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I. INTRODUCTION

Fidelis Care New York (“Fidelis”) is committed to providing its members with access to high quality medical care while complying with ethical business practices and all federal, state, and local laws, regulations, and other requirements applicable to the New York Medicaid and Child Health Plus programs, as well as any other programs in which Fidelis chooses to participate. In order to reflect these commitments, Fidelis has instituted a Corporate Compliance Program (the “Program”), the Fidelis Code of Conduct (the “Code”), and related policies.

Fidelis follows the highest ethical principles while conducting its business and expects its employees and business associates to follow these same principles. As Fidelis is a Catholic sponsored entity, when acting in our capacities as Fidelis employees, we shall not participate in any activity which is not in accordance with the Ethical and Religious Directives for Catholic Healthcare Services issued by the United States Catholic Conference as interpreted by the Bishops of the Ecclesiastical Dioceses in the State of New York. Additionally, we shall seek to promote, enhance, and protect the interests of Fidelis, and avoid taking any action which may be adverse to Fidelis’ interests.

II. COMPLIANCE WITH THE CODE

As employees of Fidelis, we shall not engage in any activity that violates the obligations set forth in the Code. If we are unsure whether a certain activity will violate any obligation set forth in the Code, we will seek guidance from our department director, a management employee, or a member of the Compliance Office for clarification. All employees of Fidelis, including department directors and management employees, shall have an open door policy so that concerns may be raised and resolved in a timely and effective manner.

The Code shall serve as a guideline to help us handle any situations we may encounter while working at Fidelis. As employees of Fidelis, we shall review the Code and sign a certification stating that we have read the Code, agree to abide by its contents, and have been given the opportunity to ask questions relating to the
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Code and have them answered. All employees will be asked to review the Code and sign the certification on an annual basis.

III. COMPLIANCE WITH APPLICABLE REQUIREMENTS AND RELATED POLICIES

In conducting our business, we will adhere to all federal, state, and local requirements. We must avoid any activity that is considered fraudulent or abusive under any federal, state, or local requirement, or is inconsistent with ethical business practices.

The Federal Government has issued guidelines identifying specific risk areas in which managed care organizations should focus compliance efforts. As a result, Fidelis has written and adopted policies to reflect Fidelis’ commitment to adhere to these guidelines. Although summarized below, these policies should be read in their entirety to fully understand the requirements. These policies can be seen in their entirety by contacting the Compliance Office. If we have any questions regarding these policies, we shall contact our department director, a management employee, or the Compliance Office.

A. ANTI-KICKBACK POLICY

As Fidelis employees, we shall not knowingly and/or willfully offer, pay, solicit, or receive money, goods, or services from a potential referral source (e.g. physicians, nurse managers) to induce the referral of business reimbursable under a federal health care program or under a New York State health care program, including Medicaid and Child Health Plus. Fidelis employees may give small gifts, such as notepads, pens, and pencils to potential referral sources so long as the intent is not to induce the referral of business that is payable by New York State.

B. QUALITY OF CARE POLICY

All covered services shall be available and geographically accessible to all members. The provider network of Fidelis shall be large enough to give all members realistic options for deciding from whom they will receive their medical treatment. Members are free to receive advice from medical professionals on their treatment and Fidelis shall not interfere with a medical professional’s advice to a patient. Physicians can give advice regarding a patient’s health status, medical care and treatment options, the risks, benefits and consequences of treatment or non-treatment, and the opportunity for the member to refuse treatment and express preferences about future treatment options.
C. DISENROLLMENT POLICY

As Fidelis employees, we shall not request or encourage members to disenroll from any programs offered by the organization. Furthermore, our policy prohibits employees from encouraging a member to disenroll from Fidelis prior to any high cost medical service the member is to receive for which Fidelis will bear financial responsibility.
D. EMERGENCY SERVICES POLICY

Fidelis shall not require a hospital to receive prior authorization for emergency services and Fidelis will provide coverage for such emergency services regardless of any contractual agreement, or lack of any contractual agreement between Fidelis and the hospital.

E. MARKETING MATERIALS POLICY

All marketing materials used by Fidelis will be completely accurate in describing the services Fidelis provides. In addition, it is Fidelis’ policy to ensure that each member is fully informed of all contractual terms related to his or her enrollment in Fidelis. All marketing materials are either approved by the appropriate governmental agency, if required, and/or reviewed by the Legal Affairs Department or the Government Relations Department in advance of their publication.

F. SELECTIVE MARKETING POLICY

Fidelis shall not discriminate against any potential member based upon that potential member’s degree of risk for costly or prolonged treatment. No decisions to accept or reject a potential member will be made based upon that individual’s medical condition, medical history, genetic information, or disability.

G. DATA SUBMISSION & COLLECTION

Any information collected by Fidelis and submitted to New York State or other regulatory authorities shall be timely, accurate, and truthful. If any errors in the data are recognized, Fidelis shall contact the other party to alert them to the data that is potentially inaccurate, and will work cooperatively with them to re-submit accurate data. Any data sent to New York State or other regulatory authorities must be approved in advance by either the Government Relations or Legal Affairs Departments, or by a member of Fidelis’ Executive Management.

IV. CONFLICTS OF INTEREST

Fidelis respects the privacy of every employee while conducting his or her personal affairs on his or her personal time. However, as employees of Fidelis, we shall not engage in any activity that may conflict with the interests of Fidelis
or its affiliated entities. Each situation is different, and many factors must be considered to determine if there is a conflict of interest. We also must be aware of any situation that may involve the appearance of a conflict of interest. All actual or potential conflicts of interest should be disclosed to the Compliance Office. Potential conflicts of interest may include, but are not limited to, ownership in or employment by any outside entity that does business with or competes against Fidelis, or, competing with Fidelis in the purchase, sale, or ownership of property, or competing with Fidelis in business investment opportunities.

V. ACCOUNTING AND FINANCIAL RECORDKEEPING

Fidelis maintains accounting records regarding its financial transactions according to Generally Accepted Accounting Principles, as well as standards recommended by the American Institute of Certified Public Accountants and the Financial Accounting Standards Board, and in compliance with all applicable federal, state, and local requirements. If, while employed by Fidelis, our job duties include the processing of financial transactions, we shall comply with all company policies and applicable federal, state, and local requirements.

VI. POLITICAL CONTRIBUTIONS

As employees of Fidelis, we shall not use Fidelis’ name or funds to contribute to any federal, state, or local political activity. In addition, we shall not contribute Fidelis funds in any manner inconsistent with Fidelis’ designation as a not-for-profit organization. However, if we choose, we may contribute to a federal, state, or local political activity on our own, wholly independent of Fidelis.

VII. CONFIDENTIAL INFORMATION

As employees of Fidelis, we may be exposed to confidential or proprietary information. This includes, but is not limited to, member information, provider information, commercially sensitive information and financial information about Fidelis. Examples of commercially sensitive information include expansion of operations, an increase or decrease in business, a merger or acquisition proposal or agreement, litigation, and unusual management developments. We may not give such information to competitors, suppliers, contractors, anyone outside of Fidelis, or to other employees who do not need such information for a job-related purpose.

A. CONFIDENTIAL MEMBER INFORMATION

We may have access to confidential information regarding Fidelis members and their care. We are strictly prohibited from disclosing any member information to anyone other than Fidelis employees who need the
information to carry out their duties. All member information shall be stored in a secured location when not being used for a business-related purpose. If a third party requests the medical information of a member, we shall not release it to that third party without: (1) written consent from the member or the member’s legal guardian; or (2) consent from the Legal Affairs Department. Under no circumstances shall we release information regarding a member’s HIV/AIDS status without the prior written approval of the Legal Affairs Department.

B. CONFIDENTIAL PROVIDER INFORMATION

We may have access to confidential information regarding the providers with whom we contract to provide medical and clinical services for our members. All provider information shall be stored in a secured location when not being used for a business-related purpose. If a third party requests confidential information relating to a provider, we shall not release such information without: (1) written consent from the provider; or (2) consent from the Legal Affairs Department.

VIII. COMPLIANCE WITH LAWS PROTECTING EMPLOYEE RIGHTS

Fidelis treats employees fairly and honestly and recognizes each employee as an individual. All employees of Fidelis maintain an open door policy, meaning we are free to speak with our department director, a management employee, or directly to the Compliance Office to raise any potential issues or to seek guidance.

The Human Resources Department is responsible for implementing policies and procedures regarding laws applicable to employee rights. The Compliance Office shall periodically monitor and audit Fidelis’ compliance with such laws. Below are the Fidelis Human Resources policies concerning equal employment opportunity and sexual harassment.

A. Equal Employment Opportunity

Fidelis is an equal opportunity employer. Fidelis shall recruit, hire, and promote employees and administer all other personnel policies with respect to such employees on the basis of their skills, experience, and performance without regard to gender, age, race, color, ethnicity, national origin, religion, marital status, disability or any other basis prohibited by applicable federal, state, or local laws. If we believe we have been unlawfully discriminated against, we shall immediately report the facts of the incident to the Human Resources Department or the Compliance Office.
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B. Sexual Harassment  

Fidelis strictly prohibits unlawful harassment, including sexual harassment. Sexual harassment includes, but is not limited to, threats or insinuations by a management employee that a subordinate’s submission to or rejection of sexual advances will in any way influence a decision regarding that subordinate’s employment evaluation, wages, conditions of employment, or career development. Sexual harassment also may include unwanted sexual advances, and other verbal, visual, or physical conduct. If we believe that we have been unlawfully harassed, whether by a Fidelis employee or a non-Fidelis employee encountered in the course of performing our job duties, we will immediately report the facts of the incident to the Human Resources Department or the Compliance Office.  

For further information regarding Fidelis’ Human Resources Policies, we may refer to the Employee Handbook or contact Human Resources.  

IX. WORK ENVIRONMENT  

Fidelis is committed to providing an efficient and productive working environment that is free from harassment, illegal drugs and alcohol, and hazardous conditions. We must perform our duties safely, competently, and efficiently in a manner that protects Fidelis’ interests and those of our co-workers. We are expected to conduct ourselves in a manner that reflects integrity, brings credit to Fidelis, and meets Fidelis’ obligations to arrange for access to high quality care for its members. Any involvement with illegal drugs or consumption of alcohol in the workplace is prohibited and will result in corrective action, including termination.  

Fidelis is committed to promoting the prevention of health and safety hazards. If we are involved in or witness an accident or occurrence that has caused or may cause an injury to a fellow employee, a member, or other visitor, we must immediately complete a Fidelis incident report form.  

X. WORKPLACE HEALTH AND SAFETY  

Fidelis shall manage and operate its business in a manner that complies with all applicable requirements of the Occupational Safety and Health Administration (OSHA) and similar state agencies.
A. OSHA

We will strive to work and utilize Fidelis resources safely, appropriately, and efficiently. We are expected to strictly adhere to applicable laws, rules, and regulations of the U.S. Occupational Safety and Health Administration (OSHA) and similar state agencies.

B. Workplace Violence

Any form of workplace violence is strictly prohibited. Workplace violence includes robbery and other commercial crimes, stalking, violence directed at a co-worker or employer, terrorism, and hate crimes committed by current or former colleagues. We are strictly prohibited from possessing firearms, other weapons, explosive devices, or other dangerous materials on Fidelis property.

XI. PROTECTING ORGANIZATIONAL ASSETS AND INFORMATION

While employed by Fidelis, we will have access to Fidelis equipment, including computer systems, telephones, and software. We are under an obligation to use this equipment in a manner that is appropriate and in Fidelis’ best interests. We also shall not remove or use any Fidelis equipment in any way that is not authorized.

XII. EMPLOYEE RESPONSIBILITIES

In order for Fidelis’ Corporate Compliance Program to be a success, employee involvement from every level and from every employee is critical. We are obligated to familiarize ourselves with the Code, as well as specific policies related to our position with Fidelis. Our department director is responsible for ensuring that we receive a copy of all relevant operational policies. In addition, we have a right to have any questions that we may have relating to any policy of Fidelis answered. If we believe that we are not getting adequate direction, we shall address the situation with our department director, the Human Resources Department or the Compliance Office.

XIII. INDEPENDENT CONTRACTORS

All independent contractors of Fidelis are required to abide by the Code, and all applicable federal, state, and local requirements. If they have any questions or concerns, they shall speak with either their contact person at Fidelis, or directly to
the Compliance Office. If Fidelis learns that an independent contractor is acting in violation of any of these obligations, Fidelis will take appropriate corrective action, including, but not limited to, terminating any business arrangements and valid contracts it may have with the independent contractor.

XIV. COMPLIANCE OFFICE

The Compliance Office is responsible for coordinating, implementing, and overseeing Fidelis’ compliance efforts, and responding to your concerns and reports of suspected misconduct. If you would like to ask any questions relating to the Program or Code, or to report any violations of the Program or Code, the Compliance Office may be reached through the Compliance Hotline at (1-800) 455-4420.

XV. REPORTING

We have an affirmative duty to report violations of the Code, related policies, or applicable federal, state, or local requirements through the appropriate channels, including our department director, a management employee, or the Compliance Office. If we choose to contact the Compliance Office directly, which is always an option, we shall use the Compliance Hotline at (1-800) 455-4420. **We will not be subject to any punishment for reporting a potential violation in good faith.** In fact, if the Compliance Office learns that we have been retaliated against as a result of our report, the retaliating employee may be subject to disciplinary action, up to and including termination. To the extent possible, the Compliance Office will keep our identity confidential. However, there may be instances where the Compliance Office may need to reveal our identity in order to resolve any potential issues. If we choose, we may report potential violations anonymously. It is important to note that if a report is made anonymously, it makes it more difficult to thoroughly investigate and resolve, a response often cannot be given to the anonymous employee, and it may make it more difficult to protect against retaliation.

XVI. CORRECTIVE ACTION

If Fidelis confirms that we have violated the Code, related policies, or any applicable federal, state, or local requirement, it will be necessary for Fidelis to take corrective action. In addition, if we fail to report a potential violation, we may also be subject to corrective action. The corrective action may include, but is not limited to, one of the following: oral warning, written warning, final warning, suspension and/or termination. An employee who fails to report a potential violation may be subject to the same forms of discipline. Enforcement and discipline will be based upon Fidelis’ assessment of the gravity of the violation based upon its investigation. Management personnel and the Human Resources
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Department will determine the appropriate enforcement or disciplinary action. In certain circumstances, our conduct may lead to immediate termination. If we are found to be subject to corrective action, we shall be given the opportunity to respond to any allegations.

XVII. CONCLUSION

Fidelis is committed to providing its members with access to high quality medical care while complying with all applicable federal, state, and local requirements, and sound ethical business practices. As employees of Fidelis, we are committed to achieving these commitments by acting in compliance with the Code, related policies, and applicable federal, state, and local requirements.