altered or destroyed through the following possible means:
 - a. Suspending normal record/documentation destruction procedures;
 - b. Taking control of the files of individuals suspected of wrongdoing;
 - c. Limited access of files, computers, and other sources of documents by individuals suspected of wrongdoing; and/or
 - d. Placing individuals under investigation on temporary suspension.
- e. If the Compliance Officer concludes that reporting to a governmental agency (DMH, CMS, MMAC, County Commissioners) or a third party, may be appropriate, the Executive Director shall be informed immediately. Upon recommendation by legal counsel and with notice to the Board, the Executive Director shall make such report to the appropriate government agency within 30 days after the determination that a violation has occurred.
 - a. Documentation retention and destruction must take place in accordance with the established Adair County SB40 Record Retention procedures. Adair County SB40 must retain all potentially responsive documents if it has been served with a government investigation. If Adair County SB40 is served with a subpoena or search warrant or has reason to believe a subpoena or search warrant may be served, the Executive Director is responsible for immediately directing staff to retain all documents that may be potentially responsive to the subpoena or search warrant.
- f. When corporate compliance issues arise involving an investigation and potential legal consequences, the following questions should be asked:
 - a. Should an internal investigation be conducted?
 - b. Should legal counsel be contacted?

- c. Should disclosure be made to the appropriate government agency?
- d. Does the staff person need separate counsel?
- e. If the Executive Director is the subject of a subpoena or search warrant the Executive Director OR Corporate Compliance Officer shall each contact the chairperson of the Board who will be responsible for the administration of this procedure.
- g. A full investigation shall be completed within 90 days from the date of the initial report. An extension may be granted by the Compliance Committee.

7.0 Documentation

A record shall be maintained by the Compliance Officer or designee for all reports of potential/alleged violations utilizing the attached Compliance Investigation Report form. The record may also include copies of interview notes and documents reviewed and any other documentation as appropriate.

8.0 Resolution

Following the investigation, the Compliance Officer shall document and report the findings of the investigation to the Executive Director and Compliance Committee. In cases where actions of the Executive Director are investigated, the report of findings is made to the Board Chairperson. If appropriate, a remedial action plan shall be developed to address any confirmed violations or address areas of concerns raised during the investigation. If appropriate, disciplinary action shall be taken in accordance with the organization's disciplinary policies and procedures.

Measuring Effectiveness

By improving both performance and quality, Adair County SB40 improves quality of living, cuts costs and gets better results.

In practice, performance management often means actively using data to improve performance, including the strategic use of performance standards, measures, progress reports, and ongoing quality improvement efforts to ensure an agency achieves desired results.

1. At least once every year, Adair County SB40 will review its goals and objectives toward achieving its mission and will complete a performance and effectiveness assessment of its programs based on that review.
2. The Adair County SB40 Board of Directors will receive a written report of this assessment
 - a. Describing the activities that Adair County SB40 undertook in the prior year to achieve its goals and objectives,
 - b. Identifying the measures used to assess Adair County SB40's effectiveness in achieving its goals and objectives,
 - c. Analyzing the effectiveness of Adair County SB40's programs in achieving Adair County SB40's goals and objectives,
 - d. Recommending future actions Adair County SB40 might take to increase effectiveness based on the findings.
3. At the conclusion of this process, Adair County SB40 will revise the goals and objectives for Adair County SB40, as needed, for the upcoming term and will suggest means of measuring them. This process will be integrated with the agency's on-going strategic planning process.

Fraud and Abuse Compliance

It is the policy of Adair County SB40 (the "Agency") to consistently and fully comply with all laws and regulations pertaining to the delivery of and billing for services which apply to the Agency on account of its participation in Medicaid and other government programs.

INTRODUCTION

The Agency has developed this fraud and abuse compliance program to be a comprehensive statement of the responsibilities and obligations of all employees regarding submissions for reimbursement to Medicaid, and other government payers for services rendered by the Agency. In addition, this policy is intended to apply to business arrangements with personnel, vendors and other persons which may be impacted by federal or state laws relating to fraud and abuse.

EMPLOYEE PARTICIPATION AND REPORTING

It is the responsibility of every employee in the Agency to abide by applicable laws and regulations and support the Agency's compliance efforts.

All employees are required to report their good faith belief of any violation of the compliance program or applicable law. The Agency, at the request of the employee, will provide such anonymity to the employee(s) who report as is possible under the circumstances in the judgment of the Agency, consistent with its obligations to investigate employee concerns and take necessary corrective action. There shall be no retaliation in the terms and conditions of employment as a result of such reporting.

Employees will report their good faith belief of violations of the compliance program or applicable laws (1) either orally or in writing to their supervisor; or (2) either orally or in writing to the Agency's Executive Director or HR Coordinator OR (3) to the Chairman of the Board of Directors.

RESPONSIBLE OFFICER

The Agency has designated the Executive Director as the Compliance Officer, the individual within the Agency responsible for overall implementation and operation of the compliance program. The Compliance Officer shall be responsible for ensuring that:

1. Standards and manuals are reviewed and updated as necessary;
2. Employee and vendor screening mechanisms are in place and are operating properly;
3. Employees are receiving adequate education and training and that such education and training are documented;
4. Audit procedures are implemented in accordance with the Agency's audit policies;
5. Employee complaints and other concerns regarding compliance are promptly investigated; and
6. Adequate steps are taken to correct any identified problems and prevent the recurrence of such problems.

REPORT TO THE BOARD

The Compliance Officer will report in writing at least annually to the Agency's Board of Directors on the status of compliance within the Agency, and at other times as appropriate. This report shall include any other information requested by the Board.

Enforcement and Prevention

The purpose of this policy is to set forth the procedures that will be used by Adair County SB40 (the "Agency") to respond to reports by employees or others that a program or individuals employed by a program are engaging in activity which might violate the standards describes in the Compliance Plan and which may be contrary to applicable Medicaid laws or regulations or that such persons or business units may be submitting claims in a manner which does not meet the Medicaid program requirements, as applicable.

INVESTIGATION

Purpose of Investigation.

The purpose of the investigation shall be to (1) identify those situations in which the laws, rules and standards of the Medicaid program may not have been followed; (2) to identify individuals who may have knowingly or inadvertently caused claims to be submitted or processed in a manner which violated Medicaid laws, rules, or standards; (3) to facilitate the correction of any practices not in compliance with the Medicaid laws, rules and standards; (4) to implement those procedures necessary to ensure future compliance; (5) to protect the Agency in the event of civil or criminal enforcement actions, and (6) to preserve and protect the Agency's assets.

Control of Investigations.

All reports received by agency management shall be forwarded to the Agency's Compliance Officer. The Agency's Compliance Officer will be responsible for directing the investigation of the alleged problem or incident. In undertaking this investigation, the Agency's Compliance Officer may, with the permission of the Executive Committee, solicit the support of external legal counsel, consultants and auditors, and internal and external resources with knowledge of the applicable laws and regulations and required policies, procedures or standards that relate to the specific problem in question. These persons shall function under the direction of legal counsel and shall be required to submit relevant evidence, notes, findings and conclusions to legal counsel.

Investigative Process.

Upon receipt of an employee complaint or other information (including audit results) which suggests the existence of a pattern of conduct in violation of compliance policies or applicable laws or regulations, an investigation under the direction and control of legal counsel shall be commenced. Steps to be followed in undertaking the investigation shall include, at a minimum:

1. Notification to the Board Executive Committee of the nature of the complaint.
2. The investigation shall be commenced as soon as reasonably possible but in no event more than 10 days following the receipt of the complaint or report. The investigation shall include, as applicable, but need not be limited to:
 - a. An interview of the complainant and other persons who may have knowledge of the alleged problem or process and a review of the applicable laws and regulations which might be relevant to or provide guidance with respect to the appropriateness or inappropriateness of the activity in question, to determine whether a problem actually exists.
 - i. If the review results in conclusions or findings that the complained of conduct is permitted under applicable laws, regulations or policy or that the complained of act did not occur as alleged or that it does not otherwise appear to be a problem, the investigation shall be closed and a written report filed with the Agency's Compliance Officer.
 - ii. If the initial investigation concludes that there is improper billing occurring, that practices are occurring which are contrary to applicable law, that inaccurate claims are being submitted, or that additional evidence is necessary, the investigation shall proceed to the next step.

- b. The identification and review of representative bills or claims submitted to the Medicaid program to determine the nature of the problem, the scope of the problem, the frequency of the problem, the duration of the problem, and the potential financial magnitude of the problem.
- c. Interviews of the person or persons in the departments who appear to play a role in the process in which the problem exists. The purpose of the interview will be to determine the facts related to the complained of activity, and may include, but shall not be limited to:
 - i. Individual understanding of the Medicaid laws, rules and regulations;
 - ii. The identification of persons with supervisory or managerial responsibility in the process;
 - iii. The adequacy of the training of the individuals performing the functions within the process;
 - iv. The extent to which any person knowingly or with reckless disregard or intentional indifference acted contrary to the Medicaid laws, rules or regulations;
 - v. The nature and extent of potential civil or criminal liability of individuals or the Agency; and
 - vi. Preparation of a summary report which (a) defines the nature of the problem, (b) summarizes the investigation process, (c) identifies any person whom the investigator believes to have either acted deliberately or with reckless disregard or intentional indifference toward the Medicaid laws, rules and policies, and (d) if possible, estimates the nature and extent of the resulting overpayment by the government, if any.

ORGANIZATIONAL RESPONSE

1. Possible Criminal Activity.

In the event the Agency uncovers what appears to be criminal activity on the part of any employee or program, it shall undertake the following steps:

- i. In the event Medicaid is involved, Missouri Department of Mental Health, Division of Developmental Disabilities, including the Director of Kirksville Regional Center, shall be notified, as counsel for the Agency deems appropriate. The Agency, through its counsel, shall attempt to negotiate a voluntary disclosure agreement prior to the disclosure.
- ii. Initiate appropriate disciplinary action against the person or persons whose conduct appears to have been intentional, willfully indifferent or undertaken with reckless disregard for the Medicaid laws. Appropriate disciplinary action shall include, at a minimum, the removal of the person from any position with oversight for or impact upon the claims submission or billing process and may include, in addition, suspension, demotion, and discharge.

2. Other Non-Compliance.

In the event the investigation reveals billing or other problems which do not appear to be the result of conduct which is intentional, willfully indifferent, or with reckless disregard for the Medicaid laws, the Agency shall nevertheless undertake the following steps:

- a. Improper Payments. In the event the problem results in duplicate payments by Medicaid, or payments for services not rendered or provided other than as claimed, it shall:
 - i. Correct the defective practice or procedure as quickly as possible;
 - ii. Calculate and repay to the appropriate governmental entity duplicate payments or improper payments resulting from the act or omission;
 - iii. Initiate such disciplinary action, if any, as may be appropriate given the facts and circumstances. Appropriate disciplinary action may include, but is not limited to, reprimand, demotion, suspension and discharge; and
 - iv. Promptly undertake a program of education at the appropriate program to prevent future similar problems.

b. No Improper Payment.

In the event the problem has or does not result in an overpayment by the Medicaid program, the Agency shall:

- i. Correct the defective practice or procedure as quickly as possible.
- ii. Initiate such disciplinary action, if any, as may be appropriate given the facts and circumstances. Appropriate disciplinary action may include, but is not limited to, reprimand, demotion, suspension and discharge.
- iii. Promptly undertake a program of education at the departmental unit to prevent future similar problems.

DISCIPLINE

Employees may be subject to discipline for failing to participate in the Agency's compliance efforts, including, but not limited to:

1. The failure of an employee to perform any obligation required of the employee relating to compliance with the program or applicable laws or regulations;
2. The failure to report suspected violations of compliance program laws or applicable laws or regulations to an appropriate person; and
3. The failure on the part of a supervisory or managerial employee to implement and maintain policies and procedures reasonably necessary to ensure compliance with the terms of the program or applicable laws and regulations.

Discipline should follow the Agency's existing employee discipline policies and procedures.

Sunshine Law

It is the policy of the Adair County SB40 Developmental Disability Board to comply with sections 610.010 to 610.030, RSMo, the Sunshine Law, as now exist or hereafter amended, and that meetings, records, votes, actions and deliberations of this body shall be open to the public unless otherwise provided by law.

The Executive Director is designated as the "Custodian of Records" for the Adair County SB40 Developmental Disability Board and is located at 314 E McPherson St, Kirksville, MO 63501. Such designation does not mean that the Custodian will necessarily have all the records in possession, but simply is an indication to whom requests for copies of records and information regarding the public governmental body shall be directed. Requests for records made to persons other than the Custodian of Records may not be considered to be requests that are made pursuant to the Missouri Sunshine Law, Chapter 610 of the State Statutes. Nonetheless, any official of the public governmental body who receives a request is directed to inform the Custodian of the request in a timely fashion, so that a response may be made to the request.

The Custodian shall respond to all requests for access to or copies of a public record within the time period provided by statute except in those circumstances authorized by statute. The fees to be charged for access to or furnishing copies of records shall be as hereinafter provided: to be determined on an as needed basis not to exceed 10 cents per page for paper, plus an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body.