



Compliance Code **OF** Conduct

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Foreword

The Compliance Code of Conduct is the foundation of the Corporate Integrity Program at Kettering Health. This document provides guidance on how to carry out our daily activities within the appropriate ethical and legal standards. This Compliance Code of Conduct applies to all employees, officers, administrators, board members, members of the medical staff, vendors, contractors, consultants, students, and volunteers. This is a living document that will be reviewed and updated periodically to respond to changing conditions and changes in law.

The Compliance Code of Conduct is not intended to foresee or cover every situation that may be encountered. We must comply with both the spirit and the letter of all applicable policies, laws, and regulations, even if they are not specifically addressed in this document. There may be instances when additional guidance is needed due to the complexity of a particular situation. In these cases, it is advised that you consult with your leader, Human Resources, or the Corporate Integrity Department for additional guidance. It is our hope that this Code of Conduct will inspire employees to engage in appropriate conduct, not only because of the requirements found within this document, but also because it is the right thing to do.



A Message from Michael Gentry

As a faith-based organization, we want our relationships with our patients, payers, physicians, vendors, and each other to be handled with the utmost integrity. This cannot be done without the support of everyone who serves our organization. It is your ethical behavior that earns the respect of our community and enables us to serve its healthcare needs. This Compliance Code of Conduct should help you understand Kettering Health's commitment and what is expected of you as we ensure not only compliance with applicable laws and regulations, but also the integrity in our organization.

Please read this Compliance Code of Conduct carefully and keep it on hand as a reference to address compliance and integrity questions. Because the success of our integrity program depends on the support of all who serve our organization, it is important for all of us to understand our roles in adhering to and strengthening this program. Should you have any integrity or compliance-related questions or concerns, please contact your leader, Human Resources, or the Corporate Integrity Department.

It is important we become aware as soon as possible of violations of our policies and standards of behavior so we can address and fix problems. You have an obligation to report suspicious conduct, illegal actions, policy violations, or significant information you feel you cannot report to your leader or Human Resources. Reports of compliance concerns will be treated as confidential to the extent possible and shared with others only on a need-to-know basis. Findings of a compliance investigation are also treated as confidential, to the extent allowed by law, to protect those involved in the investigation process. Retaliation against anyone who reports a compliance concern or participates in a compliance investigation in good faith is absolutely prohibited. You do not have to remain anonymous when reporting concerns. However, anonymity is available if that is your choice.

There are several channels available to report a compliance concern to the Corporate Integrity Department: You may call the toll-free hotline number, hosted by a third-party vendor, at 1-844-587-1658. You may also contact the Corporate Integrity Department directly by calling (937) 762-1435 or sending an email to corporateintegrity@ketteringhealth.org. Or you can report a concern online through the Kettering Health intranet site by clicking on the Corporate Integrity tab under quick links. Finally, you can visit ketteringhealth.org and, by following the prompts for employees, submit a concern online if you are not connected to the VPN.

Thank you for your commitment to making Kettering Health an organization of the highest integrity.



Michael V. Gentry
CEO, Kettering Health



THE Corporate Integrity Program

I. CORPORATE INTEGRITY AND ETHICS

Kettering Health has established a compliance program to address the legal and ethical standards and requirements that govern the healthcare industry. Kettering Health's department of Corporate Integrity and Ethics has the responsibility of implementing an effective compliance program that provides reasonable assurance that Kettering Health is compliant with all federal, state, and local laws and regulations as it provides safe and effective patient care.

The success and effectiveness of Kettering Health's compliance program depends on the complete support and participation of all employees and individuals affiliated with Kettering Health. It is important that every member of our staff has a clear understanding of their responsibility to know and abide by the spirit and the letter of all applicable laws, rules, regulations, policies and procedures. Everyone, regardless of job title, plays a critical part in maintaining the high ethical standard of "doing the right thing because it's the right thing to do."

All employees, individuals, and entities affiliated with Kettering Health are expected to do the following:

- 1.** Understand and obey all laws and policies that relate to their job functions and/or responsibilities.
- 2.** Be aware of their obligation to report, in good faith, actual or possible violations of the Compliance Code of Conduct, Standards of Behavior, Kettering Health policies, laws and/or federal and state regulations using any of the channels outlined in this document.
- 3.** Timely complete all assigned compliance education and training.



II. AUDITING, MONITORING, TRAINING, AND EDUCATION

To effectively address its compliance obligations, some of Corporate Integrity's responsibilities include, but are not limited to the following:

1. AUDITING AND MONITORING

Corporate Integrity audits and monitors departments to determine if

- Bills submitted to payers for reimbursement are accurately coded and accurately reflect the services provided and documented.
- Documentation is correct and comprehensive.
- Services or items provided to our patients are reasonable and medically necessary.

Information security and privacy-related audits may be initiated for cause following suspected breaches, complaints, or suspected non-compliance as well as on a routine basis.

2. TRAINING AND EDUCATION

An effective compliance program requires training on relevant areas of compliance. Annual compliance training is mandatory for **all** employees, and all new staff receive compliance training as part of their orientation process.

Failure to attend mandatory training may result in disciplinary action up to and including termination.

Required training generally covers the following topics:

- Purpose, scope, and importance of healthcare compliance
- An overview of Kettering Health's Compliance Department and Program
- Relevant fraud, waste, and abuse laws
- Each person's obligation to report misconduct or other compliance-related concerns
- Kettering Health's policy prohibiting retaliation against those individuals who report compliance concerns in good faith
- Patient privacy and records access requirements
- Information security requirements
- EMTALA (Emergency Medical Treatment and Labor Act)
- Stark and Anti-Kickback Statute

Specific training may be assigned to employees covering compliance related to their specific areas of responsibility. The training may cover topics including

- Government reimbursement principles and requirements
- Coding and accurate documentation
- Submission of accurate bills
- Acceptance of gifts and gratuities
- Any other topics that could put Kettering Health at risk for non-compliance with applicable laws



III. YOU HAVE A DUTY TO REPORT

If you report a concern to Corporate Integrity, it will be investigated and appropriately resolved. There are multiple channels to report a concern:

1. Call the confidential hotline operated by a third-party vendor.

1-844-587-1658

2. Report a concern online.

On Kettering Health's intranet site, click on the Corporate Integrity tab. You can then select "report a concern." You can also visit ketteringhealth.org and follow the prompts for "Employees" if you are not on the VPN.

3. Contact the Corporate Integrity Department directly.

You can call us at (937) 762-1435 or send an email to corporate.integrity@ketteringhealth.org.

4. Mail a letter to:



Audrey Adams Mondock, Esq.
Chief Compliance Officer/Vice President of Corporate Integrity,
1 Prestige Place, Suite 400
Miamisburg, OH 45342

You don't have to tell us who you are when you call.

If you don't want anyone to know you contacted us, you can anonymously report a concern. You are not required to provide your identity. And, even if you identify yourself when submitting a concern, you can ask to remain anonymous, and we will not disclose your identity.

IV. NON-RETALIATION POLICY

Kettering Health policy is clear about this issue: **Retaliation will not be tolerated.** No Kettering Health leader or staff member is permitted to engage in, or threaten to engage, any form of harassment, adverse action, or retribution against a person who reports a compliance concern or who cooperates in an investigation involving a suspected compliance concern in good faith. Kettering Health has a zero-tolerance policy regarding retaliation. You have an obligation to report anyone who retaliates against you or another staff member for reporting a compliance concern.

What is retaliation?

Retaliation is any behavior that would discourage or punish an individual from reporting, in good faith, a violation of Kettering Health's Compliance Code of Conduct, policies or law to their leader, Corporate Integrity, or Human Resources.



Examples of retaliation include the following:

- 1.** Telling staff not to raise concerns to Corporate Integrity but to bring their issues only to them directly.
- 2.** Disciplining an employee for an issue unrelated to job performance but because they reported a compliance concern.
- 3.** Asking employees to reveal if they or anyone else has contacted the Corporate Integrity Office or reported a compliance concern.
- 4.** Trying to find out who reported a compliance concern through guessing or accusations.

Any staff member who is found to have engaged in retaliation against an individual who reported a compliance concern is subject to severe discipline, including termination on the first offense or removal from service to Kettering Health

V. FRAUD AND ABUSE REGULATIONS

Kettering Health is committed to fully complying with all regulations and laws that govern our industry. Consistent with this commitment, all employees, including employed providers, Kettering Health vendors/contractors, and members of the medical staff are expected to abide by all federal and state fraud and abuse policies and laws and all Kettering Health policies and procedures.

There are many laws specifically designed to address healthcare fraud and abuse including the False Claims Act, Anti-Kickback Statute, the Stark law, and the Patient Protection and Affordable Care Act (PPACA).

1. FALSE CLAIMS ACT

The False Claims Act was enacted to protect government programs like Medicare and Medicaid from fraud, waste, and abuse.

It is a violation of law for anyone to (1) knowingly or (2) with reckless disregard or (3) with deliberate ignorance make a false statement or submit a false or fraudulent claim (bill) for payment of government funds.

If you submit a claim that is not accurate to the government, you may violate federal law even if you did not intend to submit a false claim.

Example: It is a violation of the False Claims Act to bill the government for treatment that was not documented.



2. ANTI-KICKBACK STATUTE

It is against the law and Kettering Health policy to give or take “kickbacks.” Kickbacks are gifts, gratuities, or anything of monetary value given to or from someone who is in a position to influence a business decision.

No employee **can ask for or receive** any money, bribe, rebate, or gift in any form in return for referring or recommending the referral of an individual to another person, hospital, or medical facility for services.

No Kettering Health staff member shall **offer to pay, or accept** any money, rebate, or gift in any form in return for referring or recommending an individual to our facility for services or to influence a decision. Please refer to CI-KH Gifts & Gratuities for more information.

3. STARK LAW

The Stark Law prohibits physicians from referring patients to Kettering Health for certain health services if he or she or a member of their family has a “financial relationship” with Kettering Health, unless an exception applies.

4. PATIENT PROTECTION AND AFFORDABLE CARE ACT (PPACA)

If we have determined that we have received an overpayment or reimbursement from the government for services, the overpayment must be returned within 60 days.

5. EXCLUDED INDIVIDUALS/ENTITIES

Kettering Health does not do business with, hire, or bill for services rendered by individuals or entities who have been excluded by the government from participating in Medicare, Medicaid, or TRICARE programs. Kettering Health will not knowingly hire or contract with individuals/entities who have been sanctioned by the Office of Inspector General of the U.S. Department of Health and Human Services (OIG) or appear on any of the following lists: OIG List of Excluded Individuals/Entities (LEIE); the List of Excluded Individuals/Entities by the Ohio Office of Inspector General; the General Services Administration (GSA) System for Award Management (SAM); the U.S. Treasury Office of Foreign Assets Control (OFAC) List; Ohio Medicaid; or the National Practitioner Databank.

Kettering Health conducts initial checks on potential employees, medical staff, vendors, and volunteers as well as periodic excluded parties checks after the commencement of the relationship to ensure continual eligibility to participate in federal and state healthcare programs.

Kettering Health personnel must report to their leader, Human Resources, or Corporate Integrity if they become excluded, debarred, or ineligible to participate in any government program, or if they become aware that anyone performing services on behalf of Kettering Health has become excluded, debarred, or ineligible.



VI. PATIENT ISSUES

1. MEDICAL NECESSITY

No patient shall be treated or billed for any medical services unless the service provided was medically necessary. Kettering Health is dedicated to providing medically necessary healthcare to patients without regard to a person's national origin, race, color, religion, age, gender, genetic information, sexual orientation, pregnancy, disability, gender identity, military, veteran status, or other protected status.

2. PATIENT PRIVACY (HIPAA) AND ACCESS TO HEALTH INFORMATION

Kettering Health is dedicated to ensuring patients have access to their health records protecting the privacy of our patients by preserving confidentiality of individually identifiable health information. All staff members shall abide by all policies that ensure that patient health information is accessible and kept confidential.

3. QUALITY OF CARE

Kettering Health is dedicated to providing each of its patients quality care that is most appropriate, medically necessary, and efficient in the most appropriate setting.

4. EMERGENCY TREATMENT (EMTALA)

Kettering Health complies with the requirements of the Emergency Medical Treatment and Labor Act (EMTALA) in providing a medical screening examination and stabilizing treatment to all patients seeking emergency care from our hospitals, regardless of their ability to pay or lack of insurance. Patients are transferred, when appropriate, in strict compliance with state and federal EMTALA regulatory and statutory requirements to ensure their safety and optimal healthcare outcomes.

Healthcare should be

- **Safe:** avoiding injuries to patient from care intended to help them
- **Effective:** providing services based on scientific knowledge
- **Patient-centered:** providing care that is respectful of and responsive to individual patient preferences, needs, and values
- **Timely:** reducing waits and sometime harmful delays
- **Efficient:** avoiding waste, including waste of equipment and supplies
- **Equitable:** providing care that does not vary in quality because of personal characteristics such as gender, ethnicity, and socioeconomic status



Kettering Health recognizes the right of patients to make choices about their own care, including the right to refuse treatment.

- ✓ All patients will receive quality clinical services consistent with a recognized standard of care.
- ✓ Patients and family members will be involved, where appropriate, in decisions regarding the care delivered.
- ✓ Patients will be informed about treatment alternatives, risks, and benefits associated with the care and treatment sought; informed consent will be obtained from the patient, patient's family, or representative for the performance of all procedures in a manner that the patient, patient's family, or representative can understand.
- ✓ Clinical decision-making is based on identified patient needs, without regard to the ability of the patient to pay for treatment rendered.

VI. CONFLICTS OF INTEREST

A conflict of interest exists when your loyalty is divided between your responsibilities to Kettering Health and to an outside organization, individual, or your own personal interests. Conflicts of interest can be financial or involve some type of personal gain.

You have an obligation to disclose actual or potential conflicts of interest. Please refer to CI-KH Conflicts of Interest for more information.

VII. ENFORCEMENT AND DISCIPLINE

Adherence to Kettering Health's Compliance Code of Conduct and all other Kettering Health policies is a condition of employment and/or continued service to the organization. Violations of this Code of Conduct will subject staff members to removal from service and/or disciplinary action, up to and including termination.

Nothing in this Compliance Code of Code is intended to change the employment at will relationship or create any contractual rights.



