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Compliance  
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COMPLIANCE



## TABLE OF CONTENTS

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President's Letter.....	3
Compliance Standards of Conduct - Purpose .....	4
Governmental and Tax Exempt Entity.....	5
Compliance Hotline.....	5
Documentation and Record Retention.....	5
Billing and Claims.....	6
Vendor Selection and Use.....	6
Gifts and Items of Value.....	7
Bribes, Kickbacks, and Referrals.....	7
Solicitation and Distribution in the Workplace.....	8
Conflicts of Interest.....	8
Contractor Integrity.....	9
Physicians' Compliance Requirements.....	9
Ineligible Entities and Individuals.....	9
Comply With Copyright Laws.....	10
Safe Work Environment.....	10
HIPAA - Privacy and Security.....	10
Avoid Anti-Competitive Activity.....	11
Government and Media Inquiries.....	11
Protection and Proper Use of Company Assets.....	12
Protection from Reprisal.....	12
Summary .....	12

### **Compliance Hotline**

1-877-807-5647

### **Compliance Office**

239-343-8600



***Dear Employees and Volunteers:***

Lee Health's mission is to be a trusted partner, empowering healthier lives through care and compassion. A key component of our mission is trust, and as such, Lee Health is committed to conducting our business in accordance with all applicable laws and regulations. In recognition of these responsibilities, we have created our Compliance Standards of Conduct as part of our business philosophy.

The Compliance Standards of Conduct summarize the virtues and principles that guide our actions in providing outstanding patient care. It helps us set priorities and improve quality and outcomes in our daily work. It also serves as a reference guide to assist you in performing your job responsibilities. Most importantly, it acts as a bridge to the ExceptionalLee Promise, We promise to listen and communicate effectively, embrace empathy, act with compassion and continually improve care - creating a safe, comforting and healing environment for our patients, their families and each other. If you encounter any situation you believe may violate the provisions outlined in our Compliance Standards of Conduct, or if you have any questions or concerns, please consult your supervisor or the Lee Health Compliance Department at (239) 343-8600. You may also call the Compliance Hotline at (877) 807-5647. Be assured that you are protected against retribution or retaliation of any kind for asking questions or raising concerns about our Compliance Standards of Conduct, or for reporting possible improper conduct.

Your conduct is a reflection on you and our health system. Your cooperation in following our Compliance Standards of Conduct is crucial to the delivery of safe, high quality, patient-centered care, and the fulfillment of our mission, vision, and values. Every member of our team plays a critical role in bringing these powerful words to life.

Thank you for your commitment to being caring people, inspiring health.

***Yours in Health,***

***Larry Antonucci, M.D.  
President/CEO, Lee Health***

## COMPLIANCE STANDARDS OF CONDUCT – PURPOSE

The Compliance Standards of Conduct provide guidance to Lee Health team members, including employed physicians and volunteers to assist them in carrying out their daily activities while complying with appropriate ethical and legal standards. These standards govern our relationships with patients, third-party payers, contractors, vendors, consultants and our co-workers.

We are committed to ethical and legal conduct that is compliant with relevant laws and regulations and to correct wrongdoing wherever it may occur in the organization. Policies and procedures have been created and are available on IntraLee to address many legal and regulatory requirements and protect against **fraud, waste, and abuse**.

The most common type of health care fraud is the submission of false claims to the Medicare and Medicaid systems. The Federal False Claims Act makes it illegal to knowingly or recklessly present a false claim for payment, use a false record or statement on a false or fraudulent claim, or engage in a conspiracy to defraud the U.S. government to obtain payment. The Florida False Claims Act prohibits knowingly or recklessly causing the Florida government to pay claims that are false. Persons and organizations in violation of either False Claims Act can be subject to penalties plus damages.

Each member of the health care team has an obligation to report any activity that appears to violate applicable laws, policies, or our Compliance Standards of Conduct. In accordance with our policies, no adverse action will be taken against an employee who in good faith has come forth with information or evidence of a violation. Federal and state laws protect individuals who expose known or suspected wrongdoing.

## GOVERNMENTAL ENTITY

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Lee Health is a special district created by the Florida Legislature. A special district is a governmental entity that has a distinct purpose. Our health system's special purpose relates to the delivery of health care services to the community. Like cities, counties or other special districts, such as fire districts, Lee Health is governed by a publicly elected board of directors that convenes at publicly noticed meetings and maintains records open for public inspection. Lee Health employees are considered public employees and must follow Florida law governing the conduct of public employees, including the Florida Code of Ethics for Public Officers and Employees.

### **WE ARE ALSO A TAX-EXEMPT ORGANIZATION**

As a tax-exempt organization, we will conduct ourselves in compliance with IRS regulations specific to us, including avoiding inappropriate private benefits.

## COMPLIANCE HOTLINE

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The Compliance Hotline is a toll-free number, staffed and run by an outside company dedicated to the confidential reporting of serious concerns relating to known or suspected violations of laws or regulations. To report any concerns you may call our **Compliance Hotline at (877) 807-5647 (1-877-807-LMHS)** to report any concerns. You may remain anonymous if you wish. You may also call the Compliance Department at (239) 343-8600 if you wish to report anything or have any concerns with these Compliance Standards of Conduct.

## DOCUMENTATION AND RECORD RETENTION

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Lee Health will maintain accurate records and accounts in order to ensure legal and ethical business practices and to prevent fraudulent activities.

Patient care must be necessary, appropriate and well documented. Records and accounts must be complete and not misleading. Accounting records and the reports produced from those records must be retained in accordance with applicable laws and relevant accounting standards.

## BILLING AND CLAIMS

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We will generate billing and claims accurately reflecting that services rendered are supported by relevant documentation and are submitted in compliance with applicable laws, rules, regulations and program requirements. We never will make or present improper, false, fictitious or fraudulent claims.

Improper or fraudulent activity can include:

- False claims and statements
- Unapproved treatment or equipment usage
- Misrepresentation of services
- Duplicate billing
- Multiple coverage and secondary-payer fraud
- Improper coding (i.e., upcoding, unbundling)
- Nonordered/nonperformed testing submission
- Improper physician and other referrals (Stark I & II, Anti-Kickback)
- Improper discounting
- Cost report falsification

Billing data submitted to Medicare and Medicaid will comply with stated rules and regulations.

If you become aware of the submission of improper, false, fictitious or fraudulent claims, it is your obligation to report this immediately to your supervisor, the Compliance Department or the Compliance Hotline.

## VENDOR SELECTION AND USE

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If you are involved in proposals, bid preparations or contract negotiations, you must be certain that all statements, communications, and representations to potential partners or suppliers are accurate and truthful. Once awarded, all contracts must be performed in compliance with specifications, requirements, and clauses. **See Policy S07 04 890 – Vendor Selection Criteria and Performance Evaluation.**

If you buy goods or services for Lee Health or are involved in the procurement process, you must treat all suppliers uniformly and fairly. In deciding among competing suppliers, you must weigh all facts objectively and impartially and avoid even the appearance of favoritism. Established routines and procedures should be followed in the procurement of all goods and services.

## GIFTS AND ITEMS OF VALUE

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Since Lee Health is a governmental entity, the conduct of its employees is governed by the Florida Code of Ethics for Public Officers and Employees. Employees are prohibited from soliciting or accepting anything of value that might influence the performance of official duties. Items of value may include meals, tickets to events (including charitable events), goods and services. Employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor or service that is based on an understanding that their vote, official action or judgment would be influenced by such a gift. Any gift, which may alter or affect the business judgment of the recipient, or be made in exchange for favorable treatment, should be declined or donated to the Foundation. **See Policy S23 00 835 – Solicitation or Acceptance of Gift or Gratuities from Patients and Vendors** for specific guidance not addressed here.

## BRIBES, KICKBACKS, AND REFERRALS

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Federal Anti-Kickback statutes stipulate that no employee within a health care organization will knowingly and willfully offer, pay, solicit or receive compensation in connection with the referral of patients or acquisition of items for services. Specific violations include:

- Soliciting, accepting or granting bribes or kickbacks (i.e., cash or “in kind” considerations such as subsidies, discounts, medical directorships, supplies or gifts).
- Granting direct or indirect improper rewards (i.e., bestowing anything of value) to a representative of a government agency, union, or current or prospective business relationship.
- Accepting or granting gratuities in any form designated to secure favorable treatment.
- Accepting or granting inappropriate referrals.

No employee or physician may enter into any agreement or arrangement that calls for such action as previously described. If you become aware of or are involved in a situation involving bribery, kickbacks or inappropriate referrals, it is your obligation to report it immediately to your supervisor.

## SOLICITATION AND DISTRIBUTION IN THE WORKPLACE

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To avoid disruption in the provision of patient care and business operations and prevent the disturbance of or inconvenience to staff, patients and visitors, Lee Health has adopted a policy to regulate solicitation and distribution.

Fundraising must be approved in advance by the Foundation in accordance with **Policy S09 06 835 – Solicitation and Distribution in the Workplace**. Employees must receive approval from their supervisor for the permitted activities identified in the policy and from Staff Activities in the Human Resources department to post notices on the centralized employee bulletin boards. Any suspected violations of this policy should be reported to the employee's supervisor, the Compliance Department or the Compliance Hotline.

## CONFLICTS OF INTEREST

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It is your responsibility to act in the best interest of Lee Health at all times. When performing your job, avoid any relationship, influence or activity that might impair, or even appear to impair, your ability to make objective and fair decisions. This includes:

- Acceptance of gifts, payment or services from those seeking to do business with Lee Health.
- Purchase of goods or services by Lee Health from a firm owned or controlled by an employee or a close relative of an employee.
- Ownership of, or substantial interest in, a company that is a competitor or supplier.
- Acting as a consultant to a customer or supplier of Lee Health.
- Campaigning or soliciting campaign contributions for candidates for political office is prohibited on Lee Health premises. Political activity not related to campaigning for political office, such as the gathering of petitions, may be permitted if approved and sponsored by the Board of Directors. Contact Legal Services for direction prior to engaging in activity at work that may be perceived as political in nature.
- Employment by a competitor or potential competitor while employed by Lee Health that would impede the full and faithful discharge of duties.



**Policy S23 00 139 – Conflict of Interest** requires employees to sign a statement of compliance with conflict of interest policies at the time of hire, annually thereafter or if your situation changes causing a conflict.

## CONTRACTOR INTEGRITY

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Business integrity is a key principle for the selection and retention of contractors at Lee Health. Those engaged to act on behalf of the health system, such as agents, representatives, or consultants, must comply with our policies and procedures and perform in a way that conforms to our values and ethics. Any contractor who acts in an illegal or unethical manner is subject to immediate termination and disbarment from any future Lee Health contracts.

## PHYSICIANS' COMPLIANCE REQUIREMENTS

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Compliance with federal and state laws governing the physician's ability to participate in government health programs is required for all physicians who are granted privileges to practice in Lee Health facilities. Physicians employed by Lee Health are subject to termination of employment in the same manner as other employees who are shown to be in violation of those laws.

## INELIGIBLE ENTITIES AND INDIVIDUALS

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Lee Health routinely will perform exclusion reviews to ensure employees, vendors, contractors, and physicians are eligible to participate in Federal health care programs. **See Policy S23 00 807 – Screening for Exclusion from Federal Healthcare Program Participation.**

## COMPLY WITH COPYRIGHT LAWS

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Lee Health complies with U.S. Copyright laws. Employees may not reproduce any copyrighted work in print, audio, video, computer software or other electronic form in violation of the Copyright laws. Examples include printed articles from publications, TV and radio programs, music performances, photographs, Web pages, software programs, CD, DVD, and audio/video tapes. Copyright laws in the United States protect works even if they are not registered with the U.S. Copyright Office and do not carry the copyright symbol © or permission notice. While the law makes an exception for “fair use” of the copyrighted work for limited purposes, this exception is not automatic. Compliance with Copyright laws is assured by obtaining prior written permission from the Copyright holder before reproducing; the Copyright holder is usually the author or publisher of the work. **See Policy S24 00 145 – Copyright and Other Intellectual Property.**

## SAFE WORK ENVIRONMENT

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Providing a drug-free, safe and healthy work environment is of the utmost importance. All employees must report to work free of the influence of alcohol, illegal drugs or impairment by prescription medications. Firearms, other weapons, explosive devices or other dangerous materials are prohibited on our premises. Workplace violence including theft, stalking, terrorism and hate crimes will not be tolerated. On-the-job injuries or other environmental or safety concerns should be brought to the immediate attention of your supervisor.

## HIPAA – PRIVACY AND SECURITY

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Lee Health always has upheld a strict confidentiality policy and requires all employees to sign a confidentiality statement upon hire and annually thereafter. Confidentiality means that communications with or about patients involving patient health information will be private and limited to those who need the information in order to provide treatment, payment and health care operations. With the enactment of the Health Insurance Portability and Accountability Act (HIPAA), a patient’s right to have his or her health information kept private and confidential became both an ethical and legal obligation of health care workers.

All employee documents, communications and information that are deemed confidential by law will remain strictly confidential. Examples of such information include social security or checking and/or savings account numbers.

**See Policy S10 02 376 – HIPAA Patient Privacy Monitoring Process.**

## **AVOID ANTI-COMPETITIVE ACTIVITY**

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Federal and state antitrust laws protect the integrity of our free enterprise system. These laws address agreements and practices resulting in the restraint of competition including boycotting suppliers, discussing pricing or patients with competitors, implementing unfair or deceptive business practices, and misrepresenting services.

Such laws are vigorously enforced. Violations may result in severe penalties for Lee Health and its employees responsible for the violations. If you are involved in any dealings with physician groups, suppliers or competitors, you are expected to know that laws prohibiting anti-competitive activity may apply to your activities, and you should consult with Legal Services prior to negotiating or entering into any arrangement. Lee Health policies provide that before any written contract is signed, the Legal Services department should review it. Our policies also provide direction and control regarding the negotiation of contracts and define those authorized to sign contracts.

## **GOVERNMENT AND MEDIA INQUIRIES**

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Legal Services should be made aware of any inquiries from the Government so a proper response can be made. If an employee at Lee Health is contacted by a representative of a governmental agency seeking an interview or making a non-routine request for documents, that employee should immediately contact Lee Health Legal Services so that appropriate arrangements can be made to fully comply with the health system's legal obligations. All media inquiries should be referred to Media Relations. **See Policies S07 03 560 – Media Relations and S24 00 768 - Responding to Search Warrants, Subpoenas, or Government Request for Information.**

## PROTECTION AND PROPER USE OF COMPANY ASSETS

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All employees should protect our health system's assets and promote their efficient use. All assets should be used for legitimate business purposes. Incidental and occasional personal use of Lee Health assets such as computers, telephones, and supplies is allowed as long as such use does not interfere with the security or effectiveness of any system or with job performance. Misuse or theft of assets should be reported to Security in accordance with **Policy S09 06 767-Reporting Thefts, and Workplace Surveillance.**

## PROTECTION FROM REPRISAL

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No adverse action will be taken against an employee at Lee Health who in good faith and without reckless intent has come forth with information or evidence of a violation of state or federal law, policies, and procedures, or our Compliance Standards of Conduct. For further information, **See Policy S23 00 944 - Whistle-blower Protection from Reprisal.**

## SUMMARY

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We realize that the Compliance Standards of Conduct do not cover every situation you will encounter at Lee Health. The Standards cannot help make every decision for you but instead provides a framework or guidance on how to make the best decision for you and Lee Health. Our organization has many other resources to help you make those choices, such as your supervisor, Lee Health policies and procedures and the Compliance Department. We expect you to know about the Compliance Standards of Conduct, read them and use them as a guide to perform your job in accordance with our Values: Respect, Excellence, Compassion and Education. By living the values you will help ensure that we live the ExceptionalLee Promise daily.



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P.O. Box 2218 • Fort Myers, FL • 33902 • 239-343-8600  
leehealth.org

**Compliance Hotline • 1-877-807-5647**