



BUSINESS CONDUCT & CODE OF ETHICS

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## **MISSION**

### ***WE ARE PASSIONATE HEALERS DEDICATED TO HONORING THE SACRED IN OUR BROTHERS AND SISTERS***

1. **SCOPE:** This Code of Conduct applies to St. Joseph's Hospital Health Center, St. Joseph's Hospital Health Center Foundation, Inc., St. Joseph's College of Nursing at St. Joseph's Hospital Health Center, St. Joseph's Health Center Properties, Inc., St. Joseph's Physician Health P.C., St. Joseph's Medical P.C, Franciscan Associates, Inc., and any controlled subsidiaries of any of those entities ("St. Joseph's").

2. **PURPOSE:** St. Joseph's has adopted the following Code of Conduct to provide standards by which the medical staff, resident physicians, students, clinical affiliates, employees, volunteers, affiliates ("Workforce"), Board of Trustees and Officers will conduct themselves in order to assure that the organization operates in a manner that is consistent with laws and regulations, and to fulfill its Mission. Note: for the purpose of this document, the term affiliate is defined as an entity that provides services on behalf of St. Joseph's whose activities have an effect on the claim submission process.

3. **CODE OF ETHICS:**

The Code of Ethics is based upon the mission of the Sisters of St. Francis of Neumann Communities. The purpose of the Code of Ethics is to provide clear behavioral guidelines that determine appropriate action in conducting business and personal activities at all levels of our Health Care System. Our Core Values of *Integrity* and *Reverence* for all are integral to how we seek to achieve our mission and vision, as well as our expectations of others.

○ **OBJECTIVE:** To ensure the integration of the mission, norms, vision, and values of St. Joseph's in all our business practices. To especially consider our ethical behavior in the areas of marketing, admission, transfer, discharge, billing practices and our relationships with other health care providers, educational institutions, and payors.

○ **INTEGRITY OF SERVICE:**

- To be truthful and accurate in public advertising and information dissemination.
- To emphasize only those programs deemed necessary for the community served.
- To develop and provide services to patients in a competent manner.
- To act with tact and discretion in order to avoid creating uneasiness, fear or anxiety on the part of any patient.
- To bill patients and /or payors only for services actually provided and to assist in the understanding of those costs.
- To avoid the intentional provision of services that are ineffective.
- To assure that services are not compromised for financial reasons.
- To assure that qualified medical personnel diagnose and treat illness and injury.
- To promote that employees conduct their private and professional life in a manner consistent with the moral standards represented by St. Joseph's Hospital Health Center.
- To encourage employees to respect community moral standards.
- To assure that employees not accept personal gifts or money from patients for services rendered.
- To abide by the Hospital's Conflict of Interest Statement. In the event of questionable practice, refer the matter to the Corporate Compliance Committee or to the Chief Compliance Officer.
- To educate staff, patients, and significant others of the services available through the Ethics Committee.
- To provide consultation on patient related ethical issues.

○ **REVERENCE FOR ALL:**

- To admit patients and provide a standard level of care without regard for race, color, creed, national origin, sex, sexual orientation, age, disability, or ability to pay.
- To treat everyone in a manner sensitive to the diversity of ethnicity, culture, and lifestyle.
- To guard carefully the privacy and confidentiality of all we serve.
- To assure that only the hospital administrator or his/her designated representative may release information for publication.
- To seek to resolve conflict, at whatever levels, fairly and objectively with respect for all involved parties.

4. **HOW TO REPORT A CONCERN (DECISION TREE):**

Each person is required to report a compliance concern and failure to do so could result in corrective action/discipline including termination. St. Joseph's encourages Workforce members, Board Members and Officers, to use the following mechanisms to find the answers they need.

- When you have a concern, remember that it is always better to raise a question before taking an action that may be improper. **It is policy to ensure that no member of the Workforce, Board Member or Officer is penalized for raising an issue of concern.**
- Any member of the Workforce, Board Member or Officer, may call the Compliance Office directly at any time to ask questions or report concerns regarding ethical or legal conduct.
- St. Joseph's recommends that concerns be directed to the following individuals in the order they are presented:
  - **WORKFORCE:**
    1. Your immediate supervisor
    2. The Director or Manager of your Service Area
    3. The Vice President of your service area
    4. Chief Compliance Officer: 315-448-5756
    5. St. Joseph's Physicians Compliance Officer: 315-744-1876
    6. Franciscan Companies Compliance Officer: 315-458 -3600 x411
    7. General Counsel: 315-448-5880
    8. St. Joseph's Compliance Anonymous Hotline: 315-448-6484
    9. St. Joseph's Physicians Anonymous Hotline: 315-744-1465
    10. Franciscan Companies Anonymous Hotline: 315-458-3600 x444
  - **MEDICAL STAFF:**
    1. Report their concern to the Department Chairman; or
    2. The Vice President for Medical Affairs: 315-448-5880
    3. The Medical Staff Director for Corporate Compliance (Vice President for the Medical Staff)
    4. Chief Compliance Officer: 315-448-5756
    5. St. Joseph's Compliance Anonymous Hotline: 315-448-6484
  - **BOARD MEMBER OR OFFICER (Concerns should be reported to one of the following):**
    1. Board Chairperson
    2. President/CEO
    3. General Counsel: 315-448-5880
    4. Chief Compliance Officer: 315-448-5756
    5. St. Joseph's Compliance Anonymous Hotline: 315-448-6484
- Follow-up actions: Your Compliance Officer will initiate an investigation of appropriate matters brought to his/her attention that cannot be otherwise resolved at the service area level. The Compliance Office will track and manage the issue until it is resolved and will keep Administrators apprised of the findings. Whenever the identity of the person filing the report is known, the outcome of the investigation will be reported to the individual.

5. **NON-RETALIATION/NON-INTIMIDATION:** It is the responsibility of members of St. Joseph's to create and maintain a work environment in which individuals are treated with respect and where diversity is valued. Harassment, intimidation, disruptive behavior or abuse of any kind is prohibited in the workplace. **NO WORKFORCE MEMBER, BOARD MEMBER OR OFFICER WHO IN GOOD FAITH REPORTS A SUSPECTED COMPLIANCE CONCERN WILL BE SUBJECT TO INTIMIDATION OR RETALIATION.**

6. **STANDARDS OF BUSINESS CONDUCT – GUIDING PRINCIPLES:**

***6.1 Ethical Business Practices***

- Conduct business with honesty, fairness and integrity. These qualities are demonstrated through truthfulness, the absence of deception or fraud, and respect for the laws applicable to our business.
- Act with Integrity regardless of facility or location.

***6.2 Healthcare Fraud Waste and Abuse*** – St. Joseph's is committed to preventing and detecting healthcare fraud, waste, and abuse. **Fraud** is when a dishonest provider (i.e. hospital, physician, diagnostic center, home care, DME Company) or consumer (i.e. patient) submits on purpose or causes someone else to submit, false or misleading information that is used in deciding how much healthcare benefits may be paid.

- There are several things you can do to reduce the risk of healthcare fraud, waste and abuse.
  - A. Make sure you understand the rules that relate to the services and goods being provided and billed. Information contained in any claim must be accurate and as complete as possible.
  - B. If you become aware of a potential compliance issue you should immediately notify your supervisor, the Chief Compliance Officer/Compliance Officer, or call the Compliance Hotline.

C. Act swiftly so the matter can be reviewed and the proper action taken.

**6.3 Conflicts of Interest** - Avoid conflicts and the appearance of conflicts of interest.

- A conflict of interest occurs when an individual's private interest interferes in any way – or even appears to interfere – with the interests of St. Joseph's. A conflict of interest can arise when any member of the Workforce, Board Member or Officer, takes an action or has interests that may make it difficult to perform his or her duties objectively and effectively.
- Competing responsibilities, obligations, and interests are a conflict of interest.
- It is never appropriate for an individual's actions or decisions made in the course of his/her business activities to be determined or influenced by considerations of personal financial gain.
- All persons are expected to compete fairly and in compliance with all anti-trust laws. Behavior prohibited under the anti-trust laws include, agreements to fix prices, bid rigging, collusion (secret cooperation between people in order to do something illegal or dishonest), price sharing with competitors, boycotts, certain exclusive dealing and price discrimination agreements, unfair trade practices including bribery, misuse of trade secrets, dishonesty, intimidation and other unfair practices.
- If you think you may have a Conflict of Interest, you are expected to disclose it and obtain assistance from your Immediate Supervisor or the Chief Compliance Officer/Compliance Officer to determine if a conflict exists and how it should be resolved.
- If a conflict of interest is confirmed to exist, the person with the conflict of interest will not be allowed to make any decisions on the related transaction or arrangement.
- If a conflict of interest is not disclosed, and the failure to disclose is discovered, appropriate corrective action or discipline will be taken.

**6.4 Gifts, Meals, Entertainment (This section applies to employees, volunteers, resident physicians, students, board members and officers. Medical staff will follow the policy that exists within their private practice)**

- The solicitation of personal gifts, loans, business courtesies or services from any patient, visitor, vendor, contractor, or anyone that may want to do business with St. Joseph's is not allowed.
- Gifts of cash or cash equivalents are never allowed.
- If a cash or cash equivalent gift or loan is received, it must be returned and the Compliance Office notified.
- A non-cash gift of de minimus value (so small in value that it does not matter) extended as a business courtesy, such as sales promotion items, fruit baskets or candy is permissible.
- Unsolicited gifts of nominal value (not to exceed \$50.00 in any one calendar year from any one individual or organization) may be permissible.
  - Any non-cash gifts that exceed or has the potential to exceed \$50.00 per calendar year must be disclosed to the individual's Manager, Director or Vice President or the Compliance Officer so that it may be reviewed. All decisions made must be documented in writing to the employee making the request.
- Reasonable business courtesies such as meals, attendance at sporting events, golf tournaments, local entertainment, business meetings, conferences extended by vendors or other persons which do business with St. Joseph's or may want to do business with St. Joseph's is allowed as long as the individual is representing and acting in the best interest of St. Joseph's, and reports on such activity on a quarterly basis to the individual's Director, Vice President of service area or the Chief Compliance Officer. Leadership is prohibited from taking these courtesies into account when awarding or renewing contracts or purchasing items or services.

**6.5 Fair Treatment of Individuals**

- The greatest strength of St. Joseph's, lies in the efforts and talents of our Workforce who create our success and reputation. We treat each other with *respect, dignity, fairness and courtesy*.
- It is the responsibility of leadership to create and maintain a work environment in which individuals are treated with respect.
- Discrimination is prohibited in any work-related decision and equal employment opportunities are provided to prospective and current employees, based solely on merit, qualifications and abilities. St. Joseph's does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, ancestry, age, physical or mental disability, sexual orientation, veteran status or any other status protected by law.
- St. Joseph's supports and observes a workplace and campus free of alcohol, drugs and smoking.

- St. Joseph's seeks a Workforce, vendors, and business partners who have not been sanctioned by any regulatory agency and are able to perform their designated responsibilities.

#### **6.6 Fair Taxation of Individuals**

- All compensated Workforce members and independent contractors will be properly taxed for employment or services rendered in compliance with state and federal tax laws.

#### **6.7 Quality of Care and Service**

- St. Joseph's is committed to the greatest possible openness and frankness in medical error reporting subject to specific limited qualifications set out below, no blame will be assigned to individuals following their reporting of medical errors including those instances where they themselves may have not followed (breached) policies and procedures.
- The only exception to this general policy of no blame relates to the following serious failures of staff members to act responsibly, thereby creating or worsening risk exposures to patient safety.
  - A. Premeditated or intentional acts of violence against people or damage to equipment/property,
  - B. Actions or decisions involving a reckless (conscious) disregard of a visible, significant risk toward the safety of our patients or our fellow employees,
  - C. Practicing under the influence of alcohol or drugs.
- Individuals who act irresponsibly in one of these ways remain exposed to disciplinary action.
- Outside these specific and rarely invoked exceptions, Workforce members who make honest mistakes or misjudgments will not incur blame; provided that they report such events in a timely and proper fashion.

#### **6.8 Billing Practices**

- St. Joseph's must ensure that coding and billing are performed accurately and completely, in accordance with nationally recognized standards and rules. Failure to do so can result in penalties and fines being imposed on individuals and entities, like St. Joseph's, as indicated in the NYS False Claims Act and/or the Federal False Claims Act.
- St. Joseph's only bills for services that are actually rendered.
- Proper medical documentation must be provided to substantiate all services rendered.
- Billing will be submitted only for services and care provided and documented, and rendered in accordance with medical necessity guidelines. (If it's not documented, it wasn't done and can't be billed)
- St. Joseph's ensures that all payments and other transactions are properly authorized by management and properly documented in the system's books and records.
- Payers must be notified of payment errors and refunds are to be promptly and accurately processed.

#### **6.9 Accuracy of Records**

- Prepare and maintain all patient and company records, both written and electronic, accurately and retains such records for periods described by law and by St. Joseph's policy.
- Ensure that all patients' and business records for which you are responsible are accurate and complete. No one may erase, falsify or impermissibly alter information on any St. Joseph's record or document.
- Financial transactions should be recorded in accordance with generally accepted accounting principles and St. Joseph's policies and procedures.

#### **6.10 Confidentiality of Information**

- Protect confidential and proprietary information
- Observe copyrights, trademarks and/or licenses and safeguard the intellectual property of St. Joseph's and those with whom we do business
- Information related to the operations, activities, business affairs and finances of St. Joseph's is confidential and should not be disclosed to anyone outside of the St. Joseph's – including friends, family, relatives, business or social acquaintances, customers, suppliers or others. Do not disclose this information to other members of the Workforce except on a "need to know" basis with the understanding that the individual receiving the information needs to treat it as confidential.
- All patient information is regarded as confidential, regardless of the medium (written, verbal, electronic) and available to authorized persons. For example, an authorized person could be a treating or consulting physician, an employee that may be providing patient care, an employee that is carrying out a healthcare operations process, or to a third party in order to facilitate reimbursement. No member of our Workforce has a right to access any patient information than what is needed to do his or her job. As a result, in general, we do not use, disclose or discuss patient specific information with others unless it is necessary to treat the

patient, we have the patient's explicit consent (this is called an authorization), or it is required by law. Never disclose confidential patient information to any unauthorized person.

- When using social media and social networking sites do not publish any information about a patient either specifically or in general. This includes but is not limited to any information that may be considered a distinguishing characteristic and/or case uniqueness. The only exception in the case of social networking postings is Public Relations and Marketing.

#### **6.11 Information Technology Security**

- Abide by all information security policies.
- Do not access, attempt to access or allow unauthorized individuals to access systems or physical areas without proper authorization.
- Do not share your unique user name and password.
- Report any actual or suspected unauthorized access or attempted unauthorized access.

#### **6.12 Marketing**

- Represent St. Joseph's accurately and truthfully and avoid any false, misleading or deceptive information that would create unreasonable expectations. Our Catholic heritage holds us to be mindful of the trust the community places in us to provide advertising that promotes our organizations without disparaging or demeaning our competitors.

#### **6.13 Improper Use of Funds**

- St. Joseph's funds may not be used for improper or illegal activities.
- Any payment that may be viewed as a bribe, kickback or inducement is prohibited. A "bribe" or "kickback" is any payment or consideration of value offered with the intent to influence a decision on grounds not directly related to its business merits.
- Payments or considerations of value given to physicians or other parties to influence referrals to St. Joseph's are inducements and are prohibited.

#### **6.14 Excess Benefit Transactions and Intermediate Sanctions (nonprofit entities only)**

- The Internal Revenue Code defines an "excess benefit transaction" as a transaction in which the economic benefit provided by a tax exempt organization directly or indirectly to a "disqualified person" exceeds the consideration (benefit) the tax exempt organization receives for providing the benefit. 'Disqualified Persons' are officers, directors, and other individuals with substantial influence over the organization.
- These rules apply to St. Joseph's nonprofit entities and must be adhered to strictly. Any compensation or business transaction covered by these rules should be reasonable. Objective information will be obtained and analyzed to determine if a transaction or compensation may be considered "fair and reasonable".

#### **6.15 Political Activities and Contributions (nonprofit entities only)**

- All Section 501 (c) (3) organizations and are absolutely prohibited from directly or indirectly participating in, or intervening in any political campaign. Violation of this prohibition may result in denial or revocation of tax-exempt status and the imposition of excise taxes. The IRS defines political campaign intervention as including any and all activities that favor or oppose one or more candidates for public office.
- **Prohibited Activities:** Neither St. Joseph's or any individual acting on behalf of St. Joseph's may engage in the following political activities:
  - A. Donating or contributing to any political campaign for any federal, state, or local office;
  - B. Any campaigning by a St. Joseph's Workforce member, officers, directors, or agents on St. Joseph's property or during working time;
  - C. Any endorsement of candidates through St. Joseph's;
  - D. Any fund raising for or against candidates through St. Joseph's;
  - E. And any other activity that encourages people to vote for or against a specific candidate through St. Joseph's.
  - F. Unintentional actions are equally prohibited, e.g., the mere fact that an improper expenditure occurred, regardless of intent, is a violation.
- Candidates for public office may be allowed to appear or speak at an organization's events in a non-candidate capacity. If the individual is publically recognized by St. Joseph's, St. Joseph's must ensure that the individual is chosen to speak solely for reasons other than candidacy for public office. If there are any questions the *Compliance Office should be consulted before planning any such event.*

#### **6.16 Health, Safety and Environmental Concerns**

- Comply with all applicable health, safety and environmental laws and regulations within the workplace; thereby providing a safe physical environment that is reasonably free of hazards and staff activities are managed to maintain the environment in a safe secure atmosphere for patients, employees, visitors and the general public.

#### **6.17 Protecting Assets**

- Property is made available to the Workforce, Board Members and Officers, and shall only be used for business purposes. This applies to physical asset such as office equipment, computers, software and supplies or medical supplies, as well as other types of property, such as company records, patient information and customer lists.

#### **6.18 Government and Investigations**

- Cooperate with legitimate government investigations.
- If any person who identifies him or herself as a government investigator approaches a Workforce member, Board Member or Officer, they may rely on any of the following to verify identity:
  - If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;
  - If the request is in writing, the request is written on appropriate government letterhead;
  - If the request is by telephone, the Workforce member must obtain the requesting person's phone number and confirm their affiliation.
- Government investigators or persons presenting themselves as government investigators, may contact individuals outside of the workplace, during non-working hours, or at home. It is the legal right of individual's to contact legal counsel before responding to questions by an investigator.
- Individuals must never:
  - Destroy or alter any system document/record for the purpose of when responding to a request.
  - Lie or make false or misleading statements to any government investigator.
  - Attempt to persuade any other person, Workforce member, Board Member or Officer, to provide false or misleading information to a government investigator or to fail to cooperate with a government investigation.

### **7. CORRECTIVE ACTION/DISCIPLINE:**

- St. Joseph's may impose sanctions on any member of the Workforce, Board Member or Officer, who intentionally or unintentionally violates established policies or procedures. This means that every confirmed act of non-compliance may result in corrective action or discipline.
- Sanctions, which are penalties imposed, can result in not only disciplinary action placed in personnel files, but the removal of privileges, discharge of employment, contract penalties, and in some cases civil and/or criminal prosecution.

### **8. YOUR RESPONSIBILITIES:**

- Attend required training, and read and understand the St. Joseph's Business Conduct & Conduct of Ethics.
- Follow the St. Joseph's Business Code of Conduct and abide by all policies and procedures, guidelines, and Federal and State laws and regulations.
- Be alert to any situation that could violate the St. Joseph's Business Conduct & Code of Ethics, policies and procedures, guidelines and/or federal and state laws and regulation.
- Promptly report any issues, concerns, violations or suspected violations to your supervisor, other management staff, Compliance Officer or through the compliance hot lines.

**DO THE RIGHT THING EVERY TIME**



## RELATED DOCUMENTS

1. *Employee Handbook*
2. Internal Auditing and Monitoring
3. Corporate Compliance Hotline Calls
4. Corporate Compliance Inquiries & Investigations
5. Notifications
6. Risk Mitigation
7. Medical Staff By-Laws
8. Medical Staff Rules and regulations
9. Annual In-service
10. Identity Theft Detection and Prevention
11. Confidentiality and Patient Privacy
12. Electronic PHI Integrity
13. Workstation Usage & Security
14. Information Security Plan
15. Non-Intimidation/Non-Retaliation, Whistleblower Protection Policy
16. Investigations (What to do if an investigator comes to your service area.)
17. Outside Services by Leadership

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