TOMPKINS COUNTY ADMINISTRATION
**County Compliance Committee**

*Think Compliance First!*

# 2016 Year-end County Compliance Progress Report

**Year At-a-Glance.**

In 2016, much progress was made in strengthening the capacity of the County Compliance Program. First, the Legislature approved a new Compliance Program Coordinator position to support ongoing research and implementation of the Program, including revising aspects of the Program based on regulatory changes or emerging trends. In particular, this position has been leading implementation of the County's newly adopted comprehensive Title VI Program, which ensures nondiscrimination in all County programs, activities, and interactions with the public. Ushering in the Title VI Program also included a revision to Administrative Policy 11-39 and substantial enhancements to our compliance web presence. ITS implemented new software for encrypting data and a new electronic document storage system, both which will strengthen information security and compliance monitoring. Finally, the County's Exclusion Screening policy was updated after a review with County staff who are most responsible for implementing the process. Looking ahead to 2017, there are several compliance projects scheduled, including providing departments with a toolkit for creating Public Participation Plans; rolling out a centralized contacts management system; creating an ADA/Reasonable Accommodation Policy for County employees; and improving accessibility of the County website according to ADA standards and best practices.

**Key Accomplishments.**

***Tompkins County Title VI Program.*** Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. As a recipient of federal funding, Tompkins County is required to have a Title VI Program that covers all of its operations, programs, and activities.

To meet current Title VI regulatory requirements, the County Legislature passed a resolution in September approving revisions to Administrative Policy 11-39: Commitment to Serving the Public Without Discrimination. The policy, which outlines the County's comprehensive Title VI Program, describes department responsibilities to ensure compliance, and establishes a formal Title VI complaint process. In an effort to meet best practice in Title VI implementation and to model recommendations by regulatory authorities, the Title VI administrative policy and complementary Title VI program plan were developed with help from the Cornell Law School, Cornell School of Industrial and Labor Relations, and the Cornell Institute for Public Affairs.

The County Compliance Officer has executive oversight of the Title VI Program while each department has a designated Title VI Coordinator to ensure compliance at the department level. In early October, the County Compliance Officer and Compliance Program Coordinator hosted orientation sessions that brought together the Title VI Coordinators from each department to establish a countywide network and learning community around Title VI compliance.

Information on the County's Title VI Program can be assessed online through the Compliance Program webpage. This newly created landing page informs the public of their rights under Title VI and provides links to the County's nondiscrimination policy, Title VI complaint procedures and online complaint form, Limited English Proficiency (LEP) Plan, and ADA Program Plan.

As part of ongoing performance monitoring of the County's Title VI Program, the Compliance Committee is tracking data on interpreting and translation requests to better plan for language assistance efforts in the future (Table 1). The most commonly requested languages in 2016 were Spanish, Mandarin, Burmese, and Russian. The total cost of interpreting and translation services in 2016 was $20,870.51.

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**Table 1: Interpreting/Translation Requests by Language and Department in 2016**

| LANGUAGE REQUESTED | DEPARTMENT | | | | GRAND TOTAL |
|---|---|---|---|---|---|
| | *DSS* | *Mental Health* | *Probation* | *Public Health* | |
| *Spanish* | 57 | 34 | 0 | 8 | **99** |
| *Mandarin* | 4 | 6 | 0 | 0 | **10** |
| *Burmese* | 6 | 0 | 0 | 0 | **6** |
| *Russian* | 2 | 0 | 2 | 0 | **4** |
| *Cambodian* | 1 | 0 | 0 | 0 | **1** |
| *Hindi* | 0 | 1 | 0 | 0 | **1** |
| *Laotian* | 1 | 0 | 0 | 0 | **1** |
| *Sign Language* | 0 | 1 | 0 | 0 | **1** |
| *Vietnamese* | 1 | 0 | 0 | 0 | **1** |
| **GRAND TOTAL** | **72** | **42** | **2** | **8** | **124** |

***Compliance Program Coordinator position created.*** A new full-time staff member was hired in the Administration Department to support ongoing research, planning, and implementation of the County Compliance Program. Reporting directly to the County Compliance Officer, the Compliance Program Coordinator's responsibilities include researching state and federal regulations, preparing training materials, updating the County Compliance webpage, and processing compliance hotline submissions and Title VI complaints.

Since starting in August, the Compliance Program Coordinator has
- Created a Title VI Program webpage, including specific ADA information.
- Planned and facilitated orientation sessions for Title VI Department Coordinators.
- Drafted Title VI factsheets.
- Researched requirements of Title II of the Americans with Disabilities Act (ADA), including transition plans, web accessibility, effective communication, and service animals.
- Integrated Title VI materials into the County's annual compliance training program.
- Conducted annual compliance training with 11 County departments.

***Strengthening information security and compliance monitoring.*** The ITS Department has implemented a number of projects, all ongoing, which have improved the County's capacity to meet and document compliance:
- A new account management software system was rolled out at the beginning of 2016 to monitor data access, use, and utilization behaviors that might present risk. Ultimately, the system will help departments assess where sensitive content is potentially over-exposed.
- Software was installed to significantly improve protection of County-held data by encrypting data both in motion (such as e-mail) and at rest (on a file server). It also helps control access to data that is protected by Federal, State, and local regulations (HIPAA, FERPA, CJIS, etc.).
- A central electronic document storage system was developed to receive compliance breach reports and to track and document follow-up investigations. This system significantly reduces paper, improves workflow, and supports record archiving requirements.

The County's Information Security Compliance Officer (ISCO) conducted training meetings with all staff from the Public Health and Mental Health Departments, providing staff with an overview of identity security and health privacy laws (such as HIPAA and the Privacy Act). The ISCO acts as a liaison between County Administration, ITS, and County staff to ensure awareness and compliance with both information security standards and regulatory statutes.

***Exclusion Screening policy update.*** The Committee reviewed the County's exclusion screening policy (Administrative Policy 11-46) to ensure screening is being completed according to state and federal requirements. In addition, the Compliance Committee convened appropriate staff from across departments for a process review and a training refresher on the County's third-party screening system. Based on the review, the Committee recommended minor edits to the policy that provided clarification and better defined roles. The County Legislature approved the revised policy in August.

**Issues and Opportunities.**

*Creating a centralized contracts system*. ITS has been addressing the need to centralize the system used by the County to establish and manage contracts to minimize potential compliance issues, including
- Business Associate Agreements that may be required for contractors/vendors who handle County data containing protected information.
- Exclusion screening findings that deem a contractor/vendor ineligible due to fraudulent activities or past compliance failures.
- MWBE (Minority- and Women-Owned Business Enterprise) utilization priorities and EEO (Equal Employment Opportunity) participation goals required by Federal and State funding authorities.

Currently, all of these items are being managed at the department level, leaving very little opportunity, if any, to inspect these processes through a compliance lens. Keeping true to the County's mission to "create and sustain a consistent compliance culture," ITS is working to create a centralized system for contract tracking and monitoring to provide a consistent document management structure.

*Improving website accessibility.* The County's website plays a vital role in providing both information and services to the general public, including people with disabilities who may use assistive technology to access online materials. While the ADA does not currently contain specific guidelines or standards for web accessibility, state and local governments are required to ensure effective communication for people with disabilities, including government websites. In May 2016, the Department of Justice filed a supplemental advance notice of proposed rulemaking regarding guidelines on web accessibility, specifically recommending Web Content Accessibility Guidelines (WCAG) 2.0 AA. To anticipate these new standards, the Compliance Committee is already assessing the County website for compliance with the proposed guidelines. The ITS Department, using an ADA web accessibility evaluation tool, conducted a preliminary evaluation of the County website. The results indicated that, overall, the pages adhered well to WCAG 2.0 AA, but with need for minor improvements. Based on the preliminary evaluation, ITS staff and the Compliance Program Coordinator will plan and deliver website accessibility information sessions in 2017 for County web content editors and Title VI Department Coordinators in order to ensure that persons with disabilities have equal access to the content provided on the Tompkins County website.

*ADA/Reasonable Accommodations for County employees*. Under Title I of the ADA, when an employee requests an accommodation, or the need for an accommodation becomes obvious, the employer has a duty to engage in an "Interactive Process" with the employee. Through this interactive process, an employer and employee work together to assess whether a particular disability can be reasonably accommodated. The Personnel Department is working to create an ADA/Reasonable Accommodations Policy, including a "Request for a Reasonable Accommodation Form" for employees to use as needed. The template form will help facilitate the discussion, document the interactive process, and demonstrate that a good-faith attempt was made to accommodate an employee's reasonable needs by considering the request made and discussing alternatives.

*Lessons learned from OMIG audit.* Following a 2010 audit by the Office of Medicaid Inspector General, which was settled in 2016, the Mental Health Department now has in place very conservative procedures to ensure that no billing occurs without proper documentation. Additionally, staff training has been implemented to increase documentation accuracy and timeliness. As the Department transitions from a fee-for-service system to a value-based payment system (which rewards successful results rather than the number of services provided), it will alleviate risk by embarking on a more predictable and manageable compliance path that focuses on performance metrics and better health outcomes.

## What to Expect in 2017.

Looking ahead to 2017, there are several projects planned. The **Title VI Program** will continue to be rolled out and expanded, including establishing **Public Participation guidance** and partnering with the ITS Department to conduct **Website Accessibility** training with appropriate staff. The County's **Compliance Program Document** will be updated to reflect revisions to the County nondiscrimination policy and the addition of the County's comprehensive Title VI Program. As described above, the ITS Department will be rolling out a **web-based central contracts system** and the Personnel Department will continue to work on an **ADA/Reasonable Accommodation Policy**. Finally, the Compliance Committee will continue to explore options for efficient delivery of **Annual Compliance Training**.

*This report prepared and submitted by*

**The Tompkins County Compliance Committee**

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| Department of Social Services | Human Resources Department | Public Health Department |
| | | |
| Greg Potter | Rick Snyder | Jonathan Wood |
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