



**Maimonides**  
Medical Center

**CORPORATE COMPLIANCE  
CODE OF CONDUCT**

**Pamela Brier**  
President and Chief Executive Officer

**Martin A. Cammer**  
Corporate Compliance Officer

**Joyce Leahy**  
Vice President for Legal Affairs & General Counsel

**TABLE OF CONTENTS**

<b>President's Message .....</b>	<b>1</b>
<b>Part I Introduction.....</b>	<b>2</b>
<b>Part II Standards Of Conduct.....</b>	<b>3</b>
<b>A. Relationships with Our Healthcare Partners.....</b>	<b>3</b>
Patients .....	3
Patient Care and Rights .....	3
Emergency Care .....	3
Patient Information.....	4
Affiliated Physicians and Other Healthcare Providers.....	4
Third-Party Payors .....	5
Coding and Billing for Services .....	5
Cost Reports .....	6
<b>B. Business Relationships and Practices.....</b>	<b>6</b>
Relationships with Vendors and Suppliers.....	6
Anti-Kickback and Anti-Referral Statutes .....	6
Gifts and Entertainment .....	7
Conflicts of Interest.....	8
Antitrust.....	8
Marketing and Advertising.....	8
<b>C. Regulatory Compliance .....</b>	<b>9</b>
Prescription Drugs and Controlled Substances .....	9
Environmental Compliance.....	9
Certificate of Need/Licensure and Accreditation.....	9
Residents; Educational Affiliations.....	9
Tax.....	9
<b>D. Business Information and Information Systems.....</b>	<b>10</b>
Financial Reporting and Records .....	10
Accuracy, Retention and Disposal of Books and Records.....	10
Confidential Information.....	10
Electronic Media .....	10
Software Information .....	11
<b>E. Workplace Conduct and Employment Practices.....</b>	<b>11</b>
Employment Practices.....	11
Sexual Harassment/Discrimination .....	11
Workplace Violence.....	11
Employees with Disabilities.....	12
Labor and Employee Relations Matters .....	12
Health and Safety .....	12
Substance and Alcohol Abuse.....	12
Immigration.....	12

Hiring of Former and Current Government Employees.....	12
License and Certification Renewals; Employee Assessments .....	12
Research .....	13
Proper Use of Company Assets.....	13
Political Activities and Contributions .....	13
<b>F. Government Investigations and Inquiries .....</b>	<b>14</b>
<b>Part III The Compliance Program At Work.....</b>	<b>15</b>
Resources for Guidance and Reporting Violations .....	15
Personal Obligation to Report .....	15
Compliance Helpline.....	15
Investigation of Reports .....	16
Corrective Action .....	16
Discipline for Violations .....	16
Monitoring.....	16
<b>Questions &amp; Answers.....</b>	<b>16</b>
<b>Policies .....</b>	<b>19</b>

## *A Message from the President*

Maimonides Medical Center has a long and proud tradition of providing quality healthcare and conducting business in full compliance with the law and with the highest standards of business ethics. Maintaining an environment of integrity, honesty and respect is an integral part of that commitment and contributes to our continued success as the premier healthcare facility in Brooklyn.

Given the many laws regulating our industry and the complexity of our times, our Board of Trustees has adopted the compliance program to help us live up to our commitment. At the heart of the program is our Code of Conduct. The Code guides us in performing our daily duties by describing the standards of behavior each one of us is expected to follow when performing our jobs. By spelling out the legal and ethical standards, we will understand the risks and how to avoid them. Other elements of the compliance program are also described in the Code. Take the time to read it thoroughly, as it will help you understand how the compliance program works.

Pamela Brier  
President and Chief Executive Officer

## *Part I*

### **INTRODUCTION**

Maimonides Medical Center is committed:

- to abiding by the letter and spirit of all laws
- to adhering to the highest ethical standards
- to dealing fairly and honestly with everyone who is affected by our actions and treating them as we would want to be treated

The Code of Conduct describes your responsibilities in upholding that commitment. It governs our relationships with patients, affiliated physicians, third-party payors, vendors, subcontractors, independent contractors, consultants and one another, and applies to all employees, trustees and agents of Maimonides Medical Center, Maimonides Research and Development Foundation and MMC Holding of Brooklyn, Inc. and its subsidiaries (collectively, “Maimonides”).

The Code is intended to be a guide and resource to help you in making the right choices as you perform your duties. Even though a rule may not apply to your job, you should be aware of all the rules in the Code of Conduct so that you are sensitive to situations you may encounter that involve a rule. In many instances, the Code deals fully with the subject covered. In some cases, however, the subject discussed has so much complexity that additional guidance is necessary for those directly involved with the particular area to have sufficient direction. You may also encounter a situation that is not addressed in the Code, but that does not mean there is no rule.

If you believe a law or company policy has been violated, or are uncertain how to handle a situation, raise the issue with your supervisor or your department head. If this approach is uncomfortable or you believe inappropriate, call the Compliance Officer at 283-8796 or the 24-hour, toll-free Compliance Helpline at 1-800-585-7970.

Violations of Code standards and our policies may result in serious consequences, both to you personally, and to Maimonides. Being familiar with our standards and acting in accordance with them is the first step in ensuring that your conduct reflects our values and commitment.

This Code supports and elaborates on the mission, vision and values statement approved by the Board and serves as the code of ethical behavior recommended by the Joint Commission on Accreditation of Healthcare Organizations.

## ***Part II*** ***STANDARDS OF CONDUCT***

### ***A. Relationships with Our Healthcare Partners***

- ***Patients***

#### ***Patient Care and Rights***

Maimonides treats all patients with respect and dignity and provides care that is both necessary and appropriate. We make no distinction in the admission, transfer or discharge of patients or in the care we provide based on race, creed, religion, national origin, sex, sexual orientation, citizenship or source of payment, and we accommodate the needs of our patients with disabilities. Clinical care is based on identified patient healthcare needs, not on financial criteria.

Upon admission, each patient is provided with a written statement of patient rights. This statement includes the rights of the patient to make decisions regarding medical care and conforms to all applicable state and federal laws.

Patients are involved in all aspects of their care and no treatment or action is taken without the patient's informed consent. Each patient or his or her representative is provided with a clear explanation of care, including, but not limited to, diagnosis, treatment plan, right to refuse or accept care, right to make advance directives, estimates of treatment costs, organ donation and procurement, and an explanation of the risks and benefits associated with available treatment options and alternative choices. Maimonides provides communication assistance to all patients who are not fluent in English and to those who have speech and visual impairments. Patients and their families are provided a forum to resolve differences with healthcare providers on treatment issues, and the right to request transfers to other facilities.

Every individual involved in patient care is required to comply with our policies and applicable laws and regulations, including, without limitation, those covering the treatment of patients admitted under the Mental Hygiene Law, and to treat patients in a manner sensitive to their background, culture, religion and heritage. Every healthcare provider is committed to the continuing improvement of patient care in accordance with Maimonides Performance Improvement Plan.

#### ***Emergency Care***

Maimonides complies with all federal and state laws and regulations governing emergency medical treatment. As required by the Emergency Medical Treatment and Active Labor Act ("EMTALA"), we provide appropriate medical screening to patients who come to the Emergency Department. Anyone with an emergency medical condition is treated or admitted based on medical necessity, regardless of their ability to pay or the terms of any managed care plans to which the patient subscribes. Obtaining financial and demographic information does not delay or impede meeting the immediate needs of the patient. Transfers to other facilities will be made only if the patient's medical needs cannot be met at Maimonides, appropriate care is available elsewhere and the patient has been stabilized, and all transfers will be made in strict compliance with regulations.

Emergency Department employees should be familiar with the federal and state regulations and our policies covering this area.

### ***Patient Information***

We collect information about our patients' medical condition, history, medications and family illnesses to provide the best possible care. We realize the sensitive nature of this information, and are committed to maintaining its confidentiality. Consequently it is the policy of Maimonides to maintain the privacy of patient health information by complying with specific policies and procedures designed to protect such information in accordance with privacy rules issued as a result of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") as well as other federal and state laws and regulations governing patient confidentiality, including the special rules governing the disclosure of a patient's HIV status, mental health or psychiatric treatment or participation in drug and alcohol treatment programs. All employees as well as medical staff members are trained in patient confidentiality obligations and will be subject to sanctions for violations.

In order to ensure that patient confidentiality is maintained, no personnel at Maimonides may discuss patient-specific information in elevators and other public areas or release patient-specific information to any employee, affiliated physician or colleague other than that necessary for the individual to perform his or her job. Further, personnel must make certain that patient information stored in our computer systems is properly secured.

Patients expect that their privacy will be protected and that information about their treatment will be released only to authorized individuals, which in most cases requires the patient's written release. In an emergency situation, the patient's consent may not be required when an institution or healthcare provider which is treating the patient requests information, but the name of the institution and the person requesting the information must be verified; this should be done by a call-back process and documented in the medical record.

It is our policy to provide patients with a notice of privacy practices upon their first receipt of services at Maimonides. The privacy notice will advise patients of their privacy rights and other rights relating to their medical records at Maimonides. All employees and medical staff must adhere strictly to the confidentiality obligations and patient rights described in that notice. As reflected in the notice and other hospital HIPAA policies, patients have various right relating to our handling of their health information, including the right to receive copies of their medical records, propose amendments to those records, and receive an accounting of certain types of disclosures of their records. Further, patients will be notified of the right to complain about privacy violations. Since patient service and privacy are of utmost importance to us, it is our policy to promptly respond to, and resolve complaints regarding allegations of improper use or disclosure of health information by hospital staff or by any our service providers. We will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for the exercise of any right, or participating in any process, established under HIPAA, including the filing of a complaint.

- ***Affiliated Physicians and Other Healthcare Providers***

In order to ethically and legally meet all standards regarding referrals and admissions, Maimonides adheres strictly to the following rules:

*We do not pay or offer to pay for referrals.* Care must be taken in structuring relationships with physicians and other healthcare providers so as not to create a situation where Maimonides offers or appears to be offering to pay an improper inducement to those who may be in a position to refer or influence the referral of patients to Maimonides. We comply with federal and state anti-kickback and anti-referral laws which prohibit the giving of any remuneration, directly or indirectly, in return for a patient referral. That means we do not pay or offer to pay anyone -- employees, physicians or other persons -- for referring patients to Maimonides or enter into relationships with healthcare providers on the basis of the volume or value of referrals, nor do we unlawfully share in or split professional fees for medical services. We accept patient referrals and admissions based solely on the referring practitioner's independent clinical decision as to the patient's needs and our ability to render the needed services.

*We do not accept payment for referrals that we make.* No employee or third party acting on our behalf is permitted to solicit or receive anything of value in exchange for referring patients. Similarly, when making referrals to another healthcare provider, Maimonides does not take into account the volume or value of referrals that the provider has made (or may make) to Maimonides.

*We comply with self-referral laws.* Generally speaking, self-referral laws prohibit a physician from referring a patient for certain types of health services to an entity with which the physician or members of his or her immediate family has a financial relationship. Employed or affiliated physicians are prohibited from referring their patients to an entity in which they or their family members have an interest unless one of the law's exceptions applies to the arrangement.

Since violations of these laws may subject both Maimonides and the provider to civil and criminal penalties and exclusion from government-funded healthcare programs, please review all proposed arrangements with healthcare providers with the Office of General Counsel.

- ***Third-Party Payors***

***Coding and Billing for Services***

Maimonides is committed to providing only those medical services that are reasonable and necessary for the diagnosis and treatment of a patient's illness. Anything more may amount to medically unnecessary "over-utilization" and result in inflated billing to the patient and to private and governmental third-party payors.

We are equally committed to accurately billing the services we render based on adequate documentation of the medical necessity. It is prohibited for any employee or agent of Maimonides to knowingly present false, fictitious or fraudulent claims for payment, or to misrepresent the type or level of service rendered, "default" to a particular billing code, upcode or inappropriately bundle services. Payors -- whether the government or private third parties -- may only be billed for medically necessary services that are properly documented. We will promptly return to payors any payments which we determine do not conform to our policies and applicable laws.

Maimonides carefully reviews and monitors all pricing and charges to government payors and to patients to ensure that such prices and charges are consistent with fair market value for those services in the community served by us.

All health care professionals who provide billing information (including affiliated and employed teaching physicians who supervise residents and fellows) and employees who prepare or submit billing statements must comply with all applicable government regulations and our policies. Billing employees will be fully trained in the rules governing billing, coding and documentation. Outside companies may be retained to perform billing or coding services only if they have the necessary skills, quality assurance processes, systems and appropriate procedures to ensure that billings for government and commercial insurance programs are accurate and complete and comply with applicable laws.

### ***Cost Reports***

As a medical facility, our business involves reimbursement under government programs which require submission of certain reports of our costs of operations. Maimonides complies with all federal and state laws and regulations relating to cost reports, which define what costs are allowable and describe the appropriate methodologies to claim reimbursement for the cost of services provided to program beneficiaries. Given the complexity of this area, all issues related to the completion and settlement of cost reports must be communicated through or coordinated with the Reimbursement Division in the Department of Finance.

## ***B. Business Relationships and Practices***

### ***Relationships with Vendors and Suppliers***

We will always employ the highest ethical standards in our relationships with vendors, subcontractors and suppliers with respect to source selection, negotiation, determination of contract awards and administration of purchasing activities. Vendors, subcontractors and suppliers are to be selected on the basis of objective criteria, including quality, service, price, delivery capability and technical excellence. Personal relationships and friendships play no part in the selection process. If the item or service has a value of more than \$20,000, our competitive bidding policy must be followed. Accepting bribes or kickbacks is strictly prohibited. Maimonides will not knowingly contract or do business with a vendor convicted of a criminal offense related to health care or excluded or ineligible to participate in government-funded healthcare programs.

As a provider of patient care, we must be careful not to accept anything from a vendor that might influence a professional judgment to use the vendor's goods or services. For example, goods or services offered by a vendor (such as a pharmaceutical company or medical equipment supplier) for free or priced below-market, or awards, discounts and prizes may be unlawful even if given as part of a vendor's promotional program. Employees responsible for purchasing decisions should familiarize themselves with the rules and exceptions that govern this area. Similarly, do not lead a vendor or supplier who offers to make a charitable donation to Maimonides into believing that the donation will influence your professional judgment to select the vendor. If you have any questions regarding this area, please do not accept free goods, discounts, rebates, allowances or charitable donations without first consulting with the Office of General Counsel.

### ***Anti-Kickback and Anti-Referral Statutes***

Federal and state laws prohibit any form of kickback, bribe or rebate, either directly or indirectly, in cash or in kind, to induce the purchase or referral of goods, services or items paid for by Medicare or Medicaid. Under the law "kickback" means remuneration, which is defined as anything of value. Other federal and state "anti-referral" laws restrict Maimonides from billing for

services referred by physicians or other healthcare providers who have a contractual or business relationship with Maimonides unless certain exceptions are met.

It is prohibited to pay or offer to pay anyone for the referral of patients to Maimonides, or to solicit or receive anything of value, either directly or indirectly, in exchange for a referral of patients to another healthcare provider. The Code cannot list every arrangement which entails an improper relationship with a potential referral source, but here are some examples of prohibited transactions: Providing a physician private office space in Maimonides-owned property for free or below-market rent; incurring excessive entertainment costs when recruiting physicians; or paying an above-market price for the purchase of a physician's practice. It is equally important to refrain from making a payment or using company assets in a manner which, while not illegal, could be interpreted as improper or you suspect will be used in violation of the law.

Failure to comply with these laws can result in criminal and civil liability for all parties, including Maimonides, and possible exclusion from government-funded healthcare programs. Given the complexity of the laws and the regulations, all proposed transactions with healthcare providers must be reviewed with the Office of General Counsel.

### ***Gifts and Entertainment***

As a general rule, do not accept favors or gifts from individuals or companies with whom Maimonides does business or hopes to do business with in the future. We recognize, however, that there will be times when you may wish to accept from a current or potential business associate an invitation to attend a social event in order to further or develop your business relationship. You may accept the invitation as long as the cost associated with the event does not exceed \$100.00 per person. However, you may not accept the invitation if the purpose of the entertainment is to induce your favorable business decision.

You may accept token presents or gifts with a total value of \$100.00 or less from business associates, but you may not accept cash or cash equivalents, such as gift certificates, from anyone, including patients and physicians affiliated with Maimonides, and you may never solicit a gift. Perishable or consumable gifts given to a department or group are not subject to any dollar limitations.

The same guidelines governing acceptance of gifts and entertainment from business colleagues applies to extending such courtesies. If you wish to invite a current or potential business associate to attend a social event in order to develop your business relationship, make sure the cost is reasonable and company business is the primary focus of the event. However, under no circumstances may you give or offer a gift or entertainment to a physician or other person in a position to refer patients to Maimonides. Also, because of the regulations imposed on government employees, do not give or offer gifts, entertainment or other business courtesies to federal or state employees, except for minor refreshments in connection with business discussions.

Remember that the \$100 figure is a guideline for what is reasonable and accepted business practice. Even gifts or entertainment which have a value of less than \$100 are not permitted if they are intended to influence your business decision or, equally important, might appear to others as an attempt to influence your professional judgment.

### ***Conflicts of Interest***

A conflict of interest may arise if your outside activities or personal interests influence or appear to influence your ability to make objective decisions in the course of your job responsibilities, or the demands of your outside activities hinder or distract you from performing your job. Each one of us must ensure that we remain free of conflicts of interest in the performance of our duties at Maimonides.

In order to avoid even the appearance of a conflict of interest, each employee, medical staff member and trustee must disclose any ownership or financial interests they or members of their immediate family have in an entity which does business with Maimonides. No individual with an interest may participate in a transaction with Maimonides without obtaining the Board of Trustee's approval. (Immediate family members include a spouse or significant other, parent, child, sibling, or in-laws of any of them. You do not need to disclose ownership of publicly-traded stock if the combined holdings of you and immediate family members constitute 5% or less of the company's issued stock.) If you have any questions concerning this section, please contact the Office of General Counsel.

### ***Antitrust***

Antitrust is a body of federal and state laws designed to create a level playing field in the marketplace and to promote fair competition. It is against the law for competitors to agree or act in such a way as to restrict competition, fix prices or otherwise control the marketplace. These laws could be violated by discussing Maimonides' business with a competitor, such as how our rates are set, disclosing the terms of supplier relationships, allocating markets among competitors or agreeing with a competitor to refuse to deal with a supplier. For Maimonides, a "competitor" may be another hospital or any other healthcare provider. Violations of the antitrust laws can result in serious consequences both to the individual and Maimonides.

At professional and trade associations meetings, be alert to potential situations where it may not be appropriate for you to participate in discussions regarding prohibited subjects with competitors. Prohibited subjects include any aspect of pricing, division of patients, geographic areas or services, key costs such as labor costs and salaries, or marketing strategies. If a competitor raises a prohibited subject, end the conversation immediately. If minutes are being kept, document your refusal to participate in the conversation by requesting that your objection be reflected in the minutes, and notify the Office of General Counsel of the incident. In general, avoid discussing managed care agreements or prices with competitors.

### ***Marketing and Advertising***

We use marketing and advertising to educate the public, increase awareness of our services and to recruit employees. All marketing and advertising materials must be truthful, fully informative and non-deceptive, and accurately describe clinical services and their attendant risks and licensure and certification. It is prohibited to base payment for advertising services on professional fees. All marketing and advertising materials must be coordinated with the Vice President of Public Relations.

## ***C. Regulatory Compliance***

### ***Prescription Drugs and Controlled Substances***

Some employees routinely have access to prescription drugs, controlled substances and other medical supplies. Our policies and state law require that these substances be administered by physician order only and properly documented in the medical record. It is strictly prohibited to divert prescription drugs and controlled substances to unauthorized individuals, to administer them without proper orders, to distribute adulterated, misbranded, mislabeled or expired drugs or devices, or to fail to report significant adverse events. If you become aware of a potential lapse in security or the improper diversion of drugs, report the incident immediately to your supervisor or the Compliance Officer.

### ***Environmental Compliance***

Improper handling and disposal of hazardous and medical waste can result in serious health hazards and is detrimental to the environment. It is our policy to comply with applicable environmental laws and regulations and to operate our sites with the necessary permits, approvals and controls. Employees whose duties include handling, transporting, packaging and disposing of biomedical and hazardous waste and material, including blood and blood products, tissues, sharps and radioactive materials, must be familiar with our policies and procedures. In order to ensure we meet our legal and ethical obligations, alert your supervisor or the Safety Officer immediately to any situation regarding the discharge of a hazardous substance, improper disposal of medical waste or a condition which may be potentially damaging to the environment.

### ***Certificate of Need/Licensure and Accreditation***

Maimonides complies with all state licensing rules and regulations, including the Certificate of Need laws, and the requirements of the Joint Commission on Accreditation of Healthcare Organizations. Employees whose responsibilities involve regulatory review should be familiar with the regulations governing their areas.

### ***Residents; Educational Affiliations***

Maimonides complies with state laws regulating the supervision and working hours of residents and the requirements of the Accreditation Council for Graduate Medical Education and the American Osteopathic Association. All relationships with educational and other medical institutions dealing with the rotation or internships of residents and students must be embodied in written agreements which define both parties' roles and specify that Maimonides retains responsibility for the quality of patient care.

### ***Tax***

Certain of the Maimonides entities are exempt from federal, state and local tax as not-for-profit, charitable organizations. In order to maintain the exemption, these entities must operate for the benefit of the community and avoid what the tax law calls "private inurement" and "private benefit." That means that all non-exempt individuals and entities must pay fair market value if they use our services or property.

Sales tax exemptions held by any Maimonides entity may only be used for legitimate corporate activities; you may not purchase personal items with the use of the sale tax exemption even if you intend to reimburse Maimonides. Federal, state and local taxes will be withheld from

each employee's wages, and use of check requests to compensate individuals must be approved by the Finance and Human Resources Departments.

We have issued tax exempt bonds which are secured by mortgages covering our property. Since violating a restriction the bonds impose on the use of the property could jeopardize our ability to borrow money in the future, all arrangements with third parties for use of Maimonides' property must be reviewed by the Office of General Counsel.

#### ***D. Business Information and Information Systems***

##### ***Financial Reporting and Records***

We must properly account for our assets and liabilities and comply with all tax and financial reporting requirements. Our books and records must reflect actual transactions accurately and completely, not omit any material information and conform to generally accepted accounting principles. It is strictly prohibited to establish an undisclosed or unrecorded corporate account, use any account to mislead or conceal a corporate resource, or falsify, alter or tamper with financial records. Payments to third parties must be supported by adequate documentation, made by checks issued by the Finance Department and promptly and properly recorded on our books.

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

Since our books and records serve as a basis for patient treatment decisions and billing, it is mandatory that they be accurately completed and maintained. Changes to medical records may be made only by authorized individuals, in accordance with our policies. Records are to be retained for the periods required by law and our policies and, if they deal with matters which are the subject of a lawsuit or investigation, until the matter has been finally determined. Employees who handle records as part of their job duties should be familiar with their department's records retention policy or schedule.

##### ***Confidential Information***

Information about our strategies, operations, techniques, patients and personnel is confidential and should be protected. Do not disclose confidential information to anyone outside of Maimonides or your department unless the individuals have a legitimate need to know and have agreed to maintain the confidentiality of the information. Healthcare providers are responsible for protecting their passwords to medical information systems from unauthorized individuals, and employees with access to computer systems are responsible for properly securing confidential information. Under no circumstances may you use confidential information for your own benefit, even after you leave Maimonides.

It is equally important to honor the confidential information of third parties. Do not seek out such information if doing so would require someone to violate a confidentiality agreement with a prior employer. If the third party is willing to release the confidential information make sure the terms of its use have been embodied in a written agreement approved by the Office of General Counsel.

##### ***Electronic Media***

All communication systems, including e-mail, Internet access, and voice mail, are the property of Maimonides and are to be used for business purposes. You may use our communication

systems for personal business on a limited basis, but be aware that these communications are not private, and that we may periodically access, monitor and disclose the contents of electronic mail and voice mail messages. Make sure that patient or confidential information sent through the Internet is coded to maintain confidentiality.

It is prohibited to use the communication channels or Internet access to post, store, transmit, download or distribute material that is threatening, knowingly or intentionally false, obscene, harassing, or gives rise to a criminal offense or civil liability. These channels of communication may not be used to send chain letters, personal broadcast messages, copyrighted documents not authorized for reproduction, nor used to conduct a job search or open misaddressed mail.

### ***Software Information***

Software is protected by copyright laws and in some instances by patent or trade secret laws. Do not use a software computer program or database owned by a third party unless a license agreement governing its use has been approved by the Office of General Counsel. Once you receive the software, comply with the terms of the license agreement and do not copy or distribute the programs. Make sure that any software you purchase for your home computer is not copied into work you do for Maimonides or installed into your office computer.

## ***E. Workplace Conduct and Employment Practices***

### ***Employment Practices***

Our greatest strength lies in the talent and ability of our employees. Maimonides is committed to providing equal opportunity to all, without regard to race, creed, color, religion, age, sex, sexual orientation, disability, citizenship or national origin, and to maintaining a work environment which treats each and every person with fairness, respect and dignity.

### ***Sexual Harassment/Discrimination***

Each of us has the right to work in an environment free of harassment and to be treated with professional respect and courtesy. We will not tolerate any form of sexual harassment or discrimination based on our employees' diverse characteristics or cultural backgrounds. Degrading or humiliating jokes, slurs, intimidation and verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates a hostile or offensive environment has no place on our premises or in Maimonides-sponsored settings. Retaliatory action against a co-worker who complains of sexual harassment or discrimination is prohibited. If you observe or experience any form of sexual harassment or discrimination, report it to the Human Resources Department.

### ***Workplace Violence***

We will not allow any form of workplace violence on our premises. Fighting, stalking, violation of a restraining order, terrorism, hate crimes or threats of violence, whether directed at co-workers, patients or visitors, are strictly prohibited. Anyone who reports to work with guns, knives or other weapons is subject to immediate dismissal. If you observe or experience any form of workplace violence, report the incident immediately to the Human Resources Department, and in cases of immediate threat, call the Security Department.

### ***Employees with Disabilities***

Maimonides complies with all applicable laws and regulations governing employment of individuals with physical and mental disabilities. No one shall discriminate against any individual with a disability with respect to any offer, or term or condition, of employment. We will make reasonable accommodations to the known physical and mental disabilities of otherwise qualified individuals.

### ***Labor and Employee Relations Matters***

Maimonides fully complies with all applicable wage and hour laws and other statutes regulating the employer-employee relationship, union contracts and the workplace environment. It is prohibited to pay or receive money or anything of value from any labor union that represents our employees or to interfere with or retaliate against a co-worker for exercising his or her rights under those laws. If you have questions on labor issues, contact the Human Resources Department.

### ***Health and Safety***

We recognize our obligation to maintain and promote workplace safety and have developed our policies to protect everyone from potential workplace hazards. Become familiar with how those policies apply to your specific job responsibilities. If you see a situation or condition which you think is a danger or may pose a safety hazard, advise your supervisor or the Safety Officer so that we can correct the situation and prevent injuries.

### ***Substance and Alcohol Abuse***

To protect the welfare and safety of our patients and colleagues, all employees are expected to be free of the influence of alcohol and illegal drugs when performing their duties. If you report to work under the influence of any illegal drug or alcohol, have an illegal drug in your system, abuse prescription drugs or possess or sell illegal drugs while on Maimonides property you may be subject to immediate dismissal. We may use drug testing as a means of enforcing this policy.

### ***Immigration***

Federal law prohibits employers from hiring anyone who does not have proper authorization to work in the United States or is not a U.S. citizen. All job candidates must present documentation of their eligibility to work. If you have questions on immigration issues, please contact the Office of General Counsel.

### ***Hiring of Former and Current Government Employees***

The recruitment and employment of former or current federal government employees is subject to complex rules which change frequently and vary by employee. Similar rules may also apply to current or former state or local government employees or legislators and members of their immediate families. If a former government employee or consultant wishes to become employed by or provide consulting services to Maimonides, take care that the conflict of interest laws are not violated. Please consult with the Office of General Counsel if you contemplate hiring or retaining such individuals as independent contractors.

### ***License and Certification Renewals; Employee Assessments***

Those employees and independent contractors in positions which require professional licenses, certifications or other credentials are responsible for maintaining the current status of their credentials. Those individuals are required to comply at all times with federal and state requirements

applicable to their respective disciplines and to furnish Maimonides with evidence of a current license or credential status. No one, including independent contractors, may work without valid, current licenses or credentials.

Employees who provide patient care but are not required to maintain professional licenses or certifications will be reviewed annually to assure their continued competency to provide patient care duties.

### ***Research***

Our Institutional Review Board is responsible for establishing and maintaining research standards which protect patients and comply with applicable federal and state laws. No one may conduct a research project involving human subjects without the IRB's approval. Patients participating in research projects must be fully informed of the procedures to be followed, any potential discomforts and the risks, expected benefits and available alternatives, as well as any economic or personal interest the investigator may have with the funding source. Finally, patients must be advised that their refusal to participate or continue in a research study will not compromise their access to care.

All personnel applying for or performing research must fully comply with our policies and procedures and applicable research guidelines. Researchers must disclose to the IRB and the Office of General Counsel any financial involvement or conflict of interest with the research funding source, and ensure that the proposed research does not entail improper inducements for the referrals of patients to Maimonides. If a conflict of interest cannot be resolved, the research project must be revised or withdrawn. Under no circumstances will scientific misconduct be tolerated, whether it take the form of fabrication, falsification or plagiarism, fiscal improprieties, unethical treatment of patients or a conflict of interest.

### ***Proper Use of Company Assets***

Each one of us is responsible for preserving company assets, including time, materials, supplies, equipment and information, and for using company assets for business-related purposes. Occasional use of such items as copying facilities or telephones, where the cost to Maimonides is insignificant, is permitted. Any use of Maimonides' resources for personal financial gain unrelated to company business is strictly prohibited.

### ***Political Activities and Contributions***

We encourage you to participate in the political process, but such participation must be on your own time and at your own expense. Since Maimonides is prohibited by federal law from contributing funds or resources to political candidates or officeholders, or for reimbursing employees for their personal contributions to political campaigns, you may not use company time or resources to support your political activities. Take care to avoid giving the impression that you are speaking on behalf of Maimonides. If you are contacted by legislators or the media regarding our position on public issues, refer them to the Vice President of Public Relations.

***F. Government Investigations and Inquiries***

It is our policy to cooperate with all governmental investigations and requests for documents. However, since unauthorized disclosures have potentially serious consequences, it is vital that such cooperation be on a coordinated basis and follow our policies.

**If you receive a subpoena or governmental request for information regarding our business, contact the Office of General Counsel immediately. Do not release any information or documents until you have consulted with the Office of General Counsel.** If you are contacted by telephone, get the name and affiliation of the caller and keep a detailed record of your telephone conversation. If you are contacted at your home by government investigators, you have the right to decline to speak to the investigator without the presence of an attorney and to refer them to the Office of General Counsel.

### ***Part III***

## ***THE COMPLIANCE PROGRAM AT WORK***

Our commitment to providing quality healthcare and conducting business in an environment of honesty and integrity exists throughout all levels of the organization, starting with the Board of Trustees. The Board, senior management, the Compliance Officer and each of the individuals and groups charged with overseeing the compliance program are prepared to support you in meeting the standards sets forth in our Code of Conduct.

### ***Resources for Guidance and Reporting Violations***

The compliance program was designed to give you several options to turn to for guidance or to report a suspected violation. It is a good practice, when you are comfortable with it and think it appropriate under the circumstances, to raise concerns first with your supervisor or department head. If this approach is uncomfortable or you believe inappropriate, contact the Compliance Officer at 283-3933 or call the 24-hour, toll-free Compliance Helpline at 1-800-585-7970. You may also contact the Departments listed in the Code for guidance on specific issues.

There will be no retribution against anyone who makes a good-faith report of a possible violation to a supervisor, to the Compliance Officer, the Compliance Helpline or elsewhere. Retaliation against an individual for making a good-faith report of a possible compliance violation will be treated as a violation of the compliance program, and like a compliance violation itself, will be subject to disciplinary action. Further, anyone who deliberately makes a false accusation in order to harm or retaliate against a colleague will be subject to disciplinary action, up to and including discharge.

### ***Personal Obligation to Report***

Each one of us has an individual responsibility to report any activity that appears to violate applicable laws, regulations or our standards, including this Code of Conduct or any standard affecting the quality of care delivered to our patients. Violations of legal and ethical standards destroy our reputation and in turn can hurt you and your co-workers. That is why it is critical that you notify a member of management or call the Compliance Helpline if you are aware of a work-related incident or believe a law or policy has been violated.

### ***Compliance Helpline***

Maimonides has established a toll-free Compliance Helpline as a confidential way for you to report violations. Staffed by an outside company 24-hours a day, the Compliance Helpline specialists will take the caller's report and ask follow-up questions to gather further information if necessary. Callers will be assigned an identification number and a call-back date to check on the response to their concern. Callers are not required to give their name although they are encouraged to do so. No calls will be traced or recorded. If the caller's identity becomes known during the course of the investigation, every effort will be made to keep the caller's identity confidential. No disciplinary or legal action will be taken based only on a call to the Compliance Helpline. Only substantiated findings will result in action.

### ***Investigation of Reports***

Each reported concern will be investigated as promptly and confidentially as possible. Depending on the nature of the reported concern, the Compliance Officer will personally investigate the matter or assign it to the appropriate department for investigation. The Compliance Officer will coordinate any findings from the investigations and report such findings through the proper channels. All investigations will be conducted as promptly and confidentially as possible. Everyone is expected to cooperate with all investigation efforts.

### ***Corrective Action***

If an investigation substantiates a reported violation we will take the steps necessary to correct the problem. Depending on the violation, corrective action may consist of disciplining the offender, paying back an insurer or payor any overpayment amounts incorrectly billed to the payor, or notifying the appropriate governmental agency.

Sometimes an investigation or internal audit uncovers a lax or improper practice or procedure which creates the potential for violations. In those cases the Compliance Officer will work with the appropriate departments in proposing recommendations to correct the situation. This can include instituting new procedures or modifying existing ones, terminating a relationship with a vendor or providing training sessions for the affected department.

### ***Discipline for Violations***

Any employee who has been found to have violated a law or an ethical standard will be appropriately disciplined. All disciplinary actions will be applied consistently and fairly, and will be determined on a case by case basis. Depending on the violation, disciplinary action may take the form of:

- Verbal warnings
- Written warnings
- Retraining, reassignment or modification of job responsibilities
- Suspension without pay
- Restitution
- Termination
- Revocation of medical staff privileges for members of the Medical Staff

### ***Monitoring***

Aggressive monitoring is an integral part of the compliance program. As part of our compliance program, the Compliance Officer will routinely conduct and supervise internal audits of issues and practices that have regulatory or compliance implications. Please contact the Compliance Officer with issues or practices you believe should be surveyed or reviewed to ensure that Maimonides is in compliance with the law.

## ***QUESTIONS & ANSWERS***

Since the Code of Conduct is a general compilation of the laws and regulations that govern our industry and workplace, it cannot address every situation you may encounter, but the following questions and answers may help show how the Code guidelines apply to your daily duties.

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

*In preparation for an accreditation visit, my supervisor has asked me to review medical records and to fill in any missing signatures. May I do this?*

No. It is absolutely wrong to sign another healthcare provider's name in the medical record. Our policy is to provide only complete and fully accurate information to accrediting groups.

### ***Gifts and Entertainment***

*A patient with a chronic health condition is frequently admitted to Maimonides for treatment. Sometimes he sends baskets of fruit to the floor. Other times he offers me tips of around \$100. May I accept the gifts?*

There are two answers to this question, depending on the gift. Gifts of perishables and consumables may be accepted provided you share them with your colleagues in the department. However, you may never accept cash gifts from anyone with whom Maimonides has a business relationship, including patients, vendors and affiliated physicians.

*A vendor with whom we frequently do business offered me tickets to a Knicks game. May I accept the tickets?*

Yes, but you should attend the game with the vendor or a representative of his or her company. Your spouse may accompany you and the vendor but attending the game with your spouse alone may appear improper, since that does not provide any business benefit to Maimonides. You should not accept the tickets, however, if doing so would influence you to select the vendor.

### ***Conflicts of Interest***

*My spouse and I own a building in a neighborhood that Maimonides has targeted in its outreach effort. We have checked rents in the surrounding area and have confirmed that the rent we are asking is reasonable. May we lease the building to Maimonides?*

Yes, on the condition that you complete a Conflict of Interest Certificate disclosing your interest in the building and the Board of Trustees approves the transaction.

### ***Patient Information***

*There is a voluntary physician at Maimonides who sometimes requests medical records, whether he is taking care of the patient or not. Is he allowed to do this?*

No. Only the attending, covering or consulting physicians may have access to patient medical records. We are responsible for protecting the confidentiality of patient information from interested third parties as well as our staff. Patients are entitled to expect confidentiality, the protection of their privacy and the release of information only to authorized parties.

### ***Personal Use of Company Resources***

*May I type my spouse's resume on my computer?*

Possibly. If you use the computer during non-working hours you may be permitted to type personal documents. Check with your supervisor.

### ***Political Activities and Contributions***

*I do volunteer work for a local candidate for office. May I use the copier to make flyers?*

No. You may not use company time or resources to support political activities that are undertaken on a personal basis.

***The Compliance Program Generally***

*My supervisor has asked me to do something that I think violates the Code of Conduct or may be illegal. Should I do what my supervisor asked?*

No. No matter who asks you to do something, if you know or think it is wrong, you must refuse to do it. You must also immediately report the request to a level of management above your supervisor or to the Compliance Officer.

## **POLICIES**

The following is a list of policies which cover several of the topics discussed in the Code in more detail. Periodically reviewing policies which relate to your duties may help guide you and answer any questions you may have. A complete set of our policies are available in each Department.

Appointment and Responsibilities of a Health Care Agent and Use of a Health Care Proxy: AD-95

Bidding Process: PURCH-6

Business Associates: HIPAA-2

Check Requests: FIN-4

Copyrighted Computer Software: MIS-PC-1

Conflict of Interest: AD-108

Confidentiality of Protected Health Information for Patients and Employees AD-124

Consent to Treatment: AD-51

Continuity of Patient Care When Employees Have

Conscience Objections to Participating in Patient Care; HR-48

Discrimination Grievance Procedures and Nondiscrimination Policy Under Federal Law: AD-110

Emergency Department Policy for Admission and Inter-hospital Transfer of Patients from the

Emergency Department (Excluding Psychiatry): PROF.CMCHS-ER-9

Employee Substance Abuse: HR-41

Equal Employment Opportunity: HR-47

Grievance Procedure: HR-11

Handling of Controlled Substances: PHARM-17

Hazardous Materials and Waste Management Plan: AD-92

Implementation of Patients' Rights, Patients' Responsibilities and Handling of Complaints: AD-65

Implementation of the Patient Self-Determination Act and Compliance with Patient Advance

Directives: AD-100

Individuals Authorized to Make Entries in the Medical Records: .MED-RCDS-12

Institutional Review of Research, Including Research Involving Human Subjects: RES.-6 & 7

Legal Affairs Policy: Matters Requiring Legal Review and Safekeeping: AD-84

Media Guidelines: PA&MKT-3

Medical Records-Changes and/or Corrections: MED.REC-3

Notice of Privacy Practices: HIPAA-1

Observation of Surgical Procedures: PROF.SURG-5

Organ and tissue Donations (Anatomical Gifts): PROF-31

Patient Accounts - Billing Practices: FIN-21

Petty Cash Funds - Maintenance and Reimbursement Thereof: Authorized Expenditures: FIN-2

Possible Misconduct in Science: RES.-15

Prescription Writing: AD-119

Public Affairs & Marketing Practices: PA&MKT-2

Receiving and Resolving Complaints Regarding Privacy of Protected Health Information: HIPAA-9

Recording or Monitoring of Telephone Conversations: AD-8

Release of Confidential Information for Purpose of Solicitation: AD-48

Release of Medical Information from the Patient's Record: MED.RCDS-5

Reporting of Professional Misconduct and Other Disciplinary Actions

Against Health Professionals: AD-97

Processing of Applications for Grants - Use of Funds for Personnel, Supplies & Equipment: RES-1

Reservation, Admission and Discharge of Patients: ADM/DIS-3

Rules for Budgeting and Expenditure of Grants & Contracts & Research & Development: FIN-19

Rules of Behavior for Medical Center Employees: HR-28

Sexual Harassment: HR-39

Translator & Interpreter Services: AD-120

Use of Medical Center's Name and Facilities: HR-19

Utilization of Hospital Supplies for Personal Use: HR-20

Workplace Violence and Harassment: HR-51

## **BE A GOOD MAIMONIDES CITIZEN--ACT RESPONSIBLY AND ETHICALLY**

Asking yourself the following questions should guide you in making the right decisions:

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

Remember, failure to comply with legal, ethical and moral standards may result in serious consequences, both to you personally, and to Maimonides. Adhering to our standards ensures that Maimonides carries on its mission of providing quality healthcare within the highest moral, ethical and legal standards.

**REPORT SUSPECTED VIOLATIONS  
IF IN DOUBT, SEEK HELP!  
CALL THE COMPLIANCE HELPLINE  
AT 1-800-585-7970**