



# Code of Conduct

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As of February 28, 2019

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## Message from the President



***Mark A. Keroack, MD, MPH***  
***President and CEO, Baystate Health***

Dear Baystate Health Colleagues,

The Baystate Health Compliance Program guides how we conduct ourselves at Baystate Health. It is built on our mission and values and is a part of our daily activities, supporting our tradition of caring – for our patients, our communities, and our colleagues. All of us at Baystate Health are committed to acting with absolute integrity in the way we do our work.

This Code of Conduct offers guidance to ensure our work is done in an ethical and legal manner. It also contains resources to help you resolve questions about appropriate conduct at Baystate Health and to clarify how you should expect to be treated while working here. Please review it thoroughly. Your commitment to its message and meaning is crucial to our success and future.

If you have questions regarding this Code of Conduct, or encounter any situation which you believe violates this Code, you have a responsibility to immediately consult your supervisor, another member of management, your Human Resources Business Partner (HRBP), the Baystate Health Corporate Compliance Office at 413-794-7955, the Baystate Health Hotline at 1-877-874-7444, email [complianceoffice@baystatehealth.org](mailto:complianceoffice@baystatehealth.org) or go online to <https://baystatehealth.alertline.com>. There will be no retribution for asking questions or raising concerns about possible improper conduct.

In our organization, corporate compliance means more than just following laws, policies, and procedures. It means practicing strong ethical standards in everything we do. These standards form the foundation for our promise of “Advancing Care. Enhancing Lives” for which we all strive. Your commitment will greatly benefit Baystate Health and the community we are privileged to serve.

A handwritten signature in black ink that reads "Mark A. Keroack MD". The signature is written in a cursive, professional style.

# Our Principles

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## **Our Mission**

The charitable mission of Baystate Health is to improve the health of the people in our communities every day, with quality and compassion.

## **Our Vision**

Our vision, “We enhance your life as a trusted partner in health,” recognizes the importance of understanding and respecting the unique individual who is the object of our care and focus of our relationship.

## **Our Promise**

Our promise is “Advancing Care. Enhancing Lives.” Advancing care reaffirms our commitment to maintain our traditional strengths in clinical excellence in an environment of learning and innovation; Enhancing lives commits us to build new strength in offering exceptional experiences that make a difference in the lives of those we serve.

## **Our Core Values**

We strive to meet our mission and perform all of our work by adhering to our core values: Respect, Integrity, Teamwork, and Lifelong Learning.

## **Our Corporate Philosophy**

Baystate Health’s long-term success depends upon our reputation for the care we give and for our unquestionable ethics in patient care as well as sound business judgment necessary to deliver quality patient care. We recognize the duty of each individual employed by or acting on behalf of Baystate to commit to the highest ethical standards in actions and decisions. We strive to maintain this environment of high ethical standards and compliance by Baystate and each individual during the delivery of patient care, the management of the organization, and the conduct of business. We are dedicated to maintaining an environment where high personal and work standards of all staff, employees, trustees, officers, and directors contribute positively to the corporate culture and to the delivery of excellent patient care.

## **Our Expectations**

To fulfill our mission successfully and ethically, and to provide excellent patient care, Baystate Health expects all individuals employed by or acting on behalf of Baystate to follow the guidelines in this Code of Conduct, as well as the policies, rules and laws that apply to our employment or responsibilities at Baystate Health. This Code of Conduct summarizes some of these key policies, rules and laws and is intended to guide our conduct. It is not intended to provide a complete statement of all rules and requirements.

To find other policies and procedures applicable to your work, please go to the Baystate Health intranet and click on the “Policies” link. All employees must complete all required trainings.

## **Our Disciplinary Guidelines**

Baystate will impose disciplinary actions for violations of the Code of Conduct, failure to report a violation, reporting of a violation in bad faith or for malicious reasons, or discouraging someone from reporting a legitimate concern. Disciplinary actions will be imposed on a fair and equitable basis and consistently applied. Disciplinary action will depend on all of the circumstances and may include:

- Education and training
- Oral or written warnings
- Suspensions or terminations
- Contract termination
- Financial penalties
- Additional monitoring or supervision
- Potential reporting of the conduct to law enforcement

Baystate also reserves the right to immediately discipline, suspend, or terminate an employee who has knowingly and willfully violated the Code of Conduct, applicable laws or regulations, or BH policies. This may include termination of employees or agents who become subject to sanctions or exclusions from government health care programs.

# **Our Responsibility to Report**

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## **Obligation to Report**

We are obligated to comply with the expectations in this Code and to report any wrongdoing, including violations of this Code, Baystate Health policies and procedures, or laws and regulations. If you are not sure whether to report a concern or possible issue, consider the following:

- Is this issue in conflict with the Baystate Health Code of Conduct, values, policies and practices?
- Are you unsure whether an activity complies with a law or regulation?
- Would others question the propriety of the action?
- Are you repeatedly questioning the propriety of an action?

If the answer is “yes” to any of these questions, please report the issue or seek further guidance.

## Drug Diversion

Any employee who has knowledge of drug diversion by a fellow employee has an obligation to report such information. Baystate shall treat such information as confidential and shall take all reasonable steps to protect the confidentiality of the information and the identity of the employee providing the information. A failure to report information about drug diversion will be considered in determining whether to continue to allow an employee to work in an area with access to drugs.

## How to Report

*To ask a question or report a concern or violation, you can:*

- Tell your supervisor.
- Call your HR consultant or local Human Resources Office (for human resources or employment related issues).
- Call the Baystate Health Corporate Compliance Office at 413-794-7955. Employees of Baystate Wing can also call 413-370-8908, Baystate Noble can call 413-572-5056 and Baystate Franklin can call 413-773-2286.
- E-mail Corporate Compliance at [complianceoffice@baystatehealth.org](mailto:complianceoffice@baystatehealth.org).
- Call the anonymous Compliance Hotline at 877-874-7444, 24 hours/day, 365 days/year.
- Report an issue anonymously online at <https://baystatehealth.alertline.com>.

You are not required to reveal your name or department when you report an issue. All reports will be investigated and action taken as appropriate. Depending on the issue, we may ask to contact you for additional information.

## Non-Retaliation

Baystate Health does not permit any form of intimidation or retaliation against anyone who reports a suspected violation in good faith or who participates in an investigation.

## Government Inquiries, Investigations and Regulatory Requests

Baystate Health will cooperate fully with all reasonable government inquiries, regulatory and legal requests. If you are in receipt of a warrant, subpoena, request for audit or investigation, contact your immediate supervisor, Risk Management, Legal and/or Corporate Compliance at 413-794-7955 or [complianceoffice@baystatehealth.org](mailto:complianceoffice@baystatehealth.org) for further direction and guidance.

# Our Patients

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## Quality of Care and Services

Baystate Health is committed to providing high quality health care to our patients and to delivering health services in an ethical, professional, cost effective and nondiscriminatory manner. We are committed to complying with laws and regulations that govern patient quality of care and safety, such as the Medicare Conditions of Participation, the Emergency Medical Treatment and Active Labor Act (EMTALA), Massachusetts Department of Public Health regulations, Joint Commission accreditation requirements and the Affordable Care Act's Nondiscrimination in Health Programs provisions. We are expected to:

- Treat all patients with respect and dignity.
- Only provide care that is necessary and appropriate.
- Provide equal access to care for all patients regardless of gender, gender identity or expression, color, age, sexual orientation, disability status, ancestry, race, religious or cultural beliefs, source of payment, or any other classification protected by law.
- Provide free aids and services to people with disabilities to communicate effectively with us, such as qualified sign language interpreters.
- Maintain complete and thorough records of patient care.
- Recognize the rights of patients to formulate an advance directive and comply with that directive.
- Be properly licensed and credentialed and have the necessary experience and expertise to care for our patients.
- Act in a respectful, collaborative and professional manner.
- Provide a medical screening exam to all patients presenting to a Baystate Health emergency department with a potential emergency medical condition or in labor, to determine if an emergency situation exists. If one does exist, we will provide the patient with medical treatment to stabilize the condition, without regard to the patient's ability to pay.
- Document and report adverse patient safety events so that we can improve our processes and prevent patient harm.
- Conduct all clinical research in accordance with federal, state and local laws and under the auspice of an Institutional Review Board (IRB) as appropriate.

## **The Joint Commission**

The Joint Commission is a not-for-profit organization that accredits and certifies health care organizations and programs in the United States. They set national standards for quality, safety and performance. Baystate Health is committed to complying with the standards set by The Joint Commission as well as other regulatory agencies. Anyone who has a complaint about the quality of care received at a health care facility accredited by The Joint Commission may contact The Joint Commission at:

### **Office of Quality and Patient Safety**

#### **The Joint Commission**

**One Renaissance Boulevard**

**Oakbrook Terrace, IL 60181**

**Online at [www.jointcommission.org/report\\_a\\_complaint.aspx](http://www.jointcommission.org/report_a_complaint.aspx)**

**[E-mail: patientsafetyreport@jointcommission.org](mailto:patientsafetyreport@jointcommission.org)**

**Fax: 630-792-5636**

# **Our Commitment to Protecting Information**

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## **Confidentiality and Privacy**

Baystate Health is committed to safeguarding medical and business information. We will:

- Comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA), the Baystate Health Patient Privacy and Security Handbook and Baystate's privacy and security policies and procedures.
- Keep patient information confidential and only access it if we need the information to do our job. Access for any other reason is prohibited and may result in termination.
- Release patient information only when the release is supported by a legitimate clinical or business purpose, or a patient authorization.
- Refrain from discussing patient information in public areas such as elevators, common areas and dining halls.
- Avoid using patient names when overhead paging.
- Refrain from sharing any information that would compromise patient privacy on social media sites, blogs, forums, Facebook, Twitter or other Internet sites.
- Protect sensitive business information, which may include salary, personnel and financial information, and strictly limit its dissemination.
- Require our business partners to safeguard our patient information through a written agreement, such as a business associate agreement or data use agreement.



## Information Security

Baystate Health is committed to protecting its information and information systems from accidental or unauthorized access, disclosure, modification or destruction. We will:

- Log off workstations and applications when not in use.
- Never share passwords.
- Always verify fax numbers before sending patient information.
- Not install, share, or copy software programs, or perform any other acts that would violate a vendor's software license agreement or organizational policies.
- Use all equipment provided to us primarily for work purposes, and return it when employment ends.
- Immediately report lost or stolen devices or other information security issues to the BH Help Desk at 413-794-0503.

## Our Business Practices

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### Our Billing Practices

Baystate Health is committed to complying with state and federal laws related to fraud, waste and abuse.

Anti-Kickback Laws. Federal anti-kickback laws prohibit knowingly offering, paying, soliciting or receiving payment of any kind to induce a business referral. Unless otherwise permitted by law, we will not:

- Offer or accept any monetary payment or benefit in return for a patient referral or the purchase of goods or services.
- Offer gifts or other inducements to patients to influence their choice of provider for health care services.

Federal and State False Claims Acts (FCA). Federal and State False Claims Act violations include:

- Presenting, or causing to be presented, to any government entity, a false or fraudulent claim for payment or approval.
- Knowingly making, using, or causing to be made or used a false record or statement to get a false or fraudulent claim paid or approved by any government entity.
- Conspiring to defraud any government entity by getting a false or fraudulent claim allowed or paid.

Examples of potential false claims include, but are not limited to:

- Claiming reimbursement for services that have not been rendered.
- Characterizing the service differently than the service actually rendered.
- Falsely indicating that a particular health care professional attended a procedure.
- Billing for services or items that are not medically necessary.
- Submitting claims for services performed by unqualified technicians.
- Forging or altering a prescription or claim.
- Falsely certifying that a patient meets the criteria for services such as home care.

Baystate Health's employees and contractors who prepare, process, and/or review claims should be alert for false claims or billing errors. Baystate Health expects you to report any incident of fraud, waste and abuse whenever you learn of it or suspect it.

Baystate Health expects us to:

- Accurately document the care provided.
- Prepare and submit claims that are complete and accurate, reflect reasonable and medically necessary services, and that are ordered by appropriately licensed medical professionals. These bills must be supported by documentation in the medical record and be compliant with applicable rules, regulations, and standards including Medicare and Medicaid billing rules.
- Understand current coding, billing and reimbursement updates and be trained in the areas of proper documentation, code selection, charge capture and reimbursement issues.
- Notify the appropriate personnel if we discover errors or notice areas for improvement.
- Provide confidential financial assistance or counseling to patients who qualify through our financial assistance office.
- Correct billing errors prior to submitting a bill and promptly refund any overpayments.

The Federal False Claims Act imposes penalties between \$11,181 and \$22,363 per claim<sup>1</sup>, and the Massachusetts False Claims Law authorizes civil penalties of up to \$11,000 per claim. Both laws also provide for the recovery of triple damages sustained by the government.

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<sup>1</sup> Amounts as of February 6, 2019. Amounts are adjusted annually.  
<https://www.govinfo.gov/content/pkg/CFR-2018-title28-vol2/xml/CFR-2018-title28-vol2-sec85-5.xml>  
<https://www.mass.gov/service-details/attorney-generals-false-claims-division>

Protection for Whistleblowers. State and federal laws also contain important protections for whistleblowers. Baystate Health will not discriminate or retaliate against you for reporting, in good faith, a potential or actual fraudulent activity, or for cooperating with any government or law enforcement agency's investigation or prosecution.

### **Accuracy of Financial Records, Transactions and Reports**

Baystate Health's financial records, cost reports, transactions (including patient bills), and resulting financial statements and regulatory reports must be accurate, complete, and in accordance with institutional and regulatory requirements. We are expected to:

- Observe stringent standards in keeping our financial records and transactions. Our records must reflect all components of transactions, as well as our own standard of insisting upon an honest and forthright presentation of the facts.
- Related to the issuance of tax-exempt bonds, we will not directly or indirectly affect securities transactions on the basis of 'insider information.'

### **Document Retention and Disposition**

Every employee is responsible for the integrity and accuracy of our organizations' documents and records, not only to comply with regulatory and legal requirements but also to ensure that documents and records are available to support our business practices and actions. Medical, business, financial and operating documents include *paper and electronic* documents that includes information about Baystate Health or its business activities. We are expected to:

- Comply with the regulatory requirements, accreditation standards and organizational policy for the creation, management, retention, and destruction of records.
- Never falsify information on any record or document.
- Preserve records related to pending litigation, audits or investigations.

### **Conflicts of Interest**

As a tax-exempt organization, Baystate has a legal obligation to engage in activities and allocate resources to further its charitable purpose. In addition, we are committed to providing patient care that is in the best interest of the patient and not influenced by outside interests. Baystate Health expects and requires us to:

- Act honestly and ethically, and to avoid both actual and potential conflicts of interest with Baystate Health.
- Disclose any actual or potential conflicts of interest to Baystate Health in accordance with policy.
- Act solely in the best interest of Baystate Health, whenever acting as an agent of Baystate Health, in dealings with suppliers, customers or government agencies.

- Conduct all political activities in full compliance with federal, state and local laws and not use Baystate Health resources or funds to campaign for or on behalf of a political interest, campaign or candidate.
- Refrain from soliciting or accepting personal gifts of any kind in any value from vendors or from referral sources (physicians, nursing homes, laboratories, etc.). We may participate in business entertainment as long as there is a business purpose for the event and participation does not influence, or be construed as influencing, any business decision. Please see our gifts policy for additional information.

## Our Workplace

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### Employment Practices and Workplace Behavior

At Baystate Health, our greatest strength is our employees. Our reputation as an institution of outstanding patient care is built by our employees. We must encourage and support each other as we work toward common goals.

Baystate Health is an equal opportunity employer and we do not discriminate against employees or potential employees on the basis of gender, gender identity or expression, color, age, sexual orientation, disability status, veteran status, ancestry, race, religious or cultural beliefs or other classifications protected by law. We do not tolerate violence, threats, intimidation, or other disruptive or harassing behavior, whether by employees, patients, visitors or anyone else on Baystate Health property. We are expected to:

- Behave appropriately in the workplace.
- Act responsibly and collaboratively and treat everyone in a respectful and professional manner.
- Comply with Baystate Health's employment and anti-harassment policies.
- Abide by Baystate Health policies prohibiting illegal possession, distribution, use or being under the influence of illegal drugs, alcohol or other substances.
- Support an alcohol-free, drug-free and smoke-free workplace.
- Model the behavior we would like others on our team to demonstrate.
- Help ensure that the rights of patients, visitors and employees are respected.
- Report incidents of inappropriate behavior in the workplace by employees, patients, visitors or anyone else.

## Health and Workplace Safety

Baystate Health is committed to providing all employees and patients with a clean, safe and healthy work environment. To achieve this goal, we must recognize our shared responsibility to follow all safety rules, policies and practices. We will:

- Wear identification badges visibly above the waist.
- Report any suspicious activity to Baystate Health Security at 413-794-5534, Baystate Noble at 413-636-1446, Baystate Wing at 413-370-5154 or Baystate Franklin at 413-773-2526.
- Follow laws and regulations relating to the environment, including those laws and regulations regarding the handling, storage, use and disposal of hazardous materials and infectious wastes.
- Wear proper protective equipment for our jobs and engage in hand hygiene.
- Adhere to all safety and employee health policies and any state or federal regulations regarding occupational safety.
- Report spills and safety hazards promptly.
- Follow emergency plans and know what to do in the event of a disaster or fire.

## Key Policies in Support of Our Code of Conduct

Please go to the Baystate Health intranet and click on the “Policies” link for all policies intended to guide your conduct and activities. Many of the policies that support our Code of Conduct can be found in the Compliance or Human Resources chapter.

For **Human Resources Policies**, go to the Baystate Health intranet and click on the “Policies” link to find policies related to your employment with Baystate Health, for example, duty to report and non-retaliation policies.

For **Corporate Compliance, Privacy and Security Policies**, go to the Baystate Health intranet and click on the “Policies” link to access policies on conflicts of interest, privacy and security policies, limitations on the acceptance of gifts, as well as other Compliance Policies.

If you need assistance with policies, or their location, call the Corporate Compliance Office at 413-794-7955.