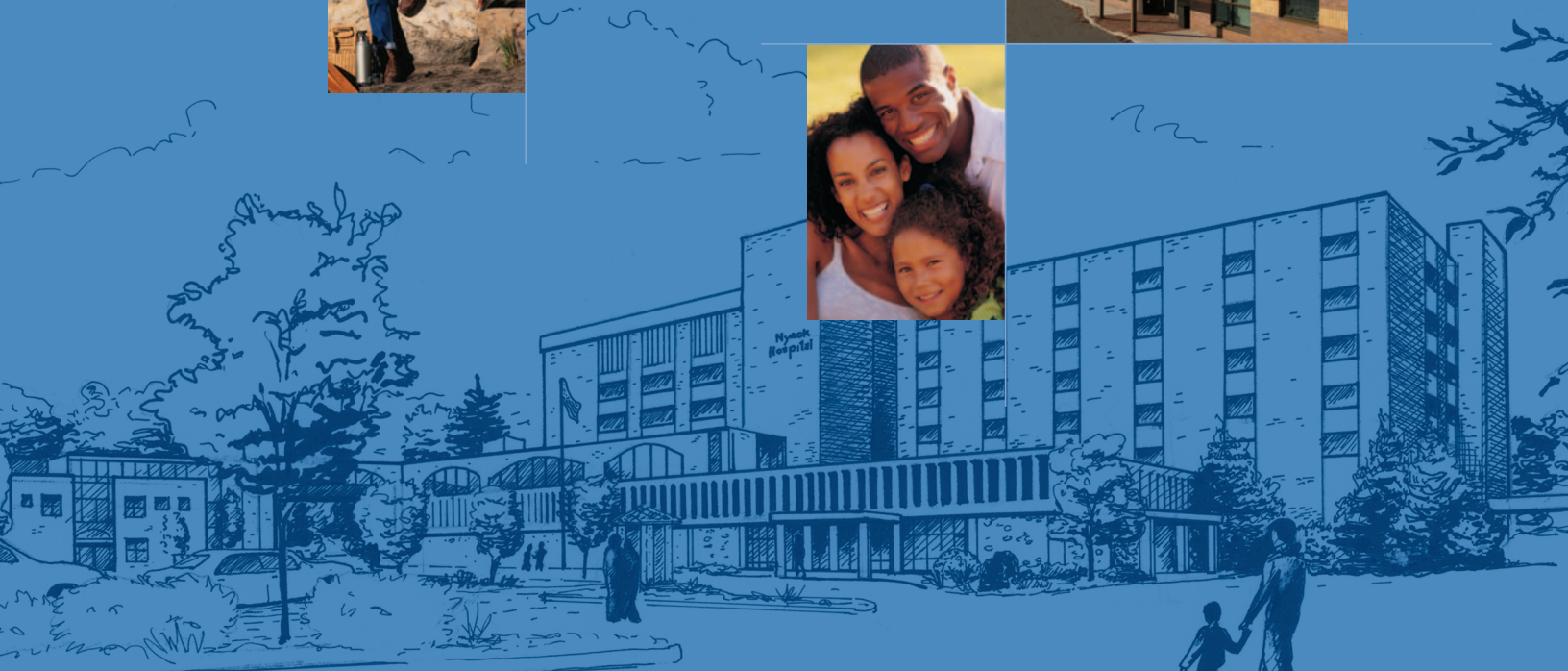




Nyack Hospital *Code of Conduct*



*Committing to
Excellence*



Member
NewYork-Presbyterian Healthcare System
Affiliate: Columbia University College of Physicians & Surgeons

LETTER FROM THE PRESIDENT

Our commitment to providing compassionate, quality healthcare has earned us the respect and trust of our patients and the communities we serve. Nyack Hospital takes pride in maintaining this trust by acting with integrity, fairness and honesty in everything we do.

Guided by our values and our mission this Code of Conduct sets forth the ethical principles that guide our delivery of patient care and services, as well as the way we conduct business and behave in the workplace. Each and every employee within Nyack Hospital plays an important role in maintaining these values and in ensuring the quality of the care we provide to our patients.

We feel so strongly about our ethical responsibilities that the Board of Trustees has adopted a formal Corporate Compliance Program and appointed a Chief Compliance Officer to oversee it. The Code and the Compliance Program help us in making the right choices when confronted with difficult decisions.

Please read the Code carefully, paying particular attention to those areas of the Code that apply to your area of your responsibility, and use the Code to guide your daily activities.

If any part of the Code of Conduct is unclear to you, or if you have questions or concerns about a situation you are facing, there are a number of ways to seek assistance. First, we hope you will feel comfortable discussing your question or concern with your supervisor. If for any reason you do not wish to do so, or your supervisor is not able to address your question or concern, you may contact Human Resources. If these resources are either not available or do not provide you with adequate answers, you can contact the Corporate Compliance Office (ext. 2034) or the Compliance Hotline. On behalf of the entire management team, I pledge my commitment that there will be no retaliation for good faith communication of these issues.

Thank you for your hard work and dedication.

Sincerely,

David H. Freed

President and Chief Executive Officer

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INTRODUCTION

The purpose of the Nyack Hospital Corporate Compliance Program is to develop and continuously improve processes that promote honest, ethical, and safe practices in our everyday activities.

This Code of Conduct is a resource to help guide each of us in handling both routine and non-routine situations we may encounter in our workplace. This Code of Conduct reflects our Mission, Vision and Values and helps us have a clear understanding of the business, professional and personal ethics that are expected of us in the workplace. It applies equally to everyone, whether an employee, senior management, board member, volunteer, or a vendor doing business with Nyack Hospital.

A variety of resources are available to assist you in answering specific technical questions and concerns that may arise. These include policies and procedures, your supervisor, and the Human Resource Department.

In addition, you may contact the Corporate Compliance Office (ext. 2034) or the Employee Compliance Hotline, #1-(888) 568-8548 to voice your concerns. The Compliance Hotline is a confidential toll free number, available 24 hours a day and offers anonymity if you so choose.

OUR MISSION, VISION & VALUES

MISSION

The mission of Nyack Hospital is to provide competent, innovative and accessible emergency and acute care services for the residents of Rockland County. We are caring people operating an extraordinary hospital.

VISION

In its second century of service, Nyack Hospital and New York Presbyterian Healthcare System will set the pace for sophisticated care in Rockland County. Getting better means all of us will be responsible for taking great care of our patients, each other and our hospital.



VALUE STATEMENT

Nyack Hospital's values closely support its mission. They represent guiding principles that are not independent criteria, but rather, are an integral part of every task of interaction:

- *Safety* – Safety means doing no harm to any person or property under our care. Safety is the absolute highest priority at Nyack Hospital.
- *Competence* – Competence means being highly skilled and expert at what we do.
- *Courtesy* – Courtesy means treating others in the same upbeat, respectful and professional way we want to be treated ourselves.
- *Efficiency* – Efficiency means making the most of the hospitals' resources by offering relevant services, correctly charging for them, and not wasting.
- *Integrity* – Integrity means following through on our commitments and complying with the Hospital's Code of Conduct without exception.

PATIENT CARE

QUALITY OF CARE

- Patients have a fundamental right to compassionate care that is provided with courtesy, dignity and respect. We will provide equal access to respectful treatment and compassionate care to all patients regardless of race, color, religion, sex, age, sexual orientation, physical or mental disability, source of payment, or other classifications protected by law.
- We will provide patients with care that is appropriate, safe, and in compliance with applicable professional standards.
- We will maintain complete and thorough records of patient information to fulfill the requirements set forth in our policies, accreditation standards and applicable laws and regulations.
- All individuals employed to meet the needs of our patients will have the proper credentials, experience and expertise necessary to perform their duties.
- We are responsible at every level of the organization, for maintaining the integrity and quality of our job performance.
- We will support and promote a continuous quality and performance improvement program throughout the Hospital.

EMERGENCY TREATMENT

- We provide any patient who presents themselves to Nyack Hospital in an emergency medical condition with a screening examination and emergency treatment, regardless of the patient's ability to pay or the source of their payment.
- We will transfer a patient only after the patient has been medically stabilized and an appropriate transfer has been arranged.

PATIENT EDUCATION

- It is the patient's right and the health care professional's responsibility to work with patients to understand and anticipate their needs. Patients are to be involved in decisions regarding their health care and their rights in making those decisions are to be protected. Competent adults have the right to accept or refuse available alternatives and consequences of refusing treatment. Physicians are encouraged to discuss available options openly and honestly with their patients, so that any potential medical ethical dilemmas can either be avoided or identified and resolved.
- We honor the right of patients to receive information regarding our policies, procedures, charges and the health professionals who care for them.
- These standards provide that all patients asked to participate in a research project be advised of the risks and benefits.

BILLING AND CODING

- Nyack Hospital is committed to full compliance with all rules and regulations of government healthcare programs, including Medicare and Medicaid. Nyack Hospital also complies with the rules and requirements of all commercial insurance programs.
- Nyack Hospital will bill for eligible services that are rendered, appropriately documented and consistent with the medical necessity guidelines provided by the insurance company.
- Nyack Hospital will conduct periodic audits of billing and coding services and promptly correct any identified billing improprieties.
- To ensure accurate coding and billing we train all staff, clinicians, coders and billers on proper coding, charge capture and billing. We also update our Charge Description Master (CDM) and have developed systems to prevent false and inaccurate claims.
- Employees involved in billing and coding are expected to be knowledgeable in all aspects of current laws and regulations affecting their duties. They must take all reasonable steps to ensure their work is accurate, timely, supported by the medical record and compliant with applicable laws and regulations.

BILLING QUESTIONS OR CONFLICTS

- If you have direct knowledge of any billing errors or improprieties, or if you suspect that an individual's conduct with regard to billing practices is in direct violation with established hospital policies, report this suspicion to your immediate supervisor or to the Corporate Compliance Office. The matter will be promptly investigated and any problems corrected if errors in claims or billings are found.

AS PART OF OUR COMMITMENT TO FULL COMPLIANCE WE DO NOT:

- bill for items and services not rendered or medically necessary;
- misrepresent the type of level of service rendered;
- bill for non-covered services;
- inappropriately unbundle services;
- bill for services rendered by other providers; or
- misrepresent a diagnosis in order to obtain payment.

HUMAN RESOURCES

EMPLOYMENT PRACTICES

- We recognize that our greatest strength lies in our people who create our success and determine our reputation as an institution of outstanding patient care.
- Nyack Hospital is an equal opportunity employer and does not discriminate against employees or potential employees on the basis of race, color, creed, religion, sex, national origin, sexual orientation, veteran status, marital status, age or disability. Nyack Hospital will not tolerate discrimination, verbal or physical harassment, or abuse (whether or not sexually related) by employees, supervisors, vendors, subcontractors or visitors.
- Nyack Hospital is committed to actions and policies to assure fair employment, including equal treatment in hiring promotion, training, compensation, termination, and disciplinary action. We will apply the Code of Conduct equally regardless of position in the workplace.
- We will provide reasonable training opportunities to assist employees and encourage and support them in developing their individual professional skills, talents and understanding of their jobs.
- We support an alcohol and drug free workplace and abide by the hospital policies prohibiting illegal possession, distribution, use or being under influence of illegal drugs, alcohol or other substances.
- We will familiarize ourselves and comply with the contents of the Code of Conduct, employee handbook, as well as with the policies and procedures applicable to our employment and responsibilities at Nyack Hospital.

PRE-EMPLOYMENT INFORMATION

- Individuals applying for employment at the hospital are required to provide accurate and truthful information to the Human Resource Department concerning their employment eligibility.
- In evaluating candidates we take all reasonable steps necessary to hire and retain employees who have appropriate and current training, experience and competency. We also screen applicants to avoid hiring an individual, who is currently excluded, suspended, debarred or otherwise ineligible to participate in federal or state healthcare programs.

NON-RETALIATION

- We do not allow any act of retaliation against employees who in good faith report a valid concern and/or a suspected violation of a law, regulation, policy or the Code of Conduct. In the event of a violation, Human Resources will follow established disciplinary procedures.

GIFTS

- Gifts and entertainment represent an area of potential conflict and at times may appear to influence the working relationship. Personal gifts should not be accepted if the acceptance would raise questions as to whether a business decision had been inappropriately influenced.

HEALTH AND WORKPLACE SAFETY

- We are committed to providing a healthy and safe workplace. Nyack Hospital complies with the federal, state and local laws, regulations and rules that promote the protection of health and safety. Our policies have been developed to protect you and your co-workers from potential hazards and all employees are expected to abide by them. You should understand how these requirements apply to your specific job responsibilities and seek advice from your supervisor or the Chief Compliance Officer whenever you have a question or concern.
- We will consider the safety and security of patients and employees in all of our activities.
- We comply with applicable 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.
- We comply with permit requirements for the safe discharge of pollutants into the air, sewage systems, water and land.
- We become familiar with and follow emergency and safety plans and procedures. We report any possible violation of the organization's safety policies and procedures, laws, regulations or standards to the manager or supervisor of the worksite. If we are not satisfied that the issue has been addressed, we notify the individuals responsible for safety or the Chief Compliance Officer.

PRIVACY AND CONFIDENTIALITY

PATIENT INFORMATION

- We respect the privacy of our patients and colleagues. We recognize we have access to the information of others on a “need to know” basis in accordance with our assigned responsibilities.
- We take reasonable steps to limit the use of, disclosure of, and requests for protected health information to the minimum necessary to accomplish the intended purpose, unless otherwise permitted by law.
- We will not discuss patient information in any public area, including elevators, hallways and dining areas.
- We do not reveal medical, clinical or business information unless such release is supported by a legitimate clinical or business purpose, patient authorization or acknowledgement of receipt of Privacy Notice, or court or agency order and is in compliance with applicable laws, rules, regulations, as well as our policies and procedures.
- We maintain security of the information stored on paper and electronically on our computer systems.
- We will maintain computer passwords and access codes in a confidential and responsible manner.
- We report confidentiality violations to the Privacy Officer, Chief Compliance Officer, or those that can properly assess and resolve the issues.
- We report security breaches and violations to the Chief Information Officer, Chief Compliance Officer or those that can properly assess and resolve the issues.

BUSINESS INFORMATION

- Information, ideas and intellectual property assets of Nyack Hospital are important to the organizations’ success. Information on Nyack Hospitals’ competitive position or business strategies, payment and reimbursement information and information relating to negotiation with employees or other organizations is confidential.
- We will disclose business information only as required in the performance of our job or as expressly authorized to do so by the Hospital.
- We will exercise care to ensure that confidential and proprietary information is carefully maintained and managed to protect its value.
- We will not disclose information regarding the institution’s financial performance without appropriate approval.
- We treat individual salary, benefits, payroll, personnel files, and information on disciplinary matters as confidential information.

RESOURCE MANAGEMENT

- We will protect our assets and the assets of others entrusted to the Hospital, including physical and intellectual property, and protect information against loss, theft or misuse.
- All managers should establish appropriate internal controls over all the areas of their responsibility to ensure the safeguarding of the Hospital's assets and the accuracy of financial records and reports.
- We follow applicable copyright, patent, trademark, and marketing laws and license agreements when we use computer software and printed publications.
- We do not install, share, or copy software programs or perform any other acts that would be in violation of the vendor's software license agreements or of organizational policies.
- We report all hours worked properly and accurately in accordance with our time and attendance policies and procedures.
- We devote our work time and our abilities to our assigned job responsibilities.
- We comply with the regulatory requirements, accreditation standards and organizational policy governing the creation, management, retention and destruction of records.
- If you become aware of any improper use of the Hospital's resources, you should report the matter immediately. If you need clarification as to whether the matter violates established controls, contact the Chief Compliance Officer.

COMPLIANCE WITH LAWS AND REGULATIONS

- We are committed to operating in accordance with all applicable laws and regulations, to conduct business ethically and honestly, and to act in a manner that improves our standing in the community.
- We issue and maintain financial and cost reports, accounting records, research reports, expense accounts, time sheets and other documents that accurately and clearly reflect transactions and financial performance.
- We do not offer payment, bribes, kickbacks or other incentive to patients, physicians or others to encourage the referral of patients to our facilities or services.
- We do not accept payments for referrals that we make. Our physicians and other healthcare providers make patient referrals solely based on the patient's clinical needs. No employee or any other person acting on behalf of Nyack Hospital is permitted to solicit or receive anything of value, directly or indirectly, in exchange for the referral of patients.
- We do not allow personal interests to influence referrals. Our policy is to inform patients of their options and to promote patient freedom of choice in selecting any services they may require.
- We do not waive insurance co-payments or otherwise provide for financial benefits to patients in return for admission.
- We handle all patient drugs and controlled substances used in treatment according to applicable laws and regulations.

ANTITRUST

- Antitrust laws are designed to preserve and foster fair and honest competition within the healthcare industry. To accomplish this goal, the language of these laws is deliberately broad, prohibiting such activities as "unfair methods of competition" and agreements "in restraint of trade". Such language gives enforcement agencies the right to examine many different business activities to judge the effect on competition.
- The Hospital's policy requires full compliance with all antitrust laws. No employee, under any circumstances, has the authority to approve a violation of the law. Anyone who willingly violates, or knowingly permits a subordinate to violate any antitrust law, is subject to disciplinary action, including dismissal.
- The greatest danger for violations of antitrust laws comes from contacts with competitors; therefore, you should not disclose any information concerning the demographic information of the patients, services provided by the Hospital, future business plans of the Hospital, prices, reimbursements or employees' salaries.

FALSE CLAIMS ACT

- We will implement policies for all employees (including management), and any contractor or agent of Nyack Hospital, pertaining to the Federal False Claims Act (FCA), including the administrative remedies for false claims and statements, any State laws pertaining to civil or criminal penalties for false claims and statements, and whistleblower protections under such laws.
- We will not knowingly make or use a false record or statement to obtain payment by the government of a false claim.

ANTI-KICKBACK /STARK LAW

- The term “kickback” is defined as the giving of remuneration, which is interpreted under the law as anything of value. Nyack Hospital must scrupulously avoid being the offeror or the recipient of an improper inducement.
- We will ensure that all compensation arrangements and other agreements, including but not limited to financial arrangements and joint ventures, with individuals or organizations that may be possible referral sources are in writing and approved by appropriate management and legal counsel prior to execution (consistent with the Anti-kickback statute and Stark laws).
- Any questions concerning these statutes of any questionable business practice, which may be subject to the Anti-kickback statute, should be directed to the Chief Compliance Officer.

NOT FOR PROFIT TAX STATUS

- The Hospital and the Nyack Hospital Foundation are “not for profit” organizations, and therefore exempt from taxation by federal, state and local governments. In order to maintain this exemption, the Hospital must operate for the benefit of the community it serves, and must avoid “private inurement” and “private benefit”. All nonexempt individuals or entities must pay fair market value for the use of Hospital services and property.
- Care must also be taken that the Hospital and the Nyack Hospital Foundation sales tax exemption is used only for legitimate Hospital activities.

POLITICAL ACTIVITY & LOBBYING

- It is important to separate personal and Nyack Hospital political activities in order to comply with the appropriate rules and regulations relating to lobbying or attempting to influence government officials.
- Certain management personnel may periodically be called upon by the Hospital to make contact with members of the county, state or federal legislative bodies and other officials to set forth and advocate for the Hospital’s positions on issues. These persons are expected to abide by all applicable laws and established

policies at all times. Any person who attempts to influence any legislative, executive or other governmental action, official or employee on behalf of the Hospital may be required to register as a lobbyist and file reports concerning their activities.

DOING BUSINESS WITH THE GOVERNMENT

- Very specific rules exist to eliminate the appearance of a conflict of interest by former government employees who upon termination of their government service seek employment with those entities who are regulated by government agencies. If a former government employee or consultant becomes an employee or consultant to Nyack Hospital care should be exercised to ensure that the requirements of the U.S. Government Conflict of Interest Laws are not violated.
- You may not provide or pay for meals, refreshments, travel or lodging expenses for government employees. Very strict guidelines prohibit any type of gratuity, with very few exceptions, and your strict compliance is required.

FUNDRAISING

- As a not-for-profit organization the Hospital relies heavily on contributions from donors to support many of its activities. Employees are encouraged to support these fund raising efforts, but are required to coordinate all activities through the Nyack Hospital Foundation.

GRANTS

- The Hospital commitment to integrity encompasses all grants received either through government-funded programs, or through private sources. The Hospital has established policies and procedures to ensure that all grants received and their use is consistent with federal, state, local and Hospital rules and regulations.

REPORTING & NON-RETALIATION

DUTY TO COMPLY

It is the duty of all employees to comply with applicable laws, rules, regulations and the Code of Conduct. Failure to do so may subject employees to disciplinary action.

DUTY TO REPORT ACTUAL OR SUSPECTED VIOLATIONS

Employees have an affirmative duty to report to their supervisor or the Chief Compliance Officer, actual or suspected violations by employees of applicable law, rules, regulations or the Code of Conduct.

NON-RETALIATION

We will not permit retaliation for reporting a perceived or potential violation of the Code of Conduct, Nyack Hospital policies/procedures or laws/regulations, or for participation in an investigation of an alleged violation.

No disciplinary action or other types of retaliation will be taken against any employee who, in good faith, reports a concern, issue, problem, or violation of law, regulation or the Code of Conduct to a manager or supervisor, the Chief Compliance Officer or the Employee Compliance Hotline.

Any employee who believes that he or she has suffered retaliation for making a report should contact the Compliance Officer or call the Employee Compliance Hotline. Knowingly making a false accusation is a serious violation of organizational policy.

INDIVIDUAL JUDGMENT

As you contemplate a particular situation, consideration of the following factors may help you arrive at a satisfactory answer:

- Is my action consistent with Nyack Hospital policy?
- Could my action give the appearance of impropriety?
- Will the action bring discredit to any employee or to Nyack Hospital if disclosed fully to the public?
- Can I defend my action to my supervisor, other employees and to the general public?
- Does my action meet my personal code of behavior?
- Does my action conform to the spirit of this Code of Conduct?

WHERE TO GO FOR HELP

Employees have been provided with a number of ways to find assistance with compliance matters. If an employee suspects that another employee, including management, has violated the *Code of Conduct*, policies, procedures or any applicable local, state or federal statute, regulation, guideline or law, they should immediately report their concern following the established chain of command.

All reports of suspected violations will be treated in a confidential manner to the extent allowable by law. The following three-step process for reporting should be followed.

1 - Immediate Supervisor or Manager

The employee's immediate supervisor, manager, or Human Resources should be contacted first if possible. If appropriate, others in the chain of command can be contacted.

2 –Compliance Officer

A compliance issue or concern should be reported to the Chief Compliance Office at ext. 2034 if one of the following applies:

- The employee does not feel comfortable reporting the concern to his/her immediate supervisor or manager.
- The employee is not satisfied with the response received from management to a compliance concern raised.
- The Chief Compliance Officer should not be used as a substitute for the Department of Human Resources nor should the established chain of command for Human Resource issues be bypassed.

3 - Compliance Hotline



If, for whatever reason, the employee feels that they cannot report the compliance concern using the internal chain of command, the employee is to contact the Compliance Hotline.

Employee participation in raising work-related concerns is important to the effectiveness of the Compliance Program. The Compliance Hotline **1-(888) 568-8548** provides a confidential and anonymous way to report concerns or violations of the Code of Conduct, operational policies, or applicable laws or regulations.

Employees are not required to identify themselves when reporting a concern. Callers will receive a reference number, which can be used to receive information on the status of the report.

COMPLIANCE INVESTIGATION AND RESOLUTION

The Compliance Office will ensure the prompt and thorough investigation of all suspected violations and will coordinate appropriate follow-up action and resolution as indicated. All investigations will be conducted following established procedures for confidentiality.