

# Standards of Conduct



COMPLIANCE

**LEE MEMORIAL  
HEALTH SYSTEM**

## TABLE OF CONTENTS

---

|   |    |
|---|----|
| President's Letter .....                  | 5  |
| Standards of Conduct Purpose .....        | 6  |
| Governmental Entity.....                  | 6  |
| Ethical Treatment.....                    | 7  |
| Health Care Documentation .....           | 7  |
| Billing and Claims .....                  | 7  |
| Contract Negotiation .....                | 8  |
| Gifts .....                               | 9  |
| Bribes, Kickbacks, and Referrals.....     | 10 |
| Solicitation.....                         | 11 |
| Conflicts of Interest.....                | 11 |
| Integrity of Contractors .....            | 12 |
| Physicians' Compliance Requirements ..... | 12 |
| Exclusions .....                          | 12 |
| Controlled Substances .....               | 13 |
| Copyright .....                           | 13 |
| Intellectual Property.....                | 13 |
| Positive Work Environment.....            | 14 |
| Safe Work Environment.....                | 14 |
| Confidentiality .....                     | 14 |
| Anti-Competitive Activity.....            | 15 |
| Government and Media Inquiries .....      | 15 |
| Company Assets .....                      | 16 |
| Checklist.....                            | 16 |
| Protection from Reprisal .....            | 16 |

LMHS Compliance Hotline

1-877-807-5647

# STANDARDS OF CONDUCT ACKNOWLEDGMENT

---

This is to acknowledge that I have received a copy of the Lee Memorial Health System (LMHS) Standards of Conduct on the date shown below.

I will familiarize myself with this material, and I understand that I am responsible for knowing and adhering to the principles and standards in the Standards of Conduct.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Lee Memorial Health System acknowledges that it supports its employees and volunteers in complying with these Standards of Conduct.

*Charles W Swain*

Charles W. Swain, Chief Compliance and Internal Audit Officer

---

**LEE MEMORIAL  
HEALTH SYSTEM**



*Dear LMHS Employees and Volunteers:*

We are committed to fulfilling our mission of serving the health needs of the citizens of Lee County and Southwest Florida. Additionally, Lee Memorial Health System is committed to conducting our business in accordance with all applicable laws and regulations. In recognition of these responsibilities, we have developed our Standards of Conduct as part of the LMHS business philosophy.

The Standards of Conduct will help us set priorities and improve quality and outcomes in our daily work. It summarizes the virtues and principles that guide our actions in providing outstanding patient care and serves as a “quick” reference guide to assist you in performing your job responsibilities. If you ever have a question or concern regarding the Standards of Conduct, or encounter any situation you believe may violate its provisions, please immediately consult your supervisor. If for any reason your concern is not completely addressed to your satisfaction, contact the LMHS Compliance Office at 335-7154. You may also call the Compliance Hotline at 1-877-807-5647 (1-877-807-LMHS). Be assured that there will be no retribution or retaliation of any kind for asking questions or raising concerns about our Standards of Conduct, or for reporting possible improper conduct.

Your conduct is a reflection on you and LMHS. Your cooperation in following the Standards will assist us in our journey to be the best patient-centered health care system in Florida.

*Sincerely,*

  
James R. Nathan

*President*

## STANDARDS OF CONDUCT – PURPOSE

---

The Standards of Conduct provide guidance to Lee Memorial Health System employees, medical staff, 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 coworkers.

LMHS is 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 the Intranet to address many legal and regulatory requirements and protect against fraud, abuse, and waste.

The most common type of healthcare 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 healthcare team has an obligation to report any activity that appears to violate applicable laws, policies, or our Standards of Conduct. In accordance with LMHS policies, no adverse action will be taken against an employee at LMHS 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.

## WE ARE A GOVERNMENTAL ENTITY

---

Lee Memorial Health System is a special district created by the Florida Legislature in the 1960s. 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, LMHS is governed by a publicly elected board of directors that convenes at publicly noticed meetings and maintains records open for public inspection. LMHS employees are considered public employees and must follow Florida law governing the conduct of public 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 private inurement and private benefit issues.

## **TREAT IN AN ETHICAL MANNER THOSE TO WHOM LMHS HAS AN OBLIGATION**

---

We are committed to the ethical treatment of those to whom we have an obligation.

- For our patients and customers: We are committed to providing quality health care, delivered in a timely manner and at a reasonable price. We will comply with Federal and State regulations and the Joint Commission on Accreditation of Healthcare Organizations' standards regarding clinical care delivery.
- For our employees: We are committed to honesty, fairness, and just management, providing a safe and healthy working environment, and respecting the dignity due everyone.
- For the communities where we live and work: We are committed to acting as concerned and responsible neighbors, reflecting all aspects of good citizenship.
- For our suppliers: We are committed to fair competition and the sense of responsibility required of a good customer.

## **DOCUMENTATION AND RECORD RETENTION**

LMHS 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.

## **GENERATE ACCURATE BILLING AND CLAIMS**

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 will never make or present improper, false, fictitious or fraudulent claims.

Improper or fraudulent activity can include:

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

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. You may also call the Compliance Office at 335-7154 or, if you wish to remain anonymous, you may call our Compliance Hotline at 1-877-807-5647 (1-877-807-LMHS).

## CAREFULLY BID, NEGOTIATE, AND PERFORM CONTRACTS

---

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.

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

## DECLINE INAPPROPRIATE GIFTS

---

Since LMHS is a public institution, the conduct of its employees is governed by the Florida Code of Ethics for Public Officers and Employees. Public employees are prohibited from soliciting or accepting anything of value that might influence the performance of official duties. Guidance for some of the more common gifts is addressed below.

### ***TIPS AND GRATUITIES***

If a patient or family member offers cash to recognize good service by the employee, it should be declined. If the giver insists on providing the monetary gratuity, the employee should inform the giver that LMHS policy requires cash to be donated to the LMHS Foundation (985-3550). Refer to policy S23 00 835.

Merchandise of a nominal value, less than \$100, may be accepted from patients and family members. Examples of merchandise include items such as food or candy, flowers, and gift certificates. If the value of the merchandise exceeds \$100, the employee should inform the giver that the merchandise will be given to Volunteer Resources. Employees should use discretion in deciding what to do when items of a personal nature are offered. Patient relations could suffer if a personal gift, such as an heirloom, is declined. If there is a question regarding the value of the merchandise, contact the Compliance Office at 335-7154.

### ***GIFTS FROM VENDORS***

The Florida Code of Ethics for Public Officers and Employees prohibits public officers, employees, and candidates for public office 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 Volunteer Resources. Likewise, repeated offers of gifts should be viewed with the presumption that they are offered with the intent of influencing the employee in the performance of official duties. Such gifts should be declined or given to Volunteer Resources. LMHS policy provides that gifts that do not influence the performance of official duties may not exceed \$100. The \$100 threshold is an annual limitation per vendor. If there is a question whether the gift in the aggregate exceeds \$100, consider that it does.

### ***MEALS AND RECREATIONAL ACTIVITIES PAID BY VENDORS***

Prohibition of receiving items of significant value that might influence a public employee extends to meals and recreational activities. An occasional vendor-paid meal and a vendor's payment for an employee's participation in a recreational activity on an isolated basis when the costs do not exceed the LMHS \$100 limitation are acceptable. Recreational activities include tickets to sporting events and related travel, hunting and fishing trips, and vacation lodging.

### ***ATTENDANCE AT CHARITABLE EVENTS***

Vendor sponsorship may be accepted for attendance at charitable events. The vendor's donation goes to the charity and is not a gift to the employee. These functions, such as the American Heart Association banquet, are business-related and are not recreational. It is in LMHS's interest to have its employees demonstrate support for charitable efforts. Attendance at charitable functions demonstrates support.

### ***TRAVEL RELATED TO PURCHASES***

Employees responsible for recommending purchases of equipment or programmatic services may travel to see the equipment or program in operation. Such travel at vendor's expense is acceptable in accordance with LMHS policy S23 00 935.

## **REFUSE BRIBES, KICKBACKS, AND INAPPROPRIATE REFERRALS**

---

The Medicare and Medicaid 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 at LMHS may enter into any agreement or arrangement that calls for such action as described above. 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. You may also call the Compliance Office at 335-7154 or, if you wish to remain anonymous, you may call our Compliance Hotline at 1-877-807-5647 (1-877-807-LMHS).

## SOLICITATION AND DISTRIBUTION IN THE WORKPLACE

---

To avoid disruption in the provision of patient care and business operations and prevent the disturbance of or inconvenience to staff, patients, and visitors, LMHS 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 the Customer Service 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.

## STEER CLEAR OF CONFLICTS OF INTEREST

---

It is your responsibility to act in the best interest of LMHS 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 LMHS.
- Purchase of goods or services by LMHS 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 LMHS's customer or supplier.
- Employment by a competitor or potential competitor while employed by LMHS that would impede the full and faithful discharge of duties.

LMHS policy S23 00 139 requires employees to sign a statement of

compliance with conflicts of interest policies at the time of hire and annually thereafter.

### ***ADVICE REGARDING POLITICAL ACTIVITY AND LOBBYING***

Campaigning or soliciting campaign contributions for candidates for political office is prohibited on LMHS 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 LMHS Board of Directors. Contact Legal Services for direction prior to engaging in activity at work that may be perceived as political in nature.

### **BE CONCERNED WITH THE INTEGRITY OF CONTRACTORS**

---

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

### **REMAIN AWARE OF PHYSICIANS' COMPLIANCE REQUIREMENTS**

---

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 LMHS facilities. Physicians who are found to have violated such laws are subject to removal from the Medical Staff. Physicians employed by LMHS 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**

---

LMHS will routinely perform exclusion reviews to ensure employees, vendors, contractors, and physicians are eligible to participate in Federal healthcare programs.

## MANAGE CONTROLLED SUBSTANCES AND OTHER PHARMACEUTICALS

---

We will comply with all regulations governing the management and distribution of controlled substances. Specifically, no employee or physician affiliated with LMHS will illegally distribute any controlled substance, including prescription drugs.

In addition, expired, adulterated or misbranded pharmaceutical drugs may not be distributed or diverted. All suspected diversions and thefts are to be reported in accordance with the Reporting Thefts policy, S09 06 767.

## COMPLY WITH COPYRIGHT LAWS

---

LMHS 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. Please refer to the Copyright and Other Intellectual Property policy, S24 00 145.

## INTELLECTUAL PROPERTY AND HONORARIA

---

LMHS invests substantial resources in developing proprietary intellectual property. Creative works produced by our employees are considered intellectual property. This means that the employer, not the employee, is considered the legal author and owner of the work product. Whenever an employee participates as a speaker, consultant or educator at a conference or other meeting, the employee’s immediate supervisor must be notified. If intellectual property is used or if an honorarium is paid, the process must be handled in accordance with LMHS’s policy on Honoraria, S09 06 386.

## PROMOTE A POSITIVE WORK ENVIRONMENT

---

All employees want and deserve a workplace where they feel respected, valued, and appreciated. LMHS promotes an inclusive environment that is accepting of individual differences and encourages all employees to maximize their potential. LMHS is committed to providing equal opportunity and consideration to all persons regardless of age, sex, race, color, national origin, religion, or disability and will not tolerate discrimination or harassment. Any individual who believes that he or she may have been subjected to discrimination or harassment, or observes the harassment of others should report this conduct to their Supervisor or to Human Resources at 772-6500. Please refer to the Discrimination, Harassment and Retaliation policy, S09 06 178. If you wish to remain anonymous, please contact the Compliance Hotline at 1-877-807-5647.

## WORK SAFELY: PROTECT YOURSELF AND YOUR FELLOW EMPLOYEES

---

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 LMHS 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.

## PROTECT CONFIDENTIALITY

---

LMHS has always 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 more than just an ethical obligation of health care workers... it became the law.

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 savings account numbers.

## **AVOID ANTI-COMPETITIVE ACTIVITY**

---

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 LMHS 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. LMHS 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**

---

Legal Services should be made aware of any inquiries from the Government so a proper response can be made. If an employee at LMHS 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 LMHS 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 Public Affairs (System Press and Public Information).

## PROTECTION AND PROPER USE OF COMPANY ASSETS

---

All employees should protect LMHS assets and promote their efficient use. All LMHS assets should be used for legitimate business purposes. Incidental and occasional personal use of LMHS 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 Reporting Thefts policy, S09 06 767.

## QUICK CHECKLIST - WHEN IN DOUBT, ASK YOURSELF . . .

---

Compliance with all these rules of ethics and business conduct can become very confusing. Common sense and sound judgment are your best guides in determining the appropriateness of the behavior and necessary course of action. However, if you find yourself in a situation where you are unsure of the ethical implications, ask yourself a few simple questions:

- Am I being fair and honest?
- Is this in the best interest of Lee Memorial Health System and the patients we serve?
- Will my action stand the test of time?
- How will I feel about myself afterwards?
- How will it look in the newspaper?
- Will I sleep soundly tonight?
- What would I tell my child to do?

If you are still in doubt or need clarification, there are numerous resources available to assist you in meeting the challenges of performing your duties and responsibilities. Do not hesitate to use these resources when necessary. LMHS Management and the Compliance Office at 335-7154 are available to assist you with any questions and direct you to the appropriate resource.

## PROTECTION FROM REPRISAL

---

No adverse action will be taken against an employee at LMHS who in good faith has come forth with information or evidence of a violation of State or Federal law, policies and procedures, or our Standards of Conduct. For further information, consult LMHS policy S23 00 944.







---

**LEE MEMORIAL  
HEALTH SYSTEM**

P.O. Box 2218  
Fort Myers, Florida 33902  
239-332-1111  
[www.LeeMemorial.org](http://www.LeeMemorial.org)

LMHS Compliance Hotline  
1-877-807-5647