

**METRO HEALTH**

**CORPORATE COMPLIANCE PROGRAM  
AND CODE OF CONDUCT**

Section	<b>Compliance</b>	Former Policy Number	<b>RM-33</b>	<b>Policy Number</b>	<b>COMP-08</b>
Original Date	1/07	Effective Date	Dec. 2019	Next Review	Dec. 2022

**Δ indicates change**

**POLICY STATEMENT**

Metro Health Hospital believes that conscientious dedication to the highest ethical standards is essential to its mission. This dedication is important because Metro Health is charged with serving the community, and because a significant portion of Metro Health’s services are reimbursed through governmental programs which properly require that business be conducted with complete integrity. To maintain high standards of health care, Metro Health affirms a value-based leadership and management that foster a climate of personal responsibility and mutual accountability. Metro Health is committed to meeting the highest standards of business practice and professional ethics in all its activities.

**KEY WORDS**

Compliance Officer, Compliance Committee, Regulatory, Workplace Conduct

**SCOPE**

ΔMetro Health an assumed name of Metropolitan Hospital.

**ΔTABLE OF CONTENTS**

- I. General Operation and Structure of the Program.....3
  - A. Objectives of the Program.....3
  - B. Establishment of a Corporate Compliance Officer.....3
  - C. Establishment of a Corporate Compliance Committee.....4
    - 1. Composition.....4
    - 2. Billing.....4
    - 3. Monitoring and Auditing .....4
    - 4. Administrative/Legal.....4
    - 5. Duties.....5
    - 6. Quorum .....5
    - 7. Meetings.....5
    - 8. Minutes.....5
    - 9. Reporting and Confidentiality.....5
    - 10. Education and Training.....5
    - 11. Corrective Action and Discipline.....6
- II. Code of Conduct.....6
  - A. Introduction.....6
  - B. Metro Health’s Mission Statement.....6
  - C. Purpose of Code of Conduct.....7
  - D. Leadership Responsibilities.....7
  - E. Commitment to Interested Parties.....7
  - F. Relationships with Healthcare Partners.....8
    - 1. Patients.....8
      - (A) Patient Rights.....8
      - (B) Emergency Care and Patient Transfers.....8
    - 2. Affiliated Physicians.....9
    - 3. Third-Party Payors.....9

	(A) Coding and Billing for Services.....	9
	(B) Cost Reports.....	9
	4. Subcontractors, Suppliers, and Institutions.....	10
G.	Regulatory Compliance.....	10
H.	Business Information and Information Systems.....	10
	1. Accuracy, Retention, and Disposal of Documents and Records.....	10
	2. Confidential Information.....	10
	3. Electronic Media.....	11
	4. Financial Reporting and Records.....	11
I.	Workplace Conduct and Employment Practices.....	12
	1. Conflict of Interest.....	12
	2. Controlled Substances.....	12
	3. Copyrights.....	12
	4. Diversity and Equal Employment Opportunity.....	12
	5. Harassment and Workplace Violence.....	13
	6. Health and Safety.....	13
	7. License and Certification Renewals.....	13
	8. Research.....	13
	9. Substance Abuse and Mental Acuity.....	14
	10. Ineligible Persons.....	14
J.	Marketing Practices.....	14
	1. Antitrust Laws.....	14
	2. Marketing and Advertising.....	15
K.	Physician Recruitment.....	15
L.	Tax-Exemption.....	15
M.	Environmental Compliance.....	16
	Annual Certification and Agreement of Compliance Form.....	17

**GENERAL**

Metro Health has always been committed to providing services in compliance with the letter and spirit of all applicable local, state and federal laws. Constant vigilance is necessary to avoid impropriety or the appearance of impropriety. Accordingly, Metro Health has developed a Corporate Compliance Program (the "Program") to set standards for and monitor conduct of all the activities with which Metro Health is involved. While implementation and enforcement of the Program will be centrally directed by a Corporate Compliance Officer and Committee, responsibility for compliance also rests with each and every Metro Health employee and independent professional who enjoys staff privileges at Metro Health Hospital.

Metro Health has an outstanding reputation for integrity, a reputation to which all its Board of Directors, medical staff, associates and volunteers, past and present have contributed to since its founding. This reputation is more than a source of pride for us; rather it enables fulfillment of its mission of services to those in need. To assist in preserving and protecting these high standards, set forth in the Program, Metro Health has also developed a Corporate Compliance Code of Conduct. The purpose of the Code of Conduct is to clearly define Metro Health's position regarding matters of integrity and ethics and to provide information that will assist its Board of Directors, medical staff, associates, and others in making good personal judgments when dealing with issues of integrity and ethics that arise in the course of their service.

**GENERAL  
OPERATION  
AND  
STRUCTION OF  
THE PROGRAM**

**A. Objectives of the Program**

The objectives of the Program are:

- To assist Metro Health in avoiding improper transactions;
- To assist Metro Health in avoiding irregularities in payment, reimbursement and other transactions;
- To assist Metro Health's management in identifying areas of possible concern that might adversely affect Metro Health's good reputation, its participation in public programs, or its status as the holder of public licenses, certifications, and exemptions; and
- To provide additional oversight of Metro Health's compliance with laws, regulations, and special conditions imposed upon it by any licensing or regulatory authorities.

The success of the Program depends upon the active participation of Metro Health's senior executives, its board members, financial and claims staff, officers, and the leadership of the departments and the professional staff. Through the dissemination of the Corporate Compliance Program and Code of Conduct, and appropriate education and training, all such persons shall be fully advised regarding their responsibilities and the circumstances in which they should timely report regarding matters subject to review under the Program.

**B. Establishment of a Corporate Compliance Officer**

Metro Health has established the position of Corporate Compliance Officer to administer and oversee the Program. The Corporate Compliance Officer is appointed by the CEO of Metro Health Hospital, and reports directly to the CEO and **▲**the Audit and Compliance Committee of the Board who then reports to the Metro Health Corporation Board of Directors. The Corporate Compliance Officer shall meet with the **▲**Corporate Board of Directors at least on an annual basis.

The Corporate Compliance Officer will be provided with the resources necessary to fulfill the responsibility for operation of the Program. He/she may inquire into any matter arising or appearing to arise within the purview of the Program, including, but not limited to, matters involving unethical conduct, irregular billing, claims, or payments and regulatory compliance.

Metro Health is committed to investigate all reported concerns promptly and confidentially to the extent possible. The Corporate Compliance Officer will obtain whatever assistance is necessary to coordinate any findings from the investigations and immediately recommend corrective action or changes that need to be made. It is expected that all individuals will cooperate with investigative efforts.

The Corporate Compliance Officer is responsible to report as to all identified concerns, inquires conducted, recommendations for action, any prosecutions or administrative actions commenced against Metro Health and any violations of the Corporate Compliance Program Code of Conduct.

It should be clearly understood that the Corporate Compliance Officer is not responsible for the organization's actual compliance with applicable laws, rules and regulations or for transacting business in conformity thereto. Rather, the Corporate Compliance Officer is responsible for ensuring that the organization has in place, at all times, an effective Program and Code of Conduct, and that the applicable policies, procedures and practices are sufficient for purposes of

communicating, monitoring and enforcing Metro Health's ongoing commitment to compliance.

Due to the importance of understanding and abiding by all of Metro Health's standards and procedure, the Corporate Compliance Officer or their designee shall make available to each officer, director, employee and medical staff member a copy of the Corporate Compliance Program and Code of Conduct, no later than 90 days from date of hire/engagement.

Each officer, director, employee and medical staff member who has received the Program and Code of Conduct shall execute an electronic confirmation or a written attestation, (i) acknowledging receipt of the Policy; (ii) confirming that the recipient has read and understood the Program and Code of Conduct; and (iii) agreeing to be bound by and to comply with all compliance policies.

### **C. Establishment of a Corporate Compliance Committee**

To assist and serve the Corporate Compliance Officer and enable Metro Health to monitor the integrity and effectiveness of the Program and Code of Conduct, a Corporate Compliance Committee (the "Committee") has been established.

1. **Composition.** The Committee shall consist of those individuals selected by the CEO of Metro Health Hospital or Corporate Compliance Officer for their professional knowledge, expertise and experience to best serve Metro Health and the purposes of the Program and Code of Conduct. The members of the Committee shall include members of management and senior management. They shall serve at the discretion of the CEO and Corporate Compliance Officer and may be removed without cause. Additional members of the Committee may be appointed by the CEO or Corporate Compliance Officer at any time.

In addition, task forces have been established or other reporting committees, consisting of both Committee and non-committee members, to assist the Committee in carrying out its purpose and responsibilities. The goals and objectives of the task forces have been set forth as follows:

**A) Billing** – The Revenue Cycle Committee reviews, assesses, coordinates and implements recommended actions related to billing and coding matters on an on-going basis. This includes reviews and maintenance with respect to the chargemaster. The committee shares and coordinates activities with the Education and Monitoring & Auditing Task Forces with respect to the necessary action relating to billing and coding.

**B) Monitoring and Auditing** - Metro Health has established ongoing monitoring and auditing activities as identified in the annual compliance workplan. A hotline, pursuant to the requirements of the federal government, will be consistently maintained to enable open communication and assist in the monitoring process. This task force performs or delegates performance of various audits.

**C) Administrative/Legal** - Metro Health believes it is essential that the CEO of Metro Health Hospital and its General Counsel to the Board of Directors be updated on a regular basis. This activity also addresses any issues requiring legal analysis.

2. **Duties.** The Committee, acting through and at the direction of the Corporate

Compliance Officer, is empowered to investigate, evaluate and report facts, and make recommendations regarding possible responses and/or initiatives. Committee members will be accessible to the Corporate Compliance Officer to discuss any compliance issues or potential Program or Code of Conduct violations, which arise.

As is the case with the Corporate Compliance Officer, the Committee is not responsible for the organization's actual compliance with applicable laws, rules, and regulations, but merely ensures that a continually effective Program and Code of Conduct exists and that the requisite policies, procedures and practices most appropriate for Metro Health are properly communicated, monitored and enforced on an ongoing basis.

3. **Quorum.** The presence of at least a majority of the regular members of the Committee shall constitute a quorum. All actions by the Committee require a majority vote of the members present. The Corporate Compliance Officer shall communicate the Committee's actions and recommendations to the appropriate Metro Health officers, employees, and representatives.

4. **Meetings.** The Committee shall meet periodically, no less than four times per year, to review and consider any inquiries conducted or supervised by the Corporate Compliance Officer and to continue to monitor the integrity and effectiveness of the Program and Code of Conduct. Meetings may be conducted in person or by telephone. Prior to or at the onset of such meetings, the Corporate Compliance Officer shall submit to each member of the Committee an agenda enumerating those matters to be reviewed by the Committee. The CEO of Metro Health Hospital or the Corporate Compliance Officer may call special meetings of the Committee. Mandatory agenda items shall include the following reports: education, disciplinary matters, HIPAA Privacy and security incidents, sanction checks, disclosures, billing, monitoring and auditing and policy matters.

5. **Minutes.** Written agendas for all meetings of the Committee shall be prepared and maintained in the office of the Corporate Compliance Officer together with a record of all recommendations made by the Committee. Copies of minutes shall not be maintained by any other member of the committee, but shall be turned in at the conclusion of each meeting.

6. **Reporting and Confidentiality.** Through the Corporate Compliance Officer, the Committee will submit to the CEO and Board of Directors a written annual report summarizing its activities. Any report or document submitted by or to the Committee shall be considered and marked privileged and confidential.

The Committee has established a confidential reporting system that is accessible to all. All personnel are expected to comply with all federal and state healthcare program requirements and with all Metro Health policies. Individuals may report any identified issues or questions associated with Metro Health's policies, conduct, practices, or procedures believed by the individual to be a potential violation of criminal, civil, or administrative law, without fear of retaliation or retribution.

7. **Education and Training.** The Committee will facilitate and ensure the proper education and training of corporate officers, directors, employees and medical staff and requires that all such individuals complete compliance training that addresses Metro Health's Code of Conduct and the operation of the Program. Attendance and participation in training and

educational programs is imperative, and the failure to comply with training requirements may result in disciplinary action.

8. **Corrective Action and Discipline.** Violations of Metro Health’s Program and Code of Conduct, failure to comply with applicable federal or state law, and other types of misconduct threaten Metro Health’s status as a reliable, honest and trustworthy provider capable of participating in federal healthcare programs. Detected but uncorrected misconduct can seriously endanger the mission, reputation, and legal status of Metro Health. Consequently, upon reports or reasonable indications of suspected noncompliance, the Corporate Compliance Officer and other designated management officials will initiate prompt steps to investigate the conduct in question. A determination as to whether a material violation of applicable law, or the requirements of Metro Health’s Program and Code of Conduct, will be undertaken so that the appropriate measures, if necessary, can be commenced to correct the problem.

Where an internal investigation substantiates a reported violation, it is the policy of Metro Health to initiate corrective action, including, as appropriate, making prompt restitution of any governmental agency, instituting whatever disciplinary action is necessary, and implementing systemic changes to prevent a similar violation from recurring in the future. All violators of Metro Health’s Program or Code of Conduct will be subject to disciplinary action.

## **CODE OF CONDUCT**

### **A. Introduction**

Metro Health is committed to providing quality care to its patients. As part of this commitment, anyone associated or affiliated with Metro Health must always conduct business with absolute integrity and professionalism. This Compliance Code of Conduct (the “Code”) provides guidance to ensure that the work of Metro Health is performed in an ethical and legal manner and emphasizes the shared common values, which guide our actions. The Code contains resources to help resolve any questions about inappropriate conduct in the work place

If there are any questions regarding this Code or encounter any situation, which are believed to violate provisions of this Code, immediately consult your supervisor, members of Metro Health’s management team, or the Corporate Compliance Officer. We give our personal assurance there will be no retaliation or retribution for asking questions or raising concerns about the Code or for reporting possible improper conduct.

Metro Health is committed to the ideals in this Compliance Code of Conduct. We are equally committed to assuring that our actions consistently reflect our words. In this spirit, we expect all of our colleagues’ actions to reflect the high standards set forth in this Compliance Code of Conduct. No code of conduct can substitute for our own internal sense of fairness, honesty, and integrity. We ask you to assist us and all members associated or affiliated with Metro Health are asked to support the values and principles, which are critical to achieving our mission.

### **B. Metro Health’s Mission Statement**

Metro Health is committed to improving the health and well being of its communities. In pursuit of this mission, Metro Health has affirmed the following value statements:

- Strive for excellence.
- Treat others with integrity, respect, and compassion.
- Use effective communication and teamwork.
- Demonstrate a commitment to our universe: the environment, the community, the organization and one another.

### **C. Purpose of Code of Conduct**

Metro Health's Code of Conduct provides guidance to all its employees and individuals associated or affiliated with its professional practices and assists those individuals in carrying out their daily activities within appropriate ethical and legal standards. These obligations apply to Metro Health's relationships with patients, affiliated physicians, third-party payers, subcontractors, independent contractors, vendors and consultants.

The Code is a critical component of Metro Health's overall Compliance Program and has been developed to ensure that Metro Health meets its ethical standards and complies with applicable laws and regulations.

The Code is intended to be a statement that is comprehensive and easily understood. In some instances, the Code deals fully with the subject covered. In many cases, however, the subject discussed has so much complexity that additional guidance is necessary for those directly involved with the particular area to have sufficient direction. In those cases, it is recommended that a review of the specific Metro Health or department policy and procedure for direction occur.

Though the concept of management autonomy is promoted by Metro Health, the guidelines set forth in this Code and in Metro Health policies and procedures are mandatory and must be followed.

### **D. Leadership Responsibilities**

While all employees and individuals associated with Metro Health are obligated to follow this Code, it is expected that the Board of Directors, ▲ Senior Leadership Vice Presidents, Directors and Management will set the example, and in every respect serve as models. They must help to create a culture within Metro Health, which promotes the highest standards of ethics and compliance. This culture must encourage everyone in the organization to raise concerns when they arise. No one at Metro Health must ever sacrifice ethical and compliant behavior in the pursuit of business objectives.

### **E. Commitment to Interested Parties**

Metro Health affirms the following commitments, including following our Best Practice Standards:

**To its patients** - Metro Health will provide quality medical care that is compassionate, promptly delivered and cost effective.

**To its colleagues** - Metro Health is committed to a work environment which treats all individuals with fairness, dignity, and respect, and affords them an opportunity to develop professionally in a

setting in which all ideas are valued.

**To its employed and affiliated physicians** - Metro Health will provide a work environment, which has excellent facilities, modern equipment and outstanding professional support.

**To its third-party payors** - Metro Health will work with its third-party payors in a manner, which reflects its commitment to contractual obligations and reflects its shared concern for quality healthcare and efficiency and cost effectiveness. Metro Health encourages its private third-party payors to adopt their own set of comparable ethical principles to recognize their obligations to patients, as well as the need for fairness in dealing with providers.

**To its suppliers** - Metro Health is committed to fair competition among prospective suppliers and the obligations and responsibilities required of a good customer.

**To its volunteers** - The concept of voluntary assistance to the needs of patients and their families is an integral part of the fabric of healthcare. Metro Health is committed to ensuring that its volunteers feel a sense of meaning from their volunteer work and receive recognition for their volunteer efforts.


**To the communities it serves** - Metro Health is committed to understanding the particular needs of the communities it serves and providing those communities quality, cost effective healthcare. Metro Health recognizes that it has a responsibility to assist those in need and proudly supports worthy causes within the communities it serves.

**To its regulators** - Metro Health is committed to an environment in which compliance with rules, regulations, and sound business practices are woven into the corporate culture. Metro Health accepts the responsibility to aggressively self-govern and monitor adherence to state and federal laws and to its Program and Code of Conduct.

## F. **Relationships with Healthcare Partners**

### 1. **Patients**

#### A) **Patient Rights**

Metro Health strives to adhere to patient rights as defined by Medicare's Conditions of Participation. Employees who have access to medical records must take all efforts to preserve their confidentiality and integrity, and no employee is permitted access to the medical record of any patient without a legitimate, service-related reason for so doing. Any unauthorized release of, or access to, medical records or a patient's medical information should be reported to a supervisor, HIPAA Privacy Officer,  or the Corporate Compliance Officer.

#### B) **Emergency care and patient transfers**

Emergency care is an integral part of Metro Health's service to the community. Metro Health complies with the Emergency Medical Treatment and Active Labor Act ("EMTALA") in providing emergency medical treatment to all patients, regardless of ability to pay.



## 2. Affiliated Physicians

Any business arrangement with a physician must be structured to ensure precise compliance with legal requirements. Such arrangements must be in writing and approved by Metro Health's legal counsel. For additional information please refer to the Federal Anti-Kickback Statue/Stark Law (Physician Self-Referral law) policy.

## 3. Third-Party Payors

### A) **Coding and Billing for Services**

Metro Health will take great care to assure that all billings to government and to private insurance payors reflect truth and accuracy and conform to all pertinent federal and state laws and regulations. The right to bill the Medicare and Medicaid programs, conferred through the award of a provider or supplier number, carries a responsibility that may not be abused. Violations can result in exclusion from the Medicare and Medicaid Program. Many people, throughout Metro Health, have the responsibility for entering charges and procedure codes. Each of these individuals, including agents, is expected to monitor compliance with applicable billing rules. Any false, inaccurate, or questionable claims should be reported immediately to a supervisor or to the Corporate Compliance Officer.

Each employee and professional who is involved in submitting charges, preparing claims, billing and documenting services is expected to maintain the highest standards of personal, professional, and institutional responsibility. Metro Health expressly prohibits anyone acting on its behalf from knowingly presenting or causing to be presented claims for payment or approval, which are false, fictitious, or fraudulent.

Any subcontractors engaged to perform billing or coding services are expected to have the necessary skills, quality control processes, systems and appropriate procedures to ensure all billings for government and commercial insurance programs are accurate and complete. Metro Health requires such entities to have their own compliance programs and code of conduct or to adopt Metro Health's Code as their own, and to regularly provide training and education to their staff regarding federal health care program requirements, accurate coding and submission of claims, policies, procedures and other requirements applicable to medical record documentation, and applicable reimbursement statutes, regulations and program requirements and directives, and to maintain records of such training.

Metro Health will operate oversight systems designed to verify that claims are submitted only for services actually provided and that services are billed as provided. These systems will emphasize the critical nature of complete and accurate documentation of services provided. As part of this documentation effort, Metro Health will maintain current and accurate medical records.

### B) **Cost Reports**

Metro Health's business involves reimbursement under government programs that require the submission of certain reports of its costs of operation. Federal and state laws define what costs

are allowable and outline the appropriate methodologies to claim reimbursement for the cost of services provided to program beneficiaries. Metro Health will comply with all federal and state laws relating to the filing of its cost reports.

#### **4. Subcontractors, Suppliers, and Institutions**

Metro Health must manage its subcontractor and supplier relationships in a fair and reasonable manner, consistent with all applicable laws and good business practices. Metro Health should always promote competitive procurement to the maximum extent practicable. The selection of subcontractors, suppliers, and vendors will be made on the basis of objective criteria including quality, technical excellence, price, delivery, adherence to schedules, service, and maintenance of adequate sources of supply. Purchasing decisions will be made on the supplier's ability to meet our needs and not on personal relationships and friendships. Metro Health will always employ the highest ethical standards and business practices in source selection, negotiation, determination of contract awards, and the administration of all purchasing activities. Metro Health shall inform subcontractors, suppliers and vendors of our Program and Code of Conduct.

#### **G. Regulatory Compliance**

Metro Health operates in a highly regulated industry, and must monitor compliance with a large variety of complex regulatory schemes. Metro Health provides a wide range of medical services, and these services may be provided only pursuant to appropriate federal, state, and local laws and regulation. The regulatory schemes govern the licenses and certifications that allow Metro Health to deliver care to its patients. The continued ability of Metro Health to operate and serve the community depends upon each employee's help in regulatory compliance. For additional information please refer to the Fraud, Waste and Abuse policy.

#### **H. Business Information and Information Systems**

##### **1. Accuracy, Retention, and Disposal of Documents and Records**

Metro Health is responsible for the integrity and accuracy of its organization's documents and records, not only to comply with regulatory and legal requirements, but also to ensure that records are available to reflect and/or defend its business practices and actions. No one may alter or falsify information on any record or document. Medical and business documents and records are retained in accordance with the law and Metro Health's record retention policy. For additional information please refer to the Records Management Policy.


##### **2. Confidential Information**

Confidential information about Metro Health's operations is a valuable asset. Although one may use confidential information to perform his/her job, it must not be shared with others outside of Metro Health, unless proper authorizations have been executed and the individuals have a legitimate need to know of this information and have agreed to maintain the confidentiality of the information. Confidential information includes personnel data maintained by the organization, patient lists and clinical information, pricing and cost data, information pertaining to affiliations, financial data, research data, strategic plans, marketing strategies, techniques, employee lists, and

proprietary computer software. Consistent with HIPAA, we do not use, disclose or discuss patient specific information with others unless it is necessary for treatment, payment or healthcare operation purposes or is required by law.

Metro Health colleagues must never use or disclose confidential information that violates the privacy rights of our patients. In accordance with our access and privacy policies and procedures, which reflect HIPAA requirements, no Metro Health colleagues, affiliated physician or other healthcare partner has a right to any patient information other than that necessary to perform his or her job.

Subject only to emergency exceptions, patients can expect their privacy will be protected and patient specific information will be released only to a person authorized by law or by the patient's written authorization. This provision does not restrict the right of an individual to disclose, if he or she wishes, information about his or her own compensation, benefits, or terms and conditions of employment.

Metro Health is committed to implementing reasonable administrative, physical and technical safeguards to protect the confidentiality, integrity, and availability of electronic Protected Health Information (PHI). Security controls may include policies and procedures, technical controls for electronic information, physical controls, and corporate wide education. Metro Health has a HIPAA Privacy Officer,  whose responsibility is to make sure that the health information of our patients are kept secure.

### **3. Electronic Media**

All communication systems, electronic mail, internet access, or voice mail is the property of the organization and are to be primarily used for business purposes. Highly limited reasonable personal use of communications systems is permitted; however, you should assume that these communications are not private. Patient or confidential information should not be sent through electronic mail or the Internet unless encryption is used. Individuals who abuse our communications systems or use them excessively for non-business purposes may lose these privileges and be subject to disciplinary action.

### **4. Financial Reporting and Records**

Metro Health has established and maintained a high standard of accuracy and completeness in the documentation and reporting of all financial records. These records serve as a basis for managing its business and are important in meeting its obligations to patients, colleagues, shareholders, suppliers, and others. They are also necessary for compliance with tax and financial reporting requirements.

All financial information must reflect actual transactions and conform to generally accepted accounting principals. Metro Health maintains a system of internal controls to provide reasonable assurances that all transactions are executed in accordance with management's authorization and are recorded in a proper manner so as to maintain accountability of the organization's assets.

## I. Workplace Conduct and Employment Practices

### 1. Conflict of Interest

A conflict of interest may occur if your outside activities or personal interests influence or appear to influence your ability to make objective decisions in the course of your job responsibilities. A conflict of interest may also exist if the demands of any outside activities hinder or distract you from the performance of your job or cause you to use Metro Health resources for other than Metro Health purposes. It is your obligation to ensure that you remain free of conflicts of interest in the performance of your responsibilities at Metro Health. If you have any question about whether an outside activity might constitute a conflict of interest, you should consult with your supervisor and/or manager and refer to the appropriate policies for direction before pursuing the activity. For additional information please refer to the Conflict of Interest and Tax Return Disclosure policy.

### 2. Controlled Substances

Certain pharmacy operations of Metro Health are registered to compound and dispense narcotics and other controlled substances and medical supplies. Improper use of these substances is illegal and extremely dangerous. Metro Health requires that its employees comply with the terms of its controlled substances registration and policy, and with federal and state laws regulating controlled substances. Under Metro Health policy, access to controlled substances is limited to persons who are properly licensed and who have express authority to handle them. No health care practitioner may dispense controlled substances except in the conformity with state and federal laws, and the terms of the practitioner's license.

Employees should carefully follow record keeping procedures established by their departments and the pharmacy. Unauthorized manufacture, distribution, use, or possession of controlled substances by Metro Health employees is strictly prohibited, and will be prosecuted to the full extent of the law. Any employee who knows of unauthorized handling of controlled substances is to provide the information immediately to his or her supervisor or the Corporate Compliance Officer.

### 3. Copyrights

Individuals associated or affiliated with Metro Health may only make copies of copyrighted materials pursuant to Metro Health's policy on such matters.

### 4. Diversity and Equal Employment Opportunity

Individuals working on behalf of Metro Health provide a wide complement of talents that contribute greatly to Metro Health's success. Metro Health is committed to a policy of nondiscrimination and equal opportunity for all qualified applicants and employees, without regard to sex, race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, height, weight or any other protected category. Metro Health will comply with all laws, regulations, and policies related to nondiscrimination in all of our personnel actions. For additional information please refer to the Equal Employment Practice policy.

▲If an employee feels he or she or any patient has been discriminated against or harassed he or she should contact the Director of Human Resources, Compliance Officer, and/or Hotline for anonymous reporting so that an investigation may be initiated in accordance with Metro Health policies and procedures.

## **5. Harassment and Workplace Violence**

Each individual working on behalf of Metro Health has the right to work in an environment free of harassment. Metro Health will not tolerate harassment by anyone. For additional information please refer to the Policy Against Harassment.

Metro Health will not tolerate any workplace violence. Individuals who observe or experience any form of harassment or violence should report the incident to their supervisor, a member of management, Human Resources or the Corporate Compliance Officer. For additional information please refer to the Workplace Violence Prevention Guidelines policy.

## **6. Health and Safety**

All Metro Health facilities must comply with government regulations and rules and with Metro Health policies or required facility practices that promote the protection of workplace health and safety. It is important for you to advise your supervisor or the Safety Officer of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken to resolve the issue.

## **7. License and Certification Renewals**

Individuals retained as independent contractors in positions which require professional licenses, certifications, or other credentials are responsible for maintaining the current status of their credentials and shall comply at all times with federal and state requirements applicable to their respective disciplines. To assure compliance, Metro Health may require evidence of the individual having a current license or credential status. Metro Health will not allow any colleague or independent contractor to work without valid, current licenses or credentials.

## **8. Research**

Metro Health follows high ethical standards in any research conducted by its physicians and professional staff. Metro Health does not tolerate intentional research misconduct. Research misconduct includes making up or changing results or copying results from other studies without performing the research.

All patients asked to participate in a research project are given a full explanation of alternative services that might prove beneficial to them. They are also fully informed of potential discomforts and are given a full explanation of the risks, expected benefits, and alternatives. The patients are fully informed of the procedures to be followed, especially those that are experimental in nature. Refusal of a patient to participate in a research study will not compromise their access to services.

All personnel applying for or performing research of any type are responsible for maintaining the highest ethical standards in any written or oral communications regarding their research projects as well as following appropriate research guidelines. As in all accounting and financial record keeping, Metro Health's policy is to submit only true, accurate, and complete costs related to research grants.

## **9. Substance Abuse and Mental Acuity**

To protect the interests of all individuals working on behalf of Metro Health and its patients, Metro Health is committed to an alcohol and drug-free work environment. All individuals must report for work free of the influence of any illegal drug or alcohol. Reporting to work under the influence of any illegal drug or alcohol, having an illegal drug in your system, or using, possessing, or selling illegal drugs while on Metro Health work time or property may result in immediate termination. Metro Health reserves the right to use drug testing as a means of enforcing this policy.

It is also recognized that individuals may be taking prescription drugs, which could impair judgment or other skills required in job performance. If you have questions about the effect of such medication on your performance, consult with your supervisor. For additional information please refer to the Drug and Alcohol Testing, Substance Abuse, Diversion, Possession policy.

## **10. Ineligible Persons**

We do not contract with, employ, or bill for services rendered by an individual or entity that is excluded or ineligible to participate in Federal healthcare programs, suspended or debarred from Federal governments contracts; or has been convicted of a criminal offense related to the provision of healthcare items or services and has not been reinstated in a Federal healthcare program after a period of exclusion, suspension, debarment, or ineligibility, provided that we are aware of such criminal offense. We routinely search the Department of Health and Human Services' Office of Inspector General and General Services Administration's lists of such excluded and ineligible persons. For additional information please refer to the Medicaid/Medicare Sanction Check policy.

Colleagues, vendors, and privileged practitioners at Metro Health are required to report to us if they become excluded, debarred or ineligible to participate in Federal healthcare programs; or have been convicted of a criminal offense related to the provision of healthcare items or services.

## **J. Marketing Practices**

### **1. Antitrust Laws**

Antitrust laws are designed to create a level playing field in the marketplace and to promote fair competition, free from collusive agreements among competitors on price or service terms. These laws apply to health care services, and Metro Health is committed to full compliance with all state and federal antitrust laws.

Antitrust laws prohibit most agreements to fix prices, divide markets, boycott competitors or unreasonably restrain competition. Accordingly, Metro Health will independently determine prices and terms, taking into account all relevant factors, including costs, market conditions, widely used reimbursement schedules and prevailing competitive prices, to the extent these can be determined

in the market place. No oral or written understanding with any competitor concerning prices, pricing policies, pricing formulas, bids, or bid formulas, or concerning discounts, credit arrangements, or related terms of sale or service will be permitted. To avoid the possibility of misunderstanding or misinterpretation, Metro Health's policy prohibits any consultation or discussion with competitors relating to prices or terms, which Metro Health or any competitor charges or intends to charge. Joint ventures and affiliations, which may require pricing discussions, must be individually reviewed by General Counsel and/or outside legal counsel for antitrust compliance.

Hospitals and other health care entities are often asked to share information concerning employee compensation. Metro Health policy prohibits the sharing with competing health care providers of current information or future plans regarding salaries or salary levels. While Metro Health may participate in and receive the results of general surveys, such surveys must conform to the guidelines for participation.

## **2. Marketing and Advertising**

Marketing and advertising activities may be conducted to educate the public, provide information to the community, and increase awareness of Metro Health services or for recruitment purposes. Metro Health will only present truthful, fully informative, and non-deceptive information through its marketing and advertising resources and materials.

### **K. Physician Recruitment**

The recruitment and retention of physicians requires special care to comply with Metro Health policy and applicable law. Physician recruitment has implications under the anti-kickback laws, the Stark law, and the IRS rules governing the tax-exempt status of Metro Health. Each recruitment package or commitment should be in writing, consistent with guidelines established with Metro Health. All recruitment arrangements should be reviewed and approved by General Counsel of Metro Health.

In general, support provided to a new physician is most likely to be acceptable if it is provided in order to persuade the physician to relocate to Metro Health's geographic service area in order to become a member of the professional staff, or if it is provided to a new physician completing his or her training. Support should be of limited duration. The physician cannot be required to refer patients to an affiliate of Metro Health, and the amount of compensation or support cannot be related to the volume or value of referrals.

### **L. Tax-Exemption**

Any non-profit Metro Health entity serving charitable purposes holds federal tax-exempt status and is exempt from paying federal income tax on most of their revenue. Those entities may also accept tax-deductible charitable contributions from members of the community. Loss of exempt status would result in penalties, interest, and significant cost.

In order to qualify for tax exemption, the specific entity of Metro Health must be operated exclusively for charitable purposes and provide a community benefit. Furthermore, none of their earnings may inure to the benefit of any private individual. Any such "private inurement" could

cause that Metro Health entity to lose its tax-exempt status. In addition, a private person may not receive more than an incidental benefit from Metro Health assets, measured against the overall community benefit provided by the Metro Health entity.

**M. Environmental Compliance**

Health care facilities produce waste of various types. Metro Health is committed to safe and responsible disposal of biomedical waste and other waste products and the compliance with all-applicable environmental laws and regulation. Effective compliance requires ongoing monitoring and care. Metro Health will operate each of its facilities with the necessary permits, approvals and controls. Metro Health facilities use a medical waste tracking system, biohazard labels, and biohazard containers for the disposal of infectious or physically dangerous medical or biological waste. Individuals who come into contact with biological waste should be familiar with Metro Health’s medical waste policy and procedures, and should report any deviations from the policy to their supervisor or the Corporate Compliance Officer.

<b>Definition(s)</b>	N/A		
<b>Reference(s)</b>	N/A		
<b>Related Metro Policies</b>	ADMIN-32 Vendor Relations HR-03 Corrective Counseling Procedure HR-26 Equal Employment Practice HR-33 Policy Against Harassment HR-34 Drug and Alcohol Testing, Substance Abuse, Diversion, Possession HR-77 Workplace Violence Prevention Guidelines ▲COMP-18 EMTALA Compliance ▲COMP-21 Records Management Policy RM-27 Patient Rights and Responsibilities COMP-05 Non Retaliation COMP-06 Reporting and Investigation of Compliance Issues COMP-07 Fraud, Waste and Abuse		
<b>Input/Review</b>	General Counsel		
<b>Issued By</b>	Compliance		
<b>Approving Committee(s)</b>	Audit and Compliance Committee of the Board	Committee(s)	Date
	Board of Directors		11.21.2019
<b>Director or VP Approval</b>	_____ <b>Hector C. Lugo MBA, CHC</b> Compliance Officer		



**Attachment(s)**

