Baptist Health South Florida

POLICY NO.: BHSF-819

☑ Administrative
☐ Departmental

SUBMITTED BY:

Title: Beth Gillis
Corporate Assistant Vice President, Compliance

APPROVED BY:

Title: Wendy Kemp
Corporate Assistant Vice President, Audit

Responsible Department Audit and Compliance

APPROVED BY:

Title: Karen Brady
Corporate Vice President and Chief Compliance Officer

Creation Date: 12/05
Review Date: 03/07, 11/10, 09/11
Revision Date:
Post Date: 10/11/11

POLICY TITLE:
Code of Ethics

SUMMARY & PURPOSE:
To describe the purpose of the Code of Ethics as well as defining each employee's access to and responsibility under the Code.

POLICY:
Baptist Health's Code of Ethics is a key component of the Corporate Compliance Program. It reflects the core values and principles that guide Baptist Health operations.

SCOPE/APPLICABILITY:
This policy applies to all Baptist Health South Florida employees.

PROCEDURES TO ENSURE COMPLIANCE:
The Code of Ethics:

- Establishes a code of ethical and legal conduct, standards and procedures to be followed by all employees;
- Communicates to all employees the standards and procedures they are expected to follow;
- Clarifies methods of reporting issues and concerns within the corporate structure in order to prevent, detect and correct violations of laws, regulations and corporate policies that would detract from Baptist Health's Code of Ethics;
- Documents Baptist Health's commitment to the highest ethical and professional standards.

All employees are required to adhere to the principles set forth in the Code of Ethics.

Failure to comply with the Code is a serious matter that may lead to disciplinary action up to and including termination and/or legal prosecution.

The Code is distributed to each new employee at New Employee Orientation.

The Code will be updated and distributed periodically to all employees, medical staff members, Board members and vendors.

The Code is available to all employees on the intranet.

SUPPORTING/REFERENCE DOCUMENTATION:

- United States Federal Sentencing Guidelines
- Office of Inspector General Compliance Program Guidance for Hospital
- Office of Inspector General Supplemental Compliance Program Guidance for Hospitals

RELATED POLICIES, PROCEDURES, AND ASSOCIATED FORMS:

- BHSF Administrative Policy: 801 Department Responsibilities and Charter– Audit and Compliance
- BHSF Administrative Policy: 820 Appropriate Discipline for Compliance Program Violations – Audit and Compliance

ENFORCEMENT & SANCTIONS:

Violations are assessed by the Corporate Vice President and Chief Compliance Officer who in collaboration with Human Resources recommends the appropriate discipline to senior management or the Board of Trustees if the person subject to discipline is at an executive level.

Code of Ethics

A Guide to Ethical Standards

Baptist Health South Florida

From the President

Baptist Health: A High-integrity Organization

"Integrity: Always doing the right thing when no one else is watching."

— Author Unknown

Among the many reasons people are attracted to work at Baptist Health is our high ethical standards. Over the years, we have developed and nurtured a corporate culture of integrity. We expect all employees to behave in a manner that reflects these high standards. Integrity begins at the top — with our mission statement and our Board of Trustees.

Our mission statement describes why Baptist Health exists — our purpose — and the corporate values we hold near and dear. It describes the importance of putting our patients first (above all else) and our commitment to the core values of honesty, integrity and transparency. These are the cornerstones of our corporate culture. Our Board of Trustees provides oversight of the decisions and actions of management to ensure that they are consistent with our mission and in the best interests of our community and our patients.

In order to communicate our ethical standards to all employees, physicians, vendors and Board members, we have developed our Code of Ethics. The Code provides guidance regarding the standards Baptist Health has adopted and, most important, communicates our expectations that all stakeholders will adhere to these standards. Within the Code you will find information regarding our nonretaliation policy and your responsibility to report any situation that you believe may violate our Code of Ethics. Every employee should review the Code of Ethics on an annual basis.

Throughout the healthcare industry, ethical organizations such as Baptist Health have established corporate compliance programs to promote ethical behavior and investigate allegations of wrongdoing. At Baptist Health, the Audit and Compliance Department, under the direction of the Chief Compliance Officer, assists the Baptist Health Board with its oversight responsibilities. The department reports directly to the Board's Audit and Compliance Committee — not to management. When necessary, the department conducts its own independent investigations of problems that come to its attention, including anonymous calls to the Baptist Health Compliance Hotline.

We also have embraced a philosophy of full transparency in all of our governance, operational and business dealings. I have always made it my policy to keep the Baptist Health Board and Executive Committee fully informed of everything that occurs within Baptist Health — both the good and the bad, our accomplishments as well as our mistakes. With all of management's actions and decisions "in the sunshine" and fully transparent, our governing Board members can continue to confidently exercise their oversight responsibilities — and sleep well at night.

Brian E. Keeley

President and Chief Executive Officer

Table of Contents

Our Ethical Standards 4
Our Values 4
Purpose 4
Scope 5
Responsibilities 5
All Employees and Contractors 5
Special Responsibilities of Leaders 5
Reporting Violations 6
Nonretaliation 6
Whose Responsibility? 6
Communicating Issues 6
Available Resources 7
Contact List 7
Anonymous Reporting — The Compliance Hotline 8
Disciplinary Action for Violation of the Code of Ethics 9
Hotline Q&A 9
Application of Our Ethical Standards 10
Compliance With Laws and Regulations 10
Compliance With Policies and Procedures 10
Quality of Care and Patient Safety 10
Community Benefit and Charity Care 11
Fair and Equitable Treatment of Employees 11
Harassment 12
Workplace Safety 12
Credentials and Excluded Parties 12
Charitable Contributions and Philanthropic Solicitations 12
Conflicts of Interest 13
Conflicts of Interest Q&A 13
Improper Payments 14
Gifts 14
Entertainment 15
Vendor-sponsored Travel 15
Honorariums 15
Incentives for Patient Referrals or Business Transactions 16
Contracts or Arrangements With Physicians 16
Physician Referral Prohibitions 17
Accurate and Timely Charge Entry 17
Medical Record Coding 18
Billing of Third Parties 18
False Claims Act 19
Record Keeping 20
Business Record Retention 20
Confidentiality — Patient Information and Records 21
Confidentiality — Business Information and Records 22
Confidentiality — Electronic Records 22
Social Media 22
Marketing and Public Relations 23
Competitive Practices 23
Political Contributions 23
Safeguarding and Proper Use of Assets 24
International Transactions 24
Requests for Information — Regulatory/Government Agencies 24
Requests for Information — News Media 25
In Closing 25

Code of Ethics

Our Ethical Standards

The mission of Baptist Health is to improve the health and well-being of individuals, and to promote the sanctity and preservation of life in the communities we serve. We are committed to maintaining the highest standards of clinical and service excellence with the utmost integrity and moral practice. All activities carried out on behalf of Baptist Health by its employees or contractors will be in compliance with all applicable laws, rules and regulations and conducted according to the highest ethical and moral standards.

Our Values

People — Our greatest asset: our employees, our physicians, Board members and volunteers.

Compassion — For those we serve.

Excellence — In all we do: customer service, patient care, relationships and organizational performance.

Integrity and Transparency — In all our actions and decisions.

Belief — In our faith-based heritage and mission.

Stewardship — To manage resources prudently and ethically to ensure the future ability to fulfill our mission.

Purpose

Baptist Health's Code of Ethics is a key part of the Corporate Compliance Program. It reflects the core values and principles that guide Baptist Health operations. The purpose and objective of the Code is to:

- Establish a code of ethical standards to be followed by all employees;
- Communicate to all employees the standards they are expected to follow;
- Communicate to stakeholders the ethical standards we have adopted;
- Communicate methods of reporting issues and concerns in order to prevent, detect and correct activities that are not consistent with the ethical standards Baptist Health has adopted; and
- Document Baptist Health's commitment to the highest professional standards.

The Code is the cornerstone of our anti-fraud initiatives, designed to prevent and identify potential occurrences of unethical activities such as theft or fraud.

Scope

Baptist Health's Code of Ethics must be followed by all Baptist Health employees, contractors and agents. No one, no matter what his or her employment position, is exempt from the standards established by the Code. Failure to comply is a serious matter that may lead to disciplinary action up to and including termination. In addition, employees who violate a specific law may be subject to legal prosecution.

We also expect our vendors to follow the highest ethical standards and to report any suspected violation of the Code. The reporting mechanisms available to our employees are also available to our vendors.

Quick Tip

- The Code of Ethics is available on the Intranet — just click on Corporate Compliance. On the Internet, click on Why Choose Baptist/About Baptist Health.
- The Code must be followed by all employees, contractors and agents.
- BHSF Policy 819 Code of Ethics.

Responsibilities

All Employees and Contractors

All employees and contractors are required to be familiar with and follow the standards set forth in the Code of Ethics. On an annual basis, you should review the Code of Ethics and complete annual compliance training. If you are an employee, you must acknowledge you have received a copy of the Code at your annual performance review. You must also attest that you are aware of the principles it contains and your responsibility to report anything that may violate those principles.

Special Responsibilities of Leaders

With leadership comes additional responsibility. While all employees are expected to follow our Code of Ethics, a leader sets the example for employees to follow. In addition, leaders should create an environment that encourages discussion of our ethical standards and values. As a leader, make sure that:

- Your conduct is consistent with the highest ethical and legal standards.
- Your employees are aware of our ethical standards.
- Your employees are aware of the laws, rules, regulations and policies that apply to their jobs.
- Your employees are aware of their obligation to report suspected violations of our standards.

- You create a work environment that is open and receptive to discussion and reports of possible ethical violations.
- You take the appropriate action when a potential violation is reported to you.
- You prohibit retaliation against anyone who reports a potential violation to you.

Reporting Violations

Nonretaliation

Baptist Health employees are encouraged to report and discuss ethical and legal issues that arise as they perform their job functions. You are required to report any suspected violations of the Code of Ethics. We will not tolerate any form of retaliation against any person who reports a suspected violation of our Code of Ethics. Failure to report a potential violation may lead to disciplinary actions, up to and including termination.

Whose Responsibility?

Baptist Health's Code of Ethics is designed to promote honesty and fairness in all our interactions. It is your responsibility to ensure that all your associations with patients and the community are honest and that you follow the Code and all Baptist Health standards and procedures. Our reputation depends upon you doing your part to report any questionable ethical actions or violations you suspect. You are expected to report anything that may be illegal or unethical, so it can be remedied and violators can be disciplined.

Sometimes it is difficult to determine whether a specific situation violates our Code of Ethics. Of course, if there is any doubt, you should discuss the situation with your supervisor or one of the compliance contacts listed on pages 7 and 8.

Communicating Issues

Talk to your supervisor about your concerns. Your supervisor is in a good position to listen to you and understand the concerns you have. Give your supervisor an opportunity to resolve the issue.

If you have raised an issue and you do not think it is getting proper attention or if your supervisor cannot find the appropriate answer, you may relate your concerns to the next management level. All leaders throughout Baptist Health have a responsibility to listen to your concerns and take the appropriate actions to resolve them.

If your supervisor or next-level manager is unable to resolve the issue satisfactorily, or you are not comfortable talking to them, contact any of the following until the issue is resolved to your satisfaction: the Audit and Compliance Department, the Legal Department, Human Resources, a Compliance Liaison, any vice president or any chief executive officer. Contact numbers are listed below and on page 8. Remember, retaliation is strictly forbidden.

Quick Tip:
Assess the Situation

- Are your actions in compliance with laws, regulations, policies and the Code of Ethics?
- How would the issue appear to someone outside Baptist Health?
- How would your family and friends view the situation?

Available Resources

The Audit and Compliance Department administers the Corporate Compliance Program. The staff is available to you to answer questions and provide advice. In addition, the department maintains a Web page on the Intranet. Just click on Corporate Compliance on the home page. The website contains valuable information regarding our Corporate Compliance Program, our policies and procedures, and contacts available to you.

Quick Tip

- Our Value — Integrity and transparency.
- Your Responsibility — Follow the Code, report suspected wrongdoing, encourage communication.
- Retaliation against anyone who reports a suspected violation is strictly prohibited.
- BHSF Policy 822 Nonretaliation for Reporting Potential or Actual Violations of the Code of Ethics.

Contact List

Audit & Compliance 786-662-7352
ContactCompliance@BaptistHealth.net
Legal Department 786-662-7022
Human Resources
Baptist Hospital 786-596-4467
Baptist Health Enterprises 786-596-8373
Baptist Health Medical Group 786-527-9213

Baptist Outpatient Services 786-596-8373
Corporate Offices 786-596-2642
Doctors Hospital 786-308-3205
Homestead Hospital 786-243-8552
Mariners Hospital 305-434-1657
South Miami Hospital 786-662-8888
West Kendall Baptist Hospital 786-467-2022

Hotline

Compliance Hotline 888-492-9329

Specialized Resources

HIPAA Privacy Hotline 786-596-8850
Laboratory Compliance 786-596-5359
Research Compliance 786-527-9026

Compliance Liaisons — Located in Risk Management

Baptist Hospital 786-596-6526
Baptist Health Enterprises 786-596-7415
Baptist Health Medical Group 786-596-1331
Baptist Outpatient Services 786-596-7415
Doctors Hospital 786-308-3182
Homestead Hospital 786-243-8546
Mariners Hospital 305-434-1671
South Miami Hospital 786-662-5018
West Kendall Baptist Hospital 786-467-2090

Anonymous Reporting — The Compliance Hotline

If you do not feel comfortable discussing your concerns directly with your supervisor or one of the compliance contacts we have identified, you may call the Compliance Hotline, toll-free, and we will protect your anonymity to the extent possible. The number is 888-492-9329.

This line is not intended to replace your normal reporting process, but it is another resource available to you when you have used other routes or do not feel comfortable discussing the issues with your supervisor or manager.

Calls are handled confidentially, and you are protected from any form of retaliation or retribution for reporting a violation. If anyone attempts to retaliate against an employee who reports an ethical or legal concern, and the report was made in good faith, the person who retaliated will be subject to disciplinary action, up to and including termination of employment.

In addition, compliance reports also can be made online at MyComplianceReport.com (enter Access ID BHS). Just like calls received via the Hotline, online reports can be made anonymously. Online reports are handled in the same confidential manner as calls, and anyone making an online report in good faith is also protected from retaliation or retribution.

Disciplinary Action for Violation of the Code of Ethics

Employees who are found to have violated any of the standards contained in our Code of Ethics may be subject to disciplinary action. The chief compliance officer will work in conjunction with Human Resources to recommend to senior management the type of disciplinary action that may be taken. Various factors are considered throughout the assessment and various levels of discipline are considered. All disciplinary actions are taken on a fair and equitable basis.

Any improper financial gain through misconduct involving the property or information of Baptist Health or its patients or customers is a serious violation. This may lead to prosecution and/or disciplinary action, which can include termination.

Hotline Q&A

Q: Are calls placed to the Compliance Hotline traced?

A: Calls to the Compliance Hotline are not traced in any way. A third-party vendor answers the calls and does not track the phone number using Caller ID.

Q: Is it true I can remain anonymous when calling the Hotline?

A: If you are not comfortable giving your name, tell the operator that you wish to remain anonymous.

Q: How can I follow up on my Hotline call?

A: Callers to the Compliance Hotline are given a report number and a follow-up date. On or after the follow-up date, you can call the Hotline and obtain a status report regarding your call.

Q: If I file a report online through MyComplianceReport.com, will my computer ID be traced?

A: Just like calls to the telephone line, reports placed online are not traced in any way. You also will be given a follow-up date for online reports.

Q: What protects me from being retaliated against for making a report?

A: Retaliation for making a report is strictly prohibited. In addition, you may remain anonymous and calls are not traced.

Application of Our Ethical Standards

The healthcare industry is one of the most highly regulated industries in the United States, due to regulations ranging from those dealing with patient care to those dealing with submission of claims. Add to this the laws, rules and regulations that apply to any business, and the number of guidelines Baptist Health must follow becomes staggering.

The fact that there are so many guidelines to follow, however, does not impact our commitment to follow them according to our ethical standards. While it is impossible to discuss every law, rule and regulation that applies to the healthcare industry, what follows is a discussion of topics that are especially important and central to our commitment to excellence in patient care and moral integrity.

Compliance With Laws and Regulations

Baptist Health will fully comply with all applicable federal and state laws, regulations, standards and other compliance requirements at all levels of government and within the various professions employed by the health system. Our ethical standards are built upon this principle. We will not pursue any business opportunity that requires unethical or illegal activity.

Compliance With Policies and Procedures

In order to define acceptable practices, we have established policies and procedures. All employees are expected to be aware of and comply with Baptist Health policies and procedures.

Value Link

- Integrity and Transparency — In all our actions and decisions.
- Belief — In our faith-based heritage and mission.

Quality of Care and Patient Safety

Baptist Health is committed to providing consistently high-quality patient care services without regard to race, color, religion, gender, sexual preference, national origin or disability. To avoid compromising the quality of care, clinical decisions (including tests, treatments and other interventions) are based on identified patient healthcare needs, not on financial circumstances.

It is our goal to provide high-quality healthcare services to our patients with skill, concern and compassion. Baptist Health offers a broad range of clinical services that are evidence-based and compassionately provided to ensure patient safety, superior clinical outcomes and the highest levels of satisfaction with a patient- and family-centered focus.

Value Link

- Excellence — In all we do: customer service, patient care, relationships and organizational performance.

Community Benefit and Charity Care

We provide respectful treatment and care to all patients coming to our facilities in an emergency, regardless of ability to pay or the source of payment. Baptist Health recognizes its responsibility as a provider of healthcare services to our community and provides charity care to those meeting established criteria.

Value Link

- Compassion — For those we serve.
- Stewardship — To manage resources prudently and ethically to ensure the future ability to fulfill our mission.

Fair and Equitable Treatment of Employees

Baptist Health ensures that employees are afforded nondiscriminatory terms, conditions and privileges of employment in accordance with the law, regardless of race, color, religion, national origin, gender, sexual preference, age, disability or any other factor protected by applicable law. Supervisors and managers are available to discuss and resolve any concerns employees may have about their employment and responsibilities, including issues involving fair and equitable treatment. Human Resources representatives may be contacted to assist in resolving issues such as these. Because of the high premium we put on the value of employees, Baptist Health has adopted a comprehensive values statement that clearly articulates our Human Resources philosophy.

Value Link

- People — Our greatest asset: our employees, physicians, Board members and volunteers.

Code of Ethics

Harassment

Baptist Health is committed to providing an environment in which employees are treated with dignity and respect. An environment that is free from all forms of harassment or discrimination helps our employees perform effectively and gain both personal and professional satisfaction from their work. Any form of unlawful harassment or discrimination based upon factors such as race, color, religion or any other characteristic is strictly prohibited and will not be tolerated. Any employee who reports discrimination or harassment is protected from retaliation for making the report. Any leader who observes an incident or has received a report of an incident is required to report the information immediately to Human Resources.

Workplace Safety

Our employees will be provided a safe workplace and a safe environment. Threats, threatening language or any other acts of aggression or violence are not tolerated. All potentially dangerous situations should be reported immediately to your leader. If your leader is unavailable, Security or Human Resources should be contacted.

We are also committed to reducing and preventing work-related musculoskeletal disorders. The Ergonomics Department provides education via their department website. Worksite assessments and remediation plans are also available through the department to provide a proactive approach to injury prevention.

Credentials and Excluded Parties

Only appropriately licensed and credentialed individuals may provide medical care at our facilities. Baptist Health will not hire or contract with people or entities that have been excluded from participation in federal or state healthcare programs.

Charitable Contributions and Philanthropic Solicitations

All charitable contributions received from vendors must directly benefit a Baptist Health entity or Foundation and be paid directly to the Foundation. Under no circumstances may a check be made payable to an individual within Baptist Health. Baptist Health shall not accept any donations that are in conjunction with a marketing effort or sales promotion. Solicitation of vendors for charitable contributions may be made only by the Foundation. Individual employees or departments may not solicit vendors for gifts or contributions. All offers of charitable contributions should be referred to the appropriate Foundation representative.

Conflicts of Interest

A potential conflict of interest exists when you have the opportunity to benefit personally, beyond the receipt of your paycheck, from an action you are taking as part of your job duties. Potential conflicts of interest come in many forms. For example, let's assume you are responsible for ordering medical supplies and can order those supplies from any one of three suppliers. If your husband or wife sells medical supplies for one of those suppliers and is paid on commission, you have a potential conflict of interest. You may benefit personally by ordering the medical supplies from that supplier. You must complete a conflict of interest disclosure form. The form is available electronically through Employee Self Service. Both your manager and the Audit & Compliance Department will review the information to determine whether an actual conflict of interest exists. A decision will then be made on whether you may order from that supplier. In order to avoid conflicts of interest, you are expected to:

- Serve Baptist Health with undivided loyalty and never use your position for personal gain.
- Devote your full time and ability to Baptist Health's interests during your regular working hours and for whatever additional time may be properly required.
- Refrain from accepting additional employment or engaging in business activities outside regular working hours if these would tend to impair your ability to meet your regular job responsibilities to the system or conflict or compete with services provided by Baptist Health.
- Submit a conflict-of-interest disclosure form as soon as an actual or potential conflict of interest occurs. Disclosures must be updated as soon as a change in the situation occurs or, at least, on an annual basis.
- Submit a written disclosure form annually if you are employed in a management position or in a department designated for annual completion of a disclosure form by all employees.

Refer to BHSF Policy 827 Employee Conflict of Interest. Log on to Employee Self Service to complete the online form.

Conflict of Interest Q&A

Q: Does the conflict-of-interest policy apply to all employees?

A: Yes, the conflict-of-interest policy applies to all employees. An employee must disclose his or her employment contractual relationship or financial relationship, other than his or her employment with Baptist Health.

Q: I have a job outside Baptist Health. Do you mean that I am not allowed to have a second job?

A: Our conflict-of-interest policy means only that you must disclose your second job. Once you have done that, a determination will be made as to whether your second job presents a conflict with your duties and responsibilities at Baptist Health.

Q: I disclosed my second job last year. Do I have to do it every year?

A: Our policy requires that you disclose potential conflicts of interest as soon as they arise and then annually thereafter. You must renew your disclosure each year.

Q: My husband just got a new job with a competing hospital. Do I need to complete the form now or can I wait until next year?

A: A potential conflict of interest must be disclosed as soon as it arises. Complete a form now to report your husband's employment with a competitor.

Improper Payments

Baptist Health representatives will not solicit, accept, offer or pay bribes, kickbacks or other illegal incentives for the purpose of personal gain, developing business or any other purpose.

Gifts

A vendor is defined as any person or company doing business with or seeking to do business with Baptist Health. Except in limited circumstances, the giving or receiving of gifts, other than gifts of nominal value to or from a vendor, is not allowed. This prohibition extends to family members as well. Cash gifts, including gift certificates and gift cards, may never be accepted, no matter what the value.

Noncash gifts of nominal value may be accepted. The guideline used to determine if a gift is of nominal value is $150. If the value of a gift is $150 or more, it is not considered nominal and the gift must not be accepted. In addition, you should consider whether you have received more than one gift from the same source. On an annual basis, the value of gifts received from the same source must not exceed $300.

Gifts can be in the form of favors, gratuities or other things of value. Discounts for personal items from vendors could be considered a gift and should not be accepted if they are outside of a prearranged Baptist Health discount or if they are of more than nominal value. Remember, cash or cash equivalents such as gift certificates or gift cards may never be accepted.

Quick Tip

- Cash, gift cards and gift certificates may never be accepted from any vendor.
- Noncash gifts must be worth less than $150 and cannot total more than $300 per year.
- Vendors or potential vendors may not pay for travel.
- BHSF Policy 827 Employee Conflict of Interest.
- BHSF Policy 828 Vendor-sponsored Travel.
- BHSF Policy 829 Acceptance of Honorariums.
- Departments or individuals may not solicit contributions from vendors for departmental activities.

Entertainment

Attending business lunches or meals occasionally as a guest of a vendor, sales representative or other person who does business with or is someone who could potentially do business with Baptist Health is allowed. Meals with vendors or potential vendors should be infrequent, and the meals should be of nominal value. Consideration should also be given to other factors such as appearances. For example, the meal should be in an appropriate setting, at an appropriate time.

Vendor-sponsored Travel

On occasion, a vendor or potential vendor will offer to pay for an employee or a family member to attend a meeting. This could be an educational program, seminar, user group, speaking engagement, promotional program, meeting, site visit or other activity. Baptist Health does not permit vendor-sponsored travel. If the travel has a legitimate business purpose, and is in accordance with our policy on travel expenses, Baptist Health will pay for employees' travel.

An employee may accept an invitation from a vendor to attend a social event, meal or other entertainment while traveling, as long as the value meets our definition of nominal and the other guidelines outlined for entertainment.

Honorariums

Management staff may not accept honorariums for speaking engagements. Nonmanagement staff may accept honorariums under limited circumstances.

The employee's manager must also preapprove the payment to a nonmanager. The organization offering an honorarium may make a contribution to the Foundation in the amount of the honorarium.

Incentives for Patient Referrals or Business Transactions

Baptist Health will not pay employees, physicians, other healthcare professionals or anyone else for referrals of patients. Bribes and kickbacks or any kind of benefits intended to induce patient referrals are strictly prohibited. We will not accept payment as a reward for providing patient referrals.

Employees are expected to conduct business with all parties, including fellow employees, healthcare professionals, vendors and payers in accordance with high moral and ethical standards. All decisions regarding patient care will be based solely on the best interests of the patient.

Employees and agents involved in the negotiation of contracts for Baptist Health must ensure that all statements, communications and representations are open, accurate, appropriate, truthful and in compliance with applicable laws and regulations.

Regulatory and legal restrictions in the area of referral incentives are complex. Because of this, no transactions involving referral sources (e.g., physicians) are to be undertaken without the involvement of the Legal Department.

Contracts or Arrangements With Physicians

All arrangements with clinicians, physicians and other referral sources must be in writing and must identify the specific service that the professional is paid to provide. Agreements must include specific and realistic time commitments and compensation rates for the services that are at fair market value. The compensation rate cannot be based on the volume or value of any business referred to Baptist Health. All decisions regarding patient care should be made based on what is best for the patient, not on the value of a business arrangement.

All payments or other benefits provided to physicians must be supported with documentation adequate to justify the legal business purpose for which the payment is being made. Documentation must also confirm that the services contracted were, in fact, provided.

The Anti-kickback Statute prohibits payments or other consideration given to physicians for referrals for services. When dealing with a physician, no employee will take, offer or give anything to or from the physician in exchange for the referral of patients or patient-related services to or from the physician. In addition, the Internal Revenue Service prohibits any private individual, including physicians, from receiving an undue private benefit as the result of their relationship with a tax-exempt healthcare organization. An undue private benefit could be any amount in excess of the fair market value related to the arrangement.

All contracts with physicians must be approved by the Legal Department, or a lawyer specifically designated for this purpose by the Legal Department, before finalizing the contract with the physician. This is done to ensure that any contractual arrangements do not violate the Anti-kickback Statute, Stark Laws, IRS regulations or any other law or internal policy.

Quick Tip

- There are many complex laws that govern our transactions with physicians.
- The Legal Department has developed standards for transactions with physicians.
- Prior to entering into any arrangement with a physician or other healthcare provider, contact the Legal Department at 786-662-7022.

Physician Referral Prohibitions

Baptist Health will not knowingly submit a bill or charge for certain services in which the referring physician (or an immediate family member) has a financial relationship with the health system, unless certain exceptions are met.

Because of the complexity of these laws, approval from the Legal Department, or a lawyer specifically designated for this purpose by the Legal Department, must be obtained prior to establishing a financial relationship with any physician.

Accurate and Timely Charge Entry

Charge entry is among the first steps that contribute to the creation of a bill that will be submitted to a payer for payment. All charges must be supported by the medical record documentation for the patient. Charges must be entered based upon services rendered, rather than upon services ordered. Charges must also be entered within reasonable time frames, according to the parameters established by hospital policy.

Medical Record Coding

Codes assigned by the Health Information Management Department are reported to various regulatory agencies as well as payers. Codes are also assigned through the charge entry process and are also reported to various agencies. These codes may be used to determine coverage and payment. All medical record-related codes must be assigned to a patient account based upon the documentation available in the medical record. Assignment of codes for conditions or procedures that are not documented is not allowed. If an intentional misrepresentation of a patient's condition or the services provided is found, disciplinary action may be taken, up to and including termination.

Billing of Third Parties

The intentional submission of any claim for payment that is false, fraudulent, inaccurate, incomplete or fictitious will not be tolerated. There are strict federal and state laws and regulations governing third-party billing of our insured patients. Baptist Health and its employees can be prosecuted for intentionally filing inaccurate claims for reimbursement, which carries extremely large civil fines, criminal penalties or both.

Our Code of Ethics requires:

- Employees who perform billing and coding to take every reasonable precaution to ensure that their work is accurate, timely and in compliance with the applicable Baptist Health policies and federal and state laws and regulations;
- Baptist Health to correct the bill as appropriate if inaccuracies are discovered in bills that have been submitted;
- Baptist Health to bill only for services actually rendered and that are appropriately documented in patients' medical records, using only billing codes that accurately describe the services provided; and
- Baptist Health to ensure that all claims to Medicare, Medicaid and other federal and state programs are for services that are medically necessary (to the extent reasonably possible) and properly documented.

The following are examples of unacceptable billing practices:

- Knowingly and willfully making, or causing to be made, any false statement or representation of material fact in any bill, claim or report submitted to a third-party payer;
- Concealing or failing to disclose an event affecting the right to or amount of a payment, with the intent to fraudulently secure payment in an amount greater than is due or when no such payment is authorized;
- Presenting, or causing to be presented, a false or fraudulent claim; and
- Submitting requests for payment in violation of the terms of an assignment or an agreement with the payer.

You are obligated to notify your supervisor or manager, or the Audit and Compliance Department, of any requests to deviate from accepted billing practices or about any questions you may have in this area.

False Claims Act

The federal government enacted the False Claims Act (FCA) to prohibit the knowing submission of false or fraudulent claims to the federal government, including Medicare. Penalties for violating the FCA can be up to three times the amount of the payment received on the claim, plus additional amounts up to $11,000 per false claim. False claims can also result in exclusion from the Medicare and/or Medicaid programs. The state of Florida has enacted a similar law, which also includes penalties for individuals or entities that submit false or fraudulent claims to the state or to Medicaid.

In order to prevent violations of the federal and Florida FCAs, we have established policies and procedures that reinforce our commitment to the highest ethical standards when it comes to submitting claims for payment to any payer. These policies and procedures are available on the Intranet and are summarized in our Code of Ethics. Consistent with the FCA, we encourage employees, vendors and contractors to report to us suspected improper conduct. We protect from retaliation any employee, vendor or contractor who reports to Baptist Health a suspected violation. Potential violations may be reported directly to any member of management or anonymously via the Compliance Hotline or online at MyComplianceReport.com (enter Access ID BHS).

Quick Tip

- Claims to payers must be completed accurately and supported by the medical record documentation.
- Errors must be corrected as appropriate.
- BHSF Policy 845 Compliance With Regulations Governing Third-Party Billing.

The Audit and Compliance Department is the department primarily responsible for investigating allegations of misconduct. The department charter sets out the mission for the department and describes its responsibility to assist in the prevention and detection of fraud, waste and

abuse. The department performs proactive audits, provides training and performs investigations, all under the guidance of the Audit and Compliance Committee of the Baptist Health Board of Trustees. The policies and procedures addressing Baptist Health's commitment to, and the department's role in, the prevention and detection of fraud, waste and abuse are available on the Intranet.

Record Keeping

All Baptist Health records (financial, clinical and employee) must be accurate, timely, reliable and properly stored. All assets, liabilities, revenue and expenses must be recorded in the books of the health system. All transactions must be appropriately documented and all assets must be used for the purpose approved.

An employee's signature (manual or electronic) means that the documentation accurately reflects the data it represents. For example, a supervisor's signature on a timecard or expense report means that the data has been reviewed and that steps have been taken to verify the validity of the hours or expenses reported and the accuracy of the cost center allocation of those expenses. The Code emphasizes the need for honesty, integrity and accuracy in our conduct and in all of our transactions. The accuracy and thoroughness of Baptist Health's records are an essential element of sustaining high ethical, professional and legal business practices.

Policy Link

- BHSF Policy 845 Submission of Accurate Information to Government Payers — False Claims Act.
- BHSF Policy 451.01 Records Retention.
- BHSF Policy 451 Document Hold Orders.

Business Record Retention

Baptist Health has created a policy to provide for the routine and orderly maintenance of records that are needed for legal, financial or operational purposes. The Legal Department has created a records retention schedule that outlines the types of records to be maintained and the retention periods. Documents that pertain to an actual or threatened litigation or investigation are safeguarded and not destroyed.

Quick Tip

- Be aware of patient privacy — avoid unintended disclosures.
- Safeguard computer passwords and user IDs — do not share.
- Dispose of documents properly, keeping in mind privacy laws.
- Access only the information needed to perform your job duties.
- The Privacy Office is available at 786-596-8850.

Confidentiality — Patient Information and Records

Our profession requires that we gather a great deal of personal and health information about patients. The Health Insurance Portability and Accountability Act (HIPAA) gives patients and consumers specific rights to privacy and limits the use of individually identifiable health information. We must carefully avoid any unnecessary invasion of the patient's right to privacy. The inappropriate release of patient information in any form may be harmful to the patient and to Baptist Health. We must also protect patient information that, if improperly accessed, could be used to illegally obtain goods, services or cash. This includes health or contact information about a patient or data such as a Social Security number or credit card number. The inappropriate release of patient information may subject you to civil and criminal prosecution, as well as termination from Baptist Health.

In order to protect patient information from inappropriate disclosure, you are expected to:

- Limit your access to, and use of, patient information to that required by your duties, permitted by law and authorized by Baptist Health;
- Use only legitimate and authorized means to collect patient information and, whenever practical, obtain it directly from the patient;
- Release information concerning patients in drug and alcohol treatment programs and information regarding a patient's HIV status only in accordance with special confidentiality rules and laws that apply to this information;
- Refrain from revealing any patient information unless supported by legitimate business or patient care purposes as defined by Baptist Health;
- Not discuss health information about a patient with any person inside or outside Baptist Health unless it is in connection with your work, permitted by law and authorized by Baptist Health;
- Be aware of your surroundings and guard against visitors and third parties needlessly overhearing patient health information; and

- Not remove, send or electronically transmit a patient medical record, or a copy, from a designated storage facility or department without the authorization of a supervisor or other designated official.

The Privacy Office has developed policies and procedures that define our privacy practices. Patient and employee complaints of privacy violations may be reported through the HIPAA Privacy Hotline at **786-596-8850**.

Confidentiality — Business Information and Records

All business records of Baptist Health are proprietary and confidential, and certain records must be maintained in compliance with the law. Federal and state laws also require that Baptist Health maintain certain business records for minimum periods of time. In addition, Baptist Health often has a need to locate various business and corporate records on short notice. Therefore, you must limit your access, use and disclosure of business information and corporate records to that required to perform your duties as an employee of Baptist Health. You must not remove or electronically transmit business or corporate records, or copies of such records, from any department of the health system without authorization of the appropriate manager.

Confidentiality — Electronic Records

The availability of electronic records such as medical record information and business records brings with it increased potential for inappropriate access. All employees are required to take the appropriate actions to safeguard against unauthorized access to electronic records. Passwords issued to an employee are for that employee's use only to complete assigned duties. Due care must be taken to protect the confidentiality of passwords assigned to you. In addition, reasonable precautions must be taken to protect against unauthorized access to work areas where confidential information may be available or displayed.

Social Media

Social media is a broad term meant to cover the use of technology for social interaction, including the construction of words and pictures. Some examples of social media are Facebook, LinkedIn, Wikipedia, chat rooms, blogs, Listserve and Internet bulletin boards. As an employee of Baptist Health, you have access to all kinds of confidential information, such as business records, patient information and marketing strategies. Employees, contractors, vendors and volunteers are prohibited from using social media to disclose confidential patient and business information. Users of social media who indicate they are associated with Baptist Health must clearly specify that any opinions expressed are their own and not those of Baptist Health. All external representations of Baptist Health must first be authorized by the Marketing Department.

Marketing and Public Relations

Baptist Health's marketing and public relations information is truthful and is not intended to mislead. Claims about Baptist Health services are based on facts.

Competitive Practices

Baptist Health strives to have good relationships with other healthcare providers and complies with all applicable laws pertaining to antitrust and competition. Such laws generally forbid any kind of understanding or agreement, whether written or oral, between competitors to fix or control fees for services, terms or conditions of treatment, or to engage in any other conduct that restrains competition.

You must not discuss proprietary or confidential information, such as pricing policy, terms and conditions, costs, inventories, marketing and product plans, market surveys and studies, production plans and capabilities with anyone outside of the organization.

Baptist Health competes fairly in the market. We will not agree with a competitor about what prices to charge, whom to call on for sales and what services to offer. The following are examples of prohibited activities:

- Attempts to unlawfully monopolize the provision of medical services;
- Predatory fees (fees set at unreasonably low levels to drive out or keep competitors out of the market);
- Telling a supplier that Baptist Health's decision to purchase goods or services is dependent upon the supplier's seeking medical services from Baptist Health;
- Other tying arrangements (conditioning the purchase or sale of one product on an agreement to do other business with Baptist Health); or
- Paying an unaffiliated healthcare provider cash or giving gifts as an incentive to promote Baptist Health's services.

Political Contributions

Since many of our business entities are tax-exempt, you may not donate funds, products, services or other resources of any of our tax-exempt entities to any political cause, party or candidate. You may voluntarily make personal

contributions to any lawful political cause, party or candidate. Your personal contribution must not be represented as coming from Baptist Health, and you must not obtain the money from Baptist Health for the specific purpose of making the contribution.

Safeguarding and Proper Use of Assets

You are personally responsible and accountable for the proper use of our funds and property. Each employee is responsible for taking measures to protect computer systems and networks from unauthorized use, access or modification of software. Baptist Health also requires employees to protect patient and other customer property and information to the extent possible.

Our employees are expected to:

- Be personally responsible and accountable for the proper expenditure of Baptist Health's funds and the proper use of system property.
- Use supplies, equipment and property bought and owned by Baptist Health for business purposes only. Unauthorized use of Baptist Health property is considered theft.
- Use computer systems' software and hardware that Baptist Health owns or operates to conduct business.
- Follow the requirements of software copyright licenses and corporate policies on software usage.
- Dispose of surplus, obsolete or junked property in accordance with our policies and procedures. Unauthorized disposal of property is a misuse of assets.

Use of a Baptist Health computer does not guarantee personal privacy.

International Transactions

The Foreign Corrupt Practices Act (FCPA) establishes guidelines for conducting business with entities outside the United States. Provisions of the Act apply to any agent or U.S. citizen transacting business with a foreign official. All employees or agents of Baptist Health are required to conduct international transactions in accordance with our Code of Ethics, including the standards set forth in the FCPA.

Requests for Information — Regulatory/Government Agencies

All requests for information from any regulatory or government agency must be complied with in an accurate and timely manner, following the laws and regulations that apply. Any nonroutine request, such as a subpoena, affidavit, warrant or letter from a regulatory or government agency must be immediately referred to the Legal Department or to Audit and Compliance. Any notification of a violation or citation from a government agency that alleges a violation related to the topics covered by our Code must be referred to the Legal Department or the Audit and Compliance Department for immediate attention.

We will cooperate with all valid and appropriate government inquiries or investigations concerning the legal or business practices of Baptist Health. Employees should not obstruct any government request for information, audit or investigation of Baptist Health.

Our employees must fully cooperate with all internal and external audits conducted, including Audit and Compliance Department audits and investigations.

Requests for Information — News Media

Any request for information from a news or other media source should be referred to the Marketing and Public Relations Department.

Policy Link

- BHSF Policy 850 Appropriate Routing of Requests for Information and Notifications of Billing Discrepancies by Federally Funded Programs.

In Closing

Our goal is to provide quality, comprehensive, cost-effective and advanced healthcare services that meet the needs of the patients and communities we serve. Baptist Health is committed to providing a high level of ethically and professionally competent services and promoting the best possible state of health for our patients and communities. These services are provided according to the highest ethical standards.

Anyone who suspects a violation of our ethical standards has a duty to report that suspected violation. Your established chain of command is available to you as an option for reporting concerns. If you prefer to make an anonymous report, the Compliance Hotline is available 24 hours a day, seven days a week. Call anytime.

Compliance Hotline • 888-492-9329

Email inquiries may be sent to: ContactCompliance@BaptistHealth.net

BaptistHealth.net

© Baptist Health South Florida
0097 PR-Y 12/2013

Printed on recycled and mixed-source paper
using vegetable-based inks. Please recycle.

Baptist Health
South Florida