

## STANDARDS OF CONDUCT

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## PURPOSE

To establish uniformity in the conduct of our employees under the Compliance Program.

## POLICY

The Agency has established Standards of Conduct with which all employees are expected to comply as a condition of employment to ensure that their conduct conforms to the highest ethical standards and is consistent with all applicable laws, rules and regulations.

## PROCEDURE

- I. The Governing Body will adopt the Standards of Conduct and review them annually thereafter.
- II. The Agency will educate staff regarding the Standards of Conduct upon hire and annually thereafter and provide a copy to every employee.
- III. Employees will sign a "Compliance Pledge" upon initial employment. This statement certifies that the employee has read and understands the Standards of Conduct and the Compliance Program and agrees to abide by it during their term of employment. On a yearly basis in conjunction with training/in service employee will be updated on the compliance program and sign a "Compliance Pledge".
- IV. The Compliance Pledge will be maintained in the employee personnel file.
- V. Employees will be informed of the method of communication and of their right to remain anonymous when reporting a suspicion of fraud, abuse, or any form of misconduct or improper activity.

**STANDARDS OF CONDUCT**

- I. Compliance With All Laws And Regulations
  - A. Agency employees must comply with all federal, state, and local laws and government regulations.
  - B. An employee must immediately and directly report to their supervisor or The Compliance Officer any actual or suspected violation of the Standards of Conduct, any related law or regulation, the Compliance Program, or any other Agency policy.
  - C. An employee must comply with all licensure laws and regulations.
  - D. Ignorance of the law will not be tolerated.
  - E. Employees are expected to attend all mandatory programs.
- II. Compliance With All Agency Policies And Procedures
  - A. Agency employees must comply with all Agency policies and procedures including those related to billing, administration, human resources and clinical procedures. These policies may include, but are not limited to the following:
    - 1. Equal Employment Opportunity
    - 2. Family Medical Leave Act
    - 3. Americans with Disabilities Act
    - 4. OSHA regulations
    - 5. Compensation
    - 6. Sexual Harassment
    - 7. Fair Labor Standards Act

8. Medicare, Medicaid and other payor regulations
9. Accreditation programs, as applicable

III. Proper Claim Development And Reimbursement Documentation

- A. The Agency makes every effort to reconcile and submit accurate bills to the appropriate payor sources by implementing processes for proper claim development and reimbursement documentation.
- B. Employees are expected to submit accurate and factual documentation for services rendered.
- C. Actions that could violate the federal False Claim Act and other false billing laws include:
  1. Filing a claim for services that were not rendered as described on the claim form:
    - a. Services never provided
    - b. Services provided that were not covered by the payor
  2. Filing a claim for services that were rendered, but were medically unnecessary:
    - a. Lack of evidence to support services billed
    - b. Lack of compliance to payor eligibility guidance
  3. Submitting a claim containing information you know to be false:
    - a. Forged MD signatures
  4. Misusing Social Security or Medicare symbols, emblems or names in marketing.

**D. Billing and Reimbursement**

1. The Agency is committed to ensuring that:
  - a. Its billing and reimbursement practices comply with all federal and state laws, regulations, guidelines and policies.
  - b. All bills are accurate and reflect current payment methodologies.
  - c. That patients and customers receive timely bills, when applicable, and that all questions regarding billing are answered.

**E. Cost Reports**

1. The Agency will develop and submit a Medicare cost report annually to CMS, to include:
  - a. Costs based on appropriate and accurate documentation;
  - b. Allocation of costs to various cost centers that are accurate with verified and audited data;
  - c. Allowable costs claims;
  - d. Properly classified costs;
  - e. Prior year audit adjustments by the fiscal intermediary are implemented and if claimed are clearly identified as protested amounts;
  - f. Identified related parties on form 339 and all related party charges are reduced to cost.

**F. Government Customers**

1. The Agency has government contracts or subcontracts wherein the Agency supplies services to or on behalf of the Medicare and Medicaid programs.
  - a. All employees must be knowledgeable of, and comply with, applicable laws, rules, and regulations of these government agencies.
  - b. Billing personnel should comply with the Agency's policy on reimbursement and billing policies and procedures.
  - c. An employee with concerns or questions concerning compliance with any government contract should contact their supervisor or the Compliance Officer.
  - d. Employees must obtain prior approval from the Compliance Officer to provide or pay for any meal, refreshment, entertainment, travel, or lodging expenses for government employees.

**G. Accurate Books and Accounts**

1. Agency payments and other transactions must be properly authorized by management to include but are not limited to the following:
  - a. Accurately and completely recorded in the Agency's books.
  - b. Records in accordance with generally accepted accounting principles and established corporate accounting policies.
  - c. Assets must be regularly compared with actual assets and action taken to reconcile any variances.

- d. No undisclosed or unrecorded corporate funds shall be established for any purpose, nor shall the Agency's funds be placed in any personal or non-corporate account.
- e. All assets must be properly protected.

#### IV. Referral Source Relationships

- A. The Agency prohibits activities that would compensate for increased referrals or provide incentives for obtaining more referrals from any referral source that could relate to any kickback issue.
- B. Anti-kickback Issues:
  - 1. Federal and state laws prohibit the Agency and its employees from offering a "kickback" to any person or organization to induce them to purchase services from or to refer a patient to the Agency.
  - 2. Employees must take special care in this area, and refer questions to the Compliance Officer, who may refer to legal counsel.
  - 3. Examples of actions that could violate the federal Medicare/Medicaid anti-kickback statute include, but are not limited to the following:
    - a. Offering or paying anything of value to induce someone to refer a patient to the Agency;
    - b. Offering or paying anything of value to anyone (patient or referral source) in marketing the Agency;
    - c. Soliciting or receiving anything of value for the referral of Agency patients to others;
    - d. Receiving free goods of a kind other than the same good when purchasing products.

- V. Dealing Honestly With All Internal And External Customers
- A. Quality of Service
1. The Agency is committed to providing services that meet all contractual obligations and the Agency's quality standards.
- B. Contract Negotiations
1. The Agency has a duty to disclose current, accurate, and complete cost and pricing data where such data are required under appropriate federal or state law or regulation.
  2. Employees involved in pricing or negotiation of contracts must ensure the accuracy, completeness and currency of all data generated and given to supervisors and other employees and all representation made to customers and suppliers, both government and commercial.
  3. False, incomplete or misleading submission can result in civil and/or criminal liability for the Agency, the employee involved and any supervisors who condone such a practice.
- C. Marketing and Advertising Activities
1. Agency employees involved in marketing and advertising activities, may offer factual information or documented evidence to the general public.
  2. Agency employees shall not distort the truth, make false claims, engage in comparative advertising or attack or disparage another provider.
- D. Competitive Analysis
1. Antitrust laws prohibit competitors from entering into agreements to fix prices or to reduce price competition.

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2. Employees should not provide business information to a competitor unless information is necessary to the customer/supplier relationship or to jointly serve particular customers.
3. Employees should not obtain information about a competitor's business directly from the competitor unless the information is necessary to the customer/supplier relationship or to jointly serve particular customers.
4. Employees may obtain information about a customer from public sources or from competitors.
5. In conducting a market analysis, employees should not accept or use information known to be proprietary to a competitor.
6. Supervisors must ensure that information is not improperly obtained or used in any improper fashion.

## E. Antitrust Issues

1. Employees may encounter antitrust issues in the areas of pricing, boycotts, and trade association activity which could include but not be limited to the following:
  - a. Entering into or negotiating an agreement with one or more competitors to: (a) fix prices at any level or to fix other terms of service; (b) allocate customers or markets; or (c) boycott a supplier or customer;
  - b. Employees must refrain from engaging in unfair practices that might restrict competition.

## VI. Employee/Employer Performances

## A. Charging of Costs/Time Card Reporting



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1. Employees must submit complete, accurate and timely time sheets, being careful to ensure that hours worked and costs incurred are applied to the account for which the effort was required.
  2. **Employees will sign the timesheet as representation that hours worked are accurate.**
  3. The supervisor's signature is a representation that the timesheet has been reviewed and steps have been taken to verify the validity of the expenses.
- B. Hiring of Federal and State Employees
1. Agency employees must obtain prior clearance from the Compliance Officer to discuss possible employment with, make offers to, or hire (as an employee or consultant) any current or former government employee (military or civilian).
- VII. Compliance With Agency's Patient Rights
- A. Patients' Rights
1. Agency employees must comply with all standards set forth in the Patients' Rights Statement.
  2. **Employees must also comply with all patient care policies governing patient care practices and documentation.**
- B. Advance Directives and Right to Die
1. Employees shall comply with all Agency policies and procedures and federal and state laws and regulations governing advance directives and right to die issues.

C. **Confidential Information**

1. Employees must strictly safeguard all confidential information with which they are entrusted and not discuss information outside the normal and necessary course of Agency business. This includes patient records and the information contained in the record.
2. Employees have an obligation to respect and protect the confidential nature of records regarding drug abuse, alcoholism or alcohol abuse or other personal information of other employees.

## VIII. Using Agency Resources Properly

## A. Making Political Contributions

1. Employees may not contribute or donate the Agency's funds, products, services or other resources to any political cause, party or candidate without advance written approval of the Compliance Officer.
2. Employees may make voluntary personal contributions to any lawful political causes, parties or candidate.

## B. Providing Business Courtesies to Customers or Sources of Customers

1. The Agency does not offer business courtesies such as entertainment, meals, transportation or lodging to customers, referral sources or purchasers of Agency services, thus seeking to gain an improper advantage.
2. Employees must not provide any referral source or purchaser with gifts or promotionals of more than nominal value (such as pens or calendars).

## C. Charitable Contributions

1. All charitable contributions received from vendors must directly benefit the Agency. No check may be made out to an individual.

2. The Agency shall not accept any donations that are in conjunction with a marketing effort or sales promotion.
3. The Agency will not accept any donations that require the Agency to use the donation to purchase supplies from the vendor making the contribution.

**IX. Avoiding Abuses Of Trust****A. Conflict of Interest**

1. No full time employee of the Agency may have any employment, consulting or other business relationship with a competitor, customer, or supplier, or invest in any competitor, customer or supplier unless written advance permission is granted by the Compliance Officer.
2. Advance written permission is also required before an employee may invest in any privately-held company or entity that performs services for the Agency or that employs providers who may refer patients to the Agency or to which Agency patients may be referred.
3. Per diem employees may be employed by competitors but agree to keep patient information confidential and agree to no-disclosure of proprietary Agency information.
4. Each employee will sign a conflict of interest statement on hire and as potential conflicts arise. If the employee has no conflict, they will indicate this on the form.

**B. Insider Trading**

1. No employee of the Agency shall trade in the securities of any company, or sell any property or assets, on the basis of non-public information acquired through employment at the Agency, whether such information comes from the Agency or from another company with which the Agency has a confidential relationship.

C. Acceptance of Business Courtesies

1. Employees may not accept any gifts or promotional items of more than nominal value as it may appear to be offered in exchange for any type of favorable treatment of advantage.
2. Gifts of more than \$20 value must be reported to the Compliance Officer.

D. Safeguarding the Agency's Restricted Information

1. Employees may not disclose to any outside party any non-public business, financial, personnel, commercial, or technological information unless authorized in writing by management.
2. Upon termination/end of employment, an individual may not copy, take or retain any documents containing the Agency's restricted information.
3. The prohibition of disclosing the Agency's restricted information extends beyond the period of employment as long as the information is not in the public domain.