

ARCHBOLD MEDICAL CENTER

THE CODE OF CONDUCT FOR ALL EMPLOYEES

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TABLE OF CONTENTS

	<u>Page</u>
I. Introduction	1
II. Know the Laws and Regulatory Requirements That Apply to the Job	2
III. Follow the Compliance Standards and Procedures That Apply to the Job	2
IV. When in Doubt, Ask a Supervisor First and Then, if Necessary, the Corporate Compliance Officer or the President of Archbold Medical Center	2
V. Report Suspected Wrongful Conduct in Good Faith and as Soon as Possible	2
VI. Keep Accurate Records	7
VII. Be Loyal to the Medical Center and Avoid Conflicts of Interest	7
VIII. Use the Medical Center’s Facilities and Equipment Only for Medical Center Business	8
IX. Do Not Accept Personal Gifts From Patients, Vendors, or Members of the Medical Staff, and Do Not Offer Bribes to Patients	8
X. Maintain the Confidentiality of Sensitive Patient Information and Records	8
XI. Maintain the Confidentiality of Business Information and Records	9
MEDICAL ETHICAL STANDARDS	10
I. Quality of Care	10
II. Patient Rights	10
III. Patient Education	10
IV. Credentials	10
BASIC WORKPLACE ETHICAL STANDARDS	11
I. Fair and Equitable Treatment of Employees	11
II. Harassment	11

III.	Health and Safety	11
IV.	Environmental.....	11
V.	Use of Alcohol and Illegal Drugs	12

I. Introduction

It is the policy of Archbold Medical Center that all employees, medical staff members, referral sources, and other business contacts will demonstrate high ethical standards and comply with all federal and state laws and internal rules and regulations that may apply to any aspect of the operations of, or activities with Archbold Medical Center.

This Code of Conduct for All Employees (the "General Code") is intended to help define and govern the conduct expected of every employee, guide an employee in resolving legal and ethical issues, and provide the employee with a mechanism for the internal reporting of possible legal or ethical violations by such employee or by others.

As a condition of continued employment by Archbold Medical Center, an employee must report suspected legal or ethical violations in "good faith" and as soon as the employee becomes aware of them. An employee is acting in "bad faith" if the employee reports that a person at the Medical Center is violating legal or ethical requirements when such employee knows that the person really is not. In other words, an employee is acting in bad faith when the employee reports on someone out of spite, out of jealousy or for some other improper purpose. An accusation made in bad faith will subject the reporting employee to discipline, up to and including termination of employment.

A violation of the General Code may result in disciplinary action, up to and including termination of employment. The General Code contains 10 basic rules for every employee:

- (1) know the laws and regulatory requirements that apply to the job;
- (2) follow the compliance standards and procedures that apply to the job;
- (3) when in doubt, ask a supervisor first and then, if necessary, the Corporate Compliance Officer or the President of Archbold Medical Center;
- (4) report suspected wrongful conduct in good faith and as soon as possible;
- (5) keep accurate records;
- (6) be loyal to the Medical Center and avoid conflicts of interest;
- (7) use the Medical Center's facilities and equipment only for Medical Center business;
- (8) do not accept personal gifts from patients, vendors or members of the medical staff, and do not offer bribes to patients;

- (9) maintain the confidentiality of sensitive patient information and records; and
- (10) maintain the confidentiality of business information and records.

II. Know the Laws and Regulatory Requirements That Apply to the Job

An employee is expected to be familiar with the basic legal requirements that apply to the employee's duties. The employee will learn these legal requirements through orientation programs, in-house training sessions, from a supervisor, by reviewing departmental compliance standards and procedures, and by asking questions of an immediate supervisor, the Corporate Compliance Officer, or the President of Archbold Medical Center.

III. Follow the Compliance Standards and Procedures That Apply to the Job

An employee is expected to know and follow the departmental compliance standards and procedures that apply to the employee's duties. The employee will learn these standards and procedures through departmental orientation, training sessions, from a supervisor, and departmental policies and procedures as applicable.

IV. When in Doubt, Ask a Supervisor First and Then, if Necessary, the Corporate Compliance Officer or the President of Archbold Medical Center

The law is complicated and sometimes departmental compliance standards and procedures will not clearly answer a question or resolve a problem. When that happens, an employee must ask a supervisor for help. If a supervisor is not available, then the employee must contact the Corporate Compliance Officer or the President of Archbold Medical Center. There is no reason for the employee to take a chance of violating the law. The rule is simple: When in doubt, ask!

V. Report Suspected Wrongful Conduct in Good Faith and as Soon as Possible

The Medical Center's ability to prevent or detect wrongful conduct in a timely manner depends, in part, on the eyes and ears of its employees. Thus, as a condition of continued employment with the Medical Center, an employee is expected to report suspected wrongful conduct to a supervisor or, when deemed necessary by the employee, the Corporate Compliance Officer or the President of Archbold Medical Center in good faith and as soon as possible after becoming aware of potential wrongful conduct.

An employee may always discuss and is encouraged to discuss concerns of suspected wrongful conduct with a supervisor. If deemed necessary, the employee may alert the Medical Center's Corporate Compliance Officer and Corporate Compliance Committee of any act or practice that the employee believes in good faith violates the Medical Center's Corporate Compliance Program or any applicable federal or state law. If an employee chooses to make a report to the Corporate Compliance Officer, the reporting employee's identity will be kept confidential to the extent reasonably possible under the circumstances. In addition, the Medical Center will not tolerate

any threat of or actual retaliation against a reporting employee for making a good faith report of suspected wrongful conduct. Any person who threatens retaliation or retaliates against a reporting employee will receive disciplinary action that may include termination of employment.

An employee may make a report to the Corporate Compliance Officer by one of the following means:

1. Contacting the Corporate Compliance Officer directly by phone at (229) 228-2928 or through email.
2. Completing the online reporting tool on Archweb's Corporate Compliance Center.
3. Leaving a verbal message with the designated Compliance Voice Mailbox.
 - a. The Compliance Voice Mailbox number is: (229) 228-8443.
 - b. This voice mailbox will be checked by the Corporate Compliance Officer on a periodic basis.
 - c. The reporting employee need not be identified. However, anonymous requests may be more difficult to investigate. Furthermore, the Medical Center cannot guarantee that an employee's identity will not be discovered in the course of an investigation, particularly when it is necessary to share the results of an investigation with the government.

In addition to the Medical Center's Corporate Compliance Program, employees are to be informed of the following regulatory information:

- A. Federal False Claims Act (31 U.S.C. Section 3729)
 1. Summary

The False Claims Act ("FCA") prohibits knowingly making false claims against the government. False claims include:

- (1) Knowingly presenting or consenting to be presented a false or fraudulent claim for payment or approval;
- (2) Knowingly making, using, or causing to be made or used, a false record or statement to get a false or fraudulent claim allowed or paid;
- (3) Conspiring to get a false or fraudulent claim allowed or paid;
- (4) Having possession, custody or control of property or money used, or to be used by the government and, delivering less than the promised amount of property;
- (5) Making or delivering a receipt for property used or to be used by the government

- without completely knowing that the information on the receipt is true;
- (6) Knowingly buying, or receiving as a pledge of an obligation or debt, public property from a government officer or employee who lawfully may not sell or pledge the property; or
- (7) Knowingly making, using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay, repay, or transmit money or property to the United States.

The FCA imposes civil penalties of \$12,537 – \$25,076 for each false claim, plus interest, damages and expenses and is not a criminal statute.

2. Whistleblower Provisions – Qui Tam Lawsuits

Any person (a whistleblower or “qui tam relator”) may bring an action under the FCA in federal court within 6 years of the filing of the false claim.

The lawsuit is sealed for 60 days and then the government may pursue the matter or decline to proceed. If the government declines, the individual bringing the actions can proceed on their own in federal court. If the government (or individual) proceeds in the action and is successful in recovery of monies, the whistleblower receives a portion.

A whistleblower may not be discriminated or retaliated against in any manner by their employer by virtue of bringing the claim. A whistleblower who is discriminated against by his or her employer because of lawful acts done by the whistleblower on behalf of the whistleblower or others in furtherance of an action under the FCA, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, is entitled to all relief necessary to make the whistleblower whole.

Whistleblowers who prosecute clearly frivolous qui tam claims can be held liable to the defendant for its attorney’s fees and costs.

B. Federal Program Fraud Civil Remedies Act (31 U.S.C. Section 3801-3812)

The Federal Program Fraud Civil Remedies Act (PFCRA) addresses lower dollar frauds and generally applies to claims of \$150,000 or less.

PFCRA provides that any person who makes, presents or submits, or causes to be made, presented or submitted a claim that a person knows or has reason to know is false, fictitious, or fraudulent is subject to civil monetary penalties of up to \$12,537 per false claim and up to twice the amount claimed in lieu of damages.

Penalties may be recovered through civil actions or through administrative offsets against current claims payments.

C. Georgia Medicaid False Claims Act (O.C.G.A. Section 49-4-168-168.6)

1. Summary

The Georgia Medicaid False Claims Act (“Medicaid Act”) provides that persons who make false or fraudulent Medicaid claims are subject to civil penalties and damages.

False or fraudulent Medicaid claims include:

- (1) Knowingly presenting or consenting to be presented a false or fraudulent claim for payment or approval.
- (2) Knowingly making, using, or causing to be made or used, a false record or statement to get a false or fraudulent claim allowed or paid;
- (3) Conspiring to get a false or fraudulent claim allowed or paid;
- (4) Having possession, custody or control of property or money used, or to be used by GA Medicaid and, delivering less than the promised amount of property;
- (5) Making or delivering a receipt for property used or to be used by the GA Medicaid program without completely knowing that the information on the receipt is true;
- (6) Knowingly buying, or receiving as a pledge of an obligation or debt, public property from a GA Medicaid officer or employee who lawfully may not sell or pledge the property; or
- (7) Knowingly making, using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay, repay, or transmit money or property to the State of Georgia.

2. Civil Penalties & Damages

The State of Georgia civil penalty is consistent with the civil penalties provision of the federal False Claims Act as adjusted for inflation, plus 3 times the amount of the damages which the GA Medicaid program sustains because of such acts.

3. Attorney General Action

The Attorney General is authorized to: (i) investigate suspected, alleged and reported violations of the Medicaid Act; and (ii) bring a civil action against a person who the Attorney General finds has or is violating the Medicaid Act.

4. Whistleblower Provisions – Qui Tam Lawsuits

Any person (a whistleblower or a “qui tam relator”) may bring an action under the Medicaid Act in state court within 6 years of the filing of the false or fraudulent claim or 4 years after the date when facts material to the right of civil action are known or reasonably should have been known by the state official charged with the responsibility to act, but in no event later than 10 years after the date the violation occurred.

The lawsuit is sealed for 60 days to allow the Attorney General to investigate the allegations and to elect to intervene and proceed with the civil action or decline to proceed.

If the Attorney General declines to bring a civil action, the whistleblower bringing the action can proceed on his/her own in state court, and if the action is successful, receive a portion of the

proceeds of the civil action or settlement of the claim. If the whistleblower is not successful in such civil action, the court may order the whistleblower to pay the defendant's attorney's fees and expenses.

If the Attorney General (or individual) proceeds in the action, the whistleblower may continue to participate in the civil action, subject to the Attorney General's and the Court's limitations, if any, and receive a lesser portion of the proceeds of the civil action or settlement of the claim.

A whistleblower who is convicted of criminal conduct arising from his/her role in the violation of the Medicaid Act shall not receive any share of the proceeds.

5. No Discrimination Against Employee Whistleblower

If an employee whistleblower is discriminated against (demotion, suspension, threatened, harassed, etc.) by his/her employer because of lawful acts of the whistleblower on behalf of the employee or others in furtherance of an action under the Medicaid Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under the Medicaid Act, the employee is entitled to bring a civil action against the employer for all relief necessary to make the whistleblower whole, including reinstatement, two times back pay and interest, and any special damages and expenses resulting from the discrimination.

Whistleblowers who prosecute clearly frivolous qui tam claims can be held liable to the defendant for its attorney's fees and costs.

D. Georgia Civil & Criminal Medicaid Fraud Law (O.C.G.A. Section 49-4-146.1)

1. Unlawful Acts

a. Abuse

"Abuse" means "knowingly obtaining or attempting to obtain Medicaid assistance, benefits or payments to which a provider knows he/she is not entitled and which assistance, benefits or payments are greater than the amount the provider would have been entitled if paid in accordance with Medicaid policies and procedures."

The following are not "abuse:"

- Isolated unintentional billing, coding and cost report errors
- Miscoding, if there is a good faith basis for the use of the codes under Medicaid policies & procedures and no deceptive intent

b. Claims

It is unlawful in Georgia for any person or provider to obtain or attempt to obtain Medicaid benefits or reimbursement to which he/she is not entitled or in an amount greater than the amount the person is entitled to receive by:

- knowingly and willingly making a false statement or representation;
- deliberately concealing a material fact; or

- a fraudulent scheme or device.

c. Assistance

It is also unlawful for any person or provider to knowingly and willfully accept medical assistance payments to which he or she is not entitled or in an amount greater than that to which he or she is entitled, or to knowingly and willfully falsify any report or document for Medicaid assistance.

2. Penalties

A provider who commits abuse shall be liable for payment of a civil monetary penalty equal to two times the amount of any excess benefit or payment, plus interest.

Persons who violate sections (b) or (c) above are subject to civil penalties equal to the greater of: (i) three times the amount of the excess benefit or payment, plus interest; or (ii) \$1,000 for each excess claim for assistance, benefits or payment, plus interest.

VI. Keep Accurate Records

An employee is expected to comply with Medical Center and departmental requirements regarding record keeping. All records and reports are to be prepared accurately and truthfully, whether prepared for internal use, the government, or other outside parties.

VII. Be Loyal to the Medical Center and Avoid Conflicts of Interest

A conflict of interest exists when an employee has the opportunity to benefit personally, beyond the receipt of a paycheck, from an action taken as part of the employee's job duties.

In order to avoid conflicts of interest, an employee is expected to:

- serve the Medical Center with undivided loyalty and never use the employee's position for personal gain;
- devote full time and ability to the Medical Center's interests during regular working hours and for whatever additional time may be properly required;
- refrain from accepting additional employment or engaging in business activities outside regular working hours if these would tend to impair the employee's ability to meet regular job responsibilities to the Medical Center; and
- inform a supervisor of any actual or potential conflicts of interest of which the employee becomes aware.

VIII. Use the Medical Center's Facilities and Equipment Only for Medical Center Business

The Medical Center is a charitable institution. As a charitable institution, the Medical Center receives favorable tax treatment under the Internal Revenue Service Code. In order to retain this favorable tax treatment, the Medical Center's facilities and equipment must not be used to the benefit of any particular individual; rather, they must be used for the welfare of our present and future patients. Therefore, an employee may not use the Medical Center's facilities or equipment for personal benefit.

IX. Do Not Accept Personal Gifts From Patients, Vendors, or Members of the Medical Staff, and Do Not Offer Bribes to Patients

An employee may never request a gift or gratuity in any amount from a patient, a vendor, or a member of the medical staff. Nor may an employee accept a gift of money in any amount. An employee may, however, accept unsolicited gifts of candy, flowers, or other such kindnesses of nominal value (no more than \$25.00) on behalf of the employee's department or unit from patients, patients' families, or from vendors. The employee will report the receipt of any such gift to a supervisor and it will be shared with all members of the department or unit. An employee may never offer bribes to patients.

X. Maintain the Confidentiality of Sensitive Patient Information and Records

In the course of their duties, Medical Center personnel gather a great deal of personal information about patients. Therefore, employees must carefully avoid any unwarranted invasion of a patient's right to privacy. The inappropriate access, use, or disclosure of sensitive patient information may be injurious to the patient and to the Medical Center. The inappropriate access, use, or disclosure of patient information may subject an employee to civil and criminal prosecution, as well as termination from employment with the Medical Center.

In order to protect sensitive patient information from inappropriate disclosure, an employee is expected to:

- limit access to patient information to the extent required by the employee's duties and permitted by law;
- use only legitimate means to collect patient information and, whenever practical, obtain it directly from the patient;
- release information only according to established privacy and security procedures, being mindful that additional State and Federal regulations apply to a patient's alcohol, drug, mental health, and AIDS/HIV status.
- refrain from accessing or revealing any patient information to anyone unless supported by a properly completed patient authorization or legitimate business or patient care purpose; and

- refrain from removing or sending a patient medical record, or a copy of such record, from a designated storage place or a department without the authorization of a supervisor or other designated official.

XI. Maintain the Confidentiality of Business Information and Records

All business records of the Medical Center are proprietary and confidential, and certain records must be maintained in compliance with law. Federal and state law also require that the Medical Center maintain certain business records for minimum periods of time. In addition, the Medical Center often has a need to locate various business and corporate records on short notice. Therefore, an employee will limit access and use of business and corporate records to that required to perform the employee's duties as an employee of the Medical Center and will not remove business or corporate records, or copies of such records, from any department of the Medical Center without the authorization of a supervisor.

MEDICAL ETHICAL STANDARDS

I. Quality of Care

Archbold Medical Center is committed to the delivery of patient care without regard to age, race, ethnicity, religion, culture, language, physical or mental disability, socioeconomic status, sexual orientation, or gender identity or expression. Also, the Medical Center allows a patient's designated emotional support person to be with the patient as long as there are no privacy, safety, or clinical issues. It is the Medical Center's goal to provide superior service to its patients with skill, concern and compassion. Caregivers order tests, treatments, and other interventions based on individual patient needs regardless of how the Medical Center compensates or shares financial risk with leaders, managers, clinical staff, and licensed practitioners.

II. Patient Rights

Patients have a fundamental right to considerate care that safeguards their personal dignity and respects their cultural and spiritual values. Understanding and respecting these values guides the Medical Center in meeting its patients' care needs and preferences.

Archbold Medical Center's goal is to improve patient outcomes and maintain high standards of medical ethics in the delivery of patient care by respecting each patient's rights in an ethical and professional manner.

III. Patient Education

It is the patient's right and the health care professional's responsibility to provide each patient with accurate and timely information regarding his or her health, diagnoses, and prognosis so that the patient may make informed decisions and choices regarding consent to care and treatment.

Patients have the right to review information contained in their medical record at any time while under care at an Archbold Medical Center facility. Only patients or their designated decision makers may review this information and should be accompanied by a health care professional to ensure accurate interpretation of the information.

IV. Credentials

Only appropriately licensed and credentialed individuals may provide medical care at Archbold Medical Center facilities. Archbold Medical Center does not knowingly employ any individual, or contract with any person or entity, who has been convicted of a criminal offense related to health care or who is listed by a federal agency as debarred, excluded, or otherwise ineligible for participation in federally funded health care programs.

BASIC WORKPLACE ETHICAL STANDARDS

I. Fair and Equitable Treatment of Employees

Archbold Medical Center will ensure that employees are afforded nondiscriminatory terms, conditions, and privileges of employment in accordance with law, regardless of race, color, religion, national origin, sex, age, disability or any other factor protected by applicable law.

Archbold Medical Center respects and protects the privacy rights of employees. Employees are entitled to the privacy of their personnel information, salary data, performance appraisals, medical records and testing. Employees also are entitled to fair and equitable treatment. Archbold Medical Center's supervisors and managers are available to discuss and resolve any concerns employees may have as to any aspect of their employment and responsibilities, including privacy issues and issues involving fair and equitable treatment. Human Resources representatives may also be contacted to assist in resolving issues such as these.

II. Harassment

Archbold is committed to equal employment opportunity. It will not discriminate or retaliate against employees or applicants for employment on any legally-recognized basis including, but not limited to: age, race, color, religion, sex, sexual orientation, gender, pregnancy, national origin, ancestry, disability, armed services veteran status (including Vietnam-era or specially disabled veteran), genetic characteristic, whistleblower status, or any other characteristic or classification protected by applicable federal, state, or local law.

Archbold Medical Center expects that all employees will demonstrate proper respect and consideration for each other, regardless of their position. Should an individual have a complaint or need to report discrimination, harassment, or retaliation, the individual should report this concern to the Human Resources Department immediately. Employees of system facilities may report concerns to their facility's Personnel Coordinator or to the Human Resources Department. If an individual expresses any type of harassment concern to a manager or if a manager becomes aware of any type of harassment situation, the manager must notify the Human Resources Department immediately. Failure to do so may leave the manager exposed to legal action.

III. Health and Safety

Archbold Medical Center is committed to complying with applicable federal, state and local health and safety laws and standards. The Medical Center will maintain a safe workplace for its employees, patients and customers. All supervisors are required to make sure their employees understand the health and safety laws and regulations in their department.

IV. Environmental

Archbold Medical Center is committed to observing all applicable environmental policies, procedures, laws and regulations. Medical waste, environmentally sensitive materials and hazardous materials are to be disposed of in the proper manner. Any spills or accidents involving hazardous materials are to be promptly reported and handled.

V. Use of Alcohol and Illegal Drugs

Archbold Medical Center has a responsibility to provide a safe and healthy environment for patients, employees and the general public. Employees are prohibited from the use, sale, personal possession, manufacture or purchase of illegal drugs or alcohol while at work or while on Archbold Medical Center premises. While illegal drugs are strictly prohibited, any exception to the prohibition on the use of alcohol must be approved by the President of Archbold Medical Center.

CODE OF CONDUCT CERTIFICATION

I acknowledge that I have received a copy of Archbold Medical Center’s “Code of Conduct for All Employees” and, if applicable, the “Code of Conduct for Reporting Officers, Department Heads, Supervisors and Other Designated Employees.” I assume the responsibility to read the applicable code(s) in its entirety.

I understand I am individually responsible for complying with all applicable laws, the applicable Code(s) of Conduct, and the Corporate Compliance Program in the course of performing my job duties.

I understand that if I have questions or concerns about applicable laws, the Code(s) of Conduct, or the Corporate Compliance Program, I should promptly direct my questions or concerns to my supervisor or, if necessary, the Corporate Compliance Officer or President of Archbold Medical Center.

I understand my responsibility to report suspected wrongful conduct or deviations from the Corporate Compliance Program to a supervisor or, when deemed necessary, to the Corporate Compliance Officer or President of Archbold Medical Center in good faith and as soon as possible after becoming aware of potential wrongful conduct.

(Name, printed)

(Date)

(Signature)

(Facility/Entity)

(Position)