

Citizens Options Unlimited, Inc.
Compliance Program Policies and Procedures

SUBJECT: Contractor Agreement Requirements Policy

APPROVED BY: Board of Directors

EFFECTIVE: 5/24/23

Reviewed: 6/5/24, 6/4/25

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A. POLICY

It is the policy of Citizens Options Unlimited, Inc. (the “Agency”) to require contracts with its Contractors¹ to specify that they are subject to Agency’s compliance program. The extent to which a Contractor is subject to the Agency’s Compliance Program is dependent on the scope of the contracted authority and affected risk area. Agency’s contracts with Contractors shall include termination provisions, which provide that failure to adhere to Agency’s compliance program requirements shall result in termination of such contracts.

1. **Protocol.** The Agency shall review its contracts with contractors, subcontractors, vendors and independent contractors to determine: (i) if that party meets the definition of a Contractor; and (ii) shall identify the Agency’s risk area affected by the Contractor and related contract. The Agency shall create and maintain a list identifying Contractors, the date and term of the contract (including the termination date), indicate the services being provided, and the Agency’s risk area affected. This list shall be reviewed and updated by the Compliance Officer or his/her designee and included as an item in the Agency’s Compliance Work Plan. If it is unclear whether a party meets the definition of a Contractor, counsel must be consulted to make a determination.

- (a) **New Contracts and Renewals of Contracts on or After March 28, 2023.** Effective March 28, 2023, all new contracts and renewals of existing contracts with Contractors must specify the requirement to adhere to Agency’s compliance program within the scope of the contracted authority and affected risk areas, and that failure to adhere to Agency’s compliance program requirements shall result in termination of such contract.
- (b) **Existing Contracts That Remain in Effect Beyond March 28, 2025.** If the Agency identifies contracts with Contractors that were in effect before March 28, 2023 but do not terminate until after March 28, 2025, the Agency

¹ As set forth in the Compliance Manual:

“**Contractors**” means contractors, agents, subcontractors, and/or independent contractors who are affected by the Agency’s risk areas.

“**Risk areas**” are those areas to which the Agency’s Compliance Program applies. This includes those areas of operation affected by the Compliance Program and applies to: (i) billings; (ii) payments; (iii) ordered services; (iv) medical necessity; (v) quality of care; (vi) governance; (vii) mandatory reporting; (viii) credentialing; (ix) contractor, subcontractor, agent or independent contract oversight; and (x) other risk areas that are or should reasonably be identified through our organizational experience.

shall make efforts to obtain the Contractor's consent to amend the agreement without any concessions from the Agency. If the Contractor refuses such a request, the Agency shall document its efforts and should consult with counsel to assess its available options, including notifying the Bureau of Compliance at the Office of the Medicaid Inspector General ("OMIG") at compliance@omig.ny.gov.