Baptist Hospital
Corporate Compliance Module
Annual Required Education

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Prepared by the Audit and Compliance Department
Introduction
The Mission Statement of Baptist Health provides the basis for the organization’s ethical standards.

Mission Statement

Our Mission

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. Baptist Health is a faith-based organization guided by the spirit of Jesus Christ and the Judeo-Christian ethic. We are committed to maintaining the highest standards of clinical and service excellence, rooted in the utmost integrity and moral practice.

Consistent with its spiritual foundation, Baptist Health is dedicated to providing high-quality, cost-effective, compassionate healthcare services to all, regardless of religion, creed, race or national origin, including, as permitted by its resources, charity care to those in need.

Our commitment to excellence begins with our commitment to the highest ethical standards. No organization can achieve its mission without the commitment of each and every employee. It is through our employees that we succeed in reaching our goals. Baptist Health’s Code of Ethics provides general guidance and direction regarding ethical and legal business practices and behavior. It is the foundation of our Corporate Compliance Program. Every employee is expected to be familiar with, understand and follow the principles set forth in the Code.

Since the importance of ethical and legal behavior in the business world cannot be understated, Baptist Health requires annual compliance training for all staff members.

In order to assist in facilitating this training, Audit and Compliance has designed this general principles defined audience is general employees who are in annual training on topics that management.

The intended healthcare staff. Those management positions receive are meaningful to those in
The information contained in this booklet should be reviewed in conjunction with the Code of Ethics. After reading through these documents, the self-study test should be taken, recording your answers on the answer sheet. Your supervisor or manager will then grade your answer sheet and help you to correctly answer any questions you may have missed. You should then sign the affidavit to document that you have read the Code of Ethics. Your manager will then sign the affidavit and forward it to Organizational Learning. Annually, and prior to your performance evaluation, you must complete your required compliance education.

**What do we mean by compliance?**
Compliance means following a rule or request. In the healthcare setting, when we speak of compliance we refer to following the rules, regulations, policies and laws created by the government, insurance programs and payers.

**What do we mean by ethics?**
When we refer to ethics, we simply mean doing the right thing. Ethics goes beyond what is allowed by laws and regulations. Ethics takes into account the moral values Baptist Health has adopted at the center of our philosophy to provide high-quality patient care in an ethical, professional and legal manner.

**What is Baptist Health’s philosophy regarding compliance and ethics?**
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 health professions employed by the system. We will not pursue any business opportunity that requires unethical or illegal activity.

**How does Baptist Health inform its employees of our commitment to ethical and legal conduct?**
Baptist Health’s Code of Ethics describes our commitment to the highest ethical and legal standards and provides guidance to our staff regarding issues that they may face. The Code is available on the intranet, the internet, and is mailed to all employees, vendors, physicians and governing boards on a periodic basis.

**What is the Corporate Compliance Program?**
The Corporate Compliance Program is our practical means of monitoring activities to make sure they follow our Code of Ethics.
The Program includes the elements of an effective compliance program as defined by the U.S. Federal Sentencing Guidelines. The elements of our Compliance Program are:

1. Written standards of conduct and policies and procedures.

2. Designation of a Chief Compliance Officer with direct access to the Board of Trustees.

3. Education and training for all new hires, with annual training for all staff.

4. Processes to receive anonymous complaints and to allow complaints from staff without fear of retaliation, such as a hotline.

5. Systems to respond to allegations of wrongdoing and to enforce disciplinary action against employees who have violated the Code.

6. Audits to identify potential problem areas.

7. Effective means to take corrective action to remedy any weaknesses that may be found within our processes that could lead to violations of our Code.

Why do we have a Corporate Compliance Program?
Baptist Health has established our Corporate Compliance Program to assist our organization in promoting our commitment to the highest ethical and legal standards. The Corporate Compliance Program provides education related to our Code and other topics related to compliance as needed, conducts investigations into alleged wrongdoing, and performs monitoring activities, such as audits, to assess areas of risk within the organization. It is through this pro-active approach that we are able to maintain the highest ethical standards.

How do I know if a decision I make meets the requirements of our Code?
It is sometimes difficult to determine what the right decision is. There could be two possible actions to take, both with their benefits and drawbacks. If you take a moment to consider your options and ask yourself a few questions, it may make your decision easier.

1. Is there a law or regulation that governs the situation? (If there is, then the law should be followed at all times.)

2. Is there an internal policy or procedure that governs the situation? Would my action be consistent with Baptist Health’s commitment to the highest ethical standards?
3. How would my actions be seen by someone outside the organization?

4. Would I feel comfortable explaining my actions to my friends and family?

5. What would the most ethical person I know do?

**What is the rationalization trap?**

Sometimes it is difficult to choose the “right” decision. Doing the right thing is not always easy. We all have faced situations where we are tempted to take the easy way out even if it is not the best way. Try to avoid these excuses for behavior that might not meet the requirements of our Code.

⇒ All the other hospitals are doing it this way.

⇒ No one will ever know.

⇒ I don’t have time to do it the right way.

⇒ I saw my supervisor doing it the other day.

⇒ That policy isn’t meant to apply to me.

⇒ After all I have given the organization, I deserve something in return.

**Who can help me when I am not sure if a situation meets the requirements of our Code?**

If you need help figuring out if there is a law, regulation, policy, procedure or standard that would affect a situation you are faced with, there are many resources available to you.

⇒ Discuss the situation with your supervisor.

⇒ Contact Audit and Compliance.

⇒ Contact the Legal Department.

⇒ Contact Human Resources.

⇒ Contact the Compliance Hotline.
Who is the Chief Compliance Officer?
Karen Brady, Corporate Vice President, has been designated the Chief Compliance Officer. Ms. Brady reports directly to the Audit and Compliance Committee of the Board of Trustees.

What department administers the Corporate Compliance Program?
Audit and Compliance administers the Corporate Compliance Program. Under the direction of Karen Brady, the department carries out the tasks required under an effective compliance program. Some of these activities are education and training, audits, and investigations of alleged wrong-doing.

What is my responsibility when it comes to Compliance?
EVERY employee is required to follow the Code of Ethics. That means we all must obey all laws and regulations that govern our organization. We are also required to conduct our activities under the highest ethical standards. If you are aware of the violation of the Code, it is your OBLIGATION to report it. Violations of our Code are taken very seriously and may lead to disciplinary action up to and including termination.

What types of laws and regulations are we generally talking about when we talk about Corporate Compliance?
The number of laws and regulations that apply to healthcare organizations are too numerous to count. Many of the laws and regulations that are usually thought of in terms of compliance are put forth by the federal government. Healthcare fraud has become the focus of many national investigations over the past few years. Frequently, the investigations focus on the intricate regulations related to filing claims for payment of services. There are other laws and regulations that may impact the general healthcare staff on a day-to-day basis.

What is the 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 who submit false or fraudulent claims to the state or to Medicaid.
How does Baptist Health prevent violations of the False Claims Act?
Baptist Health has 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 without fear of retaliation.

What is healthcare fraud?
Generally, when you hear the term healthcare fraud it is referring to an intentional deception or misrepresentation that could knowingly result in benefit to the individual or the organization the individual represents. Some examples of fraud include:

✓ Billing for services or supplies that were not actually furnished.
✓ Signing blank records.
✓ Falsifying information on records.
✓ Selling Medicare numbers.
✓ Offering incentives to Medicare patients to receive services when the same incentives are not offered to non-Medicare patients.
✓ Offering bribes, payment or incentives in exchange for healthcare referrals.
✓ Misrepresenting services as covered and medically necessary when they are in fact not.
✓ Assigning diagnoses and procedure codes based upon coverage requirements and not based upon the actual services performed and the actual patient diagnoses.

What is healthcare abuse?
Abuse is very similar to fraud. In the healthcare arena, abuse consists of practices that lead to unnecessary costs to healthcare payers. Abuse is different from fraud in that with abuse there is no evidence that the act was committed intentionally and knowingly. Some examples of abuse are:

✓ Charging excessively for services or supplies.
✓ Providing medically unnecessary services or services that do not meet professional standards.
✓ Billing Medicare based upon a higher fee schedule than other payers.
Billing Medicare as primary when it is truly secondary.

What are some of the actions all healthcare workers should take to prevent fraud or abuse?

Much of the information that is entered into our computer systems ends up on the claims we submit for payment to the Medicare program. So, although you may not actually be the person who sends the claim out, the information you record may impact the information submitted for payment.

- Make sure that charges entered are for services and supplies that were actually rendered to the patient you are charging. Make sure there is adequate documentation in the patient’s medical record to support the charges.

- Make sure that the information entered in the medical record and the computer is accurate and complete. All entries in the medical record must be signed.

- If registering a patient, make sure you complete the Medicare Secondary Payer Questionnaire accurately and completely.

- Do not charge patients differently based upon the type of insurance coverage they have.

- Protect confidential healthcare information, including patient insurance numbers and Baptist Health provider numbers.

- Do not enter into arrangements with physicians that will reward them financially for the number of referrals to Baptist Health facilities.

- Do not disguise medically unnecessary services as medically necessary by inaccurate charging of the service provided, inaccurate documentation in the medical record, or inaccurate reporting of the patient diagnosis code.

- Immediately report any instances of suspected fraud or abuse to your immediate supervisor, the Audit and Compliance Department or the Compliance Hotline.

What is a conflict of interest?

A conflict of interest exists when your judgment could be affected because you have a personal interest, other than your compensation from Baptist Health, in the outcome of a decision over which you have influence or control. When we say personal interest, we mean that you or a member of your family could obtain financial gain as a result of the decision. Our decisions on vendors we do business with must not be influenced by gifts from the vendor.
Under no circumstances, should an employee accept cash gifts or gift certificates from any company doing business with or seeking to do business with Baptist Health.

Non-cash gifts, such as discounts, dinner or tickets to sporting events may be accepted AS LONG AS the value DOES NOT exceed $150 per occurrence and $300 per year from a single vendor. (You must ask for the value of the gift before you accept it.)

A potential conflict of interest exists when you or a member of your family works for or has a financial relationship with:

✓ A company that does business with Baptist Health.

✓ A company that is seeking to do business with Baptist Health.

✓ A company that competes with Baptist Health.

What is my responsibility when it comes to reporting a potential conflict of interest?

If you think you have a conflict of interest relationship with another company or the relationship of your family member with another company, complete the Conflict of Interest Disclosure Form.

✓ Management staff (manager and higher) are required to complete the form annually.

✓ All other staff is required to complete the form as soon as a potential conflict arises and annually thereafter.

✓ Management must discuss the Conflict of Interest Policy with their staff annually.

✓ Conflict of Interest disclosures are discussed with the Baptist Health Chief Executive Officers.

Can a vendor pay for my travel expenses?

A vendor may not pay for travel related expenses for employees. An employee may accept entertainment from a vendor while traveling, for example dinner or tickets to a baseball game, as long as the value of the entertainment does not exceed $150 per occurrence and $300 annually.

Can my professional organization pay for my travel expenses?

Many of our employees are members of professional organizations. If your organization offers to pay for your travel expenses to participate in a
meeting, that is acceptable, as long as your professional organization is not a vendor.

**Can I accept an honorarium?**
An honorarium is payment for a speaking engagement. Members of management are never allowed to accept an honorarium. Non-management employees may accept honorariums under limited circumstances which must be pre-approved by the employee’s manager.

**Can I accept a charitable contribution from a vendor?**
All charitable contributions from vendors must go directly to the Baptist Health Foundation. The contribution must be used to benefit a Baptist Health entity. Individual employees must not solicit or accept charitable donations from vendors. Under no circumstances, should a check be made out to an individual employee for a charitable contribution. All offers for donations should be referred to the Baptist Health Foundation.

**Can my department contribute to a political campaign?**
Since most of our Baptist Health entities are tax-exempt, the answer is no. We cannot contribute or donate any funds, services or products to any political cause, entity or candidate. You, as an individual, can make a personal donation to any cause that you support as long as you do not represent that the donation is coming from Baptist Health.

**What is EMTALA?**
The Emergency Medical Treatment and Labor Act (EMTALA) is a federal law that has strict requirements for hospitals regarding patients who come to the hospital seeking treatment for an emergency medical condition. The law requires that the hospital must provide a medical screening examination to every person who comes to the hospital requesting emergency medical care, without regard to the patient’s ability to pay. The hospital is also required to take action to stabilize a patient whose condition is life-threatening, again without regard to the patient’s ability to pay. Only after the patient has been properly screened and after any emergency condition has been stabilized may the hospital attempt to obtain financial information from the patient and/or attempt to make arrangements for transfer of the patient.

**What is HIPAA?**
The Health Insurance Portability and Accountability Act is a federal law that addresses many different aspects of healthcare. For all healthcare professionals, HIPAA sets out standards regarding protection of confidential patient data. Everyday that you report to work you have access to confidential information regarding our patients. We are required to take every precaution to protect the confidentiality of patient data.
Access patient information only to the extent that it is required in order to fulfill your job responsibilities.

Use only legitimate and authorized means to collect patient information and, whenever possible, 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 the special confidentiality rules and laws that apply in these circumstances.

Do not reveal any patient information unless it is as part of a legitimate business or patient care purpose.

Do not discuss health information about a patient with any person 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.

Protect the confidentiality of our patient’s medical records by accessing them only for legitimate patient care or business purposes.

Remember that employees who are treated in our facilities are our patients. Their records and health information are just as confidential as non-employees. Access their records only for legitimate business purposes.

What other types of records should be treated as confidential?
There are many reasons that other types of records must be treated as confidential. Antitrust laws forbid any kind of agreement between competitors to fix or control fees for services. Baptist Health will compete fairly in the market. Employees must not discuss confidential information such as pricing policy, costs, inventories, marketing plans, new service plans and current capabilities with anyone outside of the system. Records will be kept accurately, completed timely and will be made available as required under Federal and State law. Non-routine requests for records, either patient or business records, from any government agency, should be immediately forwarded to the Audit and Compliance Department.

What does payment for referral mean?
Baptist Health will not pay employees, physicians, other health care professionals or anyone else for referrals of patients. Payment could include cash or anything of value. We will not offer any type of payment in return for referrals to any of our facilities. Similarly, we will not accept payment for referring patients to another healthcare provider.
All decisions regarding patient care will be based solely upon the best interest of the patient.

Do the rules against payment for referral impact physician contracts?
Definitely. The Anti-kickback Statute prohibits payment for referrals from physicians. That is why no employee may take, offer or give anything to or from a physician in exchange for the referral of patients. Any contract with a referral source such as a physician cannot tie the amount the physician is paid to the number or value of referrals the physician makes. In addition, since most of our facilities are tax-exempt organizations, no individual may receive an undue private benefit as a result of their relationship with the tax-exempt organization. An undue private benefit would be payment above the fair market value for the services rendered.

How do I know if a physician contract meets the requirements of our Code?
Because of the number of laws that affect physician contracts and the complexity of the arrangements, all contracts with physicians must be approved by the Legal Department before they are finalized.

What do you mean when you refer to fair and equitable treatment of employees?
Baptist Health recognizes that the most important asset the organization has is its employees. Baptist Health will provide all employees non-discriminatory terms, conditions and privileges of employment in accordance with the law, regardless of race, color, religion, national origin, sex, sexual orientation, age, disability or any other factor protected by applicable law.

Does this philosophy apply to patients, too?
Absolutely. Decisions regarding patient care are made based upon patient health care needs. Baptist Health will provide consistently high quality patient care without regard to race, color, religion, national origin, sex, sexual preference, or ability to pay.

What do I do if a government agency asks for information?
First of all, Baptist Health will comply with all requests for information as required by law. All requests from any regulatory agency should be complied with accurately and timely and in accordance with the laws that govern such requests.

Requests from government agencies are sometimes received as part of your normal job functions. For example, if you work in Health Information Management, you may get requests from the Medicare program for medical records before a claim is paid. These types of requests are referred to as routine requests. Routine requests should be handled as part of your normal job function, and, of course should be completed timely and accurately.
Non-routine requests might be notification of an investigation, a subpoena, an affidavit, a warrant or a request for a list of records. Baptist Health will respond to these requests. As an employee of Baptist Health, when you receive such a request, your first obligation is to notify the Legal Department or Audit and Compliance. Employees must not obstruct any investigation into the business or legal practices of Baptist Health. Baptist Health will always cooperate fully and completely with any valid and appropriate government inquiry concerning the business or legal practices of Baptist Health.

**How do I report a suspected violation of our Code?**

It is every employee’s responsibility to be the eyes and ears of the Corporate Compliance Program. The organization’s reputation depends upon you doing your part to report any questionable ethical actions or suspected violations of our Code. Reporting suspected violations in good faith gives us the opportunity to investigate the matter and take corrective action, if warranted. Supervisors are encouraged to listen to their employees’ concerns and to take the appropriate action. Your supervisor should be your first contact for reporting a suspected violation. If you are not comfortable speaking with your supervisor or you don’t feel that your supervisor took appropriate action, you may go to the next-level manager. If you are not comfortable discussing your concern with your next-level manager or you do not feel that the problem was dealt with appropriately, you may contact one of the following departments:

- **Audit and Compliance** 786-662-7352
- **Legal Department** 786-662-7022
- **Human Resources** 786-662-7458

**What is the Compliance Hotline?**

The Compliance Hotline is another way to report suspected violations. It is a toll-free number available 24 hours a day, 7 days a week. You may report concerns to the Hotline using your name or anonymously. Anonymity is protected to the fullest extent possible.

**Who should use the Compliance Hotline?**

The Compliance Hotline is not meant to replace your normal reporting mechanisms and it is not intended for the reporting of Human Resource issues. It should be used only in those situations where you are not comfortable reporting a concern to your supervisor or next-higher level manager or if you feel that appropriate steps have not been taken to address your concern. When you call into the Hotline, you will be asked for as much detail as possible regarding your concern. You will be given the opportunity to identify yourself; however, it is not required. Each call received by the Hotline is logged and follow-up activity is conducted. When you call the Hotline, you will be given a specific date in the future to call back, so that you may be informed, to the extent possible, of actions that have been taken. Remember, if your report should result in disciplinary action against an employee,
the details of that action will be confidential, as are all Human Resource matters. For this reason, you may not be given specific information regarding actions that were taken. **Employees, who report suspected violation of our Code in good faith, will be protected from retaliation for making the report.**

What is the Compliance Hotline phone number?  
888-492-9329

Is there another way to report a concern?  
If you are not comfortable following the suggestions above for reporting a potential violation of the Code, there is another option available to you. Baptist Health now offers on-line reporting as a way to report your concern. Just point your web browser to the following address:

www.MyComplianceReport.com

Click on “Begin a New Report” and enter “BHS” as the access I.D.

What is the most important thing I should remember about the Corporate Compliance Program?  
There are many, many agencies that regulate hospitals, just as there are many, many agencies looking for violations of those regulations. If you suspect a violation, report it to your supervisor or Audit and Compliance. If the suspicion turns out to be wrong, then no harm done. If it turns out to be right, we can take the appropriate steps to correct the situation and you will be protected from retaliation for making the report.

Useful Contacts

<table>
<thead>
<tr>
<th>Compliance Office</th>
<th>786-662-7352</th>
<th>Call to report a concern, receive clarification on a policy, procedure, or regulation.</th>
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<tbody>
<tr>
<td>Human Resources</td>
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<tr>
<td>BHM</td>
<td>786-596-4467</td>
<td>Call to report concerns related to Human Resource related issues.</td>
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<td>BOS</td>
<td>786-596-8373</td>
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<td>CORPORATE</td>
<td>786-662-7458</td>
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<td>SMH</td>
<td>786-662-5454</td>
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<td>Phone Number</td>
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<tr>
<td>DH</td>
<td>786-308-3205</td>
<td>Call to receive clarification regarding laws that may affect your activities.</td>
</tr>
<tr>
<td>HH</td>
<td>786-243-8505</td>
<td>Compliance Hotline 888-492-9329 Call 24 hours/day, 7 days a week to report a concern that you feel was not adequately addressed or one that you are not comfortable discussing with management.</td>
</tr>
<tr>
<td>MH</td>
<td>305-434-1657</td>
<td>HIPAA Hotline 786-596-8850 Call to report a violation of confidentiality of patient records.</td>
</tr>
<tr>
<td>Legal Department</td>
<td>786-662-7022</td>
<td>Comply with laws that may affect your activities.</td>
</tr>
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BAPTIST HEALTH is committed to maintaining the highest standards of clinical and service excellence, rooted in utmost integrity and moral practice.

You are BAPTIST HEALTH.

Compliance begins with you!