



ST. CHARLES

CODE OF CONDUCT



CODE OF CONDUCT

At St. Charles,

one of our beliefs is “the work we do is greater than ourselves.” To us, that means working together every day to have an impact on the lives of others.

We consider it a privilege to care for our community, and with that privilege comes responsibility. Our Code of Conduct helps guide our expected behavior while working for St. Charles. It applies to St. Charles’ Caregivers, directors, officers, and volunteers, as well as all health care professionals, agents, representatives, contractors, vendors, persons and organizations contracted to provide products or services to the health system.

It is important that you read and understand the Code of Conduct and strive to follow it. At the heart of the Code is an expectation that you will conduct yourself professionally, be honest and straightforward, and report noncompliant behavior to the proper authority. We also ask (and require) that you sign an acknowledgement form when you’re hired and annually thereafter when completing your compliance education.

Thank you for being part of the St. Charles family.

St. Charles Executive Care Team

Table of Contents

LEGAL & GOVERNMENTAL REQUIREMENTS	4
Compliance with Laws and Regulations	4
Federal Anti-Kickback Statute (AKS)	4
Federal Stark Law	4
Federal False Claims Act	4
Oregon False Claims Act	5
Oregon Public Assistance including Medicaid Antifraud Statute	5
Oregon Whistle Blower Protections	5
Federal and State Antitrust Laws	6
Improper Use of Funds	6
Conflict of Interest	6
Confidentiality of Information	6
Government Investigations	6
WORK ENVIRONMENT & SAFETY	7
Environment	7
Safety	7
Patient Rights and Education	7
Federal Emergency Medical Treatment and Labor Act (EMTALA)	7
Marketing	8
Protecting St. Charles Health System Assets	8
Accuracy of Records	8
Coding & Billing Practices	8
Information Security & Privacy: HIPAA & PHI	9
Common Questions	10
Reporting Concerns or Violations: No Retaliation	10
Reporting Substantiated Compliance Violations	10
Enforcement and Disciplinary Action	11
Caregiver Reporting	11

LEGAL & GOVERNMENTAL REQUIREMENTS

Compliance with Laws and Regulations

St. Charles conducts its business in accordance with all applicable laws and regulations. Compliance with all laws and regulations does not constitute the organization's entire ethical responsibility. Rather, it is a minimum and an essential condition for the performance of St. Charles duties.

Federal Anti-Kickback Statute (AKS)

The federal Anti-Kickback Statute is a criminal statute that prohibits the exchange (or offer to exchange), of anything of value, in an effort to induce (or reward) the referral of business reimbursable by federal health care programs. St. Charles prohibits any payment that may appear to be a bribe, kickback, or incentives. We prohibit any payments or items of value given to physicians or other parties to influence the flow of referrals to St. Charles.

The Anti-Kickback Statute applies to any federal health care program including but not limited to Medicare.

- To violate the AKS, you must have intended to do so.
- The Anti-Kickback Statute applies to any referral source, not just physicians.
- Both parties involved in a transaction or arrangement that violates the Anti-Kickback Statute can be subject to civil fines and criminal prosecution.

Federal Stark Law

In addition to the Anti-Kickback Statute, the physician self-referral laws (Stark Laws) are a set of United States federal civil laws that prohibit physician self-referral, specifically a referral by a physician of a Medicare or Medicaid patient to an entity providing designated health services if the physician (or his/her immediate family member) has a financial relationship with that entity. These two laws are similar in some ways and St. Charles prohibits any payments or items of value given or paid to a physician or other parties to influence referrals to St. Charles.

- The Stark Law is exclusively a civil enforcement statute.
- The Stark Law is limited to only "Designated Health Services" paid for by Medicare.
- The Stark Law is a strict liability statute, which means that intent is not required to violate that law.
- A violation of the Stark Law must involve a referral relationship between a physician/physician group with St. Charles.

Federal False Claims Act

The Federal False Claims Act is the U.S. Government's weapon for combatting all types of fraud that might result in financial loss to the United States. It allows whistleblowers to sue persons or entities who knowingly defraud the government and recover damages and penalties on the government's behalf as well as job protection against retaliation.

"Knowingly" means that a person: (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information.

Violation of the FCA is punishable by a civil penalty of \$11,665 to \$23,331 for each false claim, plus up to three times the damages sustained by the United States for each such claim. Additionally, direct involvement in false claims behavior allows the federal government to exclude the organization or individual from participation in Medicare, Medicaid (OHP) and all other federal health programs.

Federal law prohibits an employer from discriminating against an employee in the terms or conditions of his or her employment because the employee initiated or otherwise assisted in a false claims action. To aid in the prevention and detection of waste, fraud, and abuse against federal health care programs, state and federal law make it an unlawful employment practice for any employer to prohibit any employee from disclosing or take or threaten to take disciplinary action against an employee for such a disclosure.

Oregon False Claims Act:

Oregon's False Claims Act (the "OFCA") is similar to the federal False Claims Act and prohibits any person or entity from submitting a false or fraudulent claim to any public agency, including Oregon's Medicaid program. The OFCA makes it unlawful for any person or entity to commit any of the following acts:

1. Knowingly means the actual knowledge, deliberate ignorance, or reckless disregard of the false or fraudulent nature of the claim.
2. Knowingly present or cause to be presented a false claim for payment or approval of such payment.
3. Knowingly use a false record or make a false statement in connection with presenting a claim.
4. Agree to or conspire with others to knowingly present a false claim for payment.
5. Knowingly deliver, or cause to be delivered property to a state public agency in an amount that is less than the amount for which the person receives a certificate.
6. Knowingly make a false or fraudulent statement to conceal or avoid an obligation to pay a state public agency; and
7. Fail to disclose a false claim that benefits the claimant within a reasonable time after discovering the false claim.

Violations of the OFCA will result in liability to the State for the costs of a civil action brought to recover any penalties or damages under the OFCA and a civil penalty equal to the greater of \$10,000 or twice the amount of damages incurred by State for each violation.

Oregon Public Assistance including Medicaid Antifraud Statute:

Oregon's Medicaid program statutes prohibit any person from submitting a fraudulent, false, or duplicative claim for payment with respect to any Oregon public assistance program administered by Department of Human Services or the Oregon Health Authority, including Medicaid. A person found to have violated this prohibition is liable to the State for three times the amount of damages incurred by the State. A person who accepts an overpayment in connection with the Medicaid program is liable to refund or credit the amount of the payment to the issuing authority. The Department of Human Services and the Oregon Health Authority each may prosecute civil actions to recover these damages. See ORS 411.675, 690.

Oregon Whistle Blower Protections

Oregon prohibits an employer from retaliating against an employee that lawfully discloses information regarding a violation of any state or federal law. Retaliation includes discharging, demoting, suspending, or in any way discriminating against an employee or agent because the employee or agent has made a good faith report of a potential violation. An employee or agent that has been retaliated against may file a civil action for injunctive or equitable relief, including reinstatement, back pay, compensatory damages, punitive damages, litigation costs and reasonable attorney's fees. See ORS 659A.096 and ORS 659A.865.

Federal and State Antitrust Laws

Antitrust is a term for strict federal and state laws that protect the free enterprise system. It is unlawful to agree, or attempt to agree, with competitors to fix prices, divide geographic markets or make any agreement that raises the price of services or improperly reduces competition. Antitrust laws also prohibit boycotting suppliers and customers, pricing intended to run a competitor out of business, and disparaging, misrepresenting, or harassing a competitor.

Oregon also has a significant body of antitrust laws in addition to what is proscribed and enforced by the Federal Trade Commission.

St. Charles is committed to strict compliance with antitrust laws.

Improper Use of Funds

St. Charles prohibits any payment that may be viewed as a bribe, kickback, or incentive. 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 items of value given to physicians or other parties to influence the flow of referral to St. Charles are strictly prohibited.

Conflict of Interest

A Conflict of Interest arises when a Caregiver's personal interest, financial or otherwise, could be reasonably viewed as actually or potentially affecting or influencing his or her objectivity, independence or judgment in fulfilling his or her duties to St. Charles or an Affiliate.

Caregivers may not accept cash or cash equivalents from vendors, or from patients or their family members, above small tokens of appreciation having nominal value. Examples of acceptable tokens of appreciation include cards, flowers, and small boxes of candy. Caregivers may accept gifts from Caregivers who directly or indirectly report to them if of nominal value (less than \$100) and infrequent. Work with your supervisor or Chief Compliance and Privacy Officer to return any substantial gift or favor you have received.

Please refer to the [Conflict of Interest and Excess Benefit Transaction Policy #9513](#) and [Policy Governing Gifts and or Gratuities #4242](#).

Confidentiality of Information

Creating a trusting environment by respecting patient privacy encourages the patient to seek care and to be as honest as possible during a health care visit. Do not disclose any patient and other proprietary St. Charles information without proper authorization.

In addition, many laws strictly prohibit Caregivers from revealing confidential information learned or accessible at work to anyone not legally permitted to receive this information.

Not only are you showing your patients, providers, business partners and Caregivers a level of common courtesy by protecting their data, but you are also fulfilling your legal responsibility to prevent sensitive information from being leaked.

Government Investigations

St. Charles cooperates with all state and federal government investigations. If any person claiming to be a government investigator approaches you, please contact Administration and the Chief Compliance and Privacy Officer immediately 24/7. You must never:

- Destroy or alter any St. Charles documents or records in anticipation of a request for the document or record by a government agency or court.

- Lie or make false or misleading statements to any government investigator; or
- Attempt to persuade any other St. Charles Caregiver, or any other person, to provide false or misleading information to a government investigator or to fail to cooperate with a government investigation.

WORK ENVIRONMENT & SAFETY

Environment

St. Charles is committed to a work environment that supports honesty, integrity, respect, and trust in the treatment of every patient, community member, Caregiver, Physician, and Volunteer. St. Charles prohibits harassment or discrimination of any kind especially based upon race, color, religion, gender, age, national origin, disability, sexual orientation, gender identity or expression, pregnancy, veteran's status, genetic information, marital status, or any other legally protected classification. Everyone who works for or in St. Charles in any way, paid or as a Volunteer, must contribute to a positive work environment. Executives, Physician leadership and management personnel assume special responsibility for modeling the values reflected in St. Charles' mission statement and for supporting the development and maintenance of a culture, which fosters ethical conduct and excellence in the delivery of patient care.

Safety

St. Charles is committed to providing a safe, healthy, and drug-free work environment. St. Charles has a zero tolerance policy and strictly prohibits the use of alcohol, illegal drugs and/or controlled substances while on the job or in the workplace. Every Caregiver of the St. Charles team is responsible for compliance with health, safety and environmental laws and regulations. Handle all hazardous chemicals, infectious agents, and medical waste and low-level radioactive materials according to established control, storage, and disposal procedures. Always use the safety equipment, supplies, and devices provided by St. Charles.

Any accident or injury that occurs on the job, no matter how minor, is to be reported immediately to a Caregiver's Department Leadership. A Safety Alert System report must be completed for an injury or near miss before the end of the shift. Environmental or safety concerns must also be reported.

Patient Rights and Education

Patient rights which are required under the Center for Medicare and Medicaid Services' Conditions of Participation include, but are not limited to, compassionate, respectful care in a safe setting, being kept well informed of clinical updates, treatments, and the likely outcomes of these treatments. Patients have the right to accept or refuse a treatment and may choose to participate in a clinical research study.

St. Charles will provide patient care that is appropriate to meet the intended outcomes of the patient's treatment plan. It is critical to treat all patients with sensitivity, respect, and professionalism. Please refer to the Patients' Rights and Responsibilities Policy #3161.

Federal Emergency Medical Treatment and Labor Act (EMTALA)

EMTALA is a federal law, which all emergency departments, Caregivers, Providers, and others must follow.

EMTALA requires hospitals with emergency departments and family birthing centers to provide a medical screening examination to any individual who comes to the emergency department or family birthing center and requests such an examination and prohibits hospitals with emergency departments or family birthing centers from refusing to examine or treat individuals with an emergency medical condition. Please refer to EMTALA Rights and Responsibilities Policy #4830.

Marketing

St. Charles may use marketing, advertising, and public relations materials to educate the public, provide information to the community, increase the awareness of our services, and to recruit colleagues. The content of such materials will be truthful, accurate, complete, and sensitive to the health care needs of the public. All marketing and advertising activities should be initiated or coordinated by the Communications and Marketing Department.

False or misleading statements or statements that might lead the public to draw false conclusions about St. Charles facilities, its competitors, or other health care providers are unethical and unacceptable.

St. Charles will take reasonable steps to prevent copying or unauthorized use of copyrighted or licensed materials. Caregivers are expected to safeguard all proprietary information entrusted to St. Charles.

Protecting St. Charles Health System Assets

St. Charles property, facilities, and equipment (e.g., office equipment, computers, and software) are available to Caregivers for authorized business and patient care purposes and should not be routinely used for personal reasons. Any personal use, to the extent permitted, must be consistent with St. Charles's written policy, must be reasonable, ethical, and legal, and must not interfere with a workforce member's responsibilities or productivity. Caregivers may not use supplies, as well as other types of property such as St. Charles records, patient information, and customer lists or any commercial use of St. Charles assets unrelated to St. Charles. Caregivers must always maintain and properly care for St. Charles property.

Property owned by St. Charles must not be removed from St. Charles' premises without proper authorization. The property must be returned to St. Charles as soon as it is no longer needed off-site for St. Charles' business purposes. Violations of this policy, which includes selling or taking any St. Charles property for personal use of gain, may lead to corrective actions, up to and including termination.

Accuracy of Records

St. Charles will maintain accurate, timely, and complete medical and business records. Services to patients will be promptly documented in the patient medical record and such documentation shall conform to the current acceptable standards as defined by policy and regulations. Caregivers may not enter in false or misleading information.

Caregivers and their supervisors are responsible for accurately recording and paying all labor, supplies and other costs.

Coding & Billing Practices

Caregivers must accurately and completely code all services provided by St. Charles to ensure both proper billing and the integrity of billing records and medical database. Billing must comply with the requirements of state and federal payers and conform to all payer contracts and agreements. Caregivers involved with coding and billing must attend up-to-date education on these practices to keep current and ensure accurate and timely billing for all payers. Only trained clinical, administrative, and clerical staff should be involved in the preparation of and/or the submission of charge or billing data.

Caregivers will document in each patient's medical record all services rendered by St. Charles. Medical records may be "altered or deleted" to correct an error or complete documentation only in accordance with state and federal law, and with St. Charles policy. Caregivers will maintain all billing data and medical records for periods described by law, or longer if designated by St. Charles.

If you suspect that improper billing or documentation is occurring, immediately alert your supervisor and/or the Chief Compliance and Privacy Officer. Additionally, any person may contact St. Charles' confidential and anonymous hotline (EthicsPoint) if the issue remains of concern.

Privacy: HIPAA & PHI

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 is a federal statute that was created to protect the privacy of a patient's personal and health information, provide for electronic and physical security of personal and health information, and simplify billing and other transactions.

All clinical and non-clinical Caregivers must follow HIPAA. Specifically, each Caregiver must protect the personal and health information of all our patients. Under HIPAA, PHI is considered to be any identifiable health information that is used, maintained, stored, or transmitted by a covered entity in relation to the provision of healthcare or payment for healthcare services. HIPAA refers to this information as Personal Identifiable Information (PII) or Protected Health Information (PHI).

Caregivers may access, use, and disclose PHI only as needed to perform their legitimate job duties. Caregivers may not access PHI for personal reasons, even if the PHI relates to themselves or their immediate family members. Caregivers must use caution to prevent their family members and friends from accessing facilities, rooms, computers, devices, documentation, and media that contain PHI. St. Charles expects all Caregivers to protect patient and other Caregiver information and to always follow the St. Charles privacy and security policies, even when they are not currently working.

A Caregiver must not share or give anyone his or her passwords. When logging off a computer or completing work, all records that contain PHI must be secured. All paper that contains PHI must be destroyed, shredded, and put in a designated bin for proper destruction.

Any questions or concerns can be addressed through the St. Charles Chief Compliance and Privacy Officer, the Compliance and Privacy Officer, or the System Privacy Officer.

HIPAA, combined with state laws, prevents the release of any PHI except for treatment, payment, and health care operations. Subject to emergency exceptions, patient privacy should be protected, and PHI should be released only to persons authorized by law or with the patient's written authorization. For example, you should:

- Not permit or provide access to a patient record by individuals who are not directly involved as members of the patient's care team.
- Not give or remove PHI in any format to anyone without proper written authorization.
- Not leave PHI, in any form (paper or electronic), unattended or easily accessible to individuals unauthorized to view the information.
- Not discuss patient cases in a public area where a conversation may be heard by others, or in an electronic forum that is open to the public.
- Not access Caregivers or other associates' medical records when they are receiving medical care at our facilities, unless it is for treatment, payment, or health care operations.

Caregivers who engage in unauthorized access or disclosure of PHI will be subject to disciplinary action up to and including termination of employment. Individuals may also be subject to civil or criminal penalties under HIPAA.

Common Privacy Questions

1. **May a Caregiver with electronic medical record access at St. Charles access their own personal health information (PHI) or that of a friend, family, minor child or co-worker?**

Answer: No, unless a legal exception applies. Just because a Caregiver has the ability to view PHI from a computer system does not mean they have the right to view the PHI. St. Charles has established policies for the viewing of PHI. Caregivers must abide by these policies even when the PHI at issue is their own PHI or the PHI of a friend, family member, minor child or co-worker. If a Caregiver has a concern regarding PHI access, their Department Leadership should be contacted immediately.

2. **How can a Caregiver access their personal medical record or lab reports, or the medical record or lab reports of a family member or friend?**

Answer: Caregivers must go to the Health Information Management (HIM) Department or the Lab and complete a Release of Information form to obtain their own records, or may access their own records through their St. Charles MyChart account. A Caregiver may not access nor receive the records of any other family member or friend, unless they have been authorized to do so in a Release of Information form signed by that person..

3. **May a Caregiver view a patient's medical record after their treatment relationship with the patient has ended, just to make sure that they are doing, OK?**

Answer: No. Caregivers who are not currently providing care for the patient are not allowed to view a patient's personal health information. If Caregivers are unsure about their right to view a patient's records, they should consult with their Department Leadership before accessing the records.

Reporting Concerns or Violations: No Retaliation

St. Charles prohibits retaliation and will take no adverse action against persons for making a compliance and privacy report in good faith, no matter the outcome of the investigation. St. Charles encourages every person to take the steps they feel necessary to report potential false claims, coding and billing errors, documentation errors, or any Code of Conduct violations to St. Charles.

State, federal law, and St. Charles policy prohibits retaliation for reporting any potential compliance violation or concern to the state or federal government.

Reporting Substantiated Compliance Violations

If the Chief Compliance and Privacy Officer or management discovers credible evidence of misconduct from any source and, after a reasonable inquiry, has reason to believe that the misconduct may violate criminal, civil, or administrative law, St. Charles will, where required under federal or state law to do so, promptly report the existence of such misconduct to the appropriate governmental authority within a reasonable period after determining that there is credible evidence of a violation. Such prompt reporting will demonstrate St. Charles' good faith and willingness to work with the government to correct and remedy the problem.

The responsibility for investigating, reporting, and correcting problems that have been identified lies with the Chief Compliance and Privacy Officer and others involved in management of St. Charles. Caregivers have an obligation to report any inappropriate coding, billing, or other practices to a supervisor, who is obligated to take the matter seriously, the Chief Compliance and Privacy Officer or report the situation to our EthicsPoint hotline.

The Chief Compliance and Privacy Officer will be notified of all matters pertaining to the Code of Conduct and with respect to any compliance and/or patient privacy matters.

Enforcement and Disciplinary Action

Disciplinary action may be initiated against: (i) individuals who have failed to comply with St. Charles' Code of Conduct, compliance policies, federal or state laws or regulations; (ii) responsible individuals who fail to detect or report an offense; and (iii) those who have otherwise engaged in wrongdoing that has the potential of impairing St. Charles' status as a reliable, honest, trustworthy provider.

Disciplinary actions will include the process stated in the "Sanctions for Privacy and Information Security Violations" #7695.

If an investigation reveals that misconduct did occur, corrective action as appropriate and warranted under the circumstances may be initiated. St. Charles will take all reasonable steps to respond appropriately to the offense and to prevent further similar offenses, including any necessary modifications to the Code of Conduct and/or the Compliance Program.

Disciplinary actions, up to and including termination, will be decided upon by Human Resource Business Partners, as counseled and informed by the Chief Compliance and Privacy Officer and/or Legal.

Caregiver Reporting

It can be confusing knowing who to contact first about an issue. The St. Charles Assistance and Responsibility matrix offers general guidance about primary subject matter responsibility amongst several administrative services departments, and which of these departments can be contacted as a "first call." This document is found and updated when changes occur on CaregiverNet under Useful Links.

The success of the St. Charles Compliance Program depends on Caregivers reporting unethical, improper or illegal conduct. Caregivers are encouraged to bring any questions or concerns regarding compliance to their Department Leadership, Human Resources, Compliance and Privacy, or Legal departments. However, Caregivers and others may also report questions or concerns through EthicsPoint, a corporate hotline system that is available seven days per week, 24 hour per day.

Caregivers may complete an EthicsPoint report anonymously. Information received through the hotline is used to identify and inform investigations into conduct that may violate applicable laws, regulations, policies, standards or codes. To the extent possible and appropriate, St. Charles will not reveal the identity of anyone reporting a possible violation. Confidentiality, however, cannot be guaranteed.

Confidentiality and requests to remain anonymous are available for all reporting to the EthicsPoint or the Compliance and Privacy Department.

EthicsPoint (Hot Line) 1.888.373.2221
<https://secure.ethicspoint.com/domain/media/en/gui/20854/index.html>

Compliance and Privacy direct line: 541.706.5932
Compliance and Privacy email: ccomplianceandprivacyemail@stcharleshealthcare.org