

**Table of Contents**

Message from the President .....2

Our Mission.....3

Our Corporate Philosophy.....3

Our Operating Principles.....3

Code of Conduct Overview.....3

Obligation to Report.....4

Identifying Concerns .....4

Non-Retaliation .....4

Government Inquiries, Investigations and Regulatory Requests.....5

Quality of Care and Services.....5

Joint Commission.....6

Conflicts of Interest.....6

Fraud, Waste and Abuse (Billing and Reimbursement) .....7

Accuracy of Financial Records, Transactions and Reports .....8

Document Retention and Disposition .....9

Employment Practices.....9

Health and Workplace Safety.....9

Confidentiality and Privacy.....10

Information Security .....10

Disciplinary Guidelines.....11

Key Policies in Support of Our Code of Conduct.....12

## Message from the President



***Mark A. Keroack, MD, MPH***  
***President and CEO, Baystate Health***

Dear Baystate Health Colleague,  
The Baystate Compliance Program serves to guide how we conduct ourselves at Baystate Health. It is built on our mission and values and is a part of our daily activities, supporting our tradition of caring – for our patients, our communities, and our colleagues. All of us at Baystate are committed to acting with absolute integrity in the way we do our work.

This Code of Conduct offers guidance to ensure our work is done in an ethical and legal manner. It also contains resources to help you resolve any questions about appropriate conduct at Baystate. Please review it thoroughly. Your commitment to its message and meaning is crucial to our success and future.

If you have questions regarding this Code of Conduct, or encounter any situation which you believe violates this Code, you have a responsibility to immediately consult your supervisor, another member of management, your Human Resources Consultant (HRC), the Baystate Health Corporate Compliance Office at 413-794-7955, the Baystate Health Hotline at 1-877-874-RIGHT (7444), email [complianceoffice@baystatehealth.org](mailto:complianceoffice@baystatehealth.org) or go online to <https://baystatehealth.alertline.com>. You have the assurance there will be no retribution for asking questions or raising concerns about possible improper conduct.

In our organization, corporate compliance means more than just following laws, policies, and procedures. It means practicing strong ethical standards in everything we do. These standards form the foundation of the “higher state of caring” for which we all strive. Your commitment will greatly benefit Baystate Health and the community we are privileged to serve.

A handwritten signature in black ink that reads "Mark A. Keroack MD". The signature is written in a cursive, professional style.

## **Our Mission**

The charitable mission of Baystate Health is to improve the health of the people in our communities every day, with quality and compassion.

## **Our Corporate Philosophy**

Baystate's long-term success depends upon our reputation for the care we give and for our unquestionable ethics in patient care and sound business judgments necessary to permit the delivery of quality patient care. We recognize the duty of each individual employed by or acting on behalf of Baystate to commit to the highest ethical standards in his or her actions and decisions, and we strive to maintain this environment of high ethical standards and compliance by Baystate and each individual concerning the delivery of patient care, the management of the organization, and the conduct of business. We are dedicated to maintaining an environment where high personal and work standards of all staff, employees, trustees, officers, and directors contribute positively to the corporate culture and to the delivery of excellent patient care.

## **Our Operating Principles**

We strive to meet our mission and perform all of our work with our operating principles of:

- Trust
- Integrity
- Respect
- Collaboration
- Communication

## **Code of Conduct Overview**

To fulfill the goals of our mission successfully and ethically, and to provide excellent patient care, Baystate Health expects all individuals employed by or acting on behalf of Baystate to follow the guidelines in this Code of Conduct, as well as the policies, rules and laws that apply to our employment or responsibilities at Baystate Health.

This Code of Conduct summarizes some of these key policies, rules and laws and is intended to guide our conduct. It is not intended to provide a complete statement of all rules and requirements that must be followed. Please see eWorkplace for other policies and procedures applicable to your work.

## Obligation to Report

We all have an obligation to comply with the expectations in this Code and to report any wrongdoing, including violations of this Code, Baystate Health policies and procedures, or laws and regulations.

You are not required to reveal your name or department when you report an issue. All reports will be investigated and action taken as appropriate. Depending on the issue, we may ask to contact you for further information during the course of an investigation. ***To ask a question or report a concern or violation:***

- Tell your supervisor
- Call your HR consultant or local Human Resources Office (for human resources or employment related issues)
- Call the Baystate Health Corporate Compliance Office at 413-794-7955. Employees at Baystate Wing Hospital can also refer to the internal telephone listing for onsite compliance contacts.
- E-mail Corporate Compliance at [complianceoffice@baystatehealth.org](mailto:complianceoffice@baystatehealth.org)
- Call the anonymous Compliance Hotline at 877-874-RIGHT (7444), 24 hours/day, 365 days/year, or
- Report an issue anonymously online at <https://baystatehealth.alertline.com>

## Identifying Concerns

If you are not sure whether to report a concern or possible issue, consider the following:

- Is this issue in conflict with the Baystate Health Code of Conduct, values, policies and practices?
- Are you unsure whether an activity complies with a law or regulation?
- Would others question the propriety of the action?
- Are you repeatedly questioning the propriety of an action?

If the answer is “yes” to any of these questions, please report the issue or seek further guidance.

## Non-Retaliation

Baystate Health does not permit any form of intimidation or retaliation against anyone who reports a suspected violation in good faith or who participates in an investigation.

## **Government Inquiries, Investigations and Regulatory Requests**

Baystate Health will cooperate fully with all reasonable government inquiries, regulatory and legal requests. If you are in receipt of a warrant, subpoena, request for audit or investigation contact your immediate supervisor, Risk Management and / or Corporate Compliance at (413) 794-7955 or [complianceoffice@baystatehealth.org](mailto:complianceoffice@baystatehealth.org) for further direction and guidance.

## **Quality of Care and Services**

Baystate Health is committed to providing high quality health care to our patients and to delivering health services in an ethical, professional and cost effective manner. We are committed to complying with laws and regulations that govern patient quality of care and safety, such as the Medicare Conditions of Participation, the Emergency Medical Treatment and Active Labor Act (EMTALA), Massachusetts Department of Public Health Regulations and Joint Commission accreditation requirements. We are all expected to:

- Treat all patients with respect and dignity.
- Only provide care that is necessary and appropriate.
- Provide equal access to care for all patients regardless of gender, gender identity or expression, color, age, sexual orientation, disability status, ancestry, race, religious or cultural beliefs, source of payment, or any other classification protected by law.
- Maintain complete and thorough records of patient information.
- Recognize the rights of patients to formulate an advance directive and comply with that directive.
- Be properly licensed and credentialed and have the necessary experience and expertise to care for our patients.
- Act in a respectful, collaborative and professional manner.
- Provide a medical screening exam to all patients presenting to a Baystate Health emergency department with a potential emergency medical condition or in labor, to determine if an emergency situation exists. If one does exist, we will provide the patient with medical treatment to stabilize the condition, without regard to the patient's ability to pay.
- Conduct all clinical research in accordance with federal, state and local laws and under the auspice of an Institutional Review Board ("IRB") as appropriate.

## **Joint Commission**

The Joint Commission is a not-for-profit organization that accredits and certifies healthcare organizations and programs in the United States. They set national standards for quality, safety and performance. Baystate Health is committed to complying with the standards set by the Joint Commission as well as other regulatory agencies. Anyone who has a complaint about the quality of care received at a Joint Commission-accredited healthcare facility may contact The Joint Commission at:

### **Office of Quality Monitoring**

#### **The Joint Commission**

**One Renaissance Boulevard**

**Oakbrook Terrace, IL 60181**

**Toll free number 800-994-6610**

**[E-mail: complaint@jointcommission.org](mailto:complaint@jointcommission.org) Fax: 630-792-5636**

## **Conflicts of Interest**

As a tax-exempt organization, Baystate has a legal obligation to engage in activities and allocate resources to further its charitable purpose. In addition, we are committed to providing patient care that is in the best interest of the patient and not influenced by outside interests. Baystate Health expects and requires us to:

- Act honestly and ethically, and to avoid both actual and potential conflicts of interest with Baystate Health.
- Disclose any actual or potential conflicts of interest to Baystate Health in accordance with policy.
- Act solely in the best interest of Baystate Health, whenever acting as an agent of Baystate Health, in dealings with suppliers, customers or government agencies.
- Conduct all political activities in full compliance with federal, state and local laws and not use Baystate Health resources or funds to campaign for or on behalf of a political interest, campaign or candidate.
- Refrain from soliciting or accepting personal gifts of any kind in any value from vendors or from referral sources (physicians, nursing homes, laboratories, etc.). We may participate in business entertainment as long as there is a business purpose for the event and participation does not influence, or be construed as influencing, any business decision. Please see our gifts policy for additional information.

## **Fraud, Waste and Abuse (Billing and Reimbursement)**

Baystate Health is committed to complying with state and federal laws related to fraud, waste and abuse.

Anti-Kickback Laws. Federal anti-kickback laws prohibit knowingly offering, paying, soliciting or receiving payment of any kind to induce a business referral. Unless otherwise permitted by law, we will not:

- Offer or accept any monetary payment or benefit in return for a patient referral or the purchase of goods or services.
- Offer gifts or other inducements to patients to influence their choice of provider for health care services.

Federal and State False Claims Acts (FCA). Federal and state False Claims Act violations include:

- Presenting, or causing to be presented, to any government entity, a false or fraudulent claim for payment or approval.
- Knowingly making, using, or causing to be made or used a false record or statement to get a false or fraudulent claim paid or approved by any government entity.
- Conspiring to defraud any government entity by getting a false or fraudulent claim allowed or paid.

Examples of potential false claims include, but are not limited to:

- Claiming reimbursement for services that have not been rendered;
- Characterizing the service differently than the service actually rendered;
- Falsely indicating that a particular health care professional attended a procedure;
- Billing for services or items that are not medically necessary;
- Submitting claims for services performed by unqualified technicians;
- Forging or altering a prescription or claim; and
- Falsely certifying that a patient meets the criteria for services such as home care.

Baystate Health's Employees and Contractors who prepare, process, and/or review claims should be alert for false claims or billing errors. Baystate Health expects you to report incidents of fraud, waste and abuse whenever you learn of it or suspect it.

Baystate Health expects us to:

- Accurately document the care that is given.
- Prepare and submit claims that are complete and accurate, reflect reasonable and medically necessary services, and that are ordered by appropriately licensed medical professionals. These bills must be supported by documentation in the medical record and be compliant with applicable rules, regulations, and standards including Medicare and Medicaid billing rules.
- Understand current coding, billing and reimbursement updates and be trained in the areas of proper documentation, code selection, charge capture and reimbursement issues.
- Notify the appropriate personnel if we discover errors or notice areas for improvement.
- Provide confidential financial assistance or counseling to those patients who qualify through our financial assistance office.

The Federal False Claims Act imposes penalties between \$5,500 and \$11,000 per claim, and any person who violates the Massachusetts False Claims Law shall be liable for a civil penalty of not less than \$5,000 and not more than \$10,000 per violation. Both laws also provide for the recovery of triple damages sustained by the government.

Protection for Whistleblowers. State and federal laws also contain important protections for whistleblowers. Baystate Health will not discriminate or retaliate against you for reporting, in good faith, a potential or actual fraudulent activity, or for cooperating with any government or law enforcement agency's investigation or prosecution.

### **Accuracy of Financial Records, Transactions and Reports**

Baystate Health's financial records, cost reports, transactions (including patient bills), and resulting financial statements and regulatory reports must be accurate, complete, and in accordance with institutional and regulatory requirements. We are expected to:

- Observe the most stringent standards in keeping our financial records and transactions. Our records must reflect all components of transactions, as well as our own standard of insisting upon an honest and forthright presentation of the facts.
- Related to the issuance of tax-exempt bonds, we will not directly or indirectly affect securities transactions on the basis of 'insider information.'

## Document Retention and Disposition

Every employee is responsible for the integrity and accuracy of our organizations' documents and records, not only to comply with regulatory and legal requirements but also to ensure that documents and records are available to support our business practices and actions. Medical, business, financial and operating documents include *paper and electronic* documents such as letters and memos, computer-based information such as e-mail or computer files on disk or tape, and any other medium regardless of form (e.g. text, graphics, videos, voice, drawings, etc.) that includes information about the Health System or its business activities. We are expected to:

- Comply with the regulatory requirements, accreditation standards and organizational policy for the creation, management, retention, and destruction of records.
- Never falsify information on any record or document.
- Not destroy records related to pending litigation, audits or investigations.

## Employment Practices

At Baystate Health, our greatest strength is our employees. Our reputation as an institution of outstanding patient care is built by our employees. We must encourage and support each other as we work toward common goals.

Baystate Health is an equal opportunity employer and we do not discriminate against employees or potential employees on the basis of gender, gender identity or expression, color, age, sexual orientation, disability status, ancestry, race, religious or cultural beliefs or other classifications protected by law. We are expected to:

- Behave appropriately in the workplace.
- Act responsibly and collaboratively and treat everyone in a respectful and professional manner.
- Comply with Baystate Health's employment and anti-harassment policies.
- Abide by Baystate Health policies prohibiting illegal possession, distribution, use or being under the influence of illegal drugs, alcohol or other substances.
- Support an alcohol-free, drug-free and smoke-free workplace.

## Health and Workplace Safety

Baystate Health is committed to providing all employees and patients with a clean, safe and healthy work environment. To achieve this goal, we must recognize our shared responsibility to follow all safety rules, policies and practices. We will:

- Wear identification badges visibly above the waist.

- Report any suspicious activity to Baystate Health Security.
- Follow laws and regulations relating to the environment, including those laws and regulations regarding the handling, storage, use and disposal of hazardous materials and infectious wastes.
- Wear proper protective equipment for our jobs and engage in hand hygiene.
- Adhere to all safety and employee health policies and any state or federal regulations regarding occupational safety.
- Report spills and safety hazards promptly.
- Follow emergency plans and know what to do in the event of a disaster or fire.

## Confidentiality and Privacy

Baystate Health is committed to safeguarding our medical and business information. We will:

- Comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) and Baystate's privacy and security policies and procedures.
- Only access Protected Health Information for patients if we need the information to do our job. Access for any other reason is prohibited and may result in termination.
- Keep patient information confidential.
- Release patient information only when the release is supported by a legitimate clinical or business purpose, or a patient authorization.
- Refrain from discussing patient information in any public area such as elevators, common areas, dining halls, etc.
- Avoid using patient names and a hospital service when overhead paging.
- Protect sensitive business information, which may include salary, personnel and financial information, and to strictly limit its dissemination.

## Information Security

Baystate Health is committed to protecting its information and information systems from accidental or unauthorized access, disclosure, modification or destruction. We expect you to:

- Log off workstations and applications when not in use;
- Never share your passwords;
- Always verify fax numbers before sending patient information;
- Not install, share, or copy software programs, or perform any other acts that would violate a vendor's software license agreement or organizational policies.

- Report information security weaknesses and suspected or actual instances of computer and information theft or abuse to Baystate Health's Information Security Officer.
- All equipment provided to employees remains the property of Baystate Health, should be used primarily for work purposes, and must be returned when employment ends.
- Comply with requirements outlined in the Baystate Health Patient Privacy and Security handbook and with BH's privacy and security policies and procedures.

## **Disciplinary Guidelines**

Baystate will impose disciplinary actions for violations of the Code of Conduct, failure to report a violation, reporting of a violation in bad faith or for malicious reasons, or discouraging someone from reporting a legitimate concern. Disciplinary actions will be imposed on a fair and equitable basis and consistently applied. Disciplinary action will depend on all of the circumstances and may include, but is not limited to:

- Education and training
- Oral or written warnings
- Suspensions or terminations
- Contract termination
- Financial penalties
- Additional monitoring or supervision
- Potential reporting of the conduct to law enforcement

Baystate also reserves the right to immediately discipline, suspend, or terminate an employee who has knowingly and willfully violated the Code of Conduct, applicable laws or regulations, or BH policies. This may include termination of employees or agents that become subject to sanctions or exclusions from government health care programs.

## Key Policies in Support of Our Code of Conduct

See the Policies tab on eWorkplace for the complete set of policies intended to guide your conduct and activities. Many of the policies that support our Code of Conduct can be found in the Corporate Policy Manual or on the Corporate Compliance or Human Resources pages.

To access policies by Department, click the Policies tab on eWorkplace and you will see an alphabetic listing of all departments. Click on the corresponding page to access its contents.

For **Human Resources Policies**, refer to the HR page under the Departments tab on eWorkplace and click on the HR Policies link. On this page you will find policies related to your employment with Baystate Health, for example, duty to report and non-retaliation policies.

For **Corporate Compliance Policies**, please visit the Corporate Compliance web page on eWorkplace. On this page you will be able to access policies on conflicts of interest, privacy practices, and limitations on the acceptance of gifts, as well as other Corporate Compliance Policies.

If you need assistance with policies, or their location, feel free to call the Corporate Compliance Office at 413-794-7955.