

<b>POLICY TITLE:</b> Compliance Program: Standards of Conduct	
<b>Department:</b> All Departments	<b>LAST REVIEWED:</b> January 2018
	<b>LAST REVISED:</b> January 2019
	<b>ORIGINATION DATE:</b> July 1997
<b>CATEGORY:</b> Compliance	<b>AUTHORIZED BY:</b> Amy Mensen Chief Operating Officer
	Charles Button Chief Executive Officer

**POLICY**

Regional Medical Center employees shall adhere to high standards of ethical conduct and will comply with and assist RMC in complying with all applicable laws and regulations and third-party payor program requirements.

**PROCEDURE**

RMC employees shall comply with the following policies and standards:

1. **Ethical and professional standards.** RMC employees shall comply with and perform their services consistent with high ethical and professional standards. They shall treat patients, co-workers, and others in a professional manner with honesty, fairness, dignity and respect. See RMC Standards of Behavior for additional information.
2. **RMC policies and procedures.** RMC employees shall comply with all applicable policies and procedures, including but not limited to those policies and procedures relevant to the Compliance Program.
3. **Laws, regulations, and program requirements.** RMC employees shall comply with all applicable federal and state laws, regulations, and third-party payor program requirements.
4. **Non-discrimination.** RMC employees shall not discriminate against other RMC employees, patients, or others on the basis of race, color, sex, religion, age, national origin, ancestry, disability, or sexual orientation. Employees shall not discriminate against emergency department (ED) patients for any reason to avoid violating Emergency Medical Treatment and Labor Act (EMTALA).
5. **Offering or receiving items of value to induce referrals (Anti-Kickback).** Federal and state laws prohibit paying, offering or receiving anything of value to induce referrals for healthcare business unless certain conditions are met. RMC employees shall not offer, solicit, pay or accept anything of value in exchange for healthcare referrals without first obtaining approval from the Compliance Officer. This applies to offering or receiving any money, gifts, free or discounted items or services, professional courtesies, or other arrangements with the intent to induce referrals. This applies to any such transactions involving potential referral sources, including transactions with other health care providers, vendors, or patients. Violations may subject the RMC and its employees to criminal and administrative penalties.

6. **Financial relationships with physicians and other referral sources (Stark Law).** Federal and state laws affect contracts, agreements, and other financial relationships with physicians, practitioners, vendors and other referral sources.
  - a. RMC employees shall not enter any contract or other financial arrangement with, or give or receive anything of value to or from, an outside physician, a physician's family member, or other referral source unless there is an approved exception.
  - b. If RMC has a contract or other financial relationship with an outside physician or a member of the physician's family, RMC employees shall not bill Medicare for any items or services referred by that physician unless there is an approved exception.
  - c. RMC employees must strictly comply with the terms of any approved contract or other financial arrangement with outside physicians, their family members, or referral sources. Exceptions include, but are not limited to, in-office ancillary services exception, fair market compensation exception, indirect compensation exception, non-monetary compensation exception. Failure to perform or improper modifications of such contracts or arrangements may violate applicable laws.
7. **Improper inducements to Medicare or Medicaid beneficiaries.** Inducements to Medicare, Medicaid, or other government beneficiaries may violate applicable law. RMC employees shall not waive or discount government beneficiary co-pays unless such discount complies with RMC's charity care policy. RMC employees shall not offer any other discount, gift, free items or service, or other inducements to government beneficiaries without first obtaining approval from the Compliance Officer.
8. **Professional courtesies.** RMC employees shall not offer or receive any free or discounted items or services to or from other health care providers, their family members, or their office staff unless such offer is consistent with the Gifts and Business Gratuities Policy or the offer has been approved by the Compliance Officer.
9. **Improper billing activities.** RMC employees shall not engage in false, fraudulent, improper, or questionable billing practices. Such improper activities include, but are not limited to:
  - a. Billing for items or services that were not actually rendered.
  - b. Billing for or rendering items or services that were not medically necessary.
  - c. Submitting a claim for physician services when the services were actually rendered by a non-physician, or where a physician failed to provide the level of supervision required by applicable laws or regulations.
  - d. Submitting a claim for payment without adequate documentation to support the claim.
  - e. Signing a form for a physician without the physician's authorization.
  - f. Improperly altering medical records.
  - g. Not confirming proper diagnoses.
  - h. Prescribing medications and procedures without proper authorization.
  - i. Using a billing code that provides a higher payment rate than the correct billing code (i.e., "upcoding")
  - j. Submitting bills in fragmented fashion to maximize reimbursement even though third-party payors require the procedures to be billed together (i.e., "unbundling").
  - k. Submitting more than one claim for the same service (i.e., "duplicate billing").
  - l. Failure to refund credit balances to the appropriate party.

If RMC employees have a question about the proper standard or procedure documenting or submitted a claim, they should contact the Compliance Officer.

10. **Unfair competition and deceptive trade practices.** Federal and state antitrust laws prevent certain anti-competitive conduct, including collusive agreements among competitors to set prices; divide patient care or services; boycott other entities; etc. RMC employees should not engage in collusive discussions with competitors over such things as prices, employee wages, services to be rendered or eliminated, or division of patients or patient services without the Compliance Officer’s prior approval. Similarly, RMC employees should not discuss exclusive arrangements with third-party payors, vendors, and providers without first discussing the matter with the Compliance Officer. Finally, RMC employees should not engage in any deceptive acts relating to RMC.
11. **Privacy and confidentiality.** RMC employees shall maintain the confidentiality of patients’ protected health information as required by RMC’s privacy policies and applicable law, including but not limited to the Health Insurance Portability and Accountability Act (“HIPAA”) and its accompanying regulations, 45 C.F.R. part 164. RMC employees should not access patient information unless they have a need to access the information because of their job duties. To the extent feasible and allowed by law, RMC employees shall maintain the confidentiality of communications and records containing confidential information concerning co-workers; communications and records relating to RMC’s confidential financial or business operations, trade secrets, credentialing or peer review actions; documents prepared in anticipation of litigation; and communications with legal counsel for RMC . This section shall not be construed to prohibit activity protected by the National Labor Relations Act.
12. **Entities that contract with RMC.** RMC employees shall ensure that vendors and other entities which contract with RMC comply with the Compliance Program and cooperate with RMC’s compliance efforts. If a contract or arrangement with an outside entity implicates any of the compliance concerns discussed above, RMC employees should refer the contract or matter to the Compliance Officer for review. Nothing in this policy or Compliance Program shall be construed as an undertaking by RMC to inspect, assume liability for or guarantee the performance of work or activities by independent contractors or other agents.
13. **Questions concerning the Compliance Program.** RMC employees shall seek clarification from or approval by the Compliance Officer before engaging in actions or transactions if there is any question concerning whether the action or transaction complies with applicable laws, regulations, program requirements, or RMC policies.
14. **Report suspected violations.** It is essential that RMC employees immediately report suspected violations or compliance concerns to their supervisor, department leader, or the Compliance Officer described in the Communication about Compliance Issues Policy.
15. **Non-retaliation.** RMC employees shall not retaliate against any person for reporting a suspected violation of any law, regulation, program requirement or RMC policy relevant to the Compliance Program.

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Signature

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Date