

Code of Conduct



Dear Colleagues:

Westchester Medical Center is committed to providing high-quality care to our patients and to conducting our business with integrity. To this end, we have an extensive Corporate Compliance Program in place to prevent fraud, waste and abuse and establish a standard for conducting business at the highest ethical, professional and legal standards.

Given your affiliation with WMC, you are required to read this Code of Conduct. It is based on principles outlined in our mission and values statement, and it serves as the foundation of our Corporate Compliance Program. This code should help you carry out your daily activities within appropriate moral, ethical and legal standards. It is not intended to cover every situation, but is intended to help you make the right decisions or ask the right questions. The policies set forth in this Code of Conduct apply equally to everyone, are mandatory and must be adhered to.

If you have any questions, the Corporate Compliance Officer is available to assist you. If you know of actual or suspected violations of the Code of Conduct or any WMC policy, you have a duty to report it to your supervisor or the Corporate Compliance Office at 914-493-2600 or 1-866-545-0038. Thank you.

Sincerely,



Michael D. Israel
President and CEO

Patricia Ariel
Vice President and Chief Compliance Officer

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INTRODUCTION

At Westchester Medical Center, we, the Board of Directors, officers, employees, medical staff, volunteers and others who comprise or have a relationship with the Westchester County Health Care Corporation (WCHCC), collectively the "Workforce," act with integrity when working with patients, physicians, colleagues and members of our local communities. The obligations set forth in this Code of Conduct (Code) apply to our relationships with patients, visitors, colleagues, physicians, and third party payors, contractors, vendors, and consultants. We will provide the highest standard of quality care to our patients while observing standards of legal and ethical conduct. We will comply with all applicable laws, rules and regulations. This Code of Conduct, based on principles outlined in our mission and values statement, serves as the foundation of WCHCC's Corporate Compliance Program (Program). It applies equally to everyone. The policies set forth in this Code of Conduct are mandatory and must be followed.

Mission and Organizational Values

Mission Statement

The primary mission of Westchester Medical Center is to serve as the regional healthcare referral center providing high-quality advanced health services to the residents of Hudson Valley and the surrounding area, regardless of their ability to pay. In support of this primary mission, WMC also serves as an academic medical center committed to education and research that enables advanced care and prepares future generations of care-givers.

Organizational Values

Service

Serving the community "regardless of ability to pay"

- patient-centered, family-oriented, employee-nurturing

Quality

Providing high-quality health services

- technical: advanced facilities, technology and processes, successful clinical outcomes
- culture: caring, competent, courteous, compassionate
- environment: patient/visitor-friendly, accessible, clean

Knowledge

Commitment to education and research

Efficiency

Financial/economic viability

WCHCC's Corporate Compliance Program

The Corporate Compliance Program is WCHCC's commitment to the prevention of fraud, waste and abuse. An effective program establishes a standard for conducting business at the highest ethical, professional and legal standards. WCHCC regards corporate and employee integrity as critical to its operations. At the request of the Board of Directors and Chief Executive Officer, the Compliance Office continues to serve as a resource to guide the WCHCC Workforce to "do the right thing."

This Code is the heart of the Program and will assist Staff in carrying out their daily activities within appropriate moral, ethical and legal standards. This Code is not intended to cover every situation but is intended to help the Workforce make the right decisions or ask the right questions. This Code and associated policies also apply to WCHCC relationships with all contractors, vendors, consultants and virtually everyone the Workforce comes into contact with. This Code can also be accessed via the Corporate Compliance area of iCare.





Duty to Report

The Compliance Office is here to assist you to understand what compliance and ethical conduct means to WCHCC. If you know of actual or suspected violations of a law, this Code or a WCHCC policy, you have a duty to report. You may report to your supervisor, manager, the Compliance Officer, or the Compliance Helpline.

How to Report

Workforce members may contact the WCHCC Corporate Compliance Office at 914-493-2600. WCHCC also has a confidential Compliance Helpline (1-866-545-0038) where any Workforce member may confidentially or anonymously report any suspected or actual violation. Workforce members who choose to remain anonymous will have their identities protected to the extent permitted by law. Any supervisor or manager receiving a report of a suspected violation shall confer with the Corporate Compliance Office. Anonymous callers are given case numbers so they may call back at a designated date to receive follow-up information. To clarify any compliance-related issues, Workforce members may call the Office of Corporate Compliance at 914-493-2600.

There will be no reprisals or retaliation against Workforce members for good faith reporting of compliance concerns to their supervisor, manager, the Vice President of Human Resources, General Counsel, the Corporate Compliance Office or the Compliance Helpline.



Internal Investigations and Corrective Action

WCHCC, through its Corporate Compliance Office, is committed to investigating all reported violations promptly and confidentially as required by law. Investigations may be conducted in conjunction with the Office of General Counsel. The Compliance Officer will coordinate any findings and corrective actions with affected departments and will make referrals to the Department of Human Resources for disciplinary action, as necessary. The Department of Human Resources will continue to coordinate investigations involving allegations of harassment (sexual or otherwise), employee grievances, suspected violations of ADA, FMLA, FLSA, or EEOC and discrimination. The Department of Human Resources shall keep the Office of Corporate Compliance apprised of the outcome of such investigations. All Workforce members are expected to cooperate with all investigations.

Once a compliance investigation has been completed, the reporting person may be given a brief summary of whether the allegations were substantiated and whether or not corrective action was taken.

Internal Monitoring and Auditing

The Corporate Compliance Office and the Office of Internal Audit is responsible for overseeing various monitoring and auditing activities. Department heads may be asked to participate in audits in their respective areas as well as routine monitoring of high risk areas identified in the Compliance Office Annual Workplan.



Disciplinary Action

Workforce members recognize that we shall act in accordance with this Code of Conduct, WCHCC policies and procedures governing our conduct and behavior, and federal and state laws, rules, and regulations. Failure to do so may result in serious consequences for Workforce members, as well as for WCHCC. Disciplinary actions up to and including termination of employment or contract (as appropriate) may occur for:

- Violating the Code of Conduct
- Failing to report a violation of the Code of Conduct or failing to cooperate in an investigation
- Retaliation against an individual for reporting a violation or possible violation of the Code of Conduct
- Deliberately making a false report of, or not reporting in good faith, a violation of any law, WCHCC policy or this Code.

Compliance Program Structure

The Corporate Compliance Officer reports directly to the President and Chief Executive Officer and to the WCHCC Board of Directors Audit and Compliance Committee. A Corporate Compliance Committee, comprised of members of WCHCC's senior leadership, is charged with the responsibility of operating and monitoring the compliance program. The Corporate Compliance Program follows closely the guidance issued by the United States Federal Sentencing Commission and Department of Health and Human Services Office of the Inspector General that calls for the implementation of seven specific elements for achieving a successful compliance program. These seven elements include the designation of a Compliance Officer and Executive Compliance Committee, development of written policies and procedures, continuous education and training programs, effective lines of communication, responding to allegations of improper or illegal behavior, auditing and monitoring, and a process to address systematic problems and the prevention of hiring sanctioned individuals.

Billing

Basis for Coding and Billing

WCHCC shall code medical records completely and accurately. If a diagnosis is unclear or has not been provided, coders, in accordance with established procedures, must review the medical documentation or contact the appropriate clinical practitioner to obtain the necessary information. In all cases, the documentation must support codes that are submitted on a patient's bill. WCHCC shall assure that its billings to government and private payors conform to all pertinent federal and state laws and regulations.

We shall monitor our systems to verify that claims for reimbursement are submitted only for medically necessary services provided to patients. WCHCC shall train Workforce members in how to accurately submit claims for reimbursement. Such training shall include knowledge of applicable laws and regulations, and coding and billing updates. Any contractors engaged for billing or coding services shall have the necessary skills, systems, and quality assurance processes to ensure that bills submitted for payment are complete and accurate. When a Workforce member receives a question from a patient or third party payor concerning a charge, they will promptly review and address the question. WCHCC shall notify payors of payment errors and issue refunds promptly and accurately. WCHCC shall maintain documented records of all communications with payors.

Cost Reports

WCHCC receives reimbursement under government programs and is required to submit complete and accurate reports of its costs of operation and other information. Workforce members who are asked to provide information that is utilized to develop the cost reports will be prompt and accurate to these requests. WCHCC shall comply with all applicable legal, regulatory and program requirements in the preparation of its cost reports. These laws and regulations define what costs are allowable in addition to outlining the appropriate methodologies to claim any available reimbursement for the cost of services provided to program beneficiaries. Such cost reports shall be submitted in a timely manner and any requested audit adjustments from authorities shall be made as necessary.



Government Transactions

All Workforce members involved in government business activities must adhere to the ethical standards contained in this Code of Conduct as well as to governmental rules and regulations. If your responsibility involves business with any government entity, you must know the rules and regulations applicable to them as it relates to that governmental agency. If you are unsure, discuss the matter with your supervisor or the appropriate WCHCC department or contact the Corporate Compliance Officer. If you are contacted by a regulatory or government agency, you should be professional and immediately notify the Corporate Compliance Officer, Office of General Counsel or Chief Executive Officer.

WCHCC shall not make any verbal or written false statements to a government agency or payor. We strive to ensure that all reports or other information required to any federal, state or local government agency are provided in a timely, accurate manner and in compliance with all applicable laws and regulations. We comply with federal, state or local requirements regarding government contracts and programs in which WCHCC participates.

Patient Rights

Patient Care

WCHCC is committed to providing the highest level of quality health care for its patients that conforms to the highest clinical and safety standards. Our concern is for the well-being, comfort and safety of our patients. All patients can expect to receive medically appropriate and necessary care in a respectful and dignified manner without regard to race, color, gender, ethnicity, age, religion, genetic predisposition, carrier status, sexual orientation, disability, marital status, veteran's status, source of payment or ability to pay. All clinical decisions are based solely on clinical needs. It is our expectation that Workforce members shall adhere to the New York State Patient's Bill of Rights.

Patient Choice

WCHCC respects the rights of patients to make choices concerning their medical treatment. Patients have the right to choose their health care practitioner and may change practitioners at any time. WCHCC has a qualified practitioner evaluate every patient prior to the initiation of treatment. Our patients shall be well informed and participate in determining and approving treatment plans that pertain to them.





Informed Consent and Advance Directives

WCHCC provides to its patients, upon admission, a written statement of their rights as patients. Patients, and as appropriate, their families or representatives, shall be given the information necessary to give informed consent prior to the start of any non-emergency procedure or treatment. Patients shall be provided with information about their treatment plan of care, including the risks, benefits and alternatives available to them. WCHCC shall respect a patient's right to make informed decisions about treatment and will honor all valid patient decisions involving advance directives, as well as their freedom of choice in selecting service providers.

Emergency Treatment

WCHCC adheres to the requirements associated with the Emergency Medical Treatment and Active Labor Act (EMTALA). WCHCC provides emergency medical care as indicated by a patient's medical condition, which includes an appropriate medical screening exam. Care is provided regardless of a patient's ability to pay, or their payor source. The obtaining of financial and demographic information does not delay the medical screening examination. Patients are transferred to other facilities only if medical needs cannot be met at WCHCC or if the patient requests a transfer after being fully informed of the risks of that decision. In all patient transfers to other facilities, the patient first shall receive stabilizing care, and then be formally accepted by the receiving facility.

Confidentiality

Patient Confidentiality

During the course of their work, Workforce members may become aware of Protected Health Information (PHI) about patients and their medical conditions. All patient information is confidential. WCHCC is committed to maintaining confidentiality of patient and other hospital information in strict accordance with legal and ethical standards and shall actively protect and safeguard such information. Breaches of PHI are not tolerated by WCHCC.

All Workforce members have a duty to protect the confidentiality of patient information at all times in the course of their work or responsibilities. Information concerning patients or their treatment plan of care should not be discussed in public areas where others may overhear the conversation, and it is inappropriate to permit access to a patient's record to individuals who are not involved in legitimate activities relating to the patient. This applies to employee's medical records. Information about a patient may be disclosed only as authorized by the patient or as permitted by law. This applies as well to photography. WCHCC has specific policies that address the need for patient consent for photography for various purposes. No unauthorized pictures shall be taken of people or objects within the hospital. In accordance with the WCHCC Cell Phone Usage policy, no employee shall use a personal cell phone during their scheduled work hours. Special confidentiality rules apply to patients in psychiatric treatment programs and drug and alcohol treatment programs, as well as to the disclosure of information regarding a patient's HIV status.

Any workforce member of WCHCC who engages in unauthorized disclosure of PHI in violation of the Health Insurance Portability and Accountability Act (HIPAA) and other applicable rules and regulations may be subject to disciplinary action up to and including termination as well as civil and/or criminal sanctions.



Workplace Practices

General Statement

WCHCC is committed to hiring and retaining competent employees. All employees shall be treated with respect, dignity and courtesy. WCHCC supports and encourages employees to develop their individual skills and talents, and an understanding of their jobs. WCHCC abides by all obligations required by the New York State Civil Service Regulations. WCHCC honors all agreements with organized labor including collective bargaining agreements. Employees are advised of the existence of the Employee Assistance Program (EAP). The EAP is a service available to all employees with medical/ behavioral/ social problems that are affecting their job performance and/or health. Employees may self-refer to the program, or be mandated to participate by their supervisor.

Discrimination and Harassment

WCHCC is an equal opportunity employer and does not discriminate against employees or potential employees on the basis of race, color, religion, gender, ethnicity, sex, sexual orientation, age, marital status, genetic disposition, carrier status or disability. WCHCC is committed to policies that promote fair employment and equal treatment in hiring, placement, promotion, training, compensation, transfer, leaves of absence, termination, layoff, and disciplinary action. WCHCC shall not tolerate verbal or physical harassment by any person in any capacity.

Degrading or humiliating jokes, slurs, intimidation or other harassing conduct is not acceptable. Sexual harassment is illegal and strictly prohibited. It is defined by law as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct that creates a hostile work environment. WCHCC shall not tolerate threatening, aggressive or abusive behavior, which includes language or gestures, nor does the hospital permit the possession of weapons or dangerous instruments or substances while on the hospital campus unless the appropriate hospital authority expressly permits possession.

Impairment and Substance Abuse

WCHCC is an alcohol and drug free workplace. Workforce members are expected to abide by hospital policies prohibiting illegal possession, distribution, use, or being under the influence of drugs, alcohol or other substances. If you become aware of someone who might be violating WCHCC's policies on alcohol or substance abuse, you should report this information to your supervisor, the Human Resources Department, or the Security Office. Employees and members of the medical staff suspected of being under the influence of drugs, alcohol or other substances may be required to submit to appropriate testing.

Personal Use of Hospital Assets

Workforce members shall not use WCHCC resources for non-official business purposes. Hospital resources include information, technology, intellectual property (copyrights, patents, and trademarks), buildings, machines, telephones, voice mail, and/or e-mail, copiers, computers, software, supplies, cash and the time and skills of Workforce members.

Communication Systems

All communications, electronic mail, intranet, Internet access, voice mail or paper documents are the property of WCHCC, and are to be primarily used for business purposes. Responsible personal use of the communications systems is permitted; however, you should assume that these communications are not private. Confidential information shall not be sent through the intranet or the Internet unless appropriate security safeguards exist and are used. Workforce members shall not use the system's communications to send harassing, threatening or obscene messages, copyrighted documents that are not authorized for reproduction, to conduct a job search, or to open misaddressed mail.



Conflict of Interest



General Statement

Workforce members have a duty when conducting hospital business to place the interest of the hospital ahead of their own personal interests. Workforce members shall not use their positions or confidential information gained during the course of their duties to their personal advantage.

A conflict of interest may occur if your outside activities or personal interests influence, or appear to influence, your ability to make objective decisions associated with your work place responsibilities. All Workforce members shall also abide by the policy contained in the WCHCC Bylaws regarding Conflicts of Interest, if applicable, as well as any WCHCC policy and procedures requiring annual disclosure of conflicts of interest.

Certain categories of employees and all directors and officers are required to file an annual statement of financial disclosure with the Public Integrity Commission. The New York State's Public Officers Law should be referenced for further details if you fall into one of the above referenced categories.



Gifts and Entertainment

Workforce members and their immediate family may not accept any gifts or services from vendors, contractors, physicians, visitors, or patients in exchange for referrals or business. WCHCC prohibits solicitation and the acceptance of cash or cash equivalents. A department or group may accept perishable or consumable gifts. Sometimes a business associate will extend an offer for training and educational opportunities that includes travel and overnight accommodations, or a vendor may extend an invitation to an event or site visit to receive information about new products or services. Acceptance of these types of events shall be at the cost of WCHCC with prior approval from appropriate management. The Corporate Compliance Officer should be consulted if there is any doubt about accepting these offers.

Discounted or Free Medical Care

Discounted or free medical care to Workforce members or their family members is prohibited. Further, WCHCC does not routinely waive patient's co-insurance and deductibles. WCHCC allows for discounted or free medical care based upon financial ability to pay consistent with its Charity Care policies.

Regulations

Licensure and Certifications

WCHCC does not allow Workforce members or independent contractors who are required to be licensed or credentialed to work at WCHCC without valid, current licensure or credentials. All employees and members of the medical staff are expected to conform to the standards of their profession and exercise appropriate judgment in the performance of their duties. WCHCC ensures that all prospective employees and applicants for appointment to the medical staff, as well as all suppliers, vendors, and contractors are not sanctioned by the relevant regulatory agency and are eligible to perform their designated responsibilities.

Environmental Laws

WCHCC provides a safe and secure environment for patients, visitors, and Workforce members. WCHCC is a smoke-free environment and smoking is only permitted in designated areas in accordance with established policies and procedures. Workforce members are responsible for being knowledgeable about safe workplace practices and the reporting of any potential hazardous material contamination with which they may come in contact. All employees shall be educated on The Right to Know Law and the Hazard Communication Standard during general orientation. It is the responsibility of employees to complete annual updates, and the responsibility of their supervisors to record and maintain documentation of annual training in conjunction with the Department of Human Resources. Any Workforce member suspecting or becoming aware of the presence of strange odors, chemical spillage and/or exposure to visitors, patients, or Workforce members shall immediately notify their supervisor and the hospital safety officer who is available on a 24-hour basis.

Outside Employment

Pursuant to the Public Integrity Commission, any WCHCC employee, and particularly those in a policy making position, who participate or engage in other private employment, profession or business, or other outside remunerated activity must obtain prior approval from the President and CEO as well as the Public Integrity Commission and will be granted such request in accordance with the provisions of Sections 73 and 74 of the NYS Public Officers Law.



Political Contributions and Lobbying

WCHCC funds and resources are not used to contribute to political campaigns or for gifts or payments to any political party or any other affiliated organization. No one is permitted to use his or her position at WCHCC to further the political activity of any person or group. Any questions or concerns may be discussed with WCHCC's Office of General Counsel or the Corporate Compliance Officer.

Business Information

Integrity of Financial Reporting and Records

WCHCC has established and maintains a high standard of accuracy and completeness in its financial records. These records serve as the basis for managing our business and are important in meeting our obligations to our patients and regulatory authorities. It is WCHCC'S policy to comply with generally accepted accounting principles. WCHCC is audited on an annual basis by an independent firm in order to assure financial integrity.

Accuracy, Retention, Storage and Disposal of Records

WCHCC maintains accurate and complete patient records to fulfill requirements set forth in WCHCC's policies and procedures, accreditation standards and applicable laws and regulations. WCHCC maintains record retention and destruction schedules to assure that all patient, financial and business records are maintained and destroyed in accordance with legal and business requirements. Workforce members may not tamper with records, remove records, or destroy records prior to the date specified on the retention and destruction schedules. In addition, if a Workforce member has knowledge of an investigation, litigation or subpoena, records may not be destroyed without first consulting with the Office of General Counsel.

Securities

Workforce members should expect that in the course of performing their duties they may come to know of information about WCHCC or other companies with whom we do business. Non-public information, in the context of the Security laws, is defined as any information that would affect securities prices, either positively or negatively, that is not generally available to the investing public. This information is generally referred to as "insider information." Buying or selling stocks using insider information is referred to as "insider trading" and is an illegal activity punishable by fines and/or imprisonment.

Tax Status

As a public benefit corporation created by New York State legislation, WCHCC is exempt from taxation by the federal, state and local governments. WCHCC's sales tax exemption is used only for legitimate hospital activities by authorized personnel.

Marketing Practice



WCHCC shall market and advertise accurately, truthfully and ethically, and in compliance with laws and regulations. Marketing and advertising shall be used for legitimate purposes, including educating the public, reporting to the communities served, increasing awareness of available services and recruiting staff.

Media Inquiries

The WCHCC Department of Marketing and Corporate Communications is responsible for all contact with the media. Unless you are specifically authorized to represent WCHCC to the media, please do not respond to inquiries or requests for information. Any questions or concerns shall be directed to the Department of Marketing and Corporate Communications.



Antitrust and Competition

Antitrust laws are designed to create a level playing field in the marketplace and to promote fair competition. WCHCC's competitors are other hospitals and facilities providing similar products and services in geographic markets where we operate. It is our policy to fully comply with antitrust laws. Antitrust laws could be violated by discussing hospital business with a competitor, such as how our rates are set, disclosing the terms of supplier relationships, allocating markets amongst competitors, or agreeing with a competitor to refuse to deal with a supplier or payor. The Workforce shall be aware of potential situations where it might not be appropriate to participate in discussions, an example of which might be at a trade association meeting.



Supplier, Vendor and Subcontractor Relationships

Suppliers, vendors and contractors shall be selected based upon the quality, price, service, delivery, and supply of goods and services, as well as in accordance with WCHCC's procurement policy, laws, rules, and regulations. Workforce members will not accept gratuities or contributions to influence the decision process. Suppliers, vendors and contractors shall be expected to adhere to the WCHCC Code of Conduct and the Business Rules for Vendors.





Intellectual Property

Copyright

WCHCC Workforce members shall not reproduce any copyrighted materials without the express permission of the copyright holder and/or appropriate license from the copyright holder. WCHCC Workforce members shall follow the laws regarding intellectual property, including patents, trademarks, and copyrights.

In general, the laws that apply to printed materials are also applicable to visual and electronic media and include diskettes, CD-ROMS and World Wide Web pages. WCHCC Workforce members may only make copies of copyrighted materials pursuant to WCHCC's policies and procedures on such matters and as otherwise permitted by law.

Research

WCHCC observes the highest ethical standards in research involving human subjects. All research projects undertaken at WCHCC involving WCHCC patients are first approved by our designated Institutional Review Board ("IRB") to ensure that research is conducted in a manner that protects the rights of human subjects. Researchers comply with all State and Federal regulations related to documenting and reporting, as well as the policies and procedures of the IRB and WCHCC.

Any patient involved in research must sign an informed consent which is an explanation of the research study, alternative treatments available, and an explanation of the benefits and risks associated with the study.

Refusal of a patient to participate in a research study does not compromise nor preclude their access to otherwise necessary care. WCHCC's policy is to submit valid, accurate and complete costs related to research grants reporting as required to appropriate regulatory authorities.

Physician Relationships & Agreements

All agreements between WCHCC and its affiliated entities and physicians must be in writing and structured to comply with Anti-kickback, Stark, tax law and other Federal and State rules and regulations.

Physician Referrals

WCHCC is strictly prohibited from giving or receiving any form of payment, kickback or bribe for the referral of patients or the purchasing of a health item or service. WCHCC does not accept or offer payment, inducement, or any other form of compensation to physicians, patients or others for referrals. We accept patient referrals and admissions based solely on the patient's clinical needs. We make referrals based on the patient's clinical needs and the provider's ability to render the needed service while recognizing the rights of patients to choose a provider.



False Claims Act

WCHCC complies with the Federal and State False Claims Act. This Act makes it a crime for any person or organization to knowingly make a false record or file a false claim with the government for payment and calls for severe civil and criminal penalties associated with defrauding the Medicare and Medicaid programs. This includes, but is not limited to, billing for services not provided, services not ordered by a physician, billing for services not medically necessary, billing for more complex services than was provided, improper physician financial relationships, inaccurate or misleading cost reports, etc. Workforce members who have concerns about billing and reimbursement issues are required to speak to their supervisor, the Corporate Compliance Officer, or to call the Helpline. WCHCC refers Workforce members to the WCHCC Policy on Detecting and Preventing, Fraud Waste and Abuse.



