Policy
03693

Affinity Health System Code of Conduct

Abstract/Purpose:
The AHS Code of Conduct sets forth basic principles for all AHS Associates to follow and ensure that AHS operates in full compliance with applicable laws and regulations.

I. **POLICY**

A. Compliance with laws and a workplace free of inappropriate or negative conduct is consistent with our Promise, Mission and Values as a Catholic health care system. An important component of our Human Resources and Corporate Integrity programs is a Code of Conduct (referred to as the "Code"), which sets forth basic principles that all AHS Associates must follow (NHP staff see NHP/NHIC Code of Conduct). This Code applies to all business operations and AHS Associates. Non-AHS Associates should also be directed to conduct themselves in a manner consistent with this Code when they are acting on behalf of AHS.

AHS is committed to providing a workplace free from inappropriate behavior of any kind, including all forms of harassment, discrimination, intimidation, threats and all other inappropriate or negative conduct that inhibits effective communication, productivity and patient/employee safety. All AHS Associates are responsible for their own behavior and presenting personal conduct in accordance with our Promise, Mission, and Values. Failure to meet these standards and demonstrate these behaviors may result in corrective action, up to and including termination of employment. This Code is not intended to and shall not be deemed or construed to provide any rights, contractual or otherwise, to any AHS Associates or to any third parties.

II. **DEFINITIONS**

A. **AHS ASSOCIATES** - all AHS employees, contracted/leased staff, volunteers, students, interns, residents, committee members and Board members (NHP staff see NHP/NHIC Code of Conduct).

B. **Appropriate Behavior** - any reasonable conduct to advocate for patients, to recommend improvements in patient care or operations and to participate in the operations or leadership of AHS business activities. Examples of Appropriate Behavior include, but are not limited to:

1. Criticism communicated in a reasonable manner and offered in good faith with the aim of improving patient care and safety or business operations.
2. Encouraging clear communication.
3. Expressions of concern about a patient's care or safety.
4. Expressions of dissatisfaction with policies through appropriate channels or other respectful, non-personal means of communication.
5. Use of cooperative approaches to problem solving.
6. Constructive criticism conveyed in a respectful and professional manner without blame or shame for adverse outcomes.
7. Professional comments to any clinical, managerial, supervisory, or administrative staff, or members of the Board of Directors about patient care or safety provided by others.

C. **DISRUPTIVE BEHAVIOR** - any abusive conduct including sexual or other forms of harassment, or other forms of verbal or non-verbal conduct that harms or intimidate others to the extent that quality of care, patient/employee safety or work perfomance could be compromised.

D. **HARASSMENT** - conduct towards others based on race, religion, gender, gender identity, sexual orientation, nationality or ethnicity, which has the purpose or direct effect of unreasonably interfering with a person's work performance or which creates an offensive, intimidating or otherwise hostile work environment.

E. **INAPPROPRIATE BEHAVIOR** - conduct that is unwarranted and is reasonably interpreted to be demeaning or offensive. Persistent, repeated inappropriate behavior can become a form of harassment and thereby become disruptive, and subject to treatment as Disruptive Behavior. In

dealing with all incidents of inappropriate behavior, the protection of patients, employees, physicians and others in AHS facilities is of paramount concern. Inappropriate behavior may include, but is not limited to:

1. Derogatory or sexual comments, jokes, innuendoes or slurs; demeaning, offensive or insulting comments or gestures.
2. Physical harassment (including unwanted contact, assault, impeding or blocking movement or any interference with activity that is deamed inappropriate in the workplace) that has the purpose or effect of creating an intimidating, hostile or offensive work environment or which substantially intereferes with anyone's work performance.
3. Unwelcome physical contact of an inappropriate nature; unwelcome advances; unwelcome touches.
4. Repeated pressure to socialize or date another individual. Requests for sexual favors with submission being either explicitly or implicitly a term/condition of employment or for making employment decisions.
5. Visual harassment includes displaying of derogatory or graphic posters/visual art, cartoons, emails or drawings that have the purpose or effect of creating an intimidating, hostile or offensive work environment, or which substantially interferes with anyone's work performance.
6. Engaging in criminal conduct or acts of violence; threats of violence towards anyone on company premises (or any affiliate), or at any time, for any purpose; fighting, horseplay or provoking a fight on company property or negligent damage of property.
7. Threats, intimidation, displaying angry or aggressive behavior or coercing fellow employees on premises (or any affiliate).
8. Malicious gossip and/or the spreading of rumors; engaging in behavior that creates discord or disharmony; interfering with another employee on the job; wilfully restricting work output; or encouraging others to do the same.

F. **NON-AHS ASSOCIATES** - external advisors, consultants, vendors and/or suppliers.

G. **SEXUAL HARASSMENT** - any unwelcome sexual advances, requests for sexual favors, or verbal or physical activity through which submission to sexual advances is made an explicit or implicit condition of employment or future employment-related decisions; unwelcome conduct of a sexual nature which has the purpose or effect of unreasonably interfereing with a person's work performance or which creates and offensive, intimidating or otherwise hostile work environment.

III. **GUIDELINES**

A. AHS will operate its business in compliance with applicable laws and this Code. AHS will conduct its business in conformance with sound ethical standards, as well as supporting our Promise, Mission and Values to maintin the AHS reputation for honesty and integrity. Achieving business results by illegal acts or unethical conduct is not acceptable.

B. Each supervisor/manager/director is responsible for ensuring that AHS Associates under their supervision are acting ethically and in compliance with applicable laws and regulations, including the Code. All AHS Associates are responsible for acquiring sufficient knowledge to recognize potential compliance issues applicable to their duties and for appropriately seeking advice regarding such issues.

C. This Code has been distributed and made accessible to all AHS Associates and made available to Non-AHS Associates, and sets forth general standards applicable to all business and operations. In addition, there are a number of more detailed and specific policies covering particular business units or subject matters, which can be found on the AHS Intranet by searching "Policies." If you wish to review them you may use the AHS Intranet, contact your manager or supervisor, or contact Corporate Integrity.

D. All AHS Associates are responsible for ensuring that the work environment is free of discrimination or harassment due to age, race, gender, color, religion, national origin, disability, sexual orientation, or covered veteren status. Any form of sexual harassment, including the creation of a hostile work environment, is completely prohibited.

E. All Associates are expected to strive to maintain a workplace free of inappropriate behavior.

F. AHS Associates shall not offer, accept or give any bribe, payment, gift, or thing of value to any person or entity with whom AHS has or is seeking any business or regulatory relationship except for gifts of a nominal value which are legal and given in the ordinary course of business.

G. AHS Associates shall not directly authorize, pay, promise, deliver, or solicit any payment, gratuity, or favor for the purpose of influencing any political official or government employee in the discharge of that person's responsibilities. AHS Associates shall not entertain government personnel in connection with Company business.

H. AHS Associates shall be completely honest in all dealings with government agencies and representatives. No misrepresentations shall be made and no intentional false bills or requests

for payment or other documents shall be submitted to any government agency, health care program, or payer source. AHS Associates shall comply with AHS policies and government regulations regarding billing and reimbursement. AHS Associates certifying the correctness of records submitted to government agencies, including bills or requests for payment, shall have knowledge that the information is accurate and complete before giving such certification.

I. All political activities related to AHS shall be conducted in full compliance with applicable law. No AHS funds or property shall be used for any political contribution or purpose. AHS Associates may make direct contributions of their own money to political candidates and activities, but these contributions will not be reimbursed.

J. Other than compensation from AHS, AHS Associates shall not have a financial or other personal interest in a transaction between AHS or any of its business units and a vendor, supplier, provider or customer.

K. AHS Associates shall not engage in any financial, business, or other activity which competes with AHS business, which may interfere or appear to interfere with the performance of their duties, or that involves the use of AHS property, facilities, or resources.

L. All AHS business transactions shall be carried out in accordance with management's general or specific directives. All of the books and records shall be kept in accordance with generally accepted accounting standards or other applicable standards. All transactions, payments, receipts, accounts, and assets shall be completely and accurately recorded on AHS books and records on a consistent basis. No payment shall be approved or made with the intention or understanding that it will be used for any purpose other than that described in the supporting documentation of the payment. All information recorded and submitted to other persons must not be used to mislead those who receive the information or to conceal anything that is improper.

M. Books and records shall be created, maintained, retained, or destroyed in accordance with the AHS Record Retention policy and the Record Destruction/Disposal policy.

N. AHS Associates shall comply with applicable antitrust laws. There shall be no discussions or agreements with competitors regarding price or other terms for product sales, prices paid to supplies or providers, dividing up customers or geographic markets, or joint action to boycott or coerce certain customers, suppliers or providers.

O. AHS and AHS Associates shall not engage in unfair competition or deceptive trade practices, including misrepresentation of AHS services or operations. AHS Associates shall not make false or disparaging statements about competitors or their services or attempt to coerce suppliers or providers into purchasing products or services.

P. AHS Associates whose work responsibilities include business activities with physicians or other organizations who refer patients to AHS facilities must be familiar and comply with the laws and regulations that affect those business activities. These include but are not limited to, the Stark, Anti-Kickback and IRS laws and regulations.

Q. All AHS Associates shall maintain the confidentiality of AHS business information and of information relating to AHS vendors, suppliers, providers, patients and customers. AHS Associates shall not use any such confidential or proprietary information except as is appropriate for business. AHS Associates shall not seek to improperly obtain or to misuse confidential information of AHS competitors.

R. All AHS Associates shall comply with the policy on Conflict of Interest and Insider Transactions. AHS Associates with material, nonpublic information relating to AHS or another entity with which AHS has done or is doing business shall not buy or sell securities of the other entity, as the case may be, or engage in any other action to take advantage of or pass on to others such information.

S. All AHS Associates shall follow safe work practices and comply with all applicable safety standards and health regulations.

IV. REPORTING OF VIOLATIONS

A. Illegal acts or improper conduct may subject AHS to severe civil and criminal penalties, including large fines and being barred from certain types of business. It is very important that any illegal activity or violations of the Code be promptly brought to Corporate Integrity or Human Resources attention. In many cases, if AHS discovers and reports the illegal acts to the appropriate governmental authorities, AHS may be subject to lesser penalties.

B. Any AHS Associate who has been subjected to or witnessed violations of this Code by anyone, including but not limited to, administrative team members, any management/leadership staff, co-workers, vendors, leased or contracted employees, volunteers, benefactors, patients or anyone acting on AHS's behalf shall promptly report the violation or illegal activity in person, by phone, or in writing to one of the following persons:

1. The AHS Director of Corporate Integrity
2. The AHS Corporate Integrity Officer
3. The appropriate department manager or any other senior leader

4. A Human Resources Representative
5. A member of the AHS Corporate Integrity Department or the Corporate Integrity Hotline at 1-800-886-2566.
6. The Ministry Corporate Integrity Helpline at 1-888-203-9559

Report incidents of suspected Inappropriate Behavior by providing the facts of the incident/alleged conduct, and the names of involved individuals, to your Manager/Director or Human Resources Representative after asking the individual to cease the behavior/action. If you are uncomfortable addressing the behavior/action directly with the person involved, report the incident directly to the appropriate personnel. If you prefer not to report this to your Manager/Director or Human Resources Representative you may also report the incident to the CEO, President, Chief Administrative Officer or Chief Nursing Officer.

C. If the illegal acts or conduct in violation of the Code involve a person to whom such illegal acts or violations might otherwise be reported, the illegal acts or violation should be reported to another person listed above.
D. It is a violation of this Code for AHS Associates not to report a violation of the Code or any illegal activity. Due to the nature of some violations of this Code, this policy can only be effective if appropriate management staff is promptly informed of all incidents. If you have a question about whether particular acts or conduct may be illegal or violate the Code, you should contact one of the persons listed above.
E. It is a violation of this Code for AHS Associates to whom a potential illegal act or violation of the Code is reported, not to ensure that the illegal act or violation of the Code comes to the attention of those responsible for investigating such reports.
F. All violations of this Code should be reported within 48 hours when practical. Prompt reporting assists AHS in conducting a thorough, fair and timely investigation. All AHS Associates are responsible to ensure that Inappropriate Behavior, threats to safety or violations of this Code do not occur (or continue to occur).
G. It is AHS policy to promptly and thoroughly investigate reports of illegal activity or violations of this Code. Internal incidents of Inappropriate Behavior reported verbally should be followed up with a written claim/summary. AHS Associates must cooperate with these investigations. AHS Associates shall not take any actions to prevent, hinder, or delay discovery and full investigation of illegal acts or violations of this Code.
H. AHS Associates may report illegal acts or a violation of this Code anonymously. To the extent permitted by law, AHS will take reasonable precautions to maintain the confidentiality of those individuals who report illegal activity or violations of this Code and of those individuals involved in the alleged improper activity, whether or not it turns out that improper acts occurred. Results of investigations may or may not be shared with those involved (or not involved) at the discretion of AHS. Failure to abide by this confidentiality obligation is a violation of this Code.
I. The Federal False Claims Act (31 U.S.C. 3729-3733) allows individuals with original information about fraud involving a federal health care program to file a complaint under seal with a Federal court. The Federal False Claims act provides certain protections for those who file a complaint under the Act (see AHS Fraud, Waste and Abuse policy)
J. AHS prohibits retaliation against anyone for good faith reporting of Inappropriate Behavior, unsafe conditions, integrity issues, violations of this Code or other AHS policies, or against anyone who participates in an investigation. Anyone engaging in retaliatory actions may be subject to disciplinary action up to and including termination of employment.
K. If an investigation confirms a violation, the responsible AHS Associate(s) is subject to discipline up to and including termination of employment. AHS Associates who report their own illegal acts or improper conduct will have such self-reporting taken into account in determining the appropriate disciplinary action.

V. **GOVERNMENT INTERVIEWS OR INVESTIGATION**

A. AHS and AHS Associates shall cooperate fully and promptly with appropriate government investigations into possible civil and criminal violations of the law. It is important, however, that in this process AHS is able to protect the legal rights of AHS and its personnel. To accomplish these objectives, any governmental inquiries or requests for information, documents, or interviews should be promptly referred to the AHS Director of Corporate Integrity and AHS Legal Services (see Responding to Government Investigations policy).
B. AHS Associates who participate in government interviews shall give answers that are truthful, complete, and unambiguous.