

**Northwest Georgia Oncology Centers, P.C.**

**CODE OF CONDUCT**

May 18, 2015

## **Purpose of this Code of Conduct**

Northwest Georgia Oncology Centers, P.C. (“NGOC”) established this Code of Conduct so Employees will know and understand expectations of behavior. This Code of Conduct is a framework within which all Employees are expected to operate. The responsibility for lawful and ethical behavior is a personal one, and every Employee will be held accountable for his or her conduct.

The Code of Conduct is intended to be comprehensive and easily understood. It is not meant to answer every question that might arise in your daily activities; however, it does provide guidelines, direction and resources to help you respond to matters and circumstances in the course of your duties for NGOC. No set of guidelines, including our own, can ever substitute for the sound judgment, common sense and personal integrity required to meet the challenges of your job.

To the extent that any additional policies are set forth in any other manual, those policies shall be consistent with this Code of Conduct. In case of any inconsistency, this Code of Conduct shall govern.

### **Who is Covered**

This Code of Conduct applies not only to employees but to affiliated practitioners, medical students, Board of Director members, contractors, and any other persons integral to NGOC’s ability to carry out its mission and whose ethical and business conduct reflects directly upon NGOC’s reputation in the community. All of these persons are collectively referred to herein as “Employees” for purposes of simplicity.

## **Employee Responsibilities**

NGOC Employees are expected to treat compliance with law and ethical standards as an essential element of their responsibilities.

Every NGOC Employee is required to:

- Read and abide by this Code of Conduct;
- Be familiar with, understand and observe the basic legal and regulatory requirements relevant to his or her duties as per the NGOC Compliance Manual;
- Ensure the confidentiality of patient-related information as per the NGOC Privacy Manual;
- Adhere to high ethical standards when acting on behalf of NGOC as per this NGOC Code of Conduct and the NGOC Human Resources Manual;

- Prevent and refrain from discrimination or harassment of any kind, including racial, ethnic or sexual harassment as described in the NGOC Employee Manual;
- Refrain from conflicts of interest and using a position for personal gain as per the NGOC Compliance Manual;
- Report actual or suspected violations of law or ethical standards to the Compliance Officer, the Executive Director or the Employee's manager/supervisor as per the NGOC Compliance Manual.

### **Compliance Questions**

Integrity, common sense, and sound judgment are the best guides in determining if your personal actions meet the expected standards for ethical and lawful behavior. If you find yourself in a situation where you are unsure, ask yourself these questions:

- Is my action consistent with organization practices and legal or regulatory requirements?
- Could my action give the appearance (to others) of impropriety or wrongdoing?
- Will the action bring discredit to any Employee, or to NGOC, if disclosed fully to the public?
- Can I defend my action to my supervisor, other Employees and the general public?
- Does my action meet my personal code of behavior?

You are encouraged to seek guidance from the Compliance Officer, the Executive Director, HR Director or your supervisor when you are unsure.

### **Leadership Responsibility for Compliance Communication**

Management and supervisory Employees are responsible for communicating the requirements of the Compliance Program and this Code of Conduct to those who report to them by emphasizing their importance, taking appropriate measures to detect and correct any violations and prevent recurrence, and imposing consistent and appropriate discipline, if warranted. They shall inform their Employees of any particular issues relevant to their respective departments and of the various options for reporting a compliance concern.

Leadership personnel are expected to create and maintain an open environment where Employees are encouraged and comfortable raising compliance concerns or asking questions. Adherence to the Code of Conduct and support of the Compliance Program will be components of the Employee evaluation process for all Employees, including management staff.

## NGOC's Compliance Program

*Compliance Program Structure and Your Responsibility.* NGOC's Compliance Program is intended to demonstrate in the clearest possible terms the absolute commitment of NGOC to high standards of integrity, ethics and compliance. The overall accountability for NGOC's Compliance Program rests with the Board of Directors. The Compliance Committee serves in a leadership role for compliance matters and is comprised of representatives from various functional areas.

*Obligation to Report.* Every Employee is required to report any activity by any colleague, physician, contractor or vendor that appears to violate applicable laws, rules, regulations or this Code of Conduct, through the appropriate chain of command. Failure to make an appropriate report may result in disciplinary action. Reporting enables the potential problem to be investigated promptly and addressed in a timely and appropriate manner.

*What to Report.* Report concerns about any legal, ethical, quality, behavioral or practical issue, or any activity that you think may be a problem. Pay particular attention to issues related to federal healthcare programs (such as Medicare and Medicaid). Reasonable belief that a violation is possible is sufficient to initiate a report. To help you determine whether an issue should be reported, consider the following questions:

- Does the matter comply with pertinent NGOC policies and procedures?
- Is the action legal? Is it ethical?
- How would the action appear if it were disclosed to the public?

*Resources for Reporting Violations.* Reports of suspected or actual violations can be made in person, by telephone or in writing. Employee reports should first be made, if possible, to the Employee's supervisor. Reports also may be made directly to the Compliance Officer or the Executive Director.

*Employee Protection (Whistleblower) Policy.* NGOC will not retaliate against an Employee who in good faith has made a protest or raised a complaint against some practice of NGOC, or of another individual or entity with whom NGOC has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, the Code of Conduct or NGOC's policies and procedures.

*Internal Investigations.* NGOC is committed to investigating all reported concerns promptly and confidentially to the extent possible. We expect all Employees to cooperate with investigation efforts.

*Corrective Action.* Where an internal investigation substantiates a reported suspected violation, appropriate corrective measures will be taken, which, depending on the circumstances will include notifying the appropriate governmental agency, instituting appropriate disciplinary action and implementing systemic changes to prevent a similar violation from recurring. Corrective action plans will be shared with all appropriate parties.

*Consequences of Noncompliance.* Failure to comply with applicable laws and regulations, including federal healthcare program requirements, or with the requirements of this Code of Conduct or NGOC's policies and procedures, or to report violations or suspected violations, could pose significant risks to NGOC, our Employees, and the patients we serve. Accordingly, Employees will face disciplinary action, up to and including termination, for violating this Code of Conduct, failing to report a violation of the Code of Conduct or to cooperate in an investigation, retaliating against an individual for reporting a violation or possible violation of the Code of Conduct, or deliberately making a false report of a violation of the Code of Conduct.

*Internal Monitoring and Auditing.* NGOC is committed to an ongoing assessment process. Monitoring will be conducted to address NGOC's compliance with laws, regulations and policies governing, among other things, coding, reimbursement, documentation and other areas considered as presenting particularly high-risk.

*Additional Resources.* While this Code of Conduct provides overall general guidance, there are additional guidance resources regarding our Compliance Program available to Employees. They include NGOC's policies and procedures, the Employee Handbook, and consultation with the Compliance Officer and individuals within your chain of command, including your manager.

## **Organizational Ethics and Quality of Care**

We recognize our ethical and moral obligation to the patients and community we serve. We strive to treat all patients with respect and dignity and to provide a single standard level of care that is both necessary and appropriate and in accordance with applicable laws and regulations. We make no distinction in the care we provide based on race, color, religion, national origin, ethnicity, age, sexual orientation, disability, marital status or veteran's status.

## **Confidentiality**

We are committed to maintaining the confidentiality of all proprietary information according to applicable laws and standards.

## **Patient Confidentiality and Privacy**

We carefully avoid any unwarranted invasion or disclosure of patients' privacy. We collect information about the patient's medical condition, history, medications and family illnesses to provide the best care. We realize the sensitive nature of this information and are committed to maintaining its confidentiality in accordance with all applicable privacy and security laws and regulations, including the federal Health Insurance Portability and Accountability Act (HIPAA).

## **Employee Privacy**

NGOC respects the privacy and dignity of our Employees. NGOC collects and retains personal information as required for the effective operation of NGOC or by law. NGOC protects and limits access to personal information and complies with applicable laws that govern employee privacy. Employees are prohibited from accessing or otherwise using Employees' records or information unless authorized to do so for legitimate business purposes

## **Oversight of NGOC's Assets**

NGOC's managers are responsible for following appropriate internal controls within their areas of purview to safeguard NGOC's assets.

The Executive Director, Director of Finance, and the Director of Reimbursement ensure the accuracy of financial records and reports, and maintain accurate reporting of all transactions. The integrity of NGOC's financial records is critical to effective business operations and is a key factor in maintaining the confidence and trust of our Employees, patients and other stakeholders.

## **Accuracy, Retention and Disposal of Documents and Records**

Each Employee is responsible for the integrity and accuracy of our business documents and records in order to comply with regulatory and legal requirements, as well as to ensure that records are available to defend our business practices and actions. No one may alter or falsify information on any record or document.

A key factor in accurate billing is assuring that the diagnosis and treatment of a patient are accurately and completely documented. In addition to facilitating high quality patient care, a properly documented medical record verifies the services that were provided. All medical records must be legible, complete and accurate.

Employees must comply with NGOC's record retention policies. The practice will retain documentation of compliance-related activities.

1. The primary compliance documents that will be retained are those that relate to educational activities, internal investigations, and internal audit results.
2. Special attention will be paid to documentation of potential violations uncovered by the compliance program and the resulting remedial action.
3. Any written or oral requests to and responses from a Government agency (including a Medicare carrier) regarding advice will be documented and retained.
4. All of the above mentioned records are to be retained for the duration of the practice's existence.
5. Paper medical records (including medical records of deceased patients) will be retained in either the office location where the patient is seen or in an NGOC-designated secure storage area.

## **Accounting**

No code of conduct can completely review the extensive accounting requirements NGOC must satisfy. To meet these obligations, NGOC must rely on Employee honesty and truthfulness in accounting practices. NGOC's Accounting Department needs to assemble accurate financial information. This information is used to file financial reports to NGOC's banks, the Internal Revenue Service, and the financing entities with which NGOC does business. The provision of inaccurate accounting information subsequently placed in reports and submitted to third parties may subject NGOC and the individuals involved to prosecution or other legal action. An Employee's misrepresentation of accounting information or violation of accounting procedures may result in disciplinary action, up to and including dismissal of the Employee.

## **Third Party Payer Relationships; Billing, Coding and Reimbursement**

NGOC is committed to full compliance with all laws and regulations relating to billing, coding and reimbursement. This commitment applies to federal healthcare programs such as Medicare and Medicaid, as well to plans of other third-party payers. NGOC strives to ensure that all claims submitted to payers accurately reflect the services rendered in accordance with applicable law and contracts. Employees are prohibited from knowingly presenting or causing to be presented any claim for payment or approval that is false, fictitious or fraudulent.

All subcontractors engaged to perform billing or coding services, if any, are expected to have the necessary skills, quality control processes, systems and appropriate procedures to ensure that all claims billed to federal healthcare programs and other third-party payers are complete and accurate. If mistakes or errors occur, they must be reported to NGOC management promptly and corrected in a timely and appropriate manner. If improper payment occurs, NGOC will notify the payer promptly and process refunds in a timely manner. Strict compliance with all applicable Medicare, Medicaid and other federal healthcare program laws and regulations is required by all Employees. (Refer to the NGOC Billing, Coding and Reimbursement Manual for detailed policies.)

## **Anti-Kickback Laws**

NGOC does not pay for referrals. We accept referrals based solely on patients' clinical needs and our ability to render the needed services. No Employee or any other individual acting on behalf of NGOC is permitted to solicit or receive anything of value, directly or indirectly, in exchange for the referral of patients. NGOC is committed to ensuring that physicians make appropriate referrals in accordance with applicable law.

Federal and state laws prohibit kickbacks (in cash or in kind) intended to induce purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any item or service paid for by Medicare, Medicaid or other federal healthcare programs. NGOC does not offer or receive inducements or create situations in which NGOC appears to be offering or receiving an improper inducement. Financial arrangements between NGOC (or one or more of its physicians) and an entity to which NGOC or any of its physicians refers patients, or from which NGOC or any of its physicians orders products or services or receives referrals, shall be reviewed by NGOC's Board of Directors (and/or legal counsel, as needed) to determine that no

remuneration is offered, given or received in violation of the federal Anti-Kickback Statute or other applicable laws.

NGOC does not routinely waive patients' deductibles or copayments or otherwise provide for financial benefits to patients in return for their business.

### **The Stark Law and State Self-Referral Law**

NGOC is committed to full compliance with applicable self-referral laws. The federal Stark law prohibits physicians from referring Medicare beneficiaries for certain designated health services ("DHS") to an entity with which the physician, or a member of the physician's family, has an ownership interest or a compensation arrangement unless an exception applies. Georgia law also imposes limitations on the ability of a physician or a physician's family member to have an investment interest in an entity to which the physician refers. Prior to NGOC's or any of its physician's engaging in any activity or arrangement that may implicate the Stark Law and the Georgia self-referral law, NGOC's Board of Directors (and/or legal counsel, as needed) shall review the proposed activity or arrangement to ensure that it will not violate these laws.

### **Antitrust**

No Employee may at any time discuss with a competitor an agreement to fix the price of NGOC's services. This practice, commonly known as "price fixing," can be illegal as a restraint of trade under federal and state antitrust laws.

### **Restrictions for Government Personnel**

An Employee may not provide or pay for any meal, refreshment, travel, lodging, entertainment or anything else of value for a government employee without prior authorization from the Executive Director.

### **Government Inquiries and Investigations**

NGOC will cooperate with and appropriately respond to all governmental inquiries and investigations. In so doing, however, it is essential that the legal rights of NGOC and the personnel involved be protected. If an Employee receives an inquiry, subpoena or legal document regarding NGOC's business, whether at the Employee's home or in the workplace, from any governmental agency, NGOC requests that the Employee notify NGOC's Executive Director or the Employee's manager immediately.

1. Request I.D from anyone presenting in the office for a government inquiry or investigation and make a copy of the ID.
2. Immediately notify your Department Manager who will notify the Executive Director and/or Compliance Officer.
3. Wait for permission to allow the person to proceed with any request.



The law guarantees all of us the right to be represented by legal counsel during any investigation or inquiry by any governmental agency. During a government investigation of NGOC, an Employee may, at the Employee's sole election, decline to be interviewed by investigators or may consent to be interviewed. Because these investigations sometimes involve extremely technical issues, NGOC believes that NGOC should be represented and that Employees should be aware of the opportunity for such representation.

At no time may any Employee ever destroy, alter or hide any NGOC documents in connection with an investigation or in anticipation of one. It is expected that all persons associated with NGOC will not be deceitful and will only make truthful statements in connection with any investigation.

**All employees are bound by the Employee Manual and related to the following.**

- **Personal Use of NGOC's Resources**
- **Electronic Media**
- **Equal Employment Opportunity and Diversity**
- **Harassment/Workplace Violence**
- **Immigration**
- **Substance Abuse and Impairment**

**All employees are bound by the following.**

- **Copyright**

Employees are prohibited from reproducing any copyrighted materials without the express permission of the copyright holder, unless appropriately licensed from the copyright holder. Employees must adhere to laws and policies relating to intellectual property, including patents, trademarks and copyrights.

**Employee Loyalty and Conflicts of Interest**

In the course of conducting NGOC business, Employees are expected to put NGOC's interests ahead of any outside business, commercial or personal interest. Employees should avoid situations in which conflict of interest, or the appearance of a conflict, could arise. A conflict of interest may also exist if the demands of your outside activities influence or appear to influence your ability to make objective decisions in the course of your job responsibilities.

Anyone who believes he or she has a conflict of interest or the appearance of a conflict of interest shall immediately report it to his or her supervisor [or the Human Resources Director. For additional guidance as to NGOC's policy on these types of issues, the Conflict of Interest policy should be consulted.]

## **Outside or Dual Employment**

An Employee's primary employment obligation is to NGOC. Any activities, such as a second job or personal business, must not conflict with obligations to NGOC. An Employee with secondary employment that may be perceived as a conflict of interest with the Employee's NGOC position must disclose the matter to his or her supervisor.

## **Gifts and Entertainment/Business Courtesies**

Gifts and entertainment represent an area of potential conflict in situations where a competitive, regulatory, supervisory or adversarial relationship could exist. Giving or accepting gifts and entertainment can sometimes be construed as an attempt to unduly influence a relationship.

It is NGOC's policy that no personal gifts may be offered or received under circumstances in which the gift might possibly influence the exercise of proper business judgment, regardless of whether this was or was not the intent of the donor or recipient. Accordingly, one should not provide or accept gifts of more than nominal value. Gifts of money (including gift certificates) are never acceptable. Solicitation of personal gifts or entertainment is never permissible. Acceptance of a perishable or consumable gift (*e.g.*, fruit baskets, cookies, flowers) of nominal value given to a department or group by a vendor during the holiday season or by a patient as a token of appreciation is permissible; however, such gifts should be shared with other staff.

There may be times when Employees may wish to accept from a current or potential business associate an invitation to attend a social event, participate in training and educational opportunities or receive information about new products or services. Questions related to gifts and entertainment and business courtesies should be referred to the Compliance Officer.

## **Political Activities and Contributions**

NGOC funds or resources are not to be used to contribute to political campaigns or for gifts or payments to any political party or any of their affiliated organizations. NGOC resources include Employees' work time, telephones or computers. Employees are permitted to participate in the political process on their own time and own expense, but may not do so on behalf of NGOC. Further, Employees are not permitted to use their positions at NGOC to further the political activity of any person or group.

Senior management is responsible for developing NGOC's position on relevant legislative and regulatory issues. If you are contacted by legislators or regulators regarding NGOC's position on public issues, you should refer them to the Executive Director.

## **Promotion of Products**

It is a violation of NGOC policy for Employees to endorse commercial products using NGOC's name without the prior approval of NGOC. Payment for endorsement is not permitted. Vendors are not permitted to market their products on NGOC's premises without prior approval.

## **Research and Grant Requirements**

NGOC is committed to observing high ethical standards relating to research and to compliance with all applicable laws, as well as relevant NGOC's policies and procedures.

## **Prescription Drugs**

NGOC is legally responsible for the proper distribution and handling of regulated pharmaceutical products, including prescription drugs, controlled substances, hypodermic needles and drug samples. All Employees must be vigilant in complying with all applicable laws and NGOC policies and procedures, maintaining high professional standards in safeguarding pharmaceuticals of all kinds, and preventing unauthorized access to them. If you become aware of the diversion of drugs from NGOC, it should be reported immediately to your supervisor, the Executive Director or the Compliance Officer.

## **Relationships with Suppliers, Vendors and Subcontractors**

NGOC manages its relationships with suppliers, vendors and subcontractors in a fair and reasonable manner, consistent with applicable laws, good business practices, and in accordance with NGOC's policies and procedures. Selection of suppliers, vendors and subcontractors will be made on the basis of objective criteria, including quality, service, price, delivery, technical excellence, adherence to schedules, and supply of goods and services. Purchasing decisions will be made based on a vendor's ability to meet NGOC's needs and not on personal relationships, friendship, favors, gratuities or contributions.

**All employees are bound by the OSHA/ Safety / CLIA Manuals and related to the following.**

- **Health and Workplace Safety; Environmental Health and Safety**
- **CLIA Compliance**

