



Community Care of Brooklyn (CCB) Code of Conduct

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INTRODUCTION

Maimonides Medical Center (MMC) is the designated lead of and fiduciary for the Performing Provider System (PPS), known as Community Care of Brooklyn (CCB), within the New York State Department of Health's Delivery System Reform Incentive Payment (DSRIP) program. Community Care of Brooklyn (CCB), the Maimonides PPS, is not a separate legal entity, but rather a group of organizations and individual practitioners (known as "Participants") connected via a Master Services Agreement (MSA) to MMC. CCB is governed by an Executive Committee and managed by the Maimonides Central Services Organization (CSO), a team of individuals employed by MMC. Final authority with respect to the Maimonides PPS rests with MMC as fiduciary.

CCB is responsible for plans and projects that will transform the delivery of care to more than 500,000 Medicaid beneficiaries in Brooklyn. The CCB network consists of a broad range of health and human services providers, Brooklyn-based community groups and others, including, but not limited to 6 hospitals, 10 FQHCs, more than 1,600 primary care physicians, a number of clinics, home care agencies, long term care providers and specialty and behavioral health physicians and services.

The CCB Code of Conduct is specific to DSRIP-related activities and issues. It outlines the compliance principles and standards of legal and ethical conduct for members of CCB's Governance Committees, CSO staff and CCB Participants, and is in addition to existing compliance guidelines, as may be issued by their respective employers. Additional reference to compliance principles and guidelines appears in the Master Services Agreements (MSAs) that have been executed by all CCB Participants. CCB Participants should familiarize themselves with the contents of the CCB Code of Conduct and ensure that the legal and ethical principles referenced herein are upheld without exception. As noted in the MSA, failure to meet these standards may result in corrective action and/or termination from participation as a CCB Participant in the DSRIP program.

STANDARDS OF CONDUCT

PATIENT PRIVACY AND CONFIDENTIALITY

Releasing patient- specific information to unauthorized individuals or discussing such information in elevators and other public areas is prohibited. Employees working on behalf of CCB and CCB Participants shall not share patient-specific information other than that necessary to support that individual or agency's authorized role in CCB. Make sure CCB patient information stored in computer systems is properly safeguarded.

ACCURACY IN DSRIP REPORTING AND INVOICING

All CCB Participants are required to designate an individual at their organization with proper authority (i.e. an authorized signatory such as a CEO, CFO or other officer in an organization, or the owner of a physician practice) to attest that the information in each monthly report submission is true to the best of their knowledge, that during the report month neither the organization nor anyone providing services under their agreement with CCB is an 'Excluded Provider', and that if the organization is required to submit one of more lists of 'actively engaged' patients as part of reporting under their contract, that the patients included in such rosters are reporting for DSRIP purposes only to CCB.

FRAUD AND ABUSE / REFERRALS

CCB does not pay or offer to pay anyone for the referral of patients with regards to its DSRIP projects and initiatives. CCB Participants accept patients based solely on criteria established by the New York State Department of Health and CCB Participants' ability to render the needed services. Employees working on behalf of CCB or any CCB Participant may not solicit or receive anything of value, either directly or indirectly, in exchange for a referral of patients to any other healthcare provider.

RELATIONSHIPS WITH VENDORS

Vendors, subcontractors and suppliers of goods and/or services to MMC in its capacity as fiduciary and lead for the PPS must be selected using objective criteria, including quality, service, positive experience, price, delivery capability and technical excellence. Personal relationships and friendships may play no part in the selection process. Accepting bribes or kickbacks is strictly prohibited. These same standards shall be applied by CCB Participants when entering into relationships with vendors to support their work on DSRIP projects.

GIFTS AND ENTERTAINMENT

As a general rule, members of CCB Governance Committees, CSO management team members and staff, and others involved in implementation of DSRIP projects may not accept gifts or favors from individuals or companies with whom CCB does business. Token gifts with a total value of \$25.00 or less may be accepted, but cash or cash equivalents, such as gift certificates, may not under any circumstances be accepted. Under no circumstances may gifts be solicited. No gift, no matter how low in value, should be accepted if its acceptance would influence one's business judgment. Accepting business courtesies of personal benefit (e.g., tickets to sporting or theatrical events), whether or not accompanied by the vendor is prohibited. Accepting food items or meals from vendors is prohibited, unless (i) the meal is provided to CSO staff during training or continuing education sessions or conferences and (ii) reported to the Compliance Officer.

CONFLICTS OF INTEREST

A conflict of interest may arise if outside activities or personal interests influence or appear to influence one's ability to make objective decisions in the course of fulfilling job responsibilities, or the demands of outside activities may hinder or distract one from performing his or her job. It is the responsibility of each member of a CCB Governance Committee, CSO management team members and staff, and others involved in CCB to ensure that she/he refrains from participating in decisions that may result from a conflict of interest, and to disclose any financial or other conflicts as they may arise. Should a member of a CCB Governance Committee, CSO management team or staff member, or another individual involved in CCB activities have a concern or question with respect to a potential conflict of interest, she/he should contact the CSO's Director of Contracting and Compliance Support for consultation.

BOOKS AND RECORDS

It is essential that books and records reflecting DSRIP-related business transactions be accurately maintained. Financial information must be accurately and properly recorded so as to maintain accountability of DSRIP funds. Falsifying, altering or tampering with financial records is expressly prohibited. These same standards shall apply both to CSO management team members overseeing the DSRIP program and to CCB Participants.

CONFIDENTIAL INFORMATION

Information about CCB strategies and plans, operations, patients and personnel is confidential and should be protected. CCB Governance Committee members, CSO staff and CCB Participants should not disclose confidential information to individuals outside of CCB unless those individuals have a legitimate need to know and have agreed to maintain the confidentiality of the information. Under no circumstances may confidential information be used by anyone involved in CCB for personal benefit, even after one has discontinued his or her association with CCB.

SOFTWARE AND INTELLECTUAL PROPERTY

All persons involved with CCB shall honor copyrights and software license agreements. Software or copyrighted documents not authorized for reproduction shall not be copied. Software purchased for personal use may not be copied into work done for CCB or installed on CSO office computers.

ELECTRONIC MEDIA

Communication systems, including e-mail, Internet access and voice mail, provided for use in connection with the management of CCB are to be used for business purposes. These communications systems may be used for personal business on a limited basis, but it should be understood that these communications are not private. CCB prohibits the use of communications channels or Internet access to post, store, transmit, download or distribute material that is threatening, knowingly or intentionally false, obscene, harassing or gives rise to a civil liability or criminal offense. These channels of communication may not be used to send chain letters, personal broadcast messages or copyrighted documents that have not been authorized for reproduction, nor used to conduct a job search or open misaddressed mail. Staff shall be prohibited from copying information from CCB electronic files onto removable media (e.g., thumb drives, DVDs, etc.)

HARASSMENT & DISCRIMINATION

MMC, as PPS fiduciary and lead, is committed to providing a work environment free of harassment and discrimination. MMC will not tolerate any form of harassment or discrimination based on employees' diverse characteristics or cultural backgrounds, including race, color, religion (creed), sex, gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. Degrading or humiliating jokes, slurs, intimidation and verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates a hostile or offensive environment have no place at MMC and are prohibited. These same standards shall apply to CCB Participants engaged in implementation of DSRIP projects.

WORKPLACE VIOLENCE

MMC, as PPS fiduciary and lead, will not allow any form of workplace violence. Fighting, stalking, violation of a restraining order, terrorism or hate crimes or threats of violence, is strictly prohibited. Anyone who reports to work with guns, knives or other weapon is subject to immediate dismissal.

HEALTH AND SAFETY

MMC, as PPS fiduciary and lead, confirms its obligation to maintain and promote workplace safety. CSO management team members and staff who see a situation or condition which they think may be potentially damaging to the environment or poses a safety hazard, are asked to advise a supervisor who will be responsible for addressing the situation. Again, these same standards shall apply to CCB Participants engaged in implementation of DSRIP projects.

SUBSTANCE AND ALCOHOL ABUSE

MMC, as PPS fiduciary and lead, is committed to protecting the safety and welfare of members of CCB Governance Committees, CSO management team members and staff, and others involved in implementation of DSRIP projects, including CCB Participants. All parties listed above are expected to be free of the influence of alcohol and illegal drugs when performing their duties. Any employee working on behalf of CCB who reports to work under the influence of an illegal drug or alcohol, has an illegal drug in his / her system, abuses prescription drugs or possesses or sells illegal drugs while at work may be subject to termination.

PERSONAL USE OF DSRIP ASSETS

All to whom this Code of Conduct applies are responsible for ensuring that DSRIP funds, including amounts paid for time, materials, supplies, equipment and information, are used in accordance with the express business purpose for which they are procured or being expended. Occasional use of such items as copying facilities or telephones, where the cost to the organization is insignificant, may be permitted. Any use of DSRIP-funded assets for personal financial gain is strictly prohibited. These same standards shall apply to CCB Participants engaged in implementation of DSRIP projects.

MARKETING AND ADVERTISING

MMC, as PPS fiduciary and lead, confirms its obligation to promote materials that are truthful and non-deceptive, and that accurately describe DSRIP-related services provided by the CSO in support of CCB. These same standards shall apply to CCB Participants engaged in implementation of DSRIP projects.

POLITICAL ACTIVITIES

As a general rule, members of CCB Governance Committees, CSO management team members and staff, and others involved in implementation of DSRIP projects may under no circumstances use DSRIP-related resources to support political activities.

WHERE TO TURN?

CCB has created a Compliance Program to provide members of CCB's Governance Committees, CSO staff and CCB Participants with several options to turn to for help in the event that one has information about a possible crime or ethical violation. It is a good practice to raise concerns first with a supervisor or senior manager. If this approach is uncomfortable or inappropriate, individuals with concerns are encouraged to call the 24 hour, toll-free Compliance Helpline at **1-800-585-7970**.

Members of CCB Governance Committees, CSO management team members and staff, and others involved in implementation of DSRIP projects, including CCB Participants have an individual responsibility to report any activity that appears to violate applicable laws, regulations or CCB standards. It is critical that anyone who believes there to have been a violation of a CCB policy should contact the CSO's Director of Contracting and Compliance Support for consultation. It is a CCB policy that there will be no retribution against anyone who makes a good-faith report of a possible violation.

Any individual who believes someone has violated the law, CCB's Code of Conduct or CCB policy, or is engaging in activities that could damage CCBs reputation, should contact any one of the following:

- Their individual supervisor
- MMC's Compliance Officer – Sandra Maliszewski: **1-718-283-6002**
- CSO's Director of Contracting & Compliance – Shena Elrington: **1-718-283-7754**
- The Compliance Helpline: **1-800-585-7970**

COMPLIANCE HELPLINE

MMC, as fiduciary and lead, uses a toll-free helpline, staffed by an outside company to provide a convenient and confidential way for an individual to report violations of the law, including DSRIP-related concerns or CCB policy or to seek guidance on a particular ethical issue. Members of CCB Governance Committees, CSO management team members and staff, and others involved in implementation of DSRIP projects are encouraged to discuss their concerns first with a supervisor or member of the CCB management team. The Compliance Helpline provides an alternative for use if someone is uncomfortable with talking with a supervisor or member of the CCB management team, or would prefer to report a concern anonymously. The toll-free Compliance Helpline may be reached at **1-800-585-7970**, and is available 24 hours a day, 365 days a year.

WHAT HAPPENS WHEN I CALL THE COMPLIANCE HELPLINE?

Your call will be answered by a trained Communications Specialist who will listen to your concerns. If necessary, the Communications Specialist will ask you follow-up questions to gather further information. At the close of the call, you will be given an individual code number and a follow-up date for you to call back. Calls are never recorded or traced.

DO I HAVE TO GIVE MY NAME?

No. You may give your name if you choose to, but you are not required to identify yourself. The code number assigned by the Communications Specialist is designed to protect your identity. Some concerns, though, may be of such a nature that the caller's identity will become known during the course of the investigation. In such instances MMC, as PPS fiduciary and lead, and CSO staff will make every effort to keep the caller's identity confidential.

WHAT HAPPENS AFTER MY CALL TO THE COMPLIANCE HELPLINE?

After your call, the Communications Specialist will prepare a written report based on the information you provided and forward it to the Compliance Officer. The Compliance Officer will investigate the matter or assign the report to the appropriate area for review. You will be advised of the status of your concern when you call back on your follow-up date. If additional information is needed in order to fully investigate the matter, the Compliance Specialist will ask you follow-up questions when you call back. No disciplinary or legal action will be taken based only on a call to the Compliance Helpline. Only substantiated findings will result in action.

THE COMPLIANCE PROGRAM AT WORK

You've made the call to the Compliance Helpline or reported your concerns to your supervisor or the Compliance Officer. What is the next step?

INVESTIGATION OF REPORTS

Each call to the Compliance Helpline results in a written report forwarded to the Compliance Officer. The Compliance Officer will analyze the Compliance Helpline reports and all reports received directly or forwarded to the Compliance Officer. Depending on the nature of the reported concern, the Compliance Officer will personally investigate the matter or assign it to the appropriate department for investigation. All investigations will be conducted as promptly and confidentially as possible. All concerned are expected to cooperate with all investigation efforts.

CORRECTIVE ACTION

If an investigation substantiates a reported violation, MMC, as PPS fiduciary and lead, and CSO staff will take the steps necessary to correct the problem. Depending on the violation, corrective action may consist of disciplining the offender, paying back an insurer or payor any overpayment amounts incorrectly billed to the payor, or notifying the appropriate governmental agencies of the error or wrongdoing. Sometimes an investigation or internal audit uncovers a lax or improper practice or procedure that creates the potential for violations. In such cases, the Compliance Officer will work with the appropriate parties in proposing recommendations to correct the situation. This may include, for example, instituting new procedures or modifying existing ones, terminating a relationship with a vendor or providing additional / focused compliance training.

DISCIPLINE

Members of CCB Governance Committees, CSO management team members and staff, and others involved in implementation of DSRIP projects, including CCB Participants who have been found to have violated a law or an ethical standard will be appropriately disciplined. All disciplinary actions will be applied consistently and fairly, and will be determined case by case, based on the facts of each situation. Depending on the violation, disciplinary action may take the form of:

- Verbal warnings
- Written warnings
- Retraining, reassignment or modification of job responsibilities

- Suspension without pay
- Restitution
- Termination of employment or participation in the CCB network

MONITORING AND AUDITING

Monitoring is an integral part of the compliance program. As part of CCB’s ongoing evaluation process, routine internal audits of issues that have regulatory or compliance implications will be conducted. Please contact the Compliance Officer or the CSO’s Director of Contracting and Compliance Support for consultation with issues or practices you believe should be surveyed or reviewed to ensure that CCB is in compliance with the law and applicable regulatory requirements.

BACKGROUND CHECKS

As part of the monitoring and auditing process, CCB has established systems to conduct periodic checks of those involved in implementation of DSRIP projects, including CCB Participants, DSRIP Participants against the federal government’s data bases (OIG Cumulative Sanction Report and GSA List of Excluded Parties) to identify individuals and/or organizations excluded from participation in the Medicaid program. MMC, as PPS fiduciary and lead, confirms its obligation to verify the employment history, educational credentials and licensure, if appropriate, of prospective CSO staff.

BE A GOOD CITIZEN--ACT RESPONSIBLY AND ETHICALLY

Members of CCB Governance Committees, CSO management team members and staff, and others involved in implementation of DSRIP projects, including CCB Participants should ask themselves the following questions as they aim to make ethical decisions:

- Am I uncomfortable with a particular action?
- Would I be embarrassed to discuss my action with my family and friends?
- Could someone’s life, health or safety be endangered by my action?
- Could my action appear improper to others?
- Have I witnessed an action which I believe violates the law or an ethical standard?

Report suspected violations. If in doubt, seek help.

Call the Compliance Helpline at **1-800-585-7970**, or

Contact the MMC Compliance Officer, Sandra Maliszewski– **1-718-283-6002**

Contact the CSO Director, Contracting & Compliance Support – Shena Elrington – **1-718-283-7754**