



Compliance Code **OF** Conduct

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A Message from Michael Mewhirter

In order to effectively carry out our mission to improve the quality of life of the people we serve in our community, it is important that our staff understand and agree with our efforts.

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 you, our employee. 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 our commitment and what is expected of you as we ensure not only compliance but 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 that you may have. Because the success of our integrity program depends on your support and the support of the contractors we hire to help us, it is important for you to understand your role in strengthening this program. Should you have any integrity questions or concerns, please contact your department manager or the Corporate Integrity Department.

It is important that we become aware as soon as possible of violations of our policies and standards of behavior, in order to address and fix problems that occur. As part of our integrity and compliance program, we have an anonymous hotline hosted by a third-party hotline provider, EthicsPoint. You are encouraged to report suspicious conduct, illegal actions, policy violations, or significant information you feel you cannot report to your supervisor. You do not have to remain anonymous, however, anonymity is available if that is your choice. The toll-free hotline number is **1-844-587-1658**. Please remember that you are *obligated* to report any behavior that you believe violates state or federal laws or this Compliance Code of Conduct. We assure you that it is our policy to prohibit retaliation for asking questions or raising concerns about integrity issues or possible misconduct.

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



Michael Mewhirter
Interim CEO, Kettering Health



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, medical staff, vendors, contracted employees, consultants, students, and volunteers. This is an evolving document that will be reviewed and updated periodically to respond to changing conditions and to reflect 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 all applicable policies, laws, and regulations whether or not they are specifically addressed here. There may be instances in which additional guidance is needed due to the complexity of a particular situation. In these cases, it is advised that you consult with your manager or the Corporate Integrity Department for additional guidance. It is our hope that this code will inspire employees to engage in appropriate conduct, not because of the requirements found within the code, but because it is the right thing to do.



Our Mission

Kettering Health is committed to improving the quality of life of the people in the communities we serve through healthcare and education. We are dedicated to excellence and to providing each individual the most appropriate care in the most appropriate setting. In the spirit of Seventh-day Adventist healthcare ministry, we strive to be innovative and to convey God's love in a caring environment.

OUR VISION

As a faith-based organization, our vision is to be the healthcare partner of choice, providing convenient access focusing on whole-person care while leading the way through innovation, technology, education, and research.

- **Our Patients** Our principal responsibility is to our patients. We are committed to providing effective and necessary services to patients regardless of their race, religion, cultural background, or ability to pay. We are committed to ensuring that our patients are cared for safely with consideration for their privacy, dignity, and informed consent.
- **Our Employees** We recognize our employees as diverse and valued staff partners. We will strive to provide every employee with a harmonious and supportive workplace. We will strive for an environment where employees are treated fairly and where employees are honest, trustworthy, and reliable. We support, encourage, and reward excellence in our employees to achieve their maximum potential.
- **Our Physicians** We partner with and empower our physicians to advance our mission through the design and implementation of safe and effective clinical services. We pledge to protect the integrity of clinical decision making.



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 in compliance with all federal, state, and local laws and regulations as it provides safe and effective patient care.

The success and effectiveness of the program depends on the complete support and participation of all employees and individuals affiliated with Kettering Health. It is important that each employee has a clear understanding of his or her responsibility and obligation to know and abide by the laws, rules, regulations, policies, and procedures that have specific application to their job. Everyone, regardless of job title, plays a 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

- 1.** Understand and obey all policies that relate to their job functions and/or responsibilities in association with the organization.
- 2.** Be aware of the mandatory duty of all employees to report actual or possible violations of the Compliance Code of Conduct, Standards of Behavior, policies, laws, and federal and state regulations.
- 3.** Report any actual or potential violations of laws and regulations to their supervisor or to Corporate Integrity.
- 4.** Complete all required compliance education and training.

II. AUDITING, MONITORING, TRAINING, AND EDUCATION

To effectively address its compliance obligations, some of Corporate Integrity's responsibilities include:

1. AUDITING AND MONITORING

Corporate Integrity audits and monitors departments to determine if

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

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

2. PROVIDING TRAINING AND EDUCATION

An effective compliance program requires training on relevant areas of compliance. Therefore, annual compliance training is mandatory for **all** employees.

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

General Training—Covers topics including the following:

- Purpose, scope, and importance of Corporate Integrity
- Code of Ethics
- Relevant fraud and abuse laws
- Each person's obligation to report misconduct or other integrity concerns
- Protection of those who report integrity concerns
- Possible disciplinary actions for those who violate the integrity plan
- HIPAA requirements (patient privacy)
- Information security requirements

Specific Training—Employees may need to attend compliance training related to their specific areas of responsibility. The training may cover topics such as

- Government reimbursement principles and requirements
- Coding and accurate documentation
- Submission of accurate bills
- Appropriate marketing practices
- Any other topics that could put Kettering Health at risk for non-compliance with governmental health programs



III. YOU HAVE A DUTY TO REPORT

If you report a concern to Corporate Integrity, it will be investigated and appropriately resolved.

If you think that a law or policy may have been broken, you must report it.

There are three ways to report a concern:

1. Call the confidential hotline:

1-844-587-1658

2. Visit the intranet:

Under Resources, visit Corporate Integrity's intranet page and click "Report a Concern."

3. Mail a letter to:



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

IV. YOU ARE PROTECTED

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

If you don't want anyone to know that you contacted us, you can anonymously call the toll-free hotline number 1-844-587-1658, which cannot be traced back to you. You may also access the Corporate Integrity intranet page and send an anonymous email of your concern by clicking on "Report a Concern."

Kettering Health understands that reporting must feel safe or it will not happen. Managers and supervisors have an obligation to create an environment that encourages employees to report concerns without fear of retaliation. It is critical that you report any violations of policies that you feel exist in the organization without fear of being punished.



V. NON-RETALIATION POLICY

Hospital policy is clear about this issue: **Retaliation will not be tolerated.** Retaliation means to be punished for reporting an integrity concern. No Kettering Health supervisor, manager, or employee is permitted to engage, or threaten to engage, in retaliation or any form of harassment against an employee who reports a concern or who cooperates in an investigation involving a suspected violation. Kettering Health has a Non-retaliation Policy. It is a zero-tolerance policy. You must report anyone who retaliates against you for reporting a compliance concern.

What is retaliation?

Retaliation is any behavior that would discourage an employee from reporting a violation of our Code of Ethics, Standards of Behavior, or Kettering Health policies to their manager or Corporate Integrity or somehow punish them for doing so.

Examples of retaliation include

1. Telling your staff not to call the hotline but to bring their issues to you directly
2. Disciplining an employee for an issue unrelated to job performance
3. Asking employees if they or anyone else has contacted the Corporate Integrity Office
4. Trying to find out who called through guessing or accusations

Any employee who is found to have retaliated against another employee for reporting a compliance concern is subject to severe discipline including termination on the first offense.



VI. FRAUD AND ABUSE REGULATIONS

Kettering Health is committed to fully complying with all of the regulations and laws that govern our industry. Consistent with this commitment, all employees, Kettering Health vendors/contractors, and physicians 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 federal laws specifically designed to address healthcare fraud and abuse including the Civil False Claims Act, Anti-kickback statute, the Stark law, and the Patient Protection and Affordable Care Act (PPACA).

1. FALSE CLAIMS ACT

The Civil False Claims Act is the Justice Department's enforcement tool of choice and provides for substantial penalties for violation.

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 to the federal government.

If you send a claim that is not accurate to the government, you may violate federal laws even if you did not know that the claim was false.

Example: It is a violation of the Civil False Claims Act to bill the government for treatment that was not documented. The government will find a violation because there was no or inadequate documentation to justify the procedure.

2. ANTI-KICKBACK STATUTE

It is against the law and Kettering Health's gift 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 employee shall **offer to pay** any money, rebate, or gift in any form in return for referring or recommending an individual to our facility for services.

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 of reimbursement from the government for services we have provided, the overpayment must be returned as identified. PPACA mandates that overpayments must be returned to the government no later than 60 days after the overpayment was identified.



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 personnel must report to their supervisor or human resources department immediately 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.

VII. 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 race, creed, color, national origin, gender, or disability.

2. PATIENT PRIVACY (HIPAA)

Kettering Health is dedicated to protecting the privacy of our patients by preserving confidentiality of individually identifiable health information. All employees shall abide by all policies that ensure that patient health information is 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 employees comply 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 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.

VIII. CONFLICTS OF INTEREST

There is a conflict of interest when your loyalty is divided between your responsibilities to Kettering Health and to an outside organization or individual.

You must avoid both conflicts of interest and the appearance of conflicts of interest.

A conflict of interest may exist when you or a member of your immediate family has an interest of a direct or indirect nature in any entity dealing with or in competition with Kettering Health.

If you believe that you have a conflict of interest, you must report it to your supervisor or to Corporate Integrity.

By disclosing the conflict to the proper persons, the conflict may be resolved.



Personal Benefit

No employee shall become involved in any manner with competitors, contractors, patients, other providers, and/or suppliers of Kettering Health if such involvement would result in improper personal gain.

Acceptance of Gifts & Entertainment

No employee, nor any member of any employee's immediate family, may solicit or accept any personal gift (including complimentary business or personal trips) from any of Kettering Health's competitors, patients, other providers, vendors, or anyone with whom that employee does business on behalf of Kettering Health.

Never accept anything—for you, a family member or anyone else—that might be viewed as actually or potentially influencing your objective judgment on behalf of Kettering Health

Never offer a gift, meal, or other consideration that might be viewed as actually or potentially intended to influence the objective business judgment of anyone with whom Kettering Health does business.

IX. ENFORCEMENT AND DISCIPLINE

Intentional or reckless non-compliance with our policies and standards of behavior will be punished with significant sanctions, including written warnings, suspensions, or termination of employment. The determination of appropriate discipline will be based upon the facts and circumstances of each particular case. Any employee who is thought to have possibly violated our policies will be given an opportunity to present his or her version of the events at issue prior to any determination of appropriate discipline.



X. CONDITION OF EMPLOYMENT

Adherence to this Compliance Code of Conduct and all other Kettering Health policies is a condition of employment and advancement. Violation of this code will subject you to disciplinary action up to and including termination.

You are out of compliance if any of the following occurs:

- You engage in non-ethical or non-compliant conduct
- You fail to report non-ethical or non-compliant conduct
- Leaders who were aware or should have been aware of inappropriate conduct fail to take the necessary steps to achieve compliance with the compliance program
- Leaders who negligently fail to detect compliance violations that occur

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



COMPLIANCE CODE OF CONDUCT

Acknowledgement Statement

My signature below indicates that:

I have received the Kettering Health Compliance Code of Conduct.

I understand that I am required, as an employee of Kettering Health to follow and abide by this Compliance Code of Conduct, Kettering Health policies and procedures, and other requirements contained in the code.

I agree to report suspected violations of the Compliance Code of Conduct through my chain of command or the Corporate Integrity Department.

I understand I have an obligation to report any indictments or convictions (other than for minor traffic offenses) that I may incur to my department manager or the Corporate Integrity Department within five days of occurrence.

Signature

Date

Name (print)

Employee ID number

Facility/Department/Unit

