

NYC HEALTH + HOSPITALS

PRINCIPLES OF PROFESSIONAL CONDUCT





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PRINCIPLES OF PROFESSIONAL CONDUCT

I. POPC OVERVIEW

The *Principles of Professional Conduct* (“POPC”) is a guide that sets forth NYC Health + Hospitals’ compliance expectations and commitment to comply with all applicable Federal and State laws. It describes NYC Health + Hospitals’ standards of professional conduct and efforts to prevent fraud, waste, and abuse. All NYC Health + Hospitals workforce members and business partners, as described in Section II below, are expected to carry out their duties and functions in a manner that is lawful and ethical. Workforce member responsibilities under the POPC are listed in Section IV below, and business partner responsibilities under the POPC are listed in Section V below.

New York State Social Services Law requires the System to establish written policies and procedures that describe compliance expectations as embodied in a code of conduct. The Federal Office of Inspector General’s Compliance Program Guidance for Hospitals also discusses the need for standards of conduct for healthcare facilities. Additionally, the Centers for Medicare and Medicaid Services (“CMS”) requires Medicare Managed Care Plans and their participants to have a code of conduct.

II. APPLICATION OF THE POPC

The POPC applies to and governs the conduct of:

- A. NYC Health + Hospitals workforce members (whether permanent or temporary), which includes all NYC Health + Hospitals employees, including leased employees such as NYC Health + Hospitals/MetroPlus (“MetroPlus”) employees, and employees of NYC Health + Hospitals’ subsidiaries, members of the NYC Health + Hospitals and MetroPlus Board of Directors, personnel, affiliates, medical staff members, volunteers (including members of the Community Advisory Boards and Hospital Auxiliaries), students, and trainees, throughout all NYC Health + Hospitals facilities, units, and entities; and
- B. NYC Health + Hospitals’ business partners who are required by law or contract to comply with this POPC, including the POPC’s core objectives specified in Section III below. Business partners include contractors, subcontractors, agents and other persons or entities that, on behalf of NYC Health + Hospitals, provide, among other services, billing or coding



functions, furnish health care services or items, or monitor the health care provided by NYC Health + Hospitals.

III. POPC CORE OBJECTIVES

The POPC serves as the System's standard of professional conduct, and its core objectives are to ensure that System workforce members, and as applicable, its business partners:

- A. Fulfill NYC Health + Hospitals' mission to:
 - i. Provide and deliver high quality, dignified and comprehensive care and treatment for the ill and infirm, both physical and mental, particularly to those who can least afford such services;
 - ii. Extend equally to all we serve comprehensive health services of the highest quality, in an atmosphere of humane care and respect;
 - iii. Promote and protect, as both an innovator and advocate, the health, welfare and safety of the people of the State of New York and of the City of New York; and
 - iv. Join with other health workers and with communities in a partnership which will enable each of our institutions to promote and protect in the fullest sense – the total physical, mental and social well-being of the people of the State of New York and of the City of New York;

- B. Uphold NYC Health + Hospitals' values by continuously reinforcing the five essential features of the NYC Health + Hospitals iCARE:
 - i. Integrity – Keep everyone safe;
 - ii. Compassion – Keep Patients First;
 - iii. Accountability – Manage Resources;
 - iv. Respect – Work Together; and
 - v. Excellence – Pursue Excellence. Keep learning;

- C. Prevent, identify, and correct unlawful and unethical behavior, and fraud, waste, and abuse by:
 - i. Identifying, assessing, and monitoring potential risk areas;
 - ii. Adhering to all applicable provisions of Federal and State laws, NYC Health + Hospitals' Corporate Compliance and Ethics Program, and NYC Health + Hospitals' policies, including provisions that require the reporting of violations to appropriate parties;



- iii. Preventing the submission of inappropriate claims and billings and the receipt of improper payments by implementing training initiatives, establishing internal controls, and carrying out auditing and monitoring activities; and
 - iv. Minimizing financial loss and reducing the likelihood of an overpayment from a Federal health program, governmental entity or other third party payor;
- D. Deliver high quality, medically necessary care and services to all individuals in need regardless of their ability to pay:
- i. Ensure that only health practitioners and other health professionals who are duly licensed, certified, credentialed or otherwise qualified in accordance with Federal and State law, medical staff bylaws and associated rules, and internal policies, are authorized to deliver care to patients;
 - ii. Respect and protect patients' rights;
 - iii. Deliver care and services in a culturally sensitive manner; and
 - iv. Strive for the highest level of patient satisfaction;
- E. Maintain a respectful, healthy, productive, and safe work environment with the goals of preventing discriminatory and other inappropriate forms of conduct, reducing the likelihood of illnesses and injuries, and helping workforce members realize their full potential:
- i. Provide equal employment opportunities to all workforce members and employment candidates regardless of any protected characteristic including, without limitation, race, age, gender, gender identity, sexual orientation, religion, ethnicity, disability or any other any other protected class covered by Federal, State, and/or local anti-discrimination laws;
 - ii. Promptly respond to and address all acts or threats of violence, intimidation, discrimination, harassment or disruptive behavior;
 - iii. Encourage workforce members to realize their full potential;
 - iv. Provide reasonable accommodations to workforce members with disabilities; and
 - v. Perform initial and periodic health screenings of workforce members as required by applicable law and internal policies;
- F. Facilitate and promote standards of conduct that detect, reduce, and/or effectively manage conflicts of interest;
- G. Respect the environment in which we work and our facilities operate:



- i. Handle, use, and dispose of all toxic, hazardous, radioactive, and pharmacological agents, materials, instruments, and supplies in a safe manner consistent with applicable law and internal policies;
- H. Establish mandatory compliance and other training and education initiatives;
- I. Engage in only fair business practices;
- J. Maintain an information governance program wherein patient, billing, employment, and other business records are authenticated and maintained in accordance with NYC Health + Hospitals' record management, privacy, and data security policies;
 - i. Ensure that all business records are kept securely, recorded accurately, authentic when produced, and available when needed;
 - ii. Protect patient and workforce member privacy and confidentiality; and
 - iii. Provide notice to patients and other affected parties as required by applicable law and internal policies in the case of a breach of confidential information;
- K. Participate in the NYC Health + Hospitals' Corporate Compliance and Ethics Program and promptly report compliance concerns;
- L. As a condition of employment or contract (or other agreement), comply with the POPC and, where appropriate, other NYC Health + Hospitals policies that relate to the types of services, duties, functions, and products that the workforce member and/or business partner provides;
- M. Prohibit and promptly report to appropriate parties allegations of retaliation, harassment or intimidation in response to workforce member, business partner or other stakeholder participation in the Corporate Compliance and Ethics Program;
- N. Establish and enforce fair and consistent disciplinary policies and procedures for workforce member and, to the extent applicable, business partner, violations of law or NYC Health + Hospitals policies;
- O. Fulfill MetroPlus' Mission to provide a caring, high-quality customer experience to preserve and improve the health and lives of New Yorkers with its integrated health care system:



- i. Be caring and compassionate to all;
- ii. Be customer powered: align daily actions to positive, impactful customer experiences, connect with internal and external customers;
- iii. Be proud of what we do: take ownership and accountability, be solutions driven;
- iv. Act as a team: build trust, empower others, champion transparent communication; and
- v. Thrive with change: spark and support innovation, transform business through technology and data; and

P. Adhere to all MetroPlus Health Plan’s regulatory requirements and contractual commitments with Federal and State regulatory agencies.

IV. RESPONSIBILITIES OF NYC HEALTH + HOSPITALS WORKFORCE MEMBERS UNDER THE POPC

A. All workforce members are required to carry out their functions and duties – whether delivering clinical care, assisting in coding, billing or claims reimbursement activities, providing administrative oversight of NYC Health + Hospitals’ operations, or acting as support personnel – in a professional and ethical manner. This means, each workforce member is responsible for the following:

- i. Not engaging in any acts, conduct or practice that would be contrary to any of the core objectives listed in Section III above or interfere with NYC Health + Hospitals achieving any of these core objectives;
- ii. Complying with the POPC and other applicable NYC Health + Hospitals policies and procedures, and applicable law;
- iii. Not engaging in unprofessional conduct, examples of which are provided in Section VI below;
- iv. Completing assigned training and education programs;
- v. Fully cooperating with any internal or government investigation;
- vi. Reporting, as outlined in Section VIII below, any event, occurrence, activity or other incident that appears to violate applicable law or NYC Health + Hospitals policies and procedures.
- vii. Fulfilling the System’s mission and upholding the System’s values;
- viii. Preventing, identifying, and correcting unlawful and unethical behavior and fraud, waste and abuse;
- ix. Maintaining a respectful, healthy, productive, and safe work environment; and



- x. Delivering high quality, medically necessary care and services to all individuals regardless of their ability to pay.
- B. Workforce members must understand and comply with the applicable rules and policies that relate to their particular duties, functions or role. If a workforce member does not know what rules or policies apply to his/her position, that workforce member should talk to his/her supervisor, manager, administrative head or chief of service.
- C. Some System subsidiaries (e.g., MetroPlus, HHC ACO Inc.) may have standards of professional conduct that are tailored to address nuances and regulatory requirements particular to those subsidiaries. Under such circumstances, workforce members and business partners of these subsidiaries are required to follow all applicable provisions of both the POPC and other standards of professional conduct enacted by such subsidiaries. Additionally, System workforce members licensed under Title VIII of the New York State Education Law are required to adhere to the professional standards established by the New York State Office of Professions. A violation of these professional standards is a violation of New York State law and the POPC.

V. RESPONSIBILITIES OF NYC HEALTH + HOSPITALS BUSINESS PARTNERS UNDER THE POPC

It is the expectation of NYC Health + Hospitals that each entity with which it partners to accomplish its mission:

- A. Adopts the POPC or their own code of conduct that includes the POPC's core objectives or substantially similar compliance goals;
- B. Not violate the POPC or their own similar code;
- C. Not engage in unprofessional conduct as described in Section VI below;
- D. Timely reports to NYC Health + Hospitals any violation of the POPC of which it becomes aware; and
- E. Fully cooperates, to the extent applicable, with any investigation by NYC Health + Hospitals or, if required, any governmental agency.

VI. EXAMPLES OF UNPROFESSIONAL CONDUCT

The following are some examples of unprofessional conduct that are prohibited by NYC Health + Hospitals. Note, the examples provided below are not a complete list of all unprofessional conduct.

- A. Submitting false and/or fraudulent claims;



- B. Improper billing practices, including, but not limited to:
 - i. Billing for items or services not rendered or those that are not medically necessary;
 - ii. Upcoding - using a billing or DRG code that provides for a higher payment rate than the correct code;
 - iii. Submitting multiple claims for a single service or submitting a claim to more than one primary payor at the same time;
 - iv. Unbundling - submitting claims in a piecemeal or fragmented way to improperly increase payment;
- C. Failing to promptly report and refund, as required by law, any overpayment;
- D. Interfering with or otherwise impeding an internal or government investigation;
- E. Submitting false cost reports;
- F. Failing to deliver medical care to any individual based on their inability to pay;
- G. Failing to comply with laws governing workplace safety;
- H. Engaging in conduct that is discriminatory in nature, amounts to sexual or other harassment, or constitutes intimidation, as well any act or threat of violence;
- I. Engaging in conduct that is hazardous to the environment;
- J. Failing to comply with Chapter 68 of the New York City Charter or the NYC Health + Hospitals Code of Ethics, as applicable, including:
 - i. Holding a second job with a company that has business dealings with the City;
 - ii. Entering into a financial relationship with a superior;
 - iii. Accepting gifts from a vendor that has a business relationship or is seeking to do business with the City; and
 - iv. Using City resources or City position for personal benefit;
- K. Failing to comply with the System's Gift Policies:



- i. Failing to comply with OP 20-55 Pharmaceutical Company Gifts and Sponsored Educational Programs;
 - ii. Failing to comply with OP 50-03 Policy on Gift Exchange and Receipt;
 - iii. Accepting monetary gifts from a patient and/or patient's family member or gifts that have more than a nominal monetary value (e.g. an expensive watch); and
 - iv. Accepting gifts from a vendor, potential vendor or contractor of the System, or any of the System's Affiliates.
- L. Failing to complete mandated training;
- M. Failing to maintain accurate, clear, and comprehensive medical records;
- N. Failing to comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and other privacy laws and regulations and System HIPAA Operating Procedures, including:
 - i. Improperly using, disclosing, accessing, transmitting, and/or storing patient, workforce member or business information;
 - ii. Viewing or accessing a patient's record without a legitimate business purpose;
 - iii. Photographing or recording patients or patients' protected health information ("PHI") without patient consent or authorization;
 - iv. Posting patient information or PHI on social media;
 - v. Sharing your login and password with others or using someone else's login and password to access NYC Health + Hospitals' systems;
 - vi. Transmitting PHI via unsecure method; and
 - vii. Using personal email, applications or devices to conduct System business without prior approval;
- O. Entering into an agreement with a business partner or affiliate the terms of which:
 - i. Do not call for compliance with the POPC; or
 - ii. Provide for activities and services that constitute unprofessional conduct;
- P. Engaging in business practices and acts that are unfair, deceptive or anti-competitive;



- Q. Conducting unlawful marketing practices to enroll members into MetroPlus Health Plan including, but not limited to, engaging in unlawful beneficiary inducements;
- R. Failing to promptly report a potential compliance concern or incident;
- S. Submitting false statements, certifications, qualifications and/or documentation required in any business dealings or one's role;
- T. Any violation of Federal and State human subject research laws and/or NYC Health + Hospitals' OP 180-9 Human Subject Research Protections Program Policies and Procedures;
- U. Any violation of applicable NYC Health + Hospitals' policies and procedures;
- V. Other types of unprofessional conduct, including, but are not limited to:
 - i. Misuse or misallocation of World Trade Center Health Program, research or grant funds;
 - ii. Engaging in improper or illegal business arrangements;
 - iii. Giving or receiving anything of value to induce referrals for items or services, or for the ordering of items or services;
 - iv. Hiring or contracting with persons or entities excluded from participation in Federal health care programs; and
 - v. Engaging in any activity or conduct that may result in the imposition of civil monetary penalties.

VII. ENGAGING IN UNPROFESSIONAL CONDUCT OR OTHERWISE VIOLATING THE POPC

Workforce members or business partners that engage in unprofessional conduct or act contrary to applicable law or NYC Health + Hospitals' policies and procedures, many of which are summarized in the POPC core objectives or other elements of the POPC, shall be subject to disciplinary action up to and including termination of employment, contract, and/or other affiliation with NYC Health + Hospitals, as applicable.

VIII. HOW TO REPORT ISSUES OR VIOLATIONS

Workforce members and business partners, as applicable, are responsible for promptly reporting to the Office of Corporate Compliance any suspected unlawful



or unethical behavior or incidents and/or violations of the POPC. Reports may be made, by phone, fax or e-mail in the following manner:

NYC Health + Hospitals
Office of Corporate Compliance
50 Water Street, Suite 528
New York, NY 10004
Telephone: (646) 458-5632
Facsimile: (646) 458-5624
E-mail: COMPLIANCE@nychhc.org
Privacy Violations E-mail: cpo@nychhc.org
Confidential Compliance Helpline: 1-866-HELP-HHC (1-866-435-7442)

Reports may be made anonymously by using the **CONFIDENTIAL COMPLIANCE HELPLINE** provided directly above. Each report received by will be treated confidentially, fully assessed, and investigated as warranted.

Any potential or actual compliance violation involving MetroPlus Health Plan, Medicare, or a Medicare Managed Care Plan may be reported as applicable to:

complianceofficer@metroplus.org, or
anonymously to: **1-888-245-7247**

OR

Medicare fraud, waste or abuse, or suspected violations of law, may be reported by contacting CMS at **1-800- MEDICARE (1-800-644-4227)**, by contacting the OIG at **1-800-HHS-TIPS (1-800-447-8477)** or online by visiting

<https://forms.ig.hhs.gov/hotlineoperations/report-fraud-form.aspx> or by reporting directly to the Medicare plan sponsor.

IX. PROHIBITION OF RETALIATION AND WHISTLEBLOWER PROTECTION

NYC Health + Hospitals is committed to protecting whistleblowers. Accordingly, NYC Health + Hospitals strictly prohibits intimidation, harassment, or retaliation, in any form against any individual who in good faith participates in the Corporate Compliance and Ethics Program by reporting or participating in the investigation of suspected violations of law, regulation, policies and/or suspicions of fraud, waste, or abuse. Examples of retaliation include unjustified discharge /termination, demotion or suspension of employment; threatening or harassing



behavior; and/or negative or onerous change in any term or condition of employment.

Any attempt by an individual or entity to intimidate, harass, or retaliate against a reporter or potential reporter will result in action up to and including termination of employment, contract, and/or other affiliation with NYC Health + Hospitals.

X. STAY INFORMED

Workforce members and business partners should familiarize themselves with NYC Health + Hospitals' mission, values, iCARE, and stay informed of the many NYC Health + Hospitals policies related to the POPC's core objectives by visiting its intranet page at: <http://compliance.nychhc.org/>, or NYC Health + Hospitals' public website at: <http://www.nychealthandhospitals.org/hhc/html/about/About-PublicInfo-Compliance.shtml>. Questions regarding these policies or any of the following important topics, may be addressed by contacting the Office of Corporate Compliance or MetroPlus as described in Section VIII above:

- i. NYC Health + Hospitals' Corporate Compliance and Ethics Program;
- ii. Federal and State fraud and abuse laws and regulations;
- iii. Billing, coding, payments, accounting, and record keeping;
- iv. Conflicts of interest;
- v. Customer and vendor relations;
- vi. Retaliation;
- vii. Patient rights;
- viii. HIPAA and patient confidentiality;
- ix. Improper business arrangements (e.g., leases) or referrals; and
- x. Information governance.