

## ADM-022 Administrative: Compliance Program: Standards of Conduct

**POLICY:** Refuah Health Center has developed this policy to provide safeguards to ensure the Health Center's compliance with laws and regulations relating to fraud and abuse as well as to prevent members of the Board of Directors (the "Board" or "Directors"), officers, executives, employees, appointees, contractors, agents, vendors, volunteers, and any person or affiliate who is not an employee, but is involved with or acting on behalf of the Health Center in any way, such that the person or affiliate contributes to the Health Center's entitlement to payment under the Medical Assistance Program (each an "Individual Affiliated with Refuah" and collectively, "Individuals Affiliated with Refuah") from (1) using their positions for purposes that are, or giving the appearance of being, motivated by a desire for private financial gain for themselves or others such as those with whom they have family, business or other ties, and, (2) from violating their duty to the Health Center by inappropriately disclosing confidential information about the Health Center.

**IMPLEMENTATION Compliance Expectations:** The Board recognizes the paramount importance of maintaining Refuah's reputation for integrity that includes, but is not limited to, assuring compliance with applicable Federal, State, and local laws and regulations, as well as fulfilling contractual obligations. Every Individual Affiliated with Refuah is responsible for ensuring that his or her conduct is consistent with these Standards of Conduct, with Refuah's Compliance Program and policies and procedures, and with generally accepted standards of professionalism, courtesy, and respect. Every Individual Affiliated with Refuah must refuse to participate in unethical or illegal conduct. Furthermore, an Individual Affiliated with Refuah in a supervisory position must assume, and is charged with, responsibility for ensuring that the conduct of everyone she/he supervises complies with these Standards of Conduct. All Individuals Affiliated with Refuah are required to agree to abide by these Standards of Conduct by electronically signing the agreement attached to this document as Exhibit A. These Standards of Conduct do not address every situation or set forth every applicable rule since there are other Refuah policies, procedures, and instructions, as well as common sense standards of conduct to which an Individual Affiliated with Refuah is expected to adhere to.

Any Individual Affiliated with Refuah whose conduct is contrary to the expectations set forth herein, may face disciplinary action. The Standards of Conduct impose an affirmative duty on every Individual Affiliated with Refuah to report any actual or perceived violations and Refuah will devote sufficient resources to investigate any alleged violation of these Standards of Conduct. It is Refuah's policy that no adverse action or retribution will be taken against an Individual Affiliated with Refuah who reports in good faith a suspected violation.

**PATIENT CARE/COMPLIANCE WITH LAWS AND REGULATIONS Quality of Care:** Refuah is committed to providing the highest possible quality patient care. Patient care services are provided in accordance with Refuah's Mission, Values, and Vision.

**Patients' Rights:** Clinical decisions are based solely on the identified healthcare needs of the patient without regard to payment, the patient's ability to pay, or the financial compensation of the caregiver. To avoid compromise and contribute to high quality patient care and satisfaction, Refuah adheres to the New York State Code of Rules and Regulations relevant to patient rights. It is the responsibility of every employee to know and follow.

**Medical Necessity:** To fulfill our commitment to providing the highest quality patient care, it is the expectation that physicians and other appropriately licensed or authorized individuals will only provide services they believe to be medically necessary for the diagnosis and appropriate treatment of their patients. No supplies or services shall be billed by the Health Center unless they are reasonable and medically necessary, as evidenced by a fully and accurately documented medical record.

**Recordkeeping, Coding, and Billing:** Employees are expected to appropriately and accurately record transactions and activities in a timely manner. The Health Center's books, records, personnel files, employee health files, other documentation shall be maintained to adequately support all transactions, reports, and statements. The Health Center requires all claims for reimbursement to third party payors, including but not limited to Medicaid and Medicare that are submitted on behalf of the Health Center, contain accurate and true information and must only reflect services provided as supported by the patient's medical record. Every Individual Affiliated with Refuah shall take every reasonable precaution to ensure their work is accurate and reflective of the service(s) rendered to the patient.

Examples of possible violations of documents standard:

- Falsification of employment application, any other Health Center record or document, such as a patient's chart, or billing statement, or a document provided to the Health Center such as a doctor's note.
- Pre-documentation or adding to the record without noting the correct time of the addition.

**Cost Reports:** All cost report data, schedules and work sheets must be truthful, accurate and complete. Health Center will only report properly allowable costs that were absolutely and reasonably incurred by the Health Center.

**Positive Work Environment:** Refuah is committed to providing a positive working environment for its employees. To that end, the Health Center puts forth its best efforts to provide a drug-free and otherwise safe workplace for its employees. In accordance with its equal employment opportunity commitment, the Health Center provides an environment for its employees free of unauthorized solicitation, illegal discrimination or harassment of any kind. The Health Center strives for excellence in the workplace. This positive working environment is the responsibility of every employee and will be achieved through mutual respect and cooperation among all levels of staff.

Because the Health Center is committed to providing a positive working environment for its employees, negative behaviors that adversely affect this objective may lead to disciplinary action up to and including termination. Examples of negative behavior include:

- Insubordination, including but not limited to verbal abuse or refusal to perform assigned work;
- Threatening, intimidating, harassing, coercing, or fighting with another employee by word or deed, whether on or off the Health Center's campus;
- Rudeness, discourtesy, or unfriendliness towards patients, including suggesting that a gratuity is required or expected for any service;
- Malicious, obscene, threatening or intimidating language or language that disparages the Health Center, employees, patients, or vendors, or that might constitute harassment or bullying;
- Incompetence or careless performance of duties, including failure to maintain proper work standards;
- Sabotage or damage to Health Center property or merchandise, or the property of patients, customers, or co-workers;
- Disruptive activity in the workplace;
- Violation of safety, health, or security regulations, including without limitation, any action that endangers the safety of other persons and the failure to report immediately accidents or thefts to management;
- Unauthorized use of Health Center equipment, time, materials, and facilities;
- Unauthorized divulgence or removal of the Health Center's business records or patient information or charts;
- Gambling while work on Health Center premises or while conducting Health Center business;
- Proven abuse of policies, benefits, or leaves of absences;
- Possession, use, distribution, sale, manufacturing, dispensation, or being under the influence of alcohol, any controlled substances, illegal and/or prescribed drugs while working and/or conducting business at the Health Center;
- Disregard of one's appearance, uniform, dress, or personal hygiene.

**Safety Accountability:** Staff shall be accountable at all times to provide and maintain a safe and healthful environment for patients, visitors, other staff members, and anyone conducting business with the Health Center. The highest priority for all employees, regardless of their position or function at the Health Center, shall be the safety and care of patients. All staff have a duty to report any infractions, deliberate or otherwise, regarding the environment of care to his/her supervisor or the Compliance Department.

**H: Use of Health Center Assets and Equipment:** Every employee is accountable for the responsible use of the Health Center's resources. All employees should avoid waste and spoilage when using supplies. Employees are required to prevent the loss, damage, misuse, theft or destruction of Health Center property and should report any actual or suspect loss, damage, theft or destruction of Health Center property to their supervisor. Employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines when using Health Center property. If any Health Center property is in need of repair, an employee should notify his/her supervisor in a timely manner.

**Overpayments:** If the Health Center determines that it has been overpaid by a government program, third party payor or patient, it will promptly refund the payment to the proper party in accordance with Health Center policies and procedures.

**Kickback Prohibition:** No Individual Affiliated with Refuah will offer, provide, solicit or accept anything of value from any person in return for the referral of Medicare/Medicaid or other government sponsored patients to the Health Center, or in return for influencing or engaging in any related business transaction, directly or indirectly, involving the care provided to Health Center patients. All Individuals Affiliated with Refuah are expected to adhere to [Policy # ADM-023](#).

**Co-payments/Discounts:** The Health Center must not waive the collection of insurers' co-payment obligations unless otherwise permitted by law or it establishes that the patient meets the Health Center's sliding fee scale requirements. A record of the patient's financial indigence should be kept by the Health Center.

**Certifications of Physicians:** A staff member will not misrepresent the evaluations of a patient's medical condition and qualification for home health care or any other type of care.

**Honest Dealing with Government Officials:** No Individual Affiliated with Refuah will attempt to improperly influence actions or decisions made by government bodies, officials, employees or contractors.

**Cooperation in Government Audit and Investigation:** The Health Center will be cooperative and truthful in its dealings with any governmental inquiries or request, including audits, surveys and certification reviews. Except where otherwise approved, Individuals Affiliated with Refuah who are not authorized to speak on behalf of the Health Center will not respond to any government-initiated inquiries or requests, including audits, surveys, and certifications reviews and will promptly report any such

inquiries or requests to the President and Chief Executive Officer, Compliance Officer or other member of senior management.

**PRIVATE FINANCIAL GAIN: Financial Interests** - Additional requirements related to Federal Procurement Standards are described in Refuah Health Center's Policy [No. FIN-018](#).] - No Individual Affiliated with Refuah may participate in the selection, award or administration of a contract in which Federal funds are used, in which he/she or his/her immediate family, partner, or organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest or receives a tangible personal benefit from.

The Health Center requires that all Individuals Affiliated with Refuah disclose in writing (and update at least annually) all business, family and organizational relationships which might potentially create or do create a conflict of interest [\[1\]](#). An Individual Affiliated with Refuah must disclose in writing any conflict of interest that arises in the procurements from a related organization.

[\[1\]](#) A conflict of interest arises when the Individual Affiliated with Refuah or any of his/her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. See 45 CFR 75.327(c)1.

- Employees, contractors and agents must disclose to the Compliance Officer or his/her designee (and the President and Chief Executive Officer must disclose to the Chair of the Board (?Chair?)) in writing the specifics of any plans to accept supplemental outside employment so that the Health Center may determine whether such outside employment has the potential for conflicting with the interests of the Health Center. - If an Individual Affiliated with Refuah believes that he/she, a member of his/her immediate family or partner has a financial interest in a Federally-funded contract of the Health Center, he/she must immediately disclose this in writing to the Compliance Officer or his/her designee. Disclosures by officers or Directors must be made to the Chair (and if it is the Chair who has such a financial interest, he or she must make the disclosure to the Vice-Chair). - No Director may vote on any matter which may directly or indirectly result in financial gain to that Director, or which may conflict with that Director's obligations to another organization's Board of Directors or to his/her employer. Provided that the Director has first disclosed a conflict or potential conflict, and abstains from voting in that regard, (s)he may participate in discussions relating to that matter.[\[2\]](#) [\[2\]](#) Organizational conflicts of interest mean that because of relationships with a parent company, affiliate, or subsidiary organization, the health center is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. See 45 CFR 75.327(c) (2).

**Compensation to Directors:** Within the limits of available funds, the Health Center may reimburse Directors for reasonable expenses actually incurred by reason of their participation in Board activities, e.g., travel expenses, meals and incidentals. The Health Center will not compensate Directors for services rendered in the ordinary course of service to the Board. However, if a Director who is not an officer is uniquely qualified to perform professional services for the Health Center, the Health Center may consider contracting with that Director for such professional services, provided that the affected Director does not participate in Board discussions or vote on his/her selection, the contract is in all respects 'arms'-length,' consistent with Federal procurement standards if federal funds will be used, and in the best interests of the Health Center.

**Gifts/Gratuities:** Individuals Affiliated with Refuah may not solicit or accept gratuities, favors or anything of value, even indirectly, from current or potential patients, vendors, contractors, and/or parties to a subcontractor(s), and/or parties to a sub-agreement (including subrecipients or affiliate organizations) with the Health Center.

A gift means anything offered directly or indirectly by or on behalf of a current or potential patient, vendor, contractor, subcontractor, and/or other party to a sub-agreement with the Health Center other than promotional materials of little or nominal value such as pens, calendars and other items intended for wide distribution; see also Refuah Policy [ADM-029](#). Gifts include (but are not limited to): personal gifts, such as sporting goods, household furnishings and liquor, social entertainment or tickets to sporting events, personal loans or privileges to obtain discounted merchandise, and the like.

Any Individual Affiliated with Refuah shall decline or return any gifts and notify the Compliance Officer of such gift.

**Bribery Prohibition:** The Health Center will immediately dismiss any employee, remove any officer or Director, and terminate the contract of any contractor/agent found to have offered or accepted a bribe to secure funding from the Health Center.

**III. CONFIDENTIAL INFORMATION A.** Individuals Affiliated with Refuah may gain access to confidential (i.e., non-public) information by virtue of his/her position within the Health Center. Individuals Affiliated with Refuah are expected to exercise reasonable care to avoid the inadvertent disclosure of confidential information. Individuals Affiliated with Refuah are expected to keep patient information in the strictest of confidence and in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as well as other relevant laws and regulations regarding confidentiality. Such patient information will not be disclosed to anyone unless authorized by the patient or otherwise permitted by law. Confidential information acquired by Individuals Affiliated with Refuah regarding the business of the Health Center must also be held in confidence and may not be used as a basis

for personal gain by Individuals Affiliated with Refuah, their families, or others, or for any other non-Refuah business related purpose. Such confidential information includes, but is not limited to: patient lists, development plans, and information about pending or contemplated business deals.

- Officers and Directors may not communicate confidential information about the Health Center to anyone who is not also an officer or Director, respectively, absent the explicit authorization of the full Board of Directors. If, as a result of negotiations in which the Health Center is engaged, an officer or Director gains access to confidential information of another entity, the officer or Director may not communicate this information about the other entity to anyone who is not also an officer or Director, respectively, without the authorization of the full Board. If the Health Center executes an agreement with another entity which agreement includes provisions governing confidentiality of information, all officers and Directors are bound by those provisions and required to comply with them. - The term "confidential or proprietary information" shall mean any and all information (whether written, oral, or contained on audio tapes, video, computer discs, etc.), relating to the business operation and/or financial condition of the Health Center. All information communicated at executive sessions or other closed sessions of the Board of Directors is confidential and proprietary information. In addition, the Board of Directors or Chief Executive Officer may determine that other information, including information shared in Board of Directors' meetings and committee meetings, is confidential or proprietary on a case-by-case basis. **OTHER Political Activities:** No Individual Affiliated with Refuah may engage in political activities using or implying Refuah's name, using Refuah facilities or other resources of any kind, or while engaging in any activities on behalf of Refuah.

Individuals Affiliated with Refuah may not solicit political support in any manner, which might suggest that the Health Center supports any political party or candidate. No Individual Affiliated with Refuah shall, in any manner, solicit financial assistance or subscription for any political party, candidate, fund, publication, or for any other political purpose from Health Center employees in the workplace or otherwise in an employment-related setting.

**Nepotism:** The Health Center will not hire any individual who is an immediate family member of an employee or contractor of the Health Center if, in the position being applied for, the applicant will supervise, or be supervised by, the related employee or contractor. Immediate family member includes a spouse, child, parent, brother or sister by blood, adoption, or marriage. Every applicant for employment with the Corporation must disclose any and all family and business relationships with Individuals Affiliated with Refuah.

**Lobbying Activities:** No lobbying activities will be conducted by Individuals Affiliated with Refuah, on behalf of Refuah, without the prior written approval of the Board or the President and Chief Executive Officer. Lobbying is generally defined as a communication (written or oral) that is an attempt to influence (for or against) specific legislation, including appropriations. No Federal grant funds may be used to support the costs of lobbying activities as defined variously in OMB Circular A-122, DHHS rules implementing the Byrd Amendment and DHHS appropriations riders.

**CONFLICTS OF INTEREST General Standard:** Refuah's best interests should be the most important factor considered in all business dealings. Individuals Affiliated with Refuah must never be influenced or appear to be influenced by personal interests and should make decisions based on fairness, objectivity, and with the best interests of Refuah in mind. Any actual or potential conflict of interest should be promptly reported to the employee's supervisor or the Compliance Officer. Please refer to [Policy #HR-112](#) for the complete conflict of interest policy. [13](#) [13](#) A conflict of interest arises when the Individual Affiliated with Refuah or any of his/her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. See 45 CFR 75.327(c)1.

**VIOLATIONS OF STANDARDS OF CONDUCT Reporting:** Suspected violations of the Health Center's Standards of Conduct should first be reported to an employee's supervisor. Violations can also be reported promptly to the Compliance Officer, through the Compliance Hotline, or to the President & Chief Executive Officer. If the President & Chief Executive Officer has violated the standards, notice must be given to the Chair of the Board. Violation of the Standards of Conduct, the Compliance Program, or any other Refuah policy may result in disciplinary action, up to and including termination.

**Disciplinary Action:** Violation of the Standards of Conduct, the Compliance Program, or any other Refuah policy may result in disciplinary action, up to and including termination.

**VII. HUMAN RESOURCES Equal Employment Opportunity:** Refuah is an equal employment opportunity employer. All applicants and employees are evaluated based on individual merit and the Health Center will not discriminate against any individual on the basis of sex, race, creed, color, religion, national origin, ancestry, age, nationality, marital or familial status, sexual orientation or preference, handicap, or disability, which can be reasonably accommodated without undue hardship, veteran status, or any other

protected classification.

**Harassment-Free Environment:** It is the Health Center's policy to provide employees with a workplace free of harassment. Harassment is defined as any behavior that has the purpose or effect of unreasonably interfering with an individual's work performance or which otherwise creates an intimidating, hostile, or offensive working environment. Harassment can be sexual in nature, or based on age, sex, race, national origin, disability, religion, or any other protected classification. Harassment may take different forms and may involve, but is not limited to, visual displays, suggestive remarks or jokes, gestures, sexual demands, propositions, or unwanted physical contact. Whatever form, the Health Center will not permit any employee to harass anyone, including but not limited to other employees, patients, visitors or vendors. The Health Center will also not allow employees to be harassed by non-employees, including not limited to patients, vendors, or visitors. It is the responsibility of all employees to assure a harassment-free environment for their colleagues. Any employee who believes that (s)he has been harassed, whether or not they wish to confront the alleged harasser, and employees who become aware of the harassment must notify Human Resources, a member of management, or Compliance immediately. No retaliation by anyone will be permitted against an employee who reports harassment, except that employees who knowingly make false reports may be subject to disciplinary action up to and including termination. Please refer to [Policy # HR-110](#) for more information.

#### **VIII. IF YOU HAVE A CONCERN**

Should you have any questions or concerns regarding any work-related issue, especially those related to these Standards of Conduct, you are encouraged to first speak with your immediate supervisor. If, however, you feel that management has not reasonably resolved a particular issue, Health Center employees may contact the Compliance Officer directly or through the Compliance Hotline at (844) 280-0009 for USA and Canada, and 800-603-2869 for other countries. All calls received through the Hotline will be kept confidential and your anonymity will be protected to the extent permitted by law. [Policy #ADM-045](#).

Refuah Health Center is committed to maintaining an environment free of fraud, abuse, and unethical practices of any kind. The Health Center has a policy of non-retaliation and non-intimidation for all good faith reporting of these practices. See [Policy # ADM-024](#).

This policy and procedure shall be periodically reviewed and updated consistent with the requirements and standards established by the Board of Directors and by Health Center management, Federal and State law and regulations and applicable accrediting and review organizations.

[LINKTO R219 - STANDARDS OF CONDUCT FORM](#)] **Responsible Party:** Lori Masterson, Esq.

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**Related Policies:** FIN-015, HR-112, ADM-029, HR-110, ADM-023, ADM-024, ADM-045, FIN-017