System – Administrative

TITLE:

Code of Conduct and Ethics

OUTCOME STATEMENT:

This policy, which is rooted in our mission and values and is based on the social teachings of the Catholic Church, the Ethical and Religious Directives for Catholic Health Care Services, SSM Health’s Corporate Responsibility Process, and relevant laws, regulations, and accreditation standards, outlines the Code of Conduct and Ethics (“Code”) for SSM Health (“SSM”) and all those who act on the organization’s behalf.

SCOPE:

Governing and Advisory Board members, executive management, administrators, employees, nurses, physicians, other clinicians, agents, and any other representative of SSM Health, including SSM hospitals*, SSM Medical Groups, Dean Health Plan, SSM operating entities, subsidiaries, and/or controlled affiliates shall be guided by this Code.

FILE MAINTENANCE INFORMATION:

Original Effective Date: 01/01/2011
Revision Dates: 04/01/2014, 01/01/2017
Author(s): Mindy Phillips, System Vice President Corporate Responsibility
Body or Person Last Approved: SSM Health Wisconsin and Dean Health Plan Board of Directors
SSM Health Board of Directors
SSM Health System Policy Board

* As required by CMS Regulation §482.12 A-0043 Conditions of Participation: Governing Body, the following hospitals are included as SSM entities:

Missouri: (1) SSM Health St. Mary’s Hospital – St. Louis and SSM Health Cardinal Glennon Children’s Hospital, (2) SSM Health DePaul Hospital – St. Louis, (3) SSM Health St. Clare Hospital – Fenton, (4) SSM Health St. Joseph Hospital – Lake St. Louis, (5) SSM Health St. Joseph Hospital – St. Charles and SSM Health St. Joseph Hospital – Wentzville, (6) SSM Health St. Francis Hospital – Maryville, (7) SSM Health St. Mary’s Hospital – Jefferson City, (8) SSM Health St. Mary’s Hospital – Audrain,

Oklahoma: (1) St. Anthony Hospital and Bone & Joint Hospital at St. Anthony, (2) St. Anthony Shawnee Hospital,

Wisconsin: (1) SSM Health St. Mary’s Hospital – Madison, (2) SSM Health St. Clare Hospital – Baraboo, (3) SSM Health St. Mary’s Hospital – Janesville,

Illinois: (1) SSM Health St. Mary’s Hospital – Centralia and (2) SSM Health Good Samaritan Hospital – Mt. Vernon

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DEFINITIONS:

I. Code of Conduct: A set of rules outlining the social norms, rules and responsibilities of, or proper practice for, an individual, party or organization.

II. Ethics: Moral principles that govern a person or group’s behavior.

III. Conflict of Interest: A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

IV. Fraud: Knowingly and willfully attempting to obtain by false or fraudulent representations any money or property owned by any health care benefit program.

V. Waste: Overutilization of services or other practices that, directly or indirectly, result in unnecessary costs to the health care program, including the Medicare and Medicaid programs. It is generally considered to be not caused by criminally negligent actions, but by the misuse of resources.

VI. Abuse: Involves payment for items or services when there is no legal entitlement to that payment and SSM Health has not knowingly and/or intentionally misrepresented facts to obtain payment.

VII. False Claims Act: A federal law that imposes liability on persons and companies who defraud governmental programs. The False Claims Act provides that any person who knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid by the Government is liable for a civil penalty under the law.

VIII. HIPAA: Health Insurance Portability and Accountability Act. A U.S. law designed to provide privacy standards to protect patients’ medical records and other health information provided to health plans, doctors, hospitals and other health care providers.

IX. PHI: Protected Health Information, specifically any information about health status, provision of health care, or payment for health care that is created or collected by a "Covered Entity" (or a Business Associate of a Covered Entity), and can be linked to a specific individual.

X. First Tier, Downstream and Related Entities (FDRs): A term used by the Centers for Medicare and Medicaid Services to describe vendors who are contracted by a health plan sponsor to carry out some of the administrative and health care services required for that plan sponsor to administer Medicare benefits to Medicare beneficiaries.

PROCESS:

SSM Health is committed to conducting our business according to the highest ethical and legal standards, including complying with all applicable Federal and State laws and regulations. The Code of Conduct and Ethics (“Code”) explains these standards and provides guidelines for your decision-making and behavior. If you ever feel like you need additional guidance, ask questions or refer to relevant policies and procedures. All employees, contractors and first tier, downstream and related entities (FDRs), (hereafter collectively referred to as “employees”) are responsible for adhering to the Code. All violations of the Code or policies and procedures, including failure to report a possible violation, will be taken seriously and may result in Corrective Action.
I. Business Ethics
   A. You must represent SSM Health accurately and honestly and must not engage in any activity intended to defraud anyone of money, property, services or care.
   B. You must pay careful attention to business transactions with suppliers, contractors and other third parties.
   C. You must not accept offers that would result in personal benefit. This includes gifts, favors and other incentives to perform work in a way that benefits outside parties. Only trivial items like pens and pencils are acceptable from vendors.
   D. To ensure that our facilities are focused on our values, SSM Health does not allow solicitation and/or distribution in our facilities. This applies to employees, non-employees and vendors or sales representatives who do business with SSM Health.

II. Conflicts of Interest
   A. SSM Health is committed to avoiding any perceived or actual conflicts of interest. A conflict of interest is any situation where you have a financial or business interest that might be in conflict with the financial or business interests of SSM Health.
   B. While you are employed by SSM Health, you may not have another job if that job could be perceived as a conflict of interest unless approved by your entity/clinic’s Corporate Responsibility, Compliance or Human Resources Leader.
   C. Employees are prohibited from performing any task which affects their own employment, medical or claims record, with the exception of changes made through approved online self-service portals, and from disbursing SSM Health funds to themselves.
   D. If a potential conflict of interest exists, make your supervisor aware of it, as well as the impact it could have on our patients and their families or on the organization. Your supervisor, senior-ranking manager, local Corporate Responsibility or Compliance Leader, or the System Vice President of Corporate Responsibility is available to assist you in determining whether a true conflict exists.

III. Legal Compliance
   A. SSM Health is committed to conducting all of its activities in compliance with applicable federal, state and local laws. These laws pertain to human resource activities, fraud, waste and abuse in the Medicare and Medicaid programs, lobbying and political activity, health insurance, employer group benefit plans, and many other areas.
   B. Preventing Fraud, Waste & Abuse
      Fraud, waste and abuse (“FWA”) are the topic of many laws because they cause significant amounts of money to be improperly spent. You will receive training (upon hire and annually thereafter) on how to detect, correct and prevent FWA.
   C. The False Claims Act (“Act”) is the federal government’s tool for addressing fraud. The Act imposes liability if an entity knowingly seeks: 1) payment from the government for a false claim; or 2) to avoid paying money owed to the government. If we violate the Act, we must pay penalties for each false claim, plus three times the amount of damages sustained by the government. Also, the government could choose to exclude us from government contracts (including offering Medicare products), grants or other programs.
   D. You must report any actual or suspected fraud, waste and abuse (FWA) to your entity’s Corporate Responsibility Leader or Special Investigations Unit (SIU) (Dean Health Plan only). You cannot be retaliated against for reporting fraud, waste and abuse (FWA) in good faith.
IV. Integrity in Communications, Books & Records
   A. SSM Health is committed to the highest standards of business ethics and integrity. We will not make false or misleading statements about any of our services or products or our competitors’ services or products.
   B. We will record and report information accurately and honestly, including information about time worked, business expenses incurred and other business-related activities.
   C. SSM Health will maintain records that accurately reflect SSM Health assets, liabilities, revenues and expenses. All of SSM Health’s audit and financial records will be maintained in accordance with generally accepted accounting principles (GAAP), as well as with all applicable federal, state and local laws.

V. Fair Competition
   A. We will only seek to further SSM Health’s interests through honest and legal means. We will compete solely based on our own merits, and the superiority of our products and services.
   B. We will comply with all laws that regulate competition. We will never discuss or exchange competitively sensitive information with a competitor or potential competitor. Competitively sensitive information includes prices of services, marketing activity and development plans.

VI. Confidentiality: Privacy and security of information
   A. We comply with all applicable privacy and security laws. We keep confidential information about SSM Health, our patients and our employees safe from inappropriate use or disclosure. A breach of a patient’s or member’s privacy or confidentiality is particularly troubling because it is a violation of the patient’s valued trust in addition to his or her legal rights. If you use or disclose information in an unauthorized way, you may be subject to disciplinary action, up to and including termination, fines and penalties.
   B. Protected health information (“PHI”) should only be accessed, used or disclosed to the extent necessary to accomplish assigned job duties. In general, we must obtain authorization to disclose PHI unless the disclosure is necessary for treatment, payment or health care operations. If you know that PHI has been improperly used or disclosed, you must report the incident to your entity’s HIPAA Privacy Specialist, or designee. The HIPAA Privacy Specialist is responsible for reviewing all privacy incidents and overseeing any related investigations and notifications.
   C. We have the responsibility to uphold privacy and avoid discriminatory or harassing behaviors with the use of social media even if your use occurs off premises. For instance, you cannot use social media to harass or unlawfully discriminate against a colleague. Also, you cannot disclose confidential or private information about a member, a colleague, or SSM Health through social media.

VII. Diversity and Equal Opportunity
   A. SSM Health believes that the fair and equitable treatment of employees, patients and other persons is critical to fulfilling its mission and goals. SSM Health makes all employment decisions without regard to any personal characteristic or factor protected by applicable local, state or federal law, including: race, color, national origin, religion, gender, sexual orientation, physical or mental disability, medical condition, age, or veteran status. SSM Health does not tolerate discrimination on the basis of any classification protected by law.

VIII. Harassment
   A. SSM Health is committed to creating and maintaining a work environment that is based upon respect for all individuals. We all have the right to be treated with dignity and to work in a respectful work environment free from harassment of any kind. Harassment includes both physical actions and verbal remarks that are done by, or directed to, an employee. Conduct may
be considered harassment even if there was no intent to harass. Harassment will not be tolerated regardless of whether you are on SSM Health premises or engaged in off-hours or off-site business-related functions.

IX. Reporting Discrimination or Harassment
A. If you observe, learn of or are subject to discrimination or harassment, you should report it to a supervisor, Human Resources or your entity’s Corporate Responsibility or Compliance Leader. By reporting, you help us maintain a respectful and ethical culture. As with any other report of potential code violations, you will not be subject to retaliation if you report in good faith. Each report will be fully investigated.

X. Reporting Misconduct
A. You must report anything you think may have violated the code, a policy and procedure, or the law, including potential fraud or misconduct related to our Medicare plans. It is important to report violations because it helps SSM Health address issues quickly and thoroughly.
B. Keep in mind that you are protected from retaliation and intimidation with respect to your good faith participation in the Corporate Responsibility Process which includes: reporting potential issues, investigating issues, and conducting self-evaluations, audits and remedial actions. If you speak up in good faith and anyone retaliates, threatens to retaliate, or intimidates you because you spoke up, they may be subject to disciplinary action.
C. You may report potential violations to your supervisor, senior-ranking manager, local Corporate Responsibility or Compliance Leader, or to the System Vice President of Corporate Responsibility. You may also file an anonymous and confidential report using the compliance hotline.