

Erie County Medical Center Corporation CODE OF CONDUCT



Approved: January 10, 2023

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1. Introduction

The Code of Conduct for Erie County Medical Center Corporation (“ECMCC”) is the keystone of ECMCC’s Corporate Compliance Program, serving as ECMCC’s moral, ethical and legal compass for employees, management, Board members, vendors, contractors, volunteers, and others who interact with ECMCC. It has been adopted by the ECMCC Board of Directors to provide standards by which workforce members will conduct themselves in order to protect and promote system-wide integrity and core values, and to enhance ECMCC’s ability to achieve the organization’s mission and vision.

This Code of Conduct is a broad guideline, which is supplemented in greater detail by ECMCC’s Compliance Program and complementary policies, and procedures located on ECMCC’s Intranet. It is the responsibility of all who interact with the ECMCC to act in a manner consistent with this Code of Conduct, the ECMCC mission, vision and core values and its supporting policies.

Failure to abide by the Compliance Program, this Code or the guidelines may lead to disciplinary action. In implementing corrective or disciplinary action, ECMCC will weigh relevant facts and circumstances, including, but not limited to, the extent to which the behavior was contrary to the express language or general intent of the Code, the egregiousness of the behavior, history with the organization and other factors which ECMCC deems relevant. Discipline for failure to abide by the Code may, in ECMCC’s discretion, range from oral correction to termination of employment or contract. All disciplinary actions will be fairly and firmly enforced. If in ECMCC’s discretion circumstances warrant it, criminal or civil prosecution will be pursued.

2. Reporting Compliance and Code of Conduct Violations

Employees, management, Board members, vendors, contractors, volunteers, and others who interact with the ECMCC – virtually everyone staff comes in contact with – have an affirmative duty to bring forward any compliance-related concerns. Inappropriate conduct includes any type of activity that this Code is designed to eliminate by encouraging system-wide integrity. This may include questionable accounting or auditing matters, kickbacks, sub-quality care, patient abuse, harassment, fraud and abuse and other illegal activities problems and issues, especially those that have compliance implications. Managers are expected to maintain an open-door policy and be receptive to all concerns brought to them by any employee. Every manager also has the responsibility for ensuring that employees are aware of and understand the Code of Conduct and Compliance Program.

Staff have been provided with a number of resources to go for assistance with compliance matters. Staff should contact their managers, supervisor, and/or the Compliance department. Supervisors or managers who receive information regarding a possible compliance issue or suspected violation are required to immediately inform the Compliance Officer. The Compliance department should be contacted directly if a manager or supervisor is not responding adequately to a concern, or the individual does not feel comfortable discussing with their manager or supervisor.

A Compliance Hotline is also available 24 hours a day, seven days a week to all staff. You need not identify yourself when calling the hotline, and your anonymity will be maintained. If you choose to identify yourself, your identity will be preserved within the limits of the law unless doing so prevents us from fully and effectively investigating the suspected violation. When reporting a suspected violation or concern it is imperative to the investigation to provide as much detail as possible. The Compliance Officer will investigate all allegations and concerns raised through the hotline.

Assistant Vice President of Compliance: 716-898-6439
Compliance Hotline: 1-855-222-0758
Internal Extension: 6439

3. Principles

The basic principles of the Code of Conduct are as follows:

- **Be Honest and Ethical.** Every employee and contractor acting on behalf of ECMCC is expected to adhere to the highest ethical standards when acting on behalf of ECMCC.
- **Obey the Law.** The ECMCC Compliance Program has been designed to meet the mandatory compliance obligations set forth in New York State Social Services Law 363- d Part 521, as well as myriad other federal, state and local laws and regulations as ECMCC carries out its mission as leaders in the areas of patient care, teaching, and research. Guidance can be obtained from your department or the Compliance department at extension x6439. It is the duty of staff to comply with applicable laws, regulations, rules, ECMCC policies, and this Code. A knowing failure to do so may subject staff to disciplinary action, up to and including termination.
- **Be Truthful.** Particular care should be taken to ensure that all communications within ECMCC and to outside agencies (including government representatives) are truthful, accurate and complete.
- **Honor Privacy and Confidentiality.** Our patients, employees, and co-workers rightfully expect that their private medical information be handled appropriately. Confidential information relating to ECMCC also should be protected.
- **Report Conduct that Concerns You.** Staff must report to their supervisor and/or the Compliance Officer, actual or suspected violations of applicable law, rules, regulations or this Code. Staff has the same reporting obligations for actual or suspected violations committed by a subcontractor or vendor of ECMCC. ECMCC provides multiple reporting lines to ensure that staff is comfortable with whom they communicate compliance issues. Additionally, ECMCC offers a Compliance Hotline to enable individuals and organizations to report problems and concerns or obtain clarification about compliance issues anonymously and confidentially.
- **Respect Dignity/Choice.** Respect the dignity and individuality of any person who receives services and support from ECMCC, honoring such choices and preferences whenever possible and appropriate.

4. Expectations

Quality of Care, Safety and Patient Rights

Providing quality care, while respecting the rights of patients, is the central focus of ECMCC. We are committed to providing services that meet and exceed patient expectations, while focusing on continuous improvement of quality. Specifically:

- We shall treat all patients, employees, management, Board members, vendors, contractors, volunteers and others who interact with the ECMCC with respect, dignity and courtesy.
- We shall respect the rights and autonomy of all those we serve throughout the organization.
- We shall provide high-quality care and service in a responsive and responsible manner.
- We shall not discriminate based on a patient's race, age, religion, national origin, gender, gender identity, sexual orientation, and disability, and diagnosis, source of payment or ability to pay.
- We shall provide compassionate care and appropriate treatment and services to patients that are considerate and respectful of their personal dignity and privacy and their cultural, psychological, and spiritual values and beliefs.
- We believe the patient comes first and it is our duty to protect the patient's health, safety, security, well-being and comfort.
- We shall make all our care decisions strictly upon medical necessity. Only a qualified healthcare practitioner will make the determination as to treatment plans.

- We believe that all patients have the right to be involved in all aspects of their care, participate in the development and implementation of their plan of care, and have sufficient information to provide informed consent for surgery and other significant or invasive treatments or procedures.
- We believe that all patients have the right to be free from restraints and seclusion of any kind that is not medically necessary or is used as a means of coercion, discipline, convenience, or retaliation by staff.
- We believe that patients have the right to file complaints and expect prompt referral to appropriate hospital administrative personnel for resolution.
- We believe that patients have the right to formulate advance directives and to have hospital staff and practitioners comply with those directives.
- We believe that patients have the right to an interpreter or other reasonable accommodation, if the patient cannot speak, write, or understand spoken or written English, or there are other barriers to communication due to disability.
- We believe that patients have the right to expect unrestricted access to communication (visitors, mail, telephone, etc.) with any person or persons of their choice, including, but not limited to, physicians, attorneys and clergymen, at any reasonable hour.
- We shall ensure quality and a culture of safety, by addressing problem of behaviors that threaten the performance of the health care team.
- We shall ensure that patients shall be free from abuse or neglect. All employees have a duty to report any instances or suspected instances of such behavior.
- We shall comply in all instances with the Emergency Medical Treatment and Labor Act (EMTALA). We shall screen and provide stabilizing treatment to everyone who comes to our hospital requesting examination or treatment for an emergency condition. We shall not delay medical screening exams or stabilizing care in order to request patient financial information. We shall transfer emergency patients only when they request a transfer or when we lack the capability or the capacity to provide appropriate treatment and only after administering the appropriate stabilizing care.

Employee Behavior

ECMCC recognizes that all employees, regardless of job classification, belong to a knowledgeable and skilled health team that contributes to patient care. We are committed to creating and maintaining a caring and positive environment where all employees are treated fairly and have ample opportunities for professional development. Accordingly:

- We shall expect all individuals within our hospital and subsidiaries to be treated courteously, respectfully, and with dignity.
- We shall expect all ECMCC workforce members and other users of ECMCC corporate information assets to use such assets in a manner consistent with our Code of Conduct. Usage will not disrupt business, offend others, create security exposures, or violate local, state, or federal laws. Access to ECMCC corporate information assets may be revoked if abused or misused.
- We shall only access and utilize information systems and accounts assigned to us as part of our job duties.
- We shall expect that all ECMCC staff members adhere to the New York State Patient's Bill of Rights.
- We shall conduct ourselves in a professional and cooperative manner.
- We shall be honest in the performance of our duties.

- We shall operate in an environment that is free of alcohol and substance abuse. *See HR- 030.*
- We shall maintain a working environment that is free of harassment, fighting, or violence of any type. *See HR-025.*
- We shall support equal employment opportunity with hiring, advancement and compensation based on merit and without regard to race, color, religion, gender, gender identity, sexual orientation, national origin, age, marital status or disability. We will comply with all laws related to non-discrimination in all of our personnel actions, including hiring, staff reductions, transfers, terminations, training, evaluations, recruiting, compensation, benefits, corrective action, discipline, and promotions. *See HR-025.*
- We will not take any adverse action against an employee for filing a complaint of discrimination or harassment. *See CORP-012 and HR-025.*
- We shall comply with the smoke-free campus policy. *See SEC-018.*
- We shall continually develop our skills and knowledge in order to better serve our patient community.
- We shall perform duties in accordance with applicable professional standards and legal requirements.
- We shall exercise good judgment and objectivity in the performance of our duties. Any differences in opinion in professional judgment should be referred to appropriate management levels for resolution in accordance with standard procedures.
- We shall provide a comprehensive review of employee performance at least annually including an agreed upon plan for development and establishment of annual goals.
- We shall compensate our employees fairly in the context of the value of the position, the external market and the employees' overall performance.
- We shall require candor and honesty from all employees in the performance of their responsibilities and in communication with our attorneys, auditors, administrators, supervisors, and fellow employees.
- We shall not use for business or personal purposes ECMCC's communication systems, electronic mail, internet access, and voice mail, as they are the property of ECMCC.
- We shall properly handle prescription drugs, controlled substances, and other medical supplies and only by authorized individuals, and any diversion of drugs from the organization must be reported to a supervisor and/or the Compliance Officer.
- We shall require all employees, management, Board members, vendors, contractors, volunteers and others who interact with the ECMCC to conduct themselves in a professional and cooperative manner within ECMCC's facilities, and that all physicians and non-physicians licensed independent practitioners credentialed through the medical staff office agree to honor the Code of Conduct. *See ADM-026.*
- We shall not tolerate disruptive behavior. We shall take prompt and appropriate action to address complaints of disruptive conduct by any employee, Medical/Dental staff, management, Board members, vendors, contractors, volunteers and others who interact with the ECMCC. *See ADM-026.*
- We shall provide reasonable training to employees to assure they carry out duties in a professional manner.

Laws, Regulations and Accreditations Standards

ECMCC strives to comply fully with all of the laws, rules, regulations and applicable accreditation standards governing the healthcare industry.

- We are committed to compliance with all federal, state and local laws and regulations, including all licensure and Certificate of Need laws and regulations, as well as the Medicare hospital conditions of participation.
- We shall be guided by standards of legal and ethical conduct. We shall avoid all unethical and/or illegal conduct.
- We shall not knowingly take any action that is in violation of any statute, rule or regulation.
- We shall maintain corporate standards that reflect honesty, integrity and accountability in our business practices.
- We shall ensure that any filed cost reports accurately reflect appropriate costs incurred for furnishing healthcare services to the best of our knowledge.
- We shall not engage in any illegal or unethical business practices. Contractual/financial arrangements with physicians, vendors, third party payers, managed care organizations or other referral sources will be structured to ensure compliance with applicable federal and state laws and regulations, fulfill the mission statement of ECMCC and be in the best interests of the ECMCC and the patients we serve.
- We shall ensure that all drugs or other controlled substances used in the treatment of patients shall be maintained, dispensed, disposed of and transported in conformance with all applicable laws and regulations.
- We shall not make or offer to make payment or provide anything of value to another person if the intent is with the understanding or intention that such payment is to be used to influence referrals or for any unlawful or improper purpose.
- We shall abide by antitrust laws designed to create a level playing field in the marketplace and to promote fair competition. *See CORP-022.*
- We shall avoid compensation arrangements in excess of fair market value, will accurately report payments to appropriate taxing authorities, and will file all tax information returns in a manner consistent with applicable laws.
- We shall refrain from engaging in activity that may jeopardize the tax-exempt status of the organization. ECMCC funds or resources may not be used to contribute to political campaigns or for gifts or payments to any political party or any political organization.
- We shall deal with accrediting and regulatory bodies in a direct, open and honest manner. No action should ever be taken in relationships with an accrediting or regulatory body that would purposely mislead a survey team.
- We shall immediately report any violations or suspected violations to a supervisor, administrator, and/or the Compliance Officer.

5. Commission on Ethics and Lobbying in Government (COELIG)

Each member of the Board and all ECMCC employees are subject to New York State ethics laws regarding, but not limited to: Outside employment and professional activities; restriction on political activities, nepotism, gifts, honorarium, and travel; negotiations on future employment; and post-employment restrictions. All shall perform their duties with transparency, without favor and refrain from engaging in outside matters of financial or personal interest, including other employment, that could impair independence of judgement, or prevent the proper exercise of one's official duties. If you have any questions regarding State ethics and lobbying rules or regulations, please contact the Commission at (518) 408-3976 or guidance@ethics.ny.gov.

Outside Activities

Any ECMCC employee, and particularly those in a policy making position, who participate or engage in other

private employment, profession or business, or other outside remunerated activity must obtain prior approval from the Compliance Department as well as COELIG (if applicable). Requests will be reviewed in accordance with the provisions of Sections 73 and 74 of the NYS Public Officers Law.

Political Activities

ECMCC expects each of its employees to refrain from engaging in activity that may violate COELIG guidelines, involving a variety of lobbying and political activities. No individual may make an agreement to contribute ECMCC money, property, or services to any political candidate, party, organization, committee or individual in violation of any applicable law. ECMCC employees may personally participate in and contribute to political organizations or campaigns, but they must do so as individuals, not as representatives of ECMCC, and they must use their own funds.

Gifts and Entertainment

ECMCC employees and their immediate families may not accept gifts, favors, services, entertainment, or other things having more than a nominal value from patients, vendors, contractors, and other third parties to the extent that decision making or actions are influenced, or have the appearance of being influenced. A gift includes, but is not limited to, money, service, loan, travel, lodging, meals, refreshments, entertainment, forbearance or a promise having a monetary value. The Compliance department should be consulted if there is any doubt about accepting of any gifts or services. *See CORP-007.*

Two Year Bar

Each member of the Board and all employees are prohibited from appearing or practicing before the Corporation for two (2) years following employment with the Corporation consistent with the provisions of Public Officers Law §73(8)(a)(i).

6. Conflicts of Interest

ECMCC's Conflict of Interest Policy is intended to protect the interests of ECMCC when it is contemplating entering into a transaction or arrangement with an outside entity which has a direct or indirect financial relationship that might benefit their private interest of a director, officer or other employee of ECMCC. It is intended to supplement applicable state laws governing conflicts of interest applicable to public benefit corporations.

Each person who is a director, non-director committee member, officer or employee of ECMCC shall not directly or indirectly, make, advise, or assist any person to make any financial investments based upon information available through the director's or employee's official position that could create any conflict between their public duties and interests and their private interests. In all dealings with and on behalf of ECMCC or any affiliated entity, each such person shall be held to a strict standard of honest and fair dealing with ECMCC and its affiliated entities.

Each person who is a director, non-director committee member, officer or employee of ECMCC shall not use or attempt to use their official position with ECMCC to secure unwarranted privileges for themselves, members of their family or others, including employment with ECMCC or contracts for materials or services with ECMCC .

Each person who is a director, non-director committee member, officer or employee of ECMCC must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust.

Each director, principal officer, member of a committee with board delegated powers and selected employees shall annually complete the Conflict of Interest Questionnaire and Statement. *See CORP-004.*

7. Confidentiality

During the course of our employees' work, staff may become aware of Protected Health Information (PHI) about patients and their employers and their medical conditions. All PHI is confidential and information about a patient may be disclosed only as authorized by the patient or as otherwise permitted by law. Accordingly, it is inappropriate to discuss patients or their cases in a public area where other people may overhear the conversation, and it is inappropriate to permit access to a patient's record to individuals who are not involved in legitimate activities relating to the patient. This applies to employee's medical records when they are patients as well and includes, without limitation, disclosure of pictures or any patient information on any form of social media. Workforce members must adhere to all HIPAA rules and regulations. Special confidentiality rules apply to patients in drug and alcohol treatment programs as well as disclosure of information regarding a patient's HIV status. Patient information shall be released in accordance with ECMCC policies and procedures with respect to the Release of Information and in accordance with New York State laws. *See HIM-001.*

In addition to patient confidentiality, ECMCC and other workforce members are in possession of and have access to a broad variety of confidential, sensitive and proprietary information, of which the inappropriate release could be injurious to individuals, ECMCC's business partners and ECMCC itself. Workforce members have an obligation to actively protect and safeguard confidential, sensitive and proprietary information in a manner designed to prevent the unauthorized disclosure of information. Anyone who knows or has reason to believe that another person has violated the confidentiality of patient or other confidential information should report the matter promptly.

8. Fraud, Waste, and Abuse / Coding and Billing Integrity

ECMCC complies and strives to maintain the highest principles of professional conduct in its billing and coding practices and to ensure billing and coding compliance with all applicable federal and state laws and regulations. Detecting fraud, waste and abuse is the responsibility of everyone, and ECMCC employees have the obligation to report any suspected issues or concerns regarding ECMCC fraud, waste, abuse, billing and or coding under the Federal and State False Claims Act. All ECMCC employees must participate and/or cooperate in good faith with any investigation into a reported violation be truthful with investigators and preserve documentation or records relevant to ongoing investigations. *See CORP-018 and CORP-010.*

We expect that employees and those professionals working at our facilities will adhere to rules and regulations regarding documentation. All transactions must be accurately and completely supported in ECMCC's records. Specifically:

- We shall maintain honest and accurate records of all our activities.
- We shall not knowingly submit a claim or bill for services that were not rendered or were not rendered as described on the claim form or statement, nor shall we misrepresent services which were rendered, or alter a medical record.
- We will not submit a claim requesting payment or bill a third party for medically unnecessary services, or seek reimbursement for a service that is not warranted by the patient's current medical condition as documented in the medical record and physician's orders.
- We shall not knowingly submit claims for payment that have not been properly coded, documented or billed according to all applicable laws and regulations.
- We shall refrain from conduct that violates the federal "Stark" physician self-referral law and regulations as well as the federal and State Antikickback Statutes. *See CORP-022.* Under the Stark law, a physician is prohibited from referring patients to an entity such as ECMCC for a designated health service if the physician or a member of his or her immediate family has a financial relationship with the entity, unless an exception applies. The law also prohibits an entity from presenting a claim to any person or entity for designated health services provided under a prohibited referral.
- Under the Antikickback Statute, a health care provider is prohibited from knowingly and willingly offering, paying, soliciting or receiving anything of value to induce or reward the referral or generation of health care services or for purchasing, leasing, ordering, or arranging for or recommending the purchase, lease, or ordering of any item or service reimbursable in whole or in part by a federal payment program. *See CORP-022.*

- We shall not pay for referrals. We make and accept patient referrals and admissions based solely on the patient's clinical needs and our ability to render the needed services.
- We shall not accept payments for referrals that we make. No ECMCC employee or any other person acting on behalf of the organization is permitted to solicit or receive anything of value, directly or indirectly, in exchange for the referral of patients.

9. Procurement Compliance

As a public benefit corporation, ECMCC is subject to a complicated series of procurement rules and policies unique from other health entities. Generally, ECMCC must competitively bid contracts for goods or services over \$20,000 in value unless an applicable exception applies. Purchasing decisions are made on the supplier's ability to meet ECMCC's needs and standards, and not on personal relationships, friendships, or inducements of any sort. Under no circumstances should contracts be awarded to a vendor based on personal relationship with a member of ECMCC's workforce or Board. For further information on ECMCC's procurement rules, see ECMCC's Procurement Guidelines on the Intranet or reach out to ECMCC's Director of Procurement Compliance at ext. 3289.

10. Non-Retaliation

It is our belief that positive employee relations and morale can be best achieved and maintained in a working environment that promotes ongoing open communication between supervisors and employees. This includes open and candid discussions of employee problems and concerns. At ECMCC, we afford protections to individuals who in good faith report violations or concerns. Employees can express problems, concerns, and opinions without fear of retaliation, intimidation or reprisal. Retaliation or intimidation in any form against an individual who in good faith reports possible unethical or illegal conduct or otherwise participates in the Compliance Program is strictly prohibited and is itself a serious violation of the Code of Conduct. Acts of retaliation or intimidation should be immediately reported to the Compliance Officer and, if substantiated, will be disciplined appropriately. *See CORP-012 and HR-025.*