



# COMPLIANCE PROGRAM

CODE OF CONDUCT



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## Introduction



### Introduction

***Why Have a Code of Conduct? To promote conduct that is honest, ethical and legal.***

UMC has adopted this Code of Conduct (also referred to as the “Code”) to provide standards and guidance by which employees, members of the medical staff, fellows, residents, students and other individuals affiliated with UMC will conduct themselves (collectively referred to as “Workforce Members”).

All Workforce Members should strive to protect and promote patient’s rights, quality of care, Hospital-wide integrity, ethical business practices and fulfillment of our Mission, Vision and Values.

This Code of Conduct is a fundamental part of UMC’s Compliance Program, and works together with UMC’s Mission, Vision and Value statements and our Compliance Policies and Procedures.

It is important for all Workforce Members to understand personal obligations under this Code of Conduct. The Code does not cover every situation one may encounter. Instead, the Code contains principles that are intended to guide Workforce Members in making ethical decisions in carrying out duties for or on behalf of UMC.

All Workforce Members share in the responsibility to uphold the principles of compassion, accountability, integrity and respect that are fundamental to this Code of Conduct.

*If, at any time, you have questions, comments or suggestions regarding the Code of Conduct or your responsibilities under the Code, please call the UMC Compliance Officer at (702) 383-6211.*





### **Our Mission**

To serve our community by providing patient-centered care in a fiscally responsible and learning focused environment.

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### **Our Vision**

To be the premier academic health center.

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### **Our Values**

Compassion  
Accountability  
Integrity  
Respect



## Code of Conduct Principles



### Quality Patient Care

Providing the best in patient care and promoting community health requires the efforts and commitment of all UMC Workforce Members. It is an expectation that UMC will provide high quality patient care, in a compassionate manner and in a safe environment. Each UMC Workforce Member should be committed to this expectation, even if such Workforce Member does not provide direct patient care.

**Reporting Concerns.** Workforce Members should report any incident of patient care or safety that does not appear to meet UMC's standards of care. Reports can be made to the Medical Staff Office, the Compliance Office, the UMC Alertline or through the Patient Safety Net.

In the event a patient approaches a Workforce Member with an issue pertaining to patient care or other standards, he/she should also assist such patient in communicating such concerns to UMC's Compliance office.

**Direct Care Providers.** Workforce Members who are directly involved in patient care must have the proper credentials, skill, expertise and competency to care for such patients. Each Workforce Member should promptly and efficiently fulfill any personal responsibility he/she may have concerning the delivery of patient care and compliance with applicable standards of care. Care must be medically necessary, appropriate to the situation, safe and in conformity with applicable standards of care. As appropriate, the patient's family should be kept informed of important aspects of the patient's care.

**Patient Rights.** Every patient is entitled to receive a copy of their patient rights. Workforce Members should become familiar with patient rights and, as appropriate, are encouraged to help patients and their families understand their rights as well. Examples of patient rights include, but are certainly not limited to, informed consent to treatment, participation in decision-making, non-discrimination and confidentiality.

## Code of Conduct Principles



**Emergency Care.** UMC provides emergency care to patients in accordance with state and federal law, including The Emergency Medical Treatment and Labor Act (EMTALA) and the relevant regulations published by the Centers for Medicare and Medicaid Services (“CMS”) to implement EMTALA. UMC provides emergency care to patients regardless of the patient’s ability to pay and without delay.

**Patient Care Standards/Policies.** UMC maintains extensive policies and procedures concerning patient care and rights. All Workforce Members are encouraged to refer to the policies and procedures that relate to their UMC work-related obligations, which are available from their department supervisor and on UMC’s Intranet.

### **Workplace Conduct**

UMC works diligently to foster a safe, professional, cooperative and creative workplace for all Workforce Members, and to comply with all health and safety laws and regulations governing the workplace.

Workforce Members will strive to work collaboratively with colleagues and communicate respectfully to and about others in a positive manner.

Workforce Members are expected to become familiar with and understand UMC’s policies and procedures developed to promote the protection of the workplace and to observe all posted notices, warnings and regulations.

Workforce Members shall comply with UMC’s policy of a smoke and drug/alcohol free workplace. Workforce Members will comply with UMC’s policies regarding drugs and alcohol use.

## Code of Conduct Principles



### **Non-Discrimination**

UMC believes that the fair treatment of Workforce Members, patients and others is vital to the fulfillment of its Mission, Vision and Values.

Workforce Members shall treat all persons and patients who come to UMC with respect and shall not discriminate or harass in any manner any person on the basis of race, color, religion, sex, sexual orientation, gender and/or gender identity expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability or source of payment with respect to patients.

UMC does not discriminate against any members of its workforce based on the individual's race, color, religion, sex, age, national origin, disability status, sexual orientation, or gender identity or expression, marital, veteran status, or any other classification protected by law. All allegations of discrimination and/or harassment shall be promptly investigated in accordance with applicable UMC policies and procedures.

### **Compliance with Federal, State and Local Laws and Regulations**

UMC strives to ensure that all activity by or on its behalf complies with applicable laws and regulations. To foster this compliance, all Workforce Members should familiarize themselves with the laws and regulations relating to the Workforce Member's position. Workforce Members who have management or supervisory positions should also seek out professional development opportunities that will help them carry out responsibilities.

Workforce Members who are licensed professionals should become familiar with the legal requirements associated with their licenses and should have an understanding of what actions constitute professional misconduct and should avoid such actions.

The Compliance Officer will develop educational programs to help Workforce Members understand certain applicable laws and regulations. If at any time, an Workforce Member has questions regarding a law, regulation or related UMC Policy, the Compliance Officer can serve as a resource.



## Code of Conduct Principles



### Health Care Fraud and Abuse Prevention

One of the primary goals of UMC's Compliance Program is to prevent and detect fraud and abuse. Health care decision-making must be based upon the patient's medical needs, and must not be based upon financial benefits to UMC, Workforce Members (including medical staff), or that of any other entity or individual. UMC is committed to this principle.

UMC and its Workforce Members may not give, receive, offer or ask for anything of value in exchange for referring patients, products, or services. This includes accepting anything of value for purchasing, leasing, ordering, arranging for, or recommending a particular product or service.

UMC shall ensure that its relationships with Physicians satisfy the rules concerning the prohibition against physician self-referral (both the Federal Stark law and applicable Nevada state law). In addition, UMC shall routinely screen Workforce Members, clinicians and vendor's for their eligibility and/or exclusion with Medicare and all Medicaid programs.

UMC and its Workforce Members must not submit false or fraudulent or misleading claims to any payer, including Medicare, Medicaid, or other government or commercial third party payers. Such prohibited claims include claims for services not rendered, claims which characterize the service differently than the service actually rendered, or claims which do not comply with payer requirements. Furthermore, no one may make false representations to any person or entity for purposes of participation in a health care benefits program or to get a claim paid. UMC shall report, repay and address the system/process issues in regards to overpayments submitted to these programs.

Workforce Members must report suspected or actual fraud and/or abuse activities by calling the Compliance Office (702) - 383-6211 or the Compliance Hotline (888) - 691-0772. See the "Responsibility for Reporting" Section of this Code of Conduct for more details. UMC does not retaliate against anyone who reports in good faith suspected or actual fraud and abuse or other concerns.

## Code of Conduct Principles



### **Coding and Reimbursement**

UMC promotes full compliance with all relevant billing and claims reimbursement requirements.

All persons who are involved in any aspect of the Hospital's coding, billing and claims submission processes must be appropriately trained and prepared for their responsibilities, including without limitation appropriate training with respect to the requirements of the Medicare and Medicaid programs.

UMC only bills for services actually rendered as reflected in the medical documentation.

### **Accurate and Truthful Documentation**

Workforce Members who are responsible for documenting in patient records, financial records or other UMC business records must perform their duties accurately, truthfully, completely and in a timely manner. All patient records, financial and accounting reports, research reports, expense accounts, time sheets and any other documentation must accurately and clearly represent the relevant facts and the true nature of a transaction. No one may alter or falsify information on any UMC record or document. Workforce Members who suspect inaccurate documentation and/or record keeping must notify their supervisor and/or the Compliance Officer or Hotline.

### **Record Retention and Destruction**

All Workforce Members must protect the integrity of UMC's documents and records to ensure that records are maintained in accordance with regulatory and legal requirements, and for the required length of time. All records, both medical and business, shall be retained in accordance with Federal and State laws. Records and documents which include both written and computer based information such as e-mail or computer files on disk or tape, shall be retained and destroyed in accordance with UMC policy and procedures.

## Code of Conduct Principles



### Confidentiality

UMC has in its possession a broad variety of confidential, sensitive and proprietary information, which if inappropriately released, could be harmful to individuals, our business partners and to UMC itself. Therefore, Workforce Members should always safeguard confidential information concerning patients, Workforce Members, and business matters in accordance with UMC's policies and procedures and relevant state and federal law. Each Workforce Member must always respect and maintain the privacy of confidential information, even after they are no longer affiliated with UMC.

Workforce Members should become familiar with their department's specific policies and procedures in addition to hospital-wide policies, such as the Notice of Privacy Practices as required by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

Workforce Members must also treat as confidential, the personal information pertaining to any Workforce Members.

Generally, an Workforce Member should only access and use the information necessary to perform their work-related responsibilities and should only disclose information as authorized to others having an official need to know. If questions arise regarding an obligation to maintain the confidentiality of information or the appropriateness of releasing information, Workforce Members should seek guidance from their supervisor. Supervisors in turn should seek guidance from an appropriate UMC administrator or the Privacy Officer.

### Conflict of Interest

A conflict of interest may occur if a Workforce Member's outside activities or personal financial interests influence or appear to influence the Workforce Member's ability to make objective decisions in the course of the Workforce Member carrying out his/her UMC responsibilities and obligations. Workforce Members should always avoid such conflicts of interest.

A Workforce Member should never use his/her position to profit personally or to assist others in profiting at the expense of UMC.

## Code of Conduct Principles



UMC requires certain Workforce Members to disclose financial interest that they or their immediate family members may have that would interfere or affect their responsibilities for on behalf of UMC. Workforce Members should refer to the applicable UMC policy for more details concerning conflicts. Available on UMC policies and procedures.

### **Provider/Hospital Business Relationships and Referrals**

Any business relationship or arrangement between UMC and a physician, physician entity or other healthcare provider must be structured to ensure compliance with all legal requirements, including, but not limited to, fraud and abuse laws and regulations, and to avoid jeopardizing UMC's tax-exempt status as a not-for-profit entity. Such relationships and arrangements must be documented in writing, signed by the parties and subject to review and approval by the appropriate UMC administrative staff and legal counsel.

UMC does not pay for patient referrals. UMC's acceptance of patient referrals and admissions is based on the medical needs of the patient and its ability to provide needed services. All Workforce Members are prohibited from paying or offering to pay, directly or indirectly, for referral of patients. In addition, UMC will not accept payments for the referrals it makes to a provider, nor take into account the volume or value of referrals that the provider has or may make to the Hospital. No Workforce Member shall accept or solicit any payment or item of value, directly or indirectly, for referrals of patients to UMC.

### **Protection of UMC Assets**

Workforce Members must strive to preserve UMC's assets, including equipment, materials, supplies, time and information, and to protect assets from loss, damage, theft, misuse, and waste.

Workforce Members must not remove UMC's equipment, materials and supplies from the premises for personal use and must only use such assets as authorized under UMC policy.

Workforce Members whose responsibilities include the management of departmental funds shall maintain internal controls and record keeping and shall exercise appropriate oversight. Any use of UMC's resources for personal financial gain unrelated to Hospital business is not permitted.

## Code of Conduct Principles



Workforce Member's use of travel expenses must be consistent with their job responsibility and UMC's needs and resources. They are expected to follow all UMC policies related to travel and exercise reasonable judgment in incurring travel expenses. They shall provide sufficient documentation for purposes of reimbursement.

As mentioned, time is also an asset. Workforce Members shall report time and attendance accurately and shall use their work time productively.

### **Gifts and Gratuities**

UMC employees are considered public employees and are subject to not only federal regulations, but are also subject to the provisions outlined by the Nevada State Ethics Commission. They are also subject to all UMC policies and provisions relating to vendor relations, gifts and gratuities as outlined in the UMC Vendor relations policy found via the "Policies & Procedures" link on the UMC main intranet webpage.

Soliciting gifts or gratuities of any kind, whether cash, like cash, travel, monetary, material, meal or any other type is not permitted.

Employees are also prohibited from soliciting or accepting compensation, tips, personal gratuities or any gifts from patients or their family members. If a patient or another individual wishes to present a gift, he/she should be referred to the appropriate administrator for guidance or to the UMC Foundation.

The acceptance of gifts, gratuities, compensation or remuneration of any kind from vendors is governed by UMC vendor relations and conflict of interest policies found via the "Policies & Procedures" link on the UMC main intranet webpage. Employees are required to be familiar with and adhere to these policies.

Workforce Members must report any inappropriate conduct to their supervisor and/or the Compliance Officer.



## Code of Conduct Principles



### Tax Exempt Status

UMC is a not-for-profit organization and has certain legal and ethical responsibilities. Importantly, UMC is obligated to engage in activities that support its charitable purposes and to ensure that its resources are used in a manner that furthers the public good rather than the private or personal interests of any individual. As a result, UMC will only enter into compensation arrangements that reflect fair market value for the service or item. In addition, UMC will accurately report tax payments and will file all tax information and returns in a lawful manner.

### Political/Lobbying Activity

Participation by UMC in a political campaign or lobbying could jeopardize the Hospital's status. Therefore, Workforce Members may not use UMC's funds, time, equipment or other assets to campaign for or against any political candidate, or to engage in a lobbying activity. This includes contributing t-shirts, hats or any other tangible item that includes the UMC logo.

Workforce Members may participate in or contribute to, a political/lobbying activity of their choosing as a private citizen, but not as a UMC representative.

UMC, where its experience may be helpful, may publically offer recommendations concerning legislation or regulations being considered utilizing the established approved provisions as set out by the State of Nevada. In addition, UMC may analyze and take public positions on issues that have a relationship to the operations of the Hospital when our experience contributes to the understanding of such issues.

UMC has many contacts and dealings with governmental agencies and officials. UMC and its Workforce Members shall conduct all such contacts and transactions in an honest and ethical manner. No one shall attempt to influence the decision making process of government agencies or officials by an improper offer of any benefit. Workforce Members should immediately report any suspected or actual improper requests or demands by a government agency or official to the Compliance Officer.

## Code of Conduct Principles



UMC, at the request of the Workforce Member, will maintain the confidentiality of the reporting Workforce Member to the extent possible, consistent with its obligations to investigate the Workforce Member's concerns and take necessary corrective action. Anonymous reporting is available. However, the Hospital may be unable to provide feedback if anonymous reports are made.

Workforce Members who fail to report suspected or actual violations are themselves violating this Code and our Compliance Program and may be subject to discipline, which could result in termination from employment or affiliation with the Hospital.

### **Fair Competition**

UMC strives to ensure that all activity by or on its behalf complies with laws governing fair competition (these laws are also known as antitrust laws). These laws prohibit certain activity that could give an organization an unfair business advantage over a competitor. Examples of prohibited unfair competition activities include: agreements to fix prices, bid rigging, collusion with competitors, boycotts, certain exclusive dealing and price discrimination agreements, bribery, deception, intimidation and similar unfair practices. Workforce Members must not engage in prohibited unfair competition activities and must seek advice from the Compliance Officer when confronted with business decisions which might violate these laws.

### **Marketing**

UMC may use marketing and advertising activities to educate the public, provide information to the community and increase awareness of Hospital services. UMC will present only truthful, informative information in these materials and announcements. UMC will abide by all state and federal regulations, such as the Stark Law and Anti-Kickback statutes related to the Hospital's use of marketing and HIPAA.

## Code of Conduct Principles



### Prescription Drugs and Controlled Substances

UMC is committed to the safe and legal handling of all drugs and controlled substances. Workforce Members having responsibility for, or access to, prescription drugs, controlled substances, over-the-counter drugs, or any street-valued medical supply (hypodermic needles for example) shall maintain the highest possible professional and ethical standards with regards to such drugs and supplies. Workforce Members should become familiar with the laws, internal policies, and patient care standards that govern their work with these substances and supplies. Drugs must only be provided upon an order of a licensed provider who is authorized by the State of Nevada to write prescriptions. Workforce Members shall take care to keep drugs secured at all times and not available to individuals who do not have a prescription. Workforce Member must follow UMC policy and procedures for handling outdated or unused drugs. Workforce Members must immediately report any inappropriate distribution or diversion of drugs or supplies, or theft/loss of prescriptions, to their supervisor or the Compliance Officer.

### Environmental Health and Safety

UMC shall manage and operate its business in a manner that respects our environment and conserves natural resources. Workforce Members shall comply with the UMC's safety and health policies to help ensure that patients, visitors, the workforce and others are protected from unnecessary risks and unsafe conditions.

For example, Workforce Members shall dispose of all waste in accordance with applicable laws and regulations and shall strive to utilize resources appropriately and efficiently, including recycling where possible. Workforce Members shall immediately report suspected violations of an environmental or occupational health and safety law and shall work cooperatively with the appropriate authorities to remedy any environmental contamination that may occur in the workplace.

## Code of Conduct Principles



### Scientific and Clinical Research

UMC supports clinical research. In this regard, UMC is firmly committed to adhering to the basic ethical principles underlying the acceptable conduct of research involving human subjects, as set forth in The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research. These three principles, respect for persons, beneficence, and justice are particularly relevant to the protection of human subjects in biomedical and behavioral research, and are the accepted requirements for the ethical conduct of such research.

- **Respect for persons** involves recognition of the personal dignity and autonomy (self-rule) of individuals, and special protection of those persons with diminished autonomy.
- **Beneficence** entails an obligation to protect persons from harm by maximizing anticipated results and minimizing possible risks of harm.
- **Justice** requires that the benefits and burdens of research be distributed fairly.

Workforce Members who are involved in proposing and/or conducting research activities will ensure that their work is conducted with the highest ethical standards in accordance with federal, State of Nevada and local laws and regulations, and applicable Hospital policy and procedures, including those from UMC's Institutional Review Board ("IRB"). Workforce Members must always document accurately, truthfully and completely and must never make up and/or falsify research data or results. Workforce Members who have concerns or questions regarding a research activity should contact their supervisor, the Director of Clinical Research and Compliance or UMC's IRB Administrator.



## Code of Conduct Principles



### Government Investigations, Accreditations and Surveys

UMC and Workforce Members shall cooperate fully and promptly with appropriate government investigations into potential violations of the law and to the efforts of our accrediting and surveying agencies. Governmental and/or agency inquiries or requests should be promptly referred to the appropriate Hospital Administrator, Privacy Officer, Compliance Officer or General Counsel, depending on the circumstance.

UMC promptly and thoroughly investigates reports of suspected illegal activities or violations of the Compliance Program or this Code of Conduct. Workforce Members must cooperate with such investigations and may not take actions to prevent, hinder or delay discovery and full investigation. For example, Workforce Members must never alter or destroy records or documents requested in the course of an investigation, nor shall Workforce Members make a false or misleading statement on such documents or to an investigator. Also, Workforce Members must never pressure any person to provide false information to, or to hide information from an investigator.

### Responsibility for Reporting

Compliance is everyone's responsibility. Therefore, all Workforce Members are required to report their good faith belief of any suspected or actual violation of the Code of Conduct, the Compliance Program, other Hospital policies or applicable law. Sometimes it is unclear whether a particular activity or situation may be a violation of the Code or the Compliance Program. When this happens, Workforce Members should contact their supervisors or the Compliance Officer.

Reports of suspected or actual violations can be made in a number of ways as described below:

- Orally or in writing to the Workforce Member's director/supervisor
- By calling the Compliance Officer at 702-383-6211, or the Compliance Hotline at 888-691-0772; and/or
- By e-mailing or sending a written concern or complaint to the Compliance Officer

UMC, at the request of the Workforce Member, will maintain the confidentiality of the reporting Workforce Member to the extent possible, consistent with its obligations to investigate the Workforce Member's concerns and take necessary corrective action.



## Code of Conduct Principles



Anonymous reporting is available. However, the Hospital may be unable to provide feedback if anonymous reports are made.

Workforce Members who fail to report suspected or actual violations are themselves violating this Code and our Compliance Program and may be subject to discipline in accordance with UMC published disciplinary or sanction policies, which could result in termination from employment or affiliation with the Hospital.

### **Non-Retaliation**

UMC is committed to fostering a workplace that is conducive to open discussion by its Workforce Members of its business and clinical practices. To promote an open culture, the Hospital has adopted a strict non retaliation policy to protect its Workforce Members. Accordingly, there will be no retaliation in the terms and conditions of employment or affiliation as a result of an Workforce Member's good faith reporting of a violation or suspected violation. Any manager, supervisor or other Workforce Member who commits or condones any form of retaliation will be subject to discipline up to, and possibly including, termination. For more information regarding applicable non-retaliation and whistleblower protection laws, please refer to UMC's hospital wide policy #I-152.

### **Enforcement of the Code of Conduct**

Workforce Members must understand that they will be subject to discipline for violations of this Code of Conduct, up to an including termination of employment or affiliation with UMC. The specific disciplinary action depends upon the nature and severity of the violation. UMC imposes sanctions in a consistent manner in accordance with UMC policy and procedures.

Examples of violations of the Code which could result in disciplinary action include:

- Participating in activities that violate the Code;
- Encouraging others to violate the Code;
- Failing to report suspected violations of the Code; and
- For Workforce Members who are supervisors, managers, directors, administrators or officers, failing to detect violations of the Code, if such violation should have been discovered in the reasonable course of the Workforce Member's job responsibilities.

**THANK YOU!!!!**

As a UMC employee, we appreciate the time you have taken to read the UMC Compliance Program Code of Conduct and for fully committing yourself to upholding the ethical principles of UMC.

We know that each of you set the example and tone for fellow employees at all levels.

Thank you for being a part of a committed team!

Rani Gill, CHC  
Compliance Officer  
University Medical Center of Southern Nevada