

Boston Medical Center

CODE OF CONDUCT

Choosing the Right Course



BOSTON
MEDICAL
CENTER

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Si quiere leer el Código de Conducta en español, por favor vaya a la página web del Departamento de Cumplimiento bajo la pestaña "Departments" (Departamentos) en el sitio de Intranet de BMC y haga clic en Código de Conducta, o envíe un correo electrónico a compliancehelp@bmc.org para solicitar una copia impresa.

Si ou vle li Kòd Konduit la nan lang Kreyòl Ayisyen, tanpri ale nan paj sitwèb Depatman Konfòmite a anba onglè "Departments" sou sit Entranèt BMC epi klike sou Kòd Konduit la oswa voye yon imèl ba compliancehelp@bmc.org pou mande yon kopi enprime.

Para ler o Código de Conduta em português, acesse a página da web do Departamento de Conformidade (Compliance Department), na guia "Departments" (Departamentos) do site da Intranet do BMC e clique em Code of Conduct (Código de Conduta) ou envie um e-mail para compliancehelp@bmc.org para solicitar uma cópia impressa.



Dear Colleagues,

Compliance is here – wherever and whenever you need it – to help you do the right thing for our patients, for one another, and for BMC.

Many of you know that our Compliance and Privacy program investigates allegations of fraud, waste, abuse, and HIPAA violations. But did you know that one of the most important things that Compliance does is provide advice, guidance and support to help us answer the tough questions that arise in the course of our work?

Are you wondering if you can accept a gift from a vendor? Attend a conference paid for by a pharmaceutical company? Serve on the board of a competing health care institution? Give patient information to a friend of the patient? Share research data with a non-BMC researcher? Bill as a teaching physician? How can you report a concern about the misuse of BMC assets? Answer a ten minute online quiz from a vendor and receive a gift card for it?

Our Compliance and Privacy program is here to answer these questions and others like them for you.

BMC's newly-revised Code of Conduct centers on integrity, which is defined as the adherence to moral and ethical principles, soundness of moral character, and honesty. Without integrity we could not provide exceptional care without exception every day.

It is vitally important that you read and understand this Code of Conduct and complete the annual Compliance training program. The Compliance program cannot succeed without your participation – integrity at BMC starts with me and you.

Please remember that you can seek out advice and guidance from Compliance at any time. Thank you for everything you do every day to provide patient care with integrity at BMC.

A handwritten signature in black ink that reads "Kate Walsh". The signature is written in a cursive, flowing style.

Kate Walsh
CEO & President
Boston Medical Center



BMC'S CORE PURPOSE, VISION AND VALUES

Our Core Purpose

Exceptional Care. Without Exception.

Our Vision 2030


Make Boston the Healthiest Urban Population in the World.

Our Three Core Values



built on
respect
powered by
empathy

- Above all, care.
- What matters to you?



- Make it happen.
- We ask why.
- We ask why not.

move mountains



many faces
create our
greatness

- Inclusion always.
- Diversity is our heart and soul.



CARING FOR OUR PATIENTS WITH INTEGRITY

Quality Care

Caring for our patients with integrity means providing high quality, effective, compassionate and appropriate care to every patient. We are committed to the delivery of honest and necessary care, regardless of the patient's ability to pay. We always put the patient first in everything we do.

We ensure the quality of the patient care we provide by continuously monitoring and improving it. We meet the quality of care standards set by The Centers for Medicare and Medicaid Services (CMS), The Joint Commission (TJC) and other accrediting institutions. Every BMC colleague is responsible for ensuring that we provide high quality care to every patient.

In any circumstance where you question whether BMC is providing the highest quality care possible, you have an obligation to raise your concern with your manager, with Quality and Patient Safety (page 31-SAFE [7233]) or Compliance and ensure that it is satisfactorily addressed and resolved.



Patient Safety

Caring for our patients with integrity also means keeping our patients safe at all time and avoiding preventable harm. At BMC, we work to create an effective patient safety culture. A "culture of safety" is one where all employees are always mindful of the risks inherent in our work and continuously striving to eliminate them.

We do this by:

- Asking for help or offering help in uncertain circumstances;
- Reporting adverse events, including errors, near misses and unsafe situations, by paging 31-SAFE (7233) and filing a STARS Incident Report;
- Seeking to understand the root causes of adverse events; and
- Participating in problem-solving and process improvement to prevent errors and increase patient safety.

It is imperative that all BMC colleagues report any incident or unsafe situation they see or are involved in that could or did cause harm to patients or visitors, our colleagues or BMC.

For more information, please consult BMC policy "STARS Incident Reporting."

Q I almost gave a patient an incorrect dose of medication. Do I need to report this "near miss" even though no harm occurred?

A Yes. Reporting this incident to the STARS system allows BMC to understand the root cause and make any changes in process needed to prevent this from happening again.



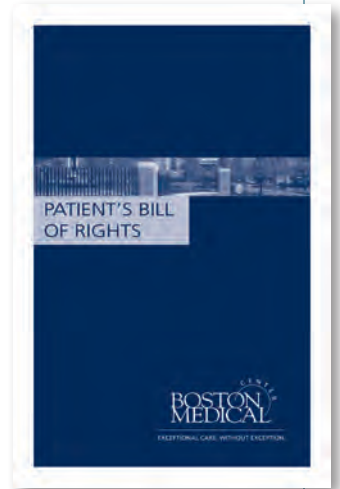
Patient Rights

Our patients have rights that are guaranteed by federal and Massachusetts laws. Patients have a right to review and receive copies of medical records (for a nominal copying fee in some cases), the right to privacy during medical treatment or care and the right to informed consent. BMC ensures that the rights described in the Patients' Bill of Rights are respected at all times.

We also believe that all of our patients have the right to consistently excellent and accessible health care services regardless of status or ability to pay. We serve all patients and their families with dignity and respect. We are sensitive to the ethnic, religious, language and cultural differences of our patients.

To protect our patients' rights, we:

- Involve patients in all material aspects of their care, including obtaining informed consent for treatment;
- Communicate effectively with patients, families and caregivers and use BMC Interpreter Services as needed;



I need to obtain a copy of the Patients' Bill of Rights.

Where can I find it?



The Patients' Bill of Rights can be found on BMC's external website, www.BMC.org.

- Treat patients in a culturally-appropriate manner that preserves their dignity, autonomy and civil rights;
- Inform each patient (or representative) of his or her rights in advance of providing or discontinuing care; and,
- Respect patients' decisions even when we do not agree with them.

For more information, please consult BMC policies "Patient Rights and Responsibilities," "Patient Consent," and "Interpreter Services Department."

Non-Discrimination

BMC treats all patients with integrity regardless of race, color, national origin, sex, age or disability consistent with the requirements of Section 1557 of the federal Affordable Care Act, which prohibits BMC from discriminating against patients based on any of these factors. The law requires that women be treated equally with men in the health care they receive and also prohibits the denial of health care or health coverage based on an individual's sex, including discrimination based on pregnancy, gender identity and sex stereotyping.

For individuals with disabilities, the law requires BMC to make all programs and activities provided through electronic and information technology accessible, to ensure the physical accessibility of newly constructed or altered facilities and to provide appropriate auxiliary aids and services for individuals with disabilities. BMC also must take reasonable steps to provide meaningful access to each individual with limited English proficiency eligible to be served or likely to be encountered in their health programs and activities. Patients who are denied any of these rights can make a complaint to the Office of Civil Rights of the U.S. Department of Health and Human Services.



In addition, BMC respects the personal dignity and rights of each patient and is committed to providing transgender and gender non-conforming patients with professional, considerate and respectful care. When transgender and gender non-conforming patients present for health care services, they will be addressed and referenced on the basis of their self-identified gender identity, using their preferred pronouns and names, regardless of appearance, surgical history, legal name or sex recorded at birth. All BMC patients may use the restrooms and facilities that match their gender identity. BMC patients also may request that the Health Information Management Department change their name or gender marker in their electronic medical record.

For more information, please consult BMC Policies "Gender Identity and the Transgender/Gender Non-conforming Patient" and "Medical Record Amendment or Correction."

Q If a patient's gender expression does not clearly indicate the patient's gender identity, how should I address this person?

A You should use the patient's name and discreetly and politely ask what pronoun the patient uses.

Advocating for our Patients and their Families and Caregivers

Our goal is to create a care environment in which patients and their families receive exceptional care without exception. One way we do this is by advocating for our patients, at the bedside and in the community. Despite our best efforts, we may not always meet our patients' expectations. When this occurs, we want to learn from our patients so that we can remedy their concerns.

BMC's Patient Advocacy Program serves as the liaison between patients, families and the BMC community. The program advocates work collaboratively with staff to address and resolve patients' expressions of commendation and concern. This program ensures a prompt and sensitive response to each patient.

Patient advocates assist patients and their families in the following areas: patients' rights and responsibilities; patients' rights to make a complaint; the Health Care Proxy; and, problems, concerns or unmet needs of patients and their families.

Patient advocates:

- Seek solutions to the concerns and unmet needs of our patients and their families;
- Empower patients to become active participants in their own health care;
- Educate the community about patients' rights and responsibilities;
- Facilitate effective communication among patients, families and staff;
- Encourage our patients and their families to share their concerns with BMC colleagues or the BMC Patient Advocacy Program; and,
- Provide guidance to patients regarding Advance Directives, including the Massachusetts Health Care Proxy.

For more information, please consult BMC policy "Patient Advocacy Program."

Q My patient has questions about a health care proxy. Who do I call?

A Call the Patient Advocacy Office at 617.414.4970




Protecting Patient Privacy


We maintain the privacy and security of our patients' protected health information and other personal and financial information at all times. The Health Insurance Portability and Accountability Act of 1996, known as HIPAA, and other federal and state laws, prohibit the use or disclosure of patient information without patient consent unless it is for treatment, payment or hospital operations. These rules also apply to BMC colleagues when they receive medical care at BMC.

Accessing or sharing patient information in violation of HIPAA, other laws or BMC policy is a serious matter that can result in significant individual criminal or civil liability, including but not limited to, fines and imprisonment. Any BMC colleague who violates these laws may be subject to disciplinary action up to and including immediate termination of their employment or BMC affiliation.

We protect the confidentiality and security of patient information by:

- Never disclosing a patient's confidential information to anyone, including family and friends, except to complete BMC work (i.e., for treatment, payment or hospital operations) or as permitted by law and BMC policy;
- Not accessing or obtaining any patient information other than that which is necessary to do our jobs;
- Using only devices that are approved for use in the BMC IT Security policies and only when they are password protected and encrypted;
- Never discussing confidential patient information in public areas or other locations where we may be overheard by others;
- Releasing patient information only to persons who have the patient's written authorization or who are authorized by law to receive it;
- Never discussing BMC patients or posting patient information or photos on social media sites, even if the patient authorizes it;
- Remembering only the BMC Communications Department may answer health care questions asked by others on BMC's social media sites;
- Never creating a new BMC social media site without the express consent of the BMC Communications Department;
- Acknowledging our obligation to protect BMC's confidential information, including patient and business information;
- Contacting the BMC Privacy Officer if we have a question about releasing patient information before we release it; and,
- Reporting to your supervisor or manager or the BMC Privacy Officer any actual or suspected unauthorized use, access or disclosure of patient information.

 **How can I protect patient privacy when I am caring for patients in shared rooms?**

 **You can close the curtains around the bed, speak as quietly as possible to the patient and make sure the patient is willing to discuss treatment and care if visitors are present.**



Q A colleague has been admitted to BMC and our department is worried about him. Can I look at his medical record to see how he is doing?

A Absolutely not. HIPAA protections apply to BMC employees who also are patients. You can only look at the medical record if your job duties and responsibilities require you to do so.

HIPAA also provides patients with certain rights regarding their protected health information. Patients can request an amendment or correction to the information contained in their medical records and an accounting of all disclosures of their protected health information. Patients also can choose to opt out of the hospital directory in order to maintain their privacy. When first registering at BMC, all patients must be given a Notice of Privacy Practices, which informs them of these and other rights.

Identity theft is a growing problem for health care providers throughout the United States. It occurs when a patient's personal and financial information is illegally obtained from a provider and then used to open credit accounts or obtain goods and services. We follow the requirements of the BMC Identity Theft Prevention Program and take all possible actions to prevent the improper or illegal use of patient information.

If you have any questions about the release of patient information or identity theft, you should contact the BMC Privacy Officer at

617.414.1800. For more information, please consult BMC policies "Release of Medical Records and Protected Information," "Confidentiality and Use of Information," "HIPAA Minimum Necessary Standard," "Red Flags and Identity Theft Prevention Program," "Social Media," and "Notice of Privacy Practices."

Financial Assistance for Patients

We work with patients who are uninsured or underinsured to assist with applying for available financial assistance programs that may cover some or all of their unpaid hospital bills. In order to help uninsured and underinsured patients find available and appropriate financial assistance programs, BMC provides all patients with a general notice of the availability of programs in both the bills that are sent to patients as well as in general notices that are posted throughout BMC. The goal of these notices is to assist patients in applying to a financial assistance program, such as MassHealth Qualified Health Plans Health Safety Net, for coverage or to assist with a Medical Hardship application to help pay for bills already received. We provide, upon request, specific information about the eligibility process to be a Low Income Patient under the Massachusetts Health Safety Net Program or additional assistance for patients who are low income through BMC's own internal financial assistance program.

For more information, please consult BMC policies "Credit and Collection Policy," and "Self-Pay."



EMTALA (The Emergency Medical Treatment and Active Labor Act)

The Emergency Medical Treatment and Active Labor Act, known as EMTALA, requires us to perform a medical screening examination and stabilize every patient who arrives in our Emergency Department or elsewhere on the BMC campus with an emergency medical condition, regardless of the patient's ability to pay. "Emergency medical condition" includes pregnant women who are in active labor.

Patients can be transferred to another medical facility at their request or when an authorized BMC clinician determines that the patient's medical needs cannot be met at BMC because we do not have the capability or capacity to treat the patient. Patients must consent to the transfer and all other EMTALA transfer requirements must be fulfilled.

At BMC, we carefully follow all of the requirements of EMTALA. We do not delay the medical screening examination or stabilizing treatment in order to seek financial or insurance coverage information. We do not admit, discharge or transfer patients with emergency medical conditions based on their ability or inability to pay or any other discriminatory factor.

For more information, please consult BMC policy "Treatment and Transfer of Emergency Patients."

INTEGRITY IN OUR WORKPLACE

Equal Employment Opportunity for All Employees

BMC is proud to be an integral part of the diverse community of Boston. BMC draws upon this community, which is comprised of people from a wide variety of cultures and backgrounds, as a resource for our employees and patients. BMC is committed to creating and sustaining a workplace where we respect and value our employees, not in spite of, but because of the differences in their backgrounds and cultures.

We believe there is strength in diversity, not only of race, gender, age, religion and disability, but also of education, family status, national origin, sexual orientation, gender identity and expression and all of the other factors that make each of us individuals. Honoring the diversity of our community promotes and ensures the mutual respect, collaboration and productivity that is necessary to provide the highest quality health care.

For more information, please consult BMC policies "Affirmative Action/EEO Statement" and "Diversity Statement."

Professional Conduct

Everyone affiliated with BMC is expected to conduct themselves in a professional and collegial manner at all times. BMC complies with all laws and regulations governing all aspects of employment, including hiring, promotion and termination. We do not tolerate harassing or discriminatory conduct and we do not permit retaliation against or intimidation of anyone who makes a good-faith complaint of discrimination, harassment or retaliation. We investigate and take appropriate action on all reports of such actions that are made to supervisors, Human Resources at 617.638.8582 or the Compliance Hotline, 800.586.2627.

In order to provide the highest quality patient care, we must be able to collaborate, communicate and cooperate at all times. We can achieve this only if we treat each other with respect, courtesy, dignity and understanding. For this reason, BMC does not permit disruptive or abusive behavior by anyone in the workplace. Examples of such conduct



include threatening or intimidating behavior or words, taunting, jeering, mocking or humiliating another person, physical demonstrations of anger (such as throwing equipment), screaming or yelling or any other behavior that interferes with the optimum delivery of health care services.

If you observe or have been subjected to abusive or disrespectful conduct, you should report it immediately to your supervisor, Department Chair, the Chief Medical Officer, the Office of General Counsel, Human Resources at 617.638.8582 or the Compliance Hotline, 800.586.2627. All reports will be investigated promptly and resolved appropriately.

For more information, please consult BMC policies “Discrimination and Harassment Policy,” “Employee Conduct” and “Medical/Dental Staff Policy Regarding Unprofessional Relationships and Disrespectful and Abusive Conduct.”

Safe and Secure Workplace

BMC prioritizes the well-being and personal safety of its employees and anyone who does business with us. Acts of violence and threats of violence in the workplace are prohibited. Violent acts include physical violence, stalking, threats and similar acts. Workplace violence also includes any conduct that is offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. BMC does not permit firearms, weapons, explosive devices or other dangerous materials in our facilities.

Any BMC colleague, regardless of position, who commits or threatens to commit an act of workplace violence will be subject to disciplinary action up to and including the termination of employment. You must immediately report all threats of or actual violence to your supervisor or another member of management and Public Safety at 617.414.4444. We will promptly and thoroughly investigate all reports and will not tolerate retaliation against anyone who makes a good faith report.

For more information, please consult BMC policies “Workplace Violence” and “Employee Conduct.”

BMC is a Green Workplace

BMC is committed to being nationally recognized as one of the greenest hospitals in New England. BMC has established a Green Advisory Committee to provide direction and information about environmentally sustainable products and practices in order to promote the health of patients, visitors, employees, our local community and the global community. Among the current initiatives are:

- Engaging in hospital-wide diversion efforts that have resulted in a 25% recycling rate;
- Cutting emissions by 50% and entering into a solar power purchase agreement;
- Creating a roof top farm which is providing fresh produce to our patients and employees; and,
- Diverting four tons of food waste per month to BMC’s bio-digester which keeps this waste out of landfills.

As a result of these and other efforts, Becker’s Hospital Review named BMC one of the 50 greenest hospitals in America. Practice Greenhealth gave three awards to BMC in 2017, including the highest honor the organization bestows on hospitals.



Credentialing and Licensing

BMC employs only those individuals who are properly licensed and credentialed for the position for which they are hired. Proper credentialing and licensing are important ingredients of high quality patient care and are required by federal and state laws. We conduct credentialing reviews before providers commence their work for BMC and we re-credential them at regular intervals in accordance with regulatory requirements. We also conduct criminal background checks on all colleagues before they are employed by or affiliated with BMC.

For more information, please consult BMC policies “Competency” and “Criminal Offender Record Information (CORI).”

No Retaliation

BMC does not permit retaliation against, or intimidation of, any BMC colleague who makes a good-faith report of a violation of law, this Code or BMC policies and procedures. This applies equally to reports made internally and to reports made externally to government entities. Retaliation is prohibited by both federal and state laws and will not be tolerated at BMC.

We seek to have an open and supportive environment where colleagues feel comfortable raising issues and everyone works to resolve them as quickly as possible. BMC colleagues are protected against retaliation and intimidation even if the situation giving rise to the report is ultimately determined not to have a factual basis. However, false reports made for malicious reasons may subject the reporter to discipline.


If you believe that you are being retaliated against for making a report or for participating in an investigation, please contact the Chief Compliance Officer at 617.638.7919.


For more information, please consult BMC policy “BMC Compliance Policy Against Retaliation.”

Conflicts of Interest

BMC makes clinical and business decisions based solely on the best interests of our patients and best business practices. Your outside financial or other person interests must not influence – or appear to influence – your professional decision-making on behalf of BMC. You also may not personally benefit from any actions that you take on behalf of BMC. You must put BMC’s interests ahead of your own at all times.

In order to identify and manage potential conflicts of interest, you are required to disclose any potential or actual conflict of interest to the BMC Chief Compliance Officer at 617.638.7919. Certain BMC colleagues are required to file annual disclosure forms that describe any potential or actual conflicts of interest the individual may have. The Chief Compliance Officer reviews the disclosures and determines how to manage or resolve any conflicts. Most can be resolved easily; however, in some instances you may be required to refrain from participating in certain decision-making activities.

 I was told by my supervisor that I am going to be interviewed by Compliance about a report made by one of my co-workers. I am worried that I will be retaliated against if I tell the truth. What can I do?

 You are required to participate in the Compliance investigations and to tell the truth, but you cannot be retaliated against for doing so. If you believe you have been subject to retaliation, please contact the Chief Compliance Officer.



If you have not been asked to file an annual disclosure form but believe you may have a potential conflict of interest, please contact the Chief Compliance Officer.

For more information, please consult BMC policy "Conflict of Interest."

Substance Abuse or Impairment at Work

We prohibit the use of alcohol, drugs or unsafe medications in the workplace. Abusing substances or working while impaired can lessen your ability to perform your responsibilities and compromise the safety of our patients, colleagues and the public.

On-the-job use, possession, theft or sale of drugs or alcohol is strictly prohibited. BMC reserves the right to test an employee for drugs or alcohol when there is a reasonable suspicion that the employee is under their influence in the workplace.


For more information, please consult BMC policy "Drug and Alcohol Policy."


Excluded Providers


Federal law prohibits BMC from hiring, credentialing or contracting with any "ineligible person." An "ineligible person" is any individual or entity that is currently excluded from participation in state and federally-funded health care programs such as Medicare and Medicaid or that has been convicted of a criminal offense related to the provision of health care items or services and has not yet been reinstated after a period of exclusion or ineligibility.


We routinely screen all BMC colleagues against the Excluded Provider lists published by the federal government and the State of Massachusetts. If you are excluded from participation in the federal or state health care programs, you must notify the Chief Compliance Officer immediately at 617.638.7919. You also must notify the Chief Compliance Officer if you become aware that a BMC colleague has been excluded.

For more information, please consult BMC policy "Screening for Ineligible and Excluded Persons."

 I just received notice that I have been excluded by the Office of Inspector General. What should I do?

 Inform you supervisor and immediately call the Chief Compliance Officer at 617.638.7919.

 My wife just took a job with a vendor who sells medical supplies to BMC. What should I do?

 Contact the Chief Compliance Officer at 617.638.7919 to disclose this potential conflict. The Chief Compliance Officer will determine any actions that should be taken to manage the potential conflict.



Political Contributions and BMC's Not-for-Profit Status

We do not use any BMC resources, including email, to engage in political activity either personally or on behalf of BMC. BMC is a 501(c) (3) tax-exempt, not-for-profit corporation, so BMC cannot take positions on political elections, campaigns or candidates. BMC also does not make contributions or expenditures, directly or indirectly (or through the use of intermediaries, consultants or otherwise) on behalf of any candidate for political office, political party or political committee. This prohibition includes monetary contributions and non-monetary contributions, such as colleagues' work time or BMC telephones, vehicles or premises.

BMC may, however, engage in public policy debates by making independent expenditures related to political speech. For example, BMC may provide relevant, factual information about the impact of public policy decisions on health care operations.

We can participate as individuals in political activities during our non-working time. However, we must be sure that we keep our personal political activities separate from our job duties and responsibilities and we can never suggest or imply that we are representing BMC when we participate in these activities.

For more information, please consult BMC policy "Political Contributions."

Use of BMC Assets

We do not use BMC resources, such as materials, supplies and equipment, for personal use. Generally, you should not conduct personal business during working hours and you should not use BMC's assets for personal financial gain. Occasional use of certain assets is permissible if the cost to BMC is negligible. However, you should not expect that any such activities are private, as BMC reserves the right to monitor and review your communication usage and content and to impose discipline when your usage violates BMC's policies.

For more information, please consult BMC policies "Internet Access and Use" and "Email and Voicemail Acceptable Use."

Confidential Business Information

We expect colleagues to protect BMC's confidential business information, such as our services in the market, key costs, employee compensation and marketing plans. Generally, confidential information cannot be shared and can only be used to perform our jobs. We exercise caution when we share the information with competitors and at trade association meetings. Our competitors include other health systems and facilities in markets where we operate.

We also respect our competitors' confidential information. We gather information about competitors ethically and do not accept information if we suspect it was obtained inappropriately.

The following are examples of the types of information that are considered confidential:

- Information that is not publicly known;
- Organizational strategies;
- Patient information;
- Cost data;
- Marketing plans;
- Salary and wage information;
- Business partnerships;
- Affiliations and mergers; and,
- Other financial data.

For more information, please consult BMC policies "Confidentiality and Use of Information" and "Internet Use and Access."



Cybersecurity

Threats to our electronic systems are increasing. BMC is doing everything possible to protect our systems against malicious attacks. Every BMC colleague has an important role to play in this effort. We have to be careful in using our email system so that we do not inadvertently introduce malware or other problems to it.

In order to protect our systems, all BMC colleagues should:

- Never click on an attachment or a link in an email unless you know the source
- Never provide your user name or password in response to an email request, even if the email appears to be from BMC. BMC will never request your user name and password by email.
- Ensure that all devices used to access BMC systems are password protected and encrypted
- Report any suspicious email you receive to the BMC Service Desk at 617.414.4500
- Shut down or log off your computer when not in use
- Never share your user name or password with anyone

If you have any questions about cybersecurity, please contact the BMC Service Desk at 617.414.4500. For more information, please consult BMC Policy "ITS Written Information Security Program (WISP)."

Intellectual Property

We comply with all applicable intellectual property laws. We respect these laws as they apply to publications, media and other forms of expression and communication. We only use software that has been properly licensed and we use it in conformity with the terms of the license.

BMC's intellectual property rights are valuable business assets. Any work of authorship, invention or creation by a BMC colleague during the scope of his or her employment is BMC property. This includes, for example, patents, trademarks and trade secrets. We have a shared responsibility to protect BMC's property rights during our employment with BMC and afterwards. Please notify the Chief Compliance Officer at 617.638.7919 if you become aware of any new work that could benefit from intellectual property protection. We also respect the intellectual property rights of others and do not knowingly infringe on any valid third party rights.

For more information, please consult "Patent Policy and Agreement Boston University Medical Center" located at www.internal.bmc.org, Research tab, Grants Administration Pre-Award, Internal forms.



Advertising and Marketing


Advertising and marketing are useful ways to inform the community, educate patients and their families, and attract clients, business partners and employees. We engage in truthful, informative and non-deceptive marketing and advertising. All marketing activities, including the development of websites by clinics and departments, must go through BMC's Marketing Department.

For more information, please contact the Marketing Department at 617.638.8990 and consult BMC policy "Use of PHI for Marketing."

Media Relations and Communications

The BMC Office of Communications is responsible for our media and public relations and all other types of communications within BMC and between BMC and the public. All news and other information that is released to the media by BMC must be approved by and coordinated through the Office of Communications. If you believe that non-public information from or about BMC has been or will be released inappropriately without the consent of the Office of Communications, please notify your supervisor or the Office of Communications immediately.

For more information, please consult BMC policy "Media Requests for Information, Interviews and Photographs."

 A Boston Globe reporter called me for comment on BMC's new Grayken Center for Addiction Medicine. Can I talk with the reporter?

 No. You need to contact the Office of Communications first and describe the inquiry. Communications will decide how best to handle it.



MAINTAINING INTEGRITY IN VENDOR RELATIONSHIPS

Vendor Relationships

BMC recognizes that relationships between providers and vendors can further a mutually beneficial exchange of information about products or services relevant to patient care. At the same time, these relationships may create potential conflicts of interest or opportunities for abuse or unfair advantage. For this reason, BMC has adopted a strict policy that prohibits BMC colleagues from accepting any form of personal gift, regardless of value, from health care vendors or their representatives. This prohibition includes food funded, directly or indirectly, by vendors and provided on the BMC campus.

This policy also sets forth the basic requirements for consulting relationships between providers and vendors, attendance by providers and others at educational conferences and other activities sponsored by vendors, vendor access to BMC facilities, educational grants and scholarships funded by vendors and the disclosure of provider/vendor financial relationships.

For more information, please consult BMC policy "Policy for Interactions with Industry by BMC Clinicians and Staff."

Vendors on Campus

The BMC policy on interactions with industry also contains requirements for vendor representatives who come on to our campus. Under these requirements, vendor representatives:

- Cannot visit our campus without an appointment;
- Must check in at a RepTrax® kiosk before traveling around our campus;
- Generally cannot interact with trainees on campus; and,
- Are not permitted in patient care areas, except in limited circumstances.

All of the policy requirements must be followed by BMC colleagues in order to ensure the integrity and transparency of our industry relationships and to assure our patients that we provide the best and most appropriate care for each individual, free from the influence of industry or personal self-interest.

For more information, please consult BMC policies "Policy for Interactions with Industry by BMC Clinicians and Staff" and "Pharmaceutical Vendor Representatives: Rules and Regulations for Conduct."

Relationships with Referral Sources

The Federal Anti-Kickback Statute

The federal Anti-Kickback Statute and other laws prohibit the receipt of anything of value in return for making referrals of patients who are beneficiaries of federal or state health care programs. These laws also bar the payment or receipt of anything of value in return for directly purchasing, leasing or ordering (or for recommendations to purchase lease or order) any goods, facilities, services or items covered reimbursable under the Medicare or Medicaid programs. A similar law in Massachusetts applies these prohibitions to all patients, regardless of payer source.

BMC is committed to complying with these federal and state laws. All BMC colleagues are expected to be vigilant in identifying potential violations and reporting them immediately to the Chief Compliance Officer at 617.638.7919 or to the Compliance Hotline, 800.586.2627.

For more information, please consult BMC policy "Compliance with Anti-Kickback Laws."



The Federal Stark Law

The federal Stark Law generally prohibits a physician from referring a patient for certain health services to an entity in which the physician (or his/her immediate family) has a financial interest. There are certain specific exceptions to this rule, such as contracts for professional services and fair market value leases.

Patient referrals are important to the delivery of appropriate health care services. It is our policy that patients, or their legal representatives, are free to select their health care providers and suppliers, subject to the requirements of their health insurance plans. The choice of hospital, diagnostic facility or supplier should be made by the patient with guidance from his/her physician as to which providers are qualified and medically-appropriate.

For more information, please consult BMC policy "Patient Referrals: Compliance with Stark."

Q What actions might influence referrals and violate the Anti-Kickback Statute?

A Three examples are: a hospital providing discounted office space to a physician to induce the physician to make referrals; a pharmacy routinely waiving co-payments to encourage patients to get their prescriptions filled there; and, a gift from a health care vendor to thank hospital staff for or to encourage their purchases.



WORKING WITH INTEGRITY WITH GOVERNMENT

Compliance with Federal and State Laws

At BMC, we comply with all applicable federal and state laws and regulations and professional standards governing our operations and the delivery of health care services and products. These laws, regulations and standards are numerous, complex and technical in nature.

BMC colleagues whose positions may affect BMC's compliance with those laws, regulations and standards are expected to attend educational or training programs offered by BMC for the purpose of knowing and understanding those laws, regulations and standards and to certify their intent to comply with them.

It is important to remember that violation of any of these laws may result in personal criminal and civil sanctions and penalties. Some laws even subject violators to imprisonment, fines of up to \$100,000 per occurrence, loss of licensure or exclusion from participation in the Medicare and Medicaid programs for a specified number of years or permanently.

Because the penalties can be so severe, BMC cautions and advises all colleagues to always act wisely and in strict accordance with all applicable laws, regulations and professional standards. You can contact the Compliance Office at 617.638.7919 or by emailing compliancehelp@bmc.org to get support and guidance in complying with the laws.

Documentation, Coding and Billing

BMC is committed to complying with all federal and state regulations governing health care documentation and the coding and billing of claims submitted for payment. Complete and factual documentation in medical records is essential for accurate coding and billing. Accurate records also demonstrate our credibility as a health care provider and allow us to make the best decisions possible regarding the treatment and care of our patients.

All BMC colleagues involved in documentation, coding or billing should:

- Carefully follow departmental procedures for documenting in the medical record;
- Never alter, falsify or destroy any information in a medical record; and,
- Ensure that any contractors or agents who perform billing or coding work for BMC comply with our policies and all applicable laws.

For more information, please consult BMC policy "Documentation Requirements for Medical Record."



False Claims Acts and the Deficit Reduction Act

The federal and state False Claims Acts and the federal Deficit Reduction Act protect government programs such as Medicaid and Medicare from fraud, waste and abuse. It is a violation of the False Claims Acts to knowingly submit, or cause another person or entity to submit, false claims for payment by the government. These Acts also allow individuals with actual knowledge of alleged false claims to sue on behalf of the government and provide protection against retaliation for filing a false claims action.

It is illegal to submit claims for payment to the government that we know or should know are false. No specific intent to defraud the government is required for the claim to be deemed false. The False Claims Acts define “knowing” to include not only actual knowledge, but also deliberate ignorance or reckless disregard of the truth or falsity of a claim. Filing false claims may result in fines up to three times the amount of each false claim submitted for payment, other penalties, imprisonment and exclusion from participation in federal and state health care programs.

Under federal law, all identified overpayments must be refunded to the government payer within 60 days of identification. Failure to do so can result in fines and other penalties. Colleagues who make good-faith reports regarding potential or actual violations of the False Claims Acts may not be subjected to retaliation or intimidation.

For more information, please consult BMC policies “Billing and Claim Submission Policy – Compliance with False Claims Act and Whistleblower Laws” and “Reporting and Returning Overpayments to Medicaid and Medicare.”



What are some examples of false claims?



Examples could include billing for services not provided; billing for a higher level of service than was actually provided; billing under one provider’s name/NPI for a service provided by another provider; and, billing for services not documented in the medical record.

Cost Reports

Federal and state laws require BMC to submit reports of our operating costs and statistics, known as cost reports. These laws define what costs are allowable and describe the appropriate methodologies to claim reimbursement for the cost of services provided to government program beneficiaries. BMC is committed to the preparation, submission and settlement of accurate, timely and complete cost reports.



We found boxes of old medical records when we cleaned out a storage area recently. What should we do?



Please report your discovery to the BMC Privacy Officer at 617.638.7919.



Record Retention

Federal and state laws require that we retain medical and other records for specified periods of time. We carefully follow the rules for each type of record. All BMC colleagues are responsible for ensuring that our records are accurate, up-to-date and maintained in compliance with the law and BMC policies. BMC may suffer serious consequences up to and including sanctions, fines and loss of accreditation if we fail to comply with legal requirements.

For more information, please consult BMC policies "Policy for Retention and Destruction of Medical Records" and "Policy for Retention and Destructions of Documents Other than Medical Records."

Responding to Government Inquiries

BMC fully cooperates with all appropriate government requests for information, site visits, audits and investigations. These interactions with government authorities may have significant legal and financial impacts on BMC and you.

It is vitally important that you notify your supervisor and the BMC Chief Compliance Officer at 617.638.7919 immediately if you are contacted by a government agent for information relating to your work at BMC or if any government agency initiates a non-routine site visit. In this situation, you should ask for the government representative's official identification, the reason for the visit and whether he/she has a subpoena or warrant. You should then notify your supervisor and the Chief Compliance Officer and ask the government agent to wait while you do so.

If you are approached by a government agent regarding your relationship with BMC, you have the right to:

- Speak with the agent;
- Schedule an interview at a time and place that is convenient for you;
- Have counsel present;
- End the discussion with the agent at any time for any reason; or,
- Decline to talk with the agent.

For more information, please consult BMC policy "Responding to Government Inquiries."

Accreditation Efforts and Surveys

BMC holds a number of accreditations and certifications which are vitally important to our continued successful operation. We maintain these accreditations and certifications by participating in surveys and audits. We must always be direct, open and honest when we interact with accrediting bodies and surveyors. We cannot mislead these agency representatives or conceal or alter any documents in preparation for or during a survey or encourage our colleagues to do so.



Research

BMC conducts research that will lead to improvements in health care and health status for all people and further scientific advances in medicine. All research must be conducted according to the highest ethical standards and in compliance with all applicable policies, federal and state laws and regulations. We protect the rights and well-being of our patients who choose to participate in research studies. Refusal of a patient to participate in research will not compromise their access to our services or the care they receive at BMC.

We require our Institutional Review Board (IRB) to review and approve all research that involves human subjects. We engage human research participants in a meaningful informed consent process. We also maintain an environment that fosters privacy and security.

BMC will not tolerate acts of plagiarism, falsification or fabrication of data, or other research misconduct. We are committed to full compliance with our policy for responding to allegations of research misconduct. Our research investigators are expected to be accountable for the funds received from sponsors of research and to comply with the terms and conditions of research grants and contracts.

If you have any questions or concerns about research, please contact the Research Compliance Officer at 617.638.7919 and consult BMC policy "Research and Scholarship Misconduct."

Protecting the Marketplace

BMC strives to win business by providing high quality and cost effective services. We comply with antitrust laws, which prohibit agreements between competitors that undermine the principles of fair competition. We do not tolerate behavior that fixes prices, divides markets, manipulates competitive bidding processes, causes boycotts of competitors or places unreasonable restraints on competition.

For more information, please consult BMC policy "Compliance with Antitrust Laws."



THE BMC COMPLIANCE AND PRIVACY/SECURITY PROGRAMS PROMOTE INTEGRITY

The BMC Compliance Program

The mission of the BMC Compliance Program is to protect public confidence in BMC's clinical and business practices through:

- Education;
- Establishment and enforcement of standards that comply with applicable laws and regulations; and,
- Identification and prompt resolution of instances of non-compliance.

The Program partners with BMC leadership and operational departments to promote an ethical workplace through adherence to this Code of Conduct and BMC's policies and procedures. The Program is designed to detect and prevent fraud, waste and abuse and to ensure our adherence to the many laws and regulations that govern the provision of health care. It also is a vehicle for preventing violations of law and enabling BMC to rectify any situation before it becomes a problem or a legal violation.

BMC expects good-faith cooperation from all colleagues to make the program effective. Compliance is everyone's responsibility.

The Program also promotes ethical decision-making. When you are confronted with a difficult decision at BMC, ask yourself:

- Is it legal?
- Does it comply with our Code of Conduct and policies?
- Is it the fair and honest thing to do?
- Is it in the best interests of our patients and BMC?
- Would I be comfortable if my decision were published on the front page of a newspaper or a website?

If you answer to all of the above questions is "yes," you are making the right decision.

The BMC Privacy and Security Programs

The BMC Privacy and Security Programs are designed to implement the requirements of HIPAA and other federal and state laws that govern the use and disclosure of patient medical, financial and personal information. The Security Program, which is led by our IT Department, ensures the security of our electronic systems, communications and confidential patient information. The Privacy Program provides education and training on patient privacy issues and conducts regular audits of BMC patients' medical records to ensure that records have been accessed only as needed to perform job duties and responsibilities. It also receives reports of potential and actual privacy violations and investigates and resolves them appropriately. Finally, the Program can give you guidance regarding the release of patient and other confidential information.

For more information, please contact the Security Program at 800.586.2627 and the Privacy Officer at 617.414.1800.



Duty to Comply, Report and Cooperate

Everyone at BMC has a duty to comply with this Code of Conduct, BMC policies and procedures and all applicable federal and state laws. If you become aware of any actual or potential violation of these requirements, you must report the situation to the Chief Compliance Officer at 617.638.7919 or to the Compliance Hotline, 800.586.2627, immediately.

BMC will not take any action against any BMC colleague who reports, in good faith, any violation, actual or threatened, regardless of whether the situation giving rise to the violation is ultimately determined to not have a factual basis. If you fail to report a violation, you may be subject to disciplinary action.

The BMC Compliance Hotline

BMC has a Compliance Hotline to encourage all BMC colleagues to ask questions, seek support and report concerns. The Hotline, 800.586.2627, is operated by an outside vendor and is available seven days a week, 24 hours a day. You can make a report using your name or anonymously if it is more comfortable for you. The Hotline provides interpreter services for individuals with limited English proficiency.

You are encouraged to report any concerns to your supervisor or to the Compliance Department at 617.638.7919 directly. You do not have to report the matter to your supervisor before calling Compliance or making a report on the Compliance Hotline. You also can send an email to the Compliance Department at compliancehelp@bmc.org.

As stated earlier, BMC will not retaliate against anyone who brings a compliance matter to the attention of our organization.

All reports will be investigated, generally within 30 days of receipt, and appropriately resolved under the direction of the Chief Compliance Officer.


For more information, please consult BMC policy "Compliance – Availability and Use of Compliance Hotline."


Special Role of Managers and Supervisors

BMC managers and supervisors have special responsibilities to educate their team members about Compliance, Privacy and Security. Managerial staff members also serve as role models for their colleagues and BMC expects them to treat everyone with respect and to act with compassion, honesty and integrity at all times.

It is the duty of BMC managers and supervisors to create an environment where BMC colleagues feel comfortable expressing concerns or raising issues without fear of reprisal. For this reason, managers and supervisors are required to know and understand this Code of Conduct and the Compliance, Privacy and Security policies and procedures and to act to support the programs at every opportunity.

Managers and supervisors requiring additional information or training about Compliance, Privacy and Security should contact the Compliance Department at 617.638.7919.

 I want to report a problem but I'm afraid my supervisor will find out I made the report. What can I do?

 You can call the Compliance Hotline 800.586.2627 at any time to make an anonymous report.



Discipline Imposed Fairly and Firmly

BMC enforces its standards of conduct through appropriate disciplinary action taken on a fair, equitable and consistent basis for every employee, regardless of position. Any BMC colleague who violates the provisions of this Code of Conduct or BMC policies and procedures will be subject to disciplinary action. The appropriate action will be determined on a case-by-case basis. BMC policy provides for a range of possible disciplinary actions, from a verbal warning to discharge from BMC employment or termination of affiliation with BMC.

Regardless of the violation, BMC reserves the right to impose any level of discipline, including immediate discharge from BMC employment, based on our assessment of all of the circumstances of the violation, including, but not limited to, the seriousness of the violation, the frequency of the violation, the actual or potential consequences of it and the employee's prior disciplinary and performance record.

For more information, please consult BMC policy "Employee Conduct."



BMC Compliance Office

720 Harrison Avenue, Suite 650
Boston, MA 02118
Phone: 617.638.7919

The office hours are 8:00 am – 5:00 pm. Walk-ins are welcome or you can call the Compliance Office to make an appointment.

Compliance email: compliancehelp@bmc.org

Compliance Hotline: 800.586.2627

Intranet website: www.internal.bmc.org/compliance

BMC Privacy Officer

Phone: 617.414.1800

Email: Privacyofficer@bmc.org

Intranet website: www.internal.bmc.org/compliance

BMC Director, Pharmacy Compliance

Phone: 617.638.5843

Other Boston Medical Center Resources

BMC Office of Communications

85 E. Newton Street, 4th Floor
Boston, MA 02118

Email: communications@bmc.org

The Communications Office is available 24 hours a day, 7 days a week to assist you. For staffing information and phone numbers, please visit:

www.bmc.org/about/news/communications.htm

After hours, call 617.638.8405 and ask to be connected to the on-call staff person

BMC Human Resources Division

85 E. Concord Street, 1st Floor
Boston, MA 02118
Phone: 617.638.8582

Intranet website: www.internal.bmc.org/hr/humanresources.htm

BU/BMC Institutional Review Board (IRB)

560 Harrison Avenue, 3rd Floor
Boston, MA 02118

Phone: 617.638.7207
Fax: 617.638.7234

Email: medirb@bu.edu

Office hours: 8:00 am – 4:30 pm

BMC Interpreter Services Department

Phone: 617.414.5549

Fax: 617.414.5017

Office Hours: 8:30 am – 5:00 pm, Monday-Friday

Off-hours beeper number: 6042

Intranet website: www.internal.bmc.org/interpret

BMC Office of General Counsel

720 Harrison Street, 6th Floor

Boston, MA 02118

Phone: 617.638.7901 (regular business hours)

617.638.7243 (on call attorney – after hours)

BMC Office of Patient Advocacy

Phone: 617.414.4970

To reach a Patient Advocate, please call the number above. A Patient Advocate is available on-site from 8:00 am – 4:30 pm, Monday through Friday. After hours and on weekends, a Patient Advocate is available by page through the phone number above.

BMC Office of Public Safety

85 East Concord Street, 4th Floor

Boston, MA 02118

Phone: 617.414.4444

Website: www.bumc.bu.edu/publicsafety

BMC Patient Safety

Pager number for serious incidents with clear harm:

31-SAFE (31-7233)

Federal Government Resources

Centers for Medicare and Medicaid Services

www.cms.hhs.gov

US Department of Health and Human Services, Office of Inspector General (OIG)

www.oig.hhs.gov

US Department of Health and Human Services, Office of Civil Rights (HIPAA)

www.hhs.gov/ocr/privacy

Massachusetts Resources

Massachusetts Department of Public Health

www.mass.gov/eohhs/gov/departments/dph

Board of Registration in Medicine (BORIM)

www.mass.gov/eohhs/gov/departments/borim





Compliance Department
Boston Medical Center
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