



## COMPLIANCE CODE OF CONDUCT

### **INTRODUCTION AND PURPOSE**

Pondera Medical Center (“PMC”, the “Hospital” or the “Organization”) has adopted a Compliance Program to detect, correct, and prevent fraud, waste and abuse. Hospital operates in full compliance with ethical commitments and applicable laws, rules, and regulations. An important component of the Compliance Program is the Compliance Code of Conduct (“Code”), which sets out basic principles. Associated policies and procedures provide further guidance on the operation of the Compliance Program.

The Code of Conduct applies to ALL Pondera Medical Center employees, members of the Board of Directors, medical staff and allied health professionals, volunteers, agents, consultants, contract labor and others when they are representing or acting on behalf of Pondera Medical Center. Contractors and agents/vendors or external advisors and consultants should also be directed to conduct themselves in a manner consistent with the Code of Conduct when they are acting on behalf of the Hospital.

### **Responsibilities**

Your decisions and behavior while employed by the Hospital should be governed by the policies and guidelines of our Compliance Program. Supervisors should remain aware of the compliance issues that apply to their specific department and ensure staff education. Claims of ignorance, good intentions, or bad advice are not acceptable excuses for noncompliance. The following is expected:

- Be familiar with this Code;
- Be sensitive to legal and ethical issues;
- Ask questions if you are uncertain about any given situation; and
- Report concerns you may have about the conduct of others.

### **Non-retaliation**

There can be no retaliation against anyone for making a good faith (honestly and sincerely) report of inappropriate conduct, even if it turns out the report was wrong. Not reporting is a violation of this Code and can result in disciplinary action up to and including termination of your relationship with Pondera Medical Center. You are expected to assist as appropriate with any investigation and resolution of a compliance issue.

### **Reporting**

If you have any questions regarding Pondera Medical Center’s Compliance Program, Code of Conduct and associated policies or encounter any situation which you believe violates provisions of these guidelines you should immediately contact either of the following:

- Immediate supervisor
- Compliance Officer (406-249-7832)
- Compliance Hotline (877-650-8048)

### **Compliance Hotline**

The Hospital offers the Compliance Hotline, a 24 hour, phone number where you can report any suspect behavior. The purpose of the Compliance Hotline is to encourage you to report suspicious, unethical, or illegal conduct and to provide guidance in the interpretation of these policies.

Calls to the Compliance Hotline may be placed anonymously. All reports made through the hotline are confidential. Calls to the Compliance Hotline will be reported to the Compliance Officer. The Compliance Officer will investigate the concern and take timely action.

### **Confidentiality**

The Hospital facilitates the responsible use of patient, resident, visitor, employee, business or other confidential information.

1. Maintain confidentiality of information about our patients by using and sharing it according to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009. Follow policies and procedures with respect to the proper authorization and disclosure of confidential information.
2. Limit restricted information to those who need to know.
3. Do not disclose computer identification codes and passwords provided to access computer systems to another person.
4. Use caution and follow Hospital policy when transmitting sensitive information via Internet, electronic mail, voice mail, and fax machines.
5. Respect patients' privacy and information by discussing confidential information at appropriate times and in appropriate places.
6. Follow state and federal laws regarding retention and disposal of documents and records. All confidential records must be destroyed in a manner so the information contained in the document is not legible or identifiable.

### **Work Place Conduct and Fair Employee Treatment**

We are committed to providing a work environment throughout the Hospital that promotes equal employment opportunities and complies with laws in all matters relating to employment.

1. Demonstrate appropriate respect and consideration for one another.
2. Apply Human Resource Policies and Procedures fairly, equitably, and consistent with applicable legal requirements.
3. Hire, train, promote, and compensate employees without regard for race, gender, creed, color, age, national origin, religion, physical/mental disability, or other classification protected by law.
4. Comply with the Americans With Disabilities Act of 1990 and the ADA Amendments Act of October of 2008 (ADAAA) to ensure that qualified applicants and employees with a known disability who are able to perform the essential functions of the job, with or without reasonable accommodation and whose employment does not pose a threat to their health and safety or that of others, are provided equal employment opportunity
5. Maintain an environment free from harassment, disruption, intimidation, or hostility.
6. Encourage open expression of concerns and use of the problem-solving process.
7. Report to Human Resources or to the Compliance Officer in the event you or another provider, employee, vendor, or Board member becomes excluded or sanctioned by any federal health sponsored program
8. Direct honoraria received by employees who participate as faculty and speakers at programs and functions to Pondera Medical Center unless the employee used paid time off to participate in the program or that portion of the program for which the honoraria is paid.
9. Treat salary, benefits, and other personal information relating to employees as confidential and maintain personnel files, payroll information, disciplinary matters, and similar information in a manner designed to ensure confidentiality in accordance with applicable laws.
10. Do not engage in social networking activities in or outside of work that adversely affect the job performance of Pondera Medical Center's employees, or otherwise adversely affect Pondera Medical Center's patients or legitimate business interests.
  - i. Never discuss patients or any aspect of patient care, any confidential employee matters, or Pondera Medical Center related business matters on social media.

## **Conflict of Interest**

We will conduct ourselves in a manner to avoid outside activities, personal financial interests, or other personal interests to influence or appear to influence our ability to make objective decisions on behalf of Pondera Medical Center.

1. Ensure relationships, activities, investments or other interests will not:
  - a. adversely affect the time or attention required for organizational duties;
  - b. adversely affect the quality of work performed;
  - c. compete with the hospital's activities;
  - d. involve the use of Pondera Medical Center equipment, supplies, or facilities;
  - e. infer sponsorship or support of the hospital on behalf of an outside organization.
2. Do not engage in direct or indirect political campaign activities (including the publishing or distributing of statements) on behalf of or in opposition to candidates for public office. Pondera Medical Center funds may not be used to make any contribution to a candidate for political office, political party, partisan political organization, and political candidate committee or to any individual in violation of law. *Please refer to policy #84.06.2014.OP.86 - Political Activity and Lobbying on Behalf of PMC.*
3. Do not ask for or provide, directly or indirectly, compensation or gifts of cash, services or any items of value to physicians, vendors, clinical practitioners, patients, their families, visitors, or others in exchange for referrals of items or services provided by or at the Hospital.
4. Do not accept, directly or indirectly, compensation of gifts, cash or cash equivalent gifts (such as gift cards or gift certificates), services or any items of value from physicians, vendors, clinical practitioners, patients, their families, visitors, and others for the following:
  - a. In exchange for favorable treatment, referrals of patients, items, or services to the extent that decision-making or actions affecting Pondera Medical Center or the services provided might be influenced or may appear to be influenced.
  - b. To attend a conference, view, or train on new equipment or systems that Pondera Medical Center uses, intends to use, or is considering purchasing. An exception may be made by the CEO and Compliance Officer after an evaluation has been conducted and concern of impropriety has been eliminated.
5. Refer a patient, family, or another individual who wishes to make a monetary gift to Pondera Medical Center to the Administration Department.
6. Follow the Conflict of Interest Policy in reporting any circumstances that could cause a conflict of interest.
7. Do not use Pondera Medical Center equipment, supplies, human and/or material resources, and other resources for personal purposes unless authorized.
8. Do not disclose or use confidential, special or inside information of or about Pondera Medical Center, particularly for personal profit or advantage.

## **Code, Bill and Collect in Accordance with Applicable Guidelines**

We are committed to integrity in our coding, billing, and collection practices.

1. Maintain honest and accurate records of services provided to the patient.
2. Follow coding principles and applicable billing laws, regulations, and guidelines to facilitate the proper documentation, coding, and billing of claims.
3. Ensure that medical information is properly documented in patient records and complies with medical necessity requirements.
4. Take affirmative steps to prevent the submission of claims for payment and reimbursement of any kind that are fraudulent, abusive, inaccurate, or medically unnecessary, including, but not limited to the following:
  - a. Billing for items or services not provided to patients;
  - b. Up coding for higher reimbursement than is supported by the documentation;
  - c. Submitting duplicate bills (more than one claim for the same services);

- d. Unbundling claims (submission of bills in a fragmented fashion to maximize reimbursement if guidelines require the services be billed together);
  - e. Inclusion of costs that are not allowable to be reimbursed in a cost report;
  - f. Billing for a patient discharge when it is appropriate to bill the claim as a patient transfer.
5. Take immediate steps to correct the error if a billing error is discovered. Alert the payer and promptly refund any payments not due.
  6. Provide an effective process to resolve patient billing issues.
  7. Pursue collections in a professional manner in accordance with Hospital policy.

### **Maintain a Safe Environment**

We are committed to providing a safe environment for our patients, residents, staff, and visitors.

1. Recognize, correct and/or report unsafe practices, conditions, or potential hazards that may violate a rule, regulation, or safety standard.
2. Take steps to prevent and respond in a prompt and appropriate manner to any incidents of threats/violence, and immediately report such acts or threats to a supervisor and/or Administration.
3. Read and follow policies and manufacturer's guidelines when using equipment, property, and medical products. Comply with risk management reporting policies and requirements, including the Safe Medical Devices Act.
4. Use care in the handling and disposal of medical waste or other hazardous materials.
5. Eliminate or minimize hazards to the health and safety of employees, patients, and visitors, including the rules and regulations of the Occupational Safety and Health Administration (OSHA).
6. Take steps to prevent and respond in a prompt and appropriate manner to any employee use of illegal drugs either on or off the job, use of non-prescribed controlled substances, or from reporting to work under the influence of alcohol.
7. Do not manufacture, distribute, or possess a controlled substance or drug not medically authorized. Access to controlled substances is limited to persons who are properly licensed and who have express authority to handle them.

### **Provide Quality Care and Services**

We are committed to providing quality care and services to those we serve.

1. Treat residents and patients with dignity, respect and courtesy and in a manner that respects their background, culture, religion, and heritage.
2. In accordance to the Emergency Medical Treatment and Labor Act (EMTALA), provide treatment and medical services within our capability to our patients without regard to financial class, religion, race, gender, or age.
3. Patients and families have the ability to raise concerns or questions about ethical issues and care without fear of retaliation, retribution, or changes in quality of care. Everyone is expected to be knowledgeable of the procedure for patient complaint resolution.
4. Include patients in decisions regarding their medical care whenever possible.
5. Inform patients of their right to make advance directives and have them followed within the limits of the law. Pondera Medical Center shall comply with all policies and procedures and federal and state laws and regulations governing advance directives.
6. Take steps to ensure that clinical duties are performed by properly trained and licensed/credentialed individuals. Conduct appropriate background checks and verify credentials and qualifications of licensed health care professionals providing services at our facilities.
7. Utilize quality improvement, peer review, and education to address patient care issues in an environment that supports teamwork and promotes quality care.
8. Provide the patient opportunities to make meaningful choices from the available home agencies, durable medical equipment (DME) suppliers, long-term care providers, pharmacies, ambulance services, and rehabilitation providers.

9. Maintain a process for referral, transfer, or discharge of the patient that provides for continuing care based upon the patient's assessed needs at the time of discharge.

### **Safeguard Assets, Property and Information**

We will use our resources wisely and will be accountable for their proper use.

1. Maintain, preserve, and be personally responsible for Hospital's assets, property, facilities, equipment, and supplies, as well as any property of others, which is our legal responsibility.
2. Report work time records accurately and use time at work responsibly for work-related activities.
3. Upon termination of a relationship with Pondera Medical Center, individuals may not copy, take, or retain any documents containing Pondera Medical Center proprietary or confidential information.
4. Ensure that property is disposed of in an appropriate manner.
5. Use E-mail, Internet, and other electronic communications responsibly.

### **Ethical Business Practices**

We will conduct ourselves with integrity, honesty, and fairness.

1. Pursue only those business opportunities which further the Hospital's charitable mission and charitable purpose consistent with applicable laws and ethical business practices.
2. Represent Pondera Medical Center's services, activities, and facilities in an honest and accurate manner in advertising and marketing, avoiding inaccurate or exaggerated statements in any promotional materials.
3. Conduct financial matters in a manner consistent with generally accepted accounting principles (GAAP), established accounting policies followed by the Hospital and internal control procedures.
4. Interact with governmental bodies and public officials in an honest and ethical manner and in compliance with all local, state, or federal statutes or regulation governing such activity.
5. Address all accrediting bodies in an open and honest manner in preparation for, during, and after surveys.

### **Legal Compliance in Business Practices**

We will provide healthcare services and conduct our business in compliance with applicable laws, regulations, and standards.

1. Refrain from any activity that could violate the Federal Anti-Kickback statute and similar state laws including the following:
  - a. Offering or paying anything of value to induce someone to refer a patient to Pondera Medical Center, including, but not limited to, the routine waiving of co-payments;
  - b. Offering or paying anything of value to anyone while marketing Pondera Medical Center services;
  - c. Soliciting or receiving anything of value for the referral of Pondera Medical Center patients to others;
  - d. Giving or receiving free goods or discounts, except as permitted under applicable law and regulations;
  - e. Receiving any payment or other item of value outside the normal compensation arrangement for performance of an employee's responsibilities on behalf of Pondera Medical Center.
2. Compete in a lawful, fair, and ethical manner in compliance with applicable antitrust laws.
3. Only provide discounts for health care services per Patient Financial Services' policies on discounts and financial assistance.
4. Refrain from offering any items or services to Medicare or Medicaid beneficiaries as an inducement to influence them in their choice of health care provider.
5. Conduct relationships and enter into transactions with physicians, providers, clinical practitioners, vendors, and other external representatives and entities in a manner which, at minimum, meet the following criteria:
  - a. Specifically defines the transaction and the respective parties' duties and obligations;

- b. In the case of the purchase or sale of real or personal property, goods or services, the real or personal property, goods and/or services are specifically identified in the agreement;
  - c. Amounts paid or received by the Hospital shall be consistent with fair market value;
  - d. Transactions shall be commercially reasonable and conducted at arms-length;
  - e. All contracts with physicians that would constitute a financial arrangement under the Stark Law must satisfy the requirements of one of the specific exceptions.
6. Do not submit claims to Medicare or Medicaid programs for any services rendered to any patient referred to the Hospital by a physician with whom the Hospital has a financial relationship unless the relationship satisfies a Stark Law exception.
7. Accurately report payments to appropriate taxing authorities, and file all tax and information returns according to applicable laws and regulations.
8. Comply with the law and cooperate with any reasonable demands made by a valid search warrant, subpoena, or other form of an inquiry from law enforcement representatives and/or government agencies.
9. Respect the legitimate rights of others to protect their confidential and proprietary information and do not engage in unauthorized or inappropriate usage of copyrighted materials.
10. Prohibit unauthorized duplication or downloading of computer software.
11. Conduct any clinical research activities in a manner that is compliant with all applicable federal, state, and local laws and regulations and according to the International Conference on Harmonization Guidelines for Good Clinical Practice.
12. Conduct all fundraising activities per Pondera Medical Center fundraising policies.
13. Do not engage in activity which may jeopardize the tax-exempt status of Pondera Medical Center, including certain lobbying and political activities.
14. Refrain from certain agreements, whether written or oral, with competitors, customers, or others that may constitute crimes and result in severe penalties if they produce an unreasonable restraint of trade or a substantial lessening of competition.
  - a. Avoid discussion with competitors relating to prices or terms which the Hospital or any competitor charges or intends to charge.
  - b. Avoid discussions with competitors concerning rationalization of markets, down-sizing, or elimination of duplication.
  - c. Avoid sharing with competing hospitals current information or future plans regarding individual salaries or salary levels. Competitive information should be collected only from public or industry sources. It is acceptable to make competitive information available, if it is in summary form, no individual competitor is identifiable, and other legal requirements are met.

### **Government Requests**

It is the Hospital's policy to cooperate fully with reasonable requests from any government agencies concerning operations. The Compliance Officer is responsible for coordinating the Hospital's response to the release of any information related to an investigation by government authorities.

If you are contacted directly by law enforcement agents, remember:

1. You have the right to speak or decline to speak. All such conversations by you are entirely voluntary.
2. You have the right to speak to an attorney before deciding to be interviewed.
3. You can insist that if you agree to be interviewed, that an attorney be present and the time convenient.

To assist you if you want legal assistance, we request that you contact the Compliance Officer immediately regarding any requests for information made to you outside the ordinary scope of your job.

Hospital employees are not permitted to alter, remove, or destroy documents or records of the Hospital.

### **Annual appraisal**

The Hospital considers your actions under the Code of Conduct to be significant indications of judgment and competence. The Code will be incorporated as an important element of your annual evaluation. Failure to comply could result in disciplinary action, termination, civil penalties, or criminal charges.

**Conclusion**

The Hospital operates in a highly regulated industry and must monitor compliance with a great variety of highly complex regulatory schemes. The Hospital needs the cooperation of employees and professional staff members in complying with these regulations. No Code can cover all circumstances or anticipate every situation. Consequently, employees encountering situations not addressed specifically by this Code should apply the overall philosophy and concepts of this Code to the situation. The Hospital is dedicated to these standards and rules of ethical business conduct and complete integrity.