

**SCOPE:** This policy is applicable to all employees at Louisiana Children’s Medical Center (d/b/a LCMC Health) and each of its member hospitals, facilities, subsidiaries, including:  
LCMC Health Anesthesia Corporation,  
Children’s Hospital,  
Children’s Hospital Medical Practice Corporation,  
West Jefferson Medical Center,  
New Orleans Physician Services, Inc.,  
Touro Infirmary,  
Crescent City Physicians, Inc.,  
University Medical Center Management Corporation, and  
New Orleans East Hospital  
(collectively “LCMC”).

## **I. POLICY STATEMENT**

It is the policy of all Louisiana Children’s Medical Center (d/b/a LCMC Health) employees and each of its member hospitals, facilities, subsidiaries, including: LCMC Health Anesthesia Corporation, Children’s Hospital, Children’s Hospital Medical Practice Corporation, West Jefferson Medical Center, New Orleans Physician Services, Inc., Touro Infirmary, Crescent City Physicians, Inc., and University Medical Center Management Corporation, (collectively “LCMC”) to treat all persons with professionalism, respect and compassion. Due to the very nature of the services offered, LCMC mandates the highest standards of work performance, behavior and ethical conduct from its employees since its employees are reflective of LCMC’s image in the community. Employees are expected to maintain appropriate behavior in keeping with the goals, objectives, and mission of LCMC.

Department directors and other management staff are responsible for ensuring that employees understand organizational and departmental policies relative to employment. The LCMC Department of Human Resources is responsible for oversight of discipline administration. Department directors or their designees are encouraged to consult with staff within the Department of Human Resources for guidance regarding consistent policy application.

Violation of organizational and departmental policies and rules may warrant disciplinary action. Forms of discipline include verbal warnings, written warnings, suspensions, probation and termination. LCMC may, in its sole and absolute discretion, deviate from any order of progressive disciplinary actions and utilize whatever form of discipline deemed appropriate under the circumstances, up to and including immediate termination

of employment. LCMC's policy for discipline in no way limits or alters the at-will employment relationship.

LCMC may be required to report certain violations of this policy to state or federal licensure boards, government authorities, or regulatory agencies if the employee's disciplinary action results in violations of the employee's license, certification or practice, or a violation of any local, state or federal law.

## **II. COUNSELING AND DISCIPLINARY PROCESSES**

Department directors or their designees are expected to address employee's performance or behavioral problems with consistency and in a timely manner. Many elements must be considered by the department director or their designee when counseling or disciplining an employee.

Two non-exclusive processes have been designed to help department directors or their designees deal with problems of employee behavior or performance:

- 1. Counseling Process** – LCMC's department directors and their designees are encouraged to counsel their employees in private when there is evidence of a performance or behavioral problem which needs correction. A counseling session should be designed to allow the employee to present his/her view of the issue and to enable an employee to recognize the effects the issue has on others. There should be a discussion of the expectations with the employee to ensure that both LCMC and the employee understands the expectations required of the employee moving forward.

There should also be a discussion of what the appropriate corrective action measures will be, if any. The employee should be told what will happen if the problem is not corrected. The department director or designee should document the counseling session, including what was agreed upon and target dates, as a supervisory note. The supervisory notes are for the reference file of the department director or designee.

- 2. Formal Disciplinary Process** - One or more of the following disciplinary options may be necessary:

- warning

- probation
- suspension or
- termination

Appropriate staff within the Department of Human Resources must review all disciplinary actions involving probation, suspension or termination prior to presenting this action to the employee. Unless specifically stated otherwise, all disciplinary actions will remain effective for a period of one year (twelve months) from the time LCMC presents the action to the employee.

#### **A. Warnings**

A disciplinary warning is used to emphasize to an employee his or her need to correct a particular problem in behavior or performance. The department director or designee must decide upon the type of warning to be issued:

- **First Warning** – A first warning is a formal written notice to an employee that a problem exists with performance or behavior and that he or she is expected to correct this problem.
- **Final Warning** – A final warning may be used as the last attempt to correct recurring, unacceptable behavior or if the employee exhibits instances of severe behavioral or performance problems or after repeated counseling sessions with the employee. A final warning may also be given without prior warning if the issue involves more severe issues. In either case, the employee is told that if the problem persists, further disciplinary action, up to and including termination, will follow.

Warnings should include each of the following elements as applicable:

- A statement of the problem
- the rule and/or policy violated
- statement from the employee giving his/her side of the incident or issue.
- statement from all witness or others involved in the incident or issue. It should address behavior, comments, actions, etc. that the witness(es) observed directly. It should not include conjecture, opinion or second hand statements from others.
- a statement of disciplinary consequences if improvement does not take place
- the employee's understanding of expectations and commitment to improve, if appropriate
- description of follow-up action to be taken by the department director or designee.

The department director or designee should give the employee an opportunity to examine the Employee Corrective Action First or Final Warning form (See Exhibit I) and complete the *Employee's Comments* section.

The employee should be asked to sign the Employee Corrective Action First or Final Warning form (See Exhibit I). If the employee refuses to sign the form, a member of leadership should be asked to witness the refusal. This should be notated on the *Employee* signature line. The witness shall sign beside the notation "*Employee refused to sign.*" The employee should be given a copy of the completed Employee Corrective Action First or Final Warning form (See Exhibit I). The director should keep a copy and the original should be forwarded to the employee's file in Human Resources

## **B. Termination**

Termination should be used in cases where the violation of policy is egregious, an employee's performance or behavior is so serious as to be unresolvable or where other corrective measures have failed. If a department director or designee believes termination is warranted, the following levels of approval must be obtained **in advance**:

- department director or designee
- Vice President or designee
- Human Resources Director or designee.

The employee should be told that termination is one option being considered. A termination must be documented on an Employee Corrective Action Probation/Suspension/Discharge form (See Exhibit II). The form should be forwarded to the Director of Human Resources or designee

## **C. Violations which may result in immediate discharge** – The list below is not an all-inclusive list of reasons for termination:

### *LCMC Standards*

- Violation the Service Excellence Standards
- Violation of LCMC or its member hospitals' Corporate Compliance Policy
- Violation of the Conflict of Interest Policy

***Confidentiality of Protected Information***

- Unauthorized use, copying, reading, disclosure, forwarding, downloading, discussion, fax, photo, video, posting or destruction of any hospital records, medical information, or protected health information as such term is defined in HIPAA and other regulations

***Safety Violations***

- Material breach of any safety standards
- Failure to comply with guidelines or requirements concerning Infection Control, OSHA, Universal Precautions or other related policies and procedures

***Federal & State Billing Regulations***

- Violation of Federal or State Billing Regulations, including:
  - **Federal False Claims Act**
    - Prohibits knowingly submitting false or fraudulent claims to the Government
    - Provides for a penalty from \$5,000 to \$10,000 per claim plus triple damages for anyone who knowingly submits or causes the submission of a false or fraudulent claim to the United States
  - **Louisiana Medical Assistance Program Integrity Law**
    - Makes it unlawful to knowingly present a false or fraudulent claim to Medicaid for payment, or knowingly make or use a false record or statement to get a false or fraudulent claim paid or approved by Medicaid
    - Provides for a civil fine in an amount not to exceed three times the amount of actual damages sustained by Medicaid as a result of the violation plus civil monetary penalties of not less than \$5,500 but not more than \$11,000 for each false or fraudulent claim, misrepresentation, illegal remuneration, or other prohibited act
- In addition to incurring the above civil penalties, violators may face criminal charges and/or provider exclusion from participation in federal and state health care programs.

- The above laws contain Qui Tam provisions that allow individuals to file a law suit in the name of the Government to allege fraud by a Government contractor and share in any money recovered.
- These laws also contain Whistleblower protections for the benefit of individuals who make reports of suspected violations in good faith.
- Please Note:
  - It is the duty of employees, physicians, physician extenders, consultants, contractors, and agents to report any transaction or conduct that they think may be a violation of Federal, State, or local law or a violation of any NOEH policy.
  - NOEH will not take any adverse action or retribution against any employees, physicians, physician extenders, contractors, and agents of the facility due to the good faith reporting of suspected violation or irregularity.
- Report suspected violations of law to:
  - Your supervisor or manager
  - The Compliance Officer via the anonymous **Compliance Hotline** at **1-855-9COMPLY (1-855-926-6759)**, 24 hours a day, 7 days a week
  - The Compliance Officer is responsible to promptly and thoroughly investigate reported concerns, document findings, timely notify government agencies, if warranted based on the results of the internal investigation, and institute appropriate corrective action as needed.
  - If you believe LCMC Health has not taken appropriate action in response to suspected violations of these laws, you may also report to:
    - Louisiana Department of Health at 1-800-488-2917
    - Office of Inspector General at 1-800-HHS-TIPS (2-800-447-8477)
- For more information, please review LCMC Health Policy CP.012, Compliance with Federal and State Billing Requirements.

### *Performance*

- Failure to fulfill job requirements
- Having a required license or certification suspended or revoked
- Failure to renew required license or certification timely
- Any act, omission, negligence, or conduct detrimental (or potentially harmful) to patients, hospital operations, staff, students, or hospital assets
- Inappropriate conduct on hospital property, clinics, offices, or other locations.

### *Communication*

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**LCMC Health  
Human Resources Policies**

**Policy #:** HR 404  
**Policy:** Code of Conduct

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- Violation of communication/social media policies and procedures
- Unauthorized use, copying, reading, viewing of inappropriate material at work.
- Unauthorized or inappropriate use, copying, reading, viewing, printing, posting of the internet and/or social media while at work or while using LCMC or its member hospitals' and their affiliates' equipment

*Attendance*

- Unauthorized absence from the work station
- No call, no show for two (2) scheduled shifts within a twenty-four (24) month period will be considered job abandonment

*Insubordination*

- Refusal to follow instructions of a hospital or department leader, supervisor or designee
- Refusal to accept a reasonable assigned responsibility, or a responsibility for which one is qualified and able to do
- Failure to comply with a request to take a drug/alcohol test
- Failure to comply with a request to search a desk, locker, box or personal item (purse, carrying case, phone etc.) as a result of a complaint, report and/or investigation

*Controlled Substances / Alcohol*

- Use of intoxicating or controlled substances while on hospital premises or reporting to work under the influence of the same.
- Working while under the influence of intoxicating or controlled substances—even if the substances are legal or legally prescribed
- Positive drug/alcohol test

*Theft / Falsification*

- Falsification of employment, payroll, patient or other hospital records
- Clocking in or out for another employee or having someone clock in or out on one's behalf
- Clocking in and not working or communicating a time different than actual arrival/leaving/break time
- Unauthorized possession, use, misuse, discard or destruction of property belonging to LCMC or its affiliates, an employee, patient, visitor, student or staff
- Interfering with a formal investigation, including but not limited to providing false information to an investigator or hiding, removing or destroying evidence or documentation.



- Lying or providing false information verbally, in text, writing, or other form or communication in an investigation.

#### ***Hostile Work Environment***

- Verbal or physical abuse of an employee, leader, supervisor or designee, patient, physician, contractor, student or visitor
- Threatening or coercing an employee, leader, supervisor or designee, patient, physician, contractor, student or visitor
- Harassment or intimidation of an employee, leader, supervisor, patient, visitor, student, or physician of a verbal, physical, emotional, or sexual nature.

#### ***Prohibited Acts***

- Sleeping or giving the appearance of sleeping while on duty or while clocked in
- Possession of a weapon on hospital property without authorization from LCMC Executives and/or Hospital Administration. The foregoing shall not apply to employees who are commissioned officer
- Conviction of a felony offense
- Unauthorized solicitation or distribution including distribution of literature or selling items, products or services to staff for personal profit
- Soliciting or accepting money and gifts from patients and/or visitors

#### **D. Probation**

Under certain circumstances, it may be preferred to place an employee on a 30, 60, or 90-day probation as an alternative to discharge. Probation is a set period of time during which an employee is expected to demonstrate his/her commitment to make the needed corrections in his/her performance or behavior. The probationary period should help the employee recognize the necessity for improvement in his/her performance or behavior and give an established time frame in which to do so. Such probation should not be confused with the new employee 90-day initial evaluation period. Probation must have the following approvals in advance:

- the appropriate department director or designee, and

- Human Resources Director or designee.

While on probation, the following is in effect:

- any action that reinforces the continuation of the problem will subject the employee to immediate discharge
- other inappropriate behavior, while not directly related, will be judged more seriously and could result in immediate discharge
- employee is ineligible for promotion or transfer until the probation has ended.

#### **E. Suspension**

Suspension is the placing of an employee on an inactive work status for a designated period of time as a measure for dealing with inappropriate, or suspected inappropriate behavior. There are two types of suspension which vary in use and procedure:

- investigatory
- disciplinary

Suspensions should be documented on Employee Corrective Action Probation/Suspension/Discharge form (See Exhibit II). Approval from the appropriate department director or designee and the Vice President of Human Resources or designee should be obtained before the suspension takes place, whenever possible.

#### **Investigatory Suspension**

Investigatory suspension is used when a department director or designee must take action outside of normal working hours or when additional time is necessary to investigate thoroughly the circumstances which surround a report or complaint of egregious behavior or serious violation of policies and procedures. The alleged infraction must be fully investigated before disciplinary measures are taken. Investigatory suspension is the suspension of an employee without pay for a maximum of five (5) working days.

#### **Disciplinary Suspension**

Disciplinary suspension is the suspension of an employee without pay for a maximum of five (5) working days. This type of suspension is discretionary and should be used rarely and only in the most unusual of circumstances. A department director or designee who feels that a disciplinary suspension would help solve a problem with an employee's behavior or performance should consult with the Human Resources Director or designee before discussing the matter with the employee. The employee's benefits are not affected by a disciplinary suspension.

**III. REPORTING TERMINIATION/DISCIPLINARY ACTIONS TO LICENSING BOARDS**

If an employee is terminated or under disciplinary action for an issue which could impact their license, it is the responsibility of the appropriate Vice President to notify and gather requested data for the appropriate licensing board.