

CommonSpirit Health[®] Standards of Conduct: Our Values in Action

Policy and Reference Guide

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Introduction

A Message from CommonSpirit Health Leadership

The CommonSpirit name was inspired by scripture:

“Now to each one the manifestation of the Spirit is given for the common good.”

(1 Corinthians 12:7 NIV)

These words embody why we formed CommonSpirit in 2019, and continue to motivate and guide us every day. Our pledge to corporate responsibility is tied to our values and commitment to the common good.

At CommonSpirit, personal responsibility and integrity on the part of everyone who works for and with our organization is fundamental to our corporate responsibility and the success of our mission. This means that our daily conduct mirrors our values. We behave ethically and appropriately. We meet our obligations and are good stewards of our resources. We always hold ourselves accountable for the decisions we make and the actions we take. When in doubt, we seek guidance.

Health care settings are governed by a complex set of rules and laws that are often difficult to understand and apply. Difficult ethical, professional and legal challenges are part of our daily responsibilities. *This Standards of Conduct: Our Values in Action Policy and Reference Guide* (herein referred to as *Reference Guide*) is designed to serve as a resource to help you make decisions at work, however simple or difficult they may be.

The examples provided will help you understand the importance of honesty, directness and respect in your interactions with everyone we serve – patients, residents, family members, others – as well as co-workers, and business and community partners. In addition, support for ethical decision-making is always available. Please use this support to be confident in your decisions as you help shape and strengthen our health care ministry.

If at any time, you are aware of or believe our standards of conduct have been compromised, please use the process for reporting concerns defined on page 6. Or, if it is a human resource issue, you may contact Human Resources.

All of us at CommonSpirit Health share a proud heritage that we strive to uphold. Since the early days when our sponsoring congregations first began their journey to care for the poor and vulnerable, we carry on their tradition of living our values and maintaining a strong ethical culture. This *Reference Guide* is an important tool to help us achieve our mission.

Thank you for your continued dedication to our healing ministry.

Sincerely,

Wright Lassiter III

Chief Executive Officer

Michelle Cooper

Chief Compliance Officer

Organizational Beliefs

Mission Statement

As CommonSpirit Health, we make the healing presence of God known in our world by improving the health of the people we serve, especially those who are vulnerable, while we advance social justice for all.

Vision Statement

A healthier future for all – inspired by faith, driven by innovation, and powered by our humanity.

Our Values

Compassion

- Care with listening, empathy and love.
- Accompany and comfort those in need of healing.

Inclusion

- Celebrate each person's gifts and voice.
- Respect the dignity of all.

Integrity

- Inspire trust through honesty.
- Demonstrate courage in the face of inequity.

Excellence

- Serve with fullest passion, creativity and stewardship.
- Exceed expectations of others and ourselves.

Collaboration

- Commit to the power of working together.
- Build and nurture meaningful relationships.

Introduction to the Corporate Responsibility Program

CommonSpirit is committed to building healthy communities, advocating for those who are poor and vulnerable, and providing innovations for healing in our care sites and the communities we are privileged to serve. Building on the legacy our founding women religious entrusted to us, we will boldly innovate, faithfully serve and passionately advocate for the voiceless, those in need and each other. Our values provide each of us with focus, direction and accountability.

The Corporate Responsibility Program of CommonSpirit and its organizations provides resources for making ethical decisions based on our values and standards of conduct. This program helps us to understand and comply with complex laws and regulations. To support you in making the right decisions and getting answers to your questions or concerns, CommonSpirit created a simple reporting process, which is detailed on the next page. You are encouraged to use this process as needed to make the right decisions and to support others in doing the same.

How to Use the *Reference Guide*

This *Reference Guide* serves as the foundation for the overarching Corporate Responsibility Program, which all CommonSpirit employees are obligated to follow. The *Reference Guide* is designed to help you do what is right and to ensure that your behavior demonstrates our values. At a minimum, this means obeying the law and avoiding improper activities.

This *Reference Guide* includes examples of how the standards of CommonSpirit apply to your daily work and is one of many tools to help you work in a responsible, professional, and ethical way. The guide is divided into three sections: Workplace Standards, Conflicts of Interest and Legal Obligations. A table of contents is also located inside the front cover to assist with locating specific page numbers for each topic. Other tools and resources include:

- Local and national policies and procedures, including those specific to Corporate Responsibility.
- Corporate Responsibility reference and guidance documents.
- Educational offerings, including training in complex or high-risk areas.
- Consultation from local, regional, and national Corporate Responsibility Officers and personnel.
- Federal and state laws and regulations.
- Consultation with the CommonSpirit Legal Team.

By understanding and using this *Reference Guide*, we demonstrate our commitment to our mission and core values.

Reporting Concerns

Each employee is responsible for promptly reporting potential violations of law, our standards, guidelines or policies. You are protected from retaliation if you make a good-faith report, complaint or inquiry. The CommonSpirit reporting process is described below.

1. Speak with your supervisor or another manager.
2. If the supervisor/manager is not available, you are not comfortable speaking with him/her, or you believe the matter has not been adequately resolved, contact your Human Resources representative or your local Corporate Responsibility Officer.

3. If you want to anonymously report a concern to a neutral third party, you have two options:
 - Call the reporting hotline number: **1.800.845.4310**
 - File your report using the Internet:
<https://compliancehotline.commonspirit.org>

The confidential option described in #3 above is available 24 hours a day, seven days a week. Reports made by phone or online are received by trained staff who document and forward information to your local or CommonSpirit Corporate Responsibility staff for appropriate action. These reports are not traced or recorded. You may remain anonymous if you wish. If you choose to identify yourself, there is no guarantee your identity will remain confidential. However, when you identify yourself, it is easier for Corporate Responsibility staff to respond. Retaliation against any employee who, in good faith, reports potential or suspected violations is unlawful and will not be tolerated.

Non-Retaliation/Non-Intimidation

CommonSpirit promotes an environment that encourages all of us to seek clarification of issues and report questions and concerns involving our organization without fear of retaliation. It is our duty and responsibility to report possible violations of law, our standards, guidelines, or policies. You will be protected from retaliation and intimidation if you make a good-faith report, complaint or inquiry. Allegations of retaliation will be promptly investigated and, if supported, will result in disciplinary action, up to and including dismissal from employment or termination of a business relationship with CommonSpirit. Non-retaliation policies do not protect you if your actions violate the policies of CommonSpirit or applicable laws.

“At CommonSpirit Health, we believe that corporate responsibility begins with personal responsibility and integrity on the part of everyone who works for and with our organizations.”

**—Michelle Cooper, Executive Vice President,
Chief Compliance Officer**

STANDARDS OF CONDUCT

The following standards of conduct describe and demonstrate CommonSpirit's commitment to honest and ethical conduct and provide guidance to employees facing uncertain situations. All board and committee members, officers, employees, volunteers, medical staff, and others working with CommonSpirit and its organizations must act in accordance with the following standards of conduct:



Demonstrate fairness, honesty and integrity in all interactions in support of our mission.



Uphold a high standard of skill and knowledge to deliver exceptional quality care, service and outcomes.



Abide by the laws, regulations and policies that govern what we do.



Maintain the integrity and protect the confidentiality of our patient, resident, client, employee and organizational information.



Use our resources wisely to protect our assets, reduce our environmental impact and increase our public health footprint.



Create an environment that promotes community, respects dignity and supports safety and well-being.



Properly disclose and manage situations that pose potential or actual conflicts of interest.



Foster a diverse and inclusive work environment in reverence to our employees, partners and those we serve.

Workplace Standards

This section includes information and examples of how the standards of conduct apply to your daily work within the organization and provides general guidelines on acceptable and ethical business practices. Not every decision-making situation is covered, so please talk with your manager or your Corporate Responsibility Officer if you have any questions.

Confidentiality

In fulfilling our duties, we use a wide range of confidential information, which includes information about our patients and residents, employees and other workforce members, and proprietary information used while conducting business. It is vital that we protect this information and its use, and disclose it only as allowed. This means that CommonSpirit does not share this information with the public and is careful to share it with business partners only when they have a need to know the information.

Confidential information is maintained in different forms, such as paper records and electronic records, including email, as well as digital media and oral discussions. Improper use or sharing of this information can harm our mission, our reputation, individuals in our care and our business partners. Maintaining the trust of our entire community and all stakeholders is extremely important.

CommonSpirit has established Privacy, Security and Confidentiality policies and standards that provide the framework for ensuring we maintain this trust while complying with all applicable laws and regulations. Violating these policies, standards, laws or regulations may result in disciplinary action against you and civil or criminal penalties against you or CommonSpirit. Please refer to these policies and standards for more information. If you have any questions, please contact the CommonSpirit Privacy Officer or your local Privacy Officer.

Q We just hired a new employee in our department. The day she started she had not yet received her computer login information and she could not begin her work assignments. She asked me to share my username and password with her so she could begin her new assignment. What should I do?

A Passwords are confidential information and must not be shared with any users including your supervisor or IT employees. If your password is shared with another user, you may be held accountable for their actions. Please tell this new employee that sharing your username and password would violate the CommonSpirit Information Security Policies. Ask her to speak to her supervisor and to contact the Information Technology Services (ITS) Help Desk to gain appropriate access.

Q My department is understaffed and in order not to fall behind on my assignments, I sometimes take work home. May I email confidential information or work documents to my personal email address, copy them to a portable storage device, or save them to my personal laptop computer for this purpose?

A You should conduct all CommonSpirit business on a CommonSpirit computer. You should never email, copy or save work-related documents to an external email address, portable storage device or personal computer if the reason is to work from home. Taking work home would only be appropriate if your manager approves and you have been issued a CommonSpirit laptop.

Q Why shouldn't I send CommonSpirit information to a webmail address?

A Webmail services (i.e., Gmail, iCloud Mail, AOL, Yahoo Mail, etc.) are often provided as a “free” service and webmail companies have little incentive to protect their users’ data. Webmail providers often sell their users’ information to advertising companies or even allow third parties to read emails. Additionally, CommonSpirit has reviewed many webmail providers and found they are not compliant with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). CommonSpirit employees should avoid sending emails to webmail addresses. However, if a valid business reason exists, then employees should follow the CommonSpirit Acceptable Use Policy.

Q Why can't I use my own USB drive to back up my work files or work from home?

A Personal removable storage devices such as USB drives are high risk because they can store a large amount of data and are easy to lose. Many USB drives are not encrypted, meaning whoever finds the device will be able to access the data. Some of the largest HIPAA breaches have been due to lost unencrypted USB drives. You can back up your files by moving them to a network-shared drive such as your CommonSpirit file share. Request manager approval to work from home, and you may be issued a CommonSpirit Health laptop or provided access to your files.

Storing sensitive information such as confidential, personal, or patient records on a USB drive presents significant privacy, security and compliance risks if the device is used outside of our network. Once such information is copied to a removable media device, the organization may not be able to maintain custody and an adequate level of security over the records. Personal devices such as home computers/laptops do not maintain the same level of protection against computer viruses and hacking as the CommonSpirit network.

“An organization shall promote a culture that encourages ethical conduct and a commitment to compliance with the law.”

—2010 Federal Sentencing Guidelines Manual

Q Can I re-use my passwords from another workplace or my personal accounts? How can I be expected to remember my password, especially when I have to change it periodically? Can I use a password vault, so I do not have to remember so many passwords?

A Re-using passwords is very risky because cybercriminals keep and trade lists of compromised passwords and use automated programs to try these passwords on popular services such as webmail accounts, social media and banking sites. If you re-use passwords, even strong passwords, then multiple accounts may be compromised at the same time. CommonSpirit requires you to use a strong and unique password for your business account. We also recommend that you use unique passwords for high-value personal accounts such as email, banking, credit card, or retirement accounts. We advise against the use of password vault services because of the risk that all of your accounts may be compromised if the password vault is breached. Furthermore, password vaults are often tied into your mobile device, which could be lost or stolen. In this case, a cybercriminal will have access to not only your passwords, but also the device many companies use to verify your identity.

Q I am excited about the work I do at CommonSpirit and would like to post information on Facebook to share my day with my friends. Is it okay to do this?

A Using social media, such as Facebook, LinkedIn, Twitter and other sites, to post information about your work should be done carefully and during non-working time.

Posting information about your day should be limited to comments in general terms and not include references to, or comments about, any patients or patient events, including but not limited to any confidential information. Before posting, please consider if any information might describe too many details about an individual or a situation that could lead to a HIPAA violation.

Posting any confidential information, such as patient names or other Protected Health Information (PHI), photographs, videos or business information, violates HIPAA and CommonSpirit Privacy and Security policies.

Information About Patients, Residents, Members or Others We Serve

Individuals we serve expect us to maintain the confidentiality and security of their health information. At CommonSpirit we not only follow our standards of conduct, but we also follow federal and state privacy and confidentiality laws such as HIPAA. Violating these laws may result in civil or criminal penalties for CommonSpirit or the responsible individuals. The standards of conduct speak to the importance of confidentiality for our patients, residents and clients.

The privacy principles of CommonSpirit require all PHI defined by HIPAA and all subsequent revisions, guidance or additions, be used, disclosed, transmitted, maintained and secured as required by HIPAA and other applicable laws and regulations. As such, the employees, affiliated physicians, and health care partners of CommonSpirit may only use and disclose PHI to care for our patients and residents, and as allowable for treatment, operations and payment functions, or as allowed or required by other applicable laws and regulations. Any other use or disclosure of PHI requires a specific authorization from the patient, resident or client.

CommonSpirit created a Privacy Program framework to comply with HIPAA and it includes the following components:

- Designation of a Privacy Official
- Governance of the Privacy Program
- Notice of Privacy Practices
- Patient Rights
- Policies and Standards
- Investigation Management and Complaint Reporting
- Education
- Sanctions
- Monitoring

If you think PHI is being improperly used, accessed or disclosed, report your concern by using the CommonSpirit reporting process.

Q In the break room, I heard my co-worker discussing the condition of a physician's spouse who is receiving treatments at our hospital. What should I do?

A Physicians and their families are entitled to have their health information kept confidential in the same manner as other patients. The situation you describe may be against confidentiality policies of CommonSpirit. Discuss the issue with your manager or local privacy officer.

You may also use the CommonSpirit reporting process to report any concern.

Q As an employee of CommonSpirit's organization, can I look at my own medical information?

A You are entitled to have access to your medical record in the same manner as any individual in our care. However, you must follow the same procedures required of any individual in our care requesting access to his/her health information. Being an employee of a health care facility does not give you greater access rights.

Q One of my family members is in the intensive care unit. May I look at her medical information to let other family members know how she is doing?

A No. You may not access medical information without proper authorization from the patient. Being an employee of a health care facility does not give you greater access rights. You may only access the information if it is part of your assigned job duties, or if the patient signs an authorization allowing you to access the records.

Employee Information

Our employees also trust us to keep their personally identifiable information confidential. We keep this information confidential by following applicable laws and regulations, and Human Resources policies. This information includes wages and salary, employment contracts, employment history and status, Social Security numbers, and financial and banking information.

Q I work in payroll. A friend who also works at the hospital is being promoted to a management position. He asked me how much other managers are making. Can I share this information if I do not give specific names?

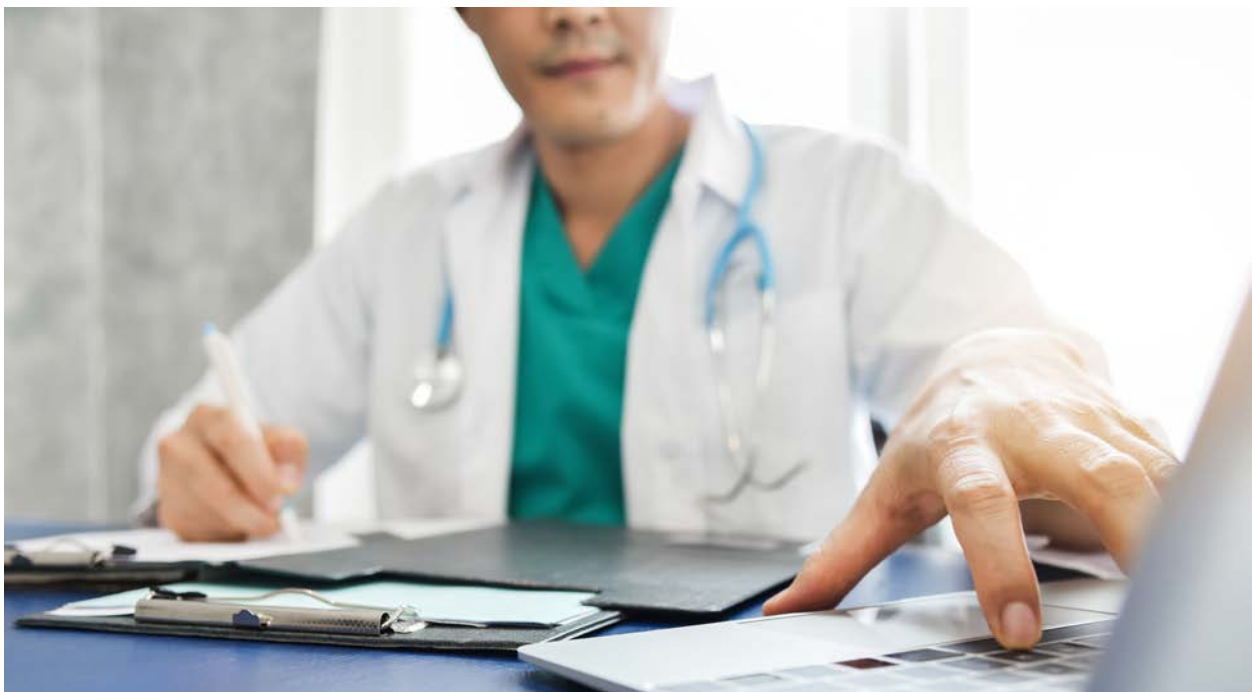
A No. You must keep employee information in strict confidence and may not share it with anyone who does not have a legitimate business purpose for the information. If you have any questions, use the CommonSpirit reporting process.

Confidential Information about Our Business

We maintain and protect the confidentiality of our proprietary information. This includes information about our competitive position, business strategies, contract terms or negotiations, payments, reimbursements and negotiations with employees or outside organizations. Proprietary information is used only for legitimate business purposes, and protections are in place to prevent unauthorized use or disclosure. If your employment or association with CommonSpirit or its associated businesses ends, you have an ongoing obligation to maintain the confidentiality of this information. Competitive information obtained in violation of a covenant not to compete, a prior employment agreement, or other contract relationship may not be used to conduct business on behalf of CommonSpirit or its organizations.

Q Before coming to work at the hospital, I consulted with a competitor and obtained confidential information about the competitor that would help the hospital negotiate contracts. Should I share the information?

A No. Do not disclose confidential information learned through another employer. It is inappropriate to use a competitor's confidential information and we may not use that information in any business dealings. It would also be unethical for you to share CommonSpirit confidential information with another employer.



Dealing with Government and Regulatory Agencies

CommonSpirit responds to requests for information from all government and regulatory entities in a timely and cooperative manner, while preserving our organization's legal rights. If a government agent approaches you, or you receive a subpoena or search warrant at either work or at home, you should:

- Be calm and respectful.
- Ask for a government identification card and verify the name, department and authority of the agent.
- Advise the agent that you will contact a supervisor to assist with his/her request, ask the agent to wait, and then immediately call the following persons, in the order given, until you reach one of them:
 - The local Corporate Responsibility Officer or designee.
 - Manager or administrator on call.
 - The CommonSpirit Corporate Responsibility officer.
 - The local CommonSpirit Legal Team attorney.
 - Call the reporting hotline number: **1.800.845.4310**.

It is important to know that, if a government agent asks to speak with you, you may agree to speak with the agent, *but you are not legally required to do so*. You also have the right to legal representation during an interview. Do not feel obligated or pressured to speak with a government agent. You may advise the agent that you, or someone on your behalf, will contact the agent to discuss his/her concern.

If a government agency conducts an interview or investigation, or serves and executes a search warrant, do not:

- Interfere with the agent.
- Alter, remove, or destroy documents or records belonging to CommonSpirit, including but not limited to paper, electronic, phone or computer records.
- Provide false, misleading or incomplete information.
- Suggest or attempt to persuade any employee or other person to not cooperate with government investigators.
- Offer any item of value to a government official, including food or beverage, as it may be interpreted as a bribe.

Documentation Standards

Financial and Business Records

CommonSpirit's books and records must not contain false, misleading or deceptive information or entries.

Financial reports must fairly and consistently reflect CommonSpirit's performance and accurately disclose the results of operations in accordance with generally accepted

accounting principles and other applicable rules and guidelines. Financial reports must also provide a sufficient platform to complete cost reports and requests for payment for services provided to beneficiaries of federal and state health care programs such as Medicare, Medicaid and Tricare/CHAMPUS.

Internal Controls

An internal control is any process or procedure designed to help ensure an activity is performed safely, accurately and consistent with applicable laws, policies and best practices to meet operational objectives. These processes are designed and intended to protect CommonSpirit and its employees and other members of the workforce from errors, fraud or other issues that could lead to non-compliance with applicable laws, regulations, or operational goals. These controls exist in virtually every aspect of our work and all CommonSpirit employees share responsibility for maintaining and complying with required internal controls. In carrying out their documentation, review, evaluation, financial reporting and record keeping responsibilities, employees must provide complete and accurate documentation consistent with CommonSpirit standards and requirements.

Moreover, in fulfilling their financial reporting obligations, employees must disclose all material facts related to a matter being reported, including any material fact necessary to ensure the report is not false or misleading. Employees must cooperate in all audits, and may not try to influence, coerce, manipulate or mislead any person or entity engaged to perform the audit with the intent of affecting the audit outcome.

Medical Records

It is the policy of CommonSpirit to maintain a medical record for each patient provided services – in any care setting – that is timely, meaningful authentic, accurate and legible description of the patient’s clinical condition and treatment course.

It is important to ensure the documentation in the medical record meets the acceptable professional and mandated standards of documentation. Documentation guidelines must be consistent with applicable Medical Staff Rules and Regulations, policies and health information best practices.

Additionally, it is the policy of CommonSpirit to comply with health care program requirements, including federal health care program rules governing documentation and billing of medical necessity determinations for inpatient admissions, level of care in the clinic setting and procedures performed in all care settings.

Q Clinicians on our unit sometimes perform a service or provide treatment to a patient but do not document it in the chart until later. Is this okay?

A Documentation should always be accurate and completed on a timely basis. A delay in documentation may jeopardize patient care and could impact our ability to receive payment from a federal or state health care program. We are obligated to follow our organization’s policies and procedures, bylaws and all applicable federal and state laws regulating documentation.



Discrimination and Harassment

CommonSpirit is committed in all areas to ensuring a safe, supportive work environment free from harassment, discrimination and retaliatory conduct. Harassment based on an individual's race, color, national origin, ancestry, sex, pregnancy, childbirth or related medical condition, marital status, religion, creed, physical/mental disability, medical condition, age, gender identity, sexual orientation, citizenship, payer source or ability to pay, or other protected categories by applicable federal, state or local law will not be tolerated. This applies to all individuals who interact within any CommonSpirit facility.

If you experience harassment of any kind or witness harassment of another, you must promptly report the concern to your supervisor, manager, another manager or Human Resources.

Concerns will be investigated and kept confidential to the extent possible. No person will be retaliated against for reporting a violation in good faith or participating in an investigation. If you believe you have been subjected to retaliation, promptly report it to your manager, another manager or Human Resources.

Employee and Provider Qualifications

We retain licensed and credentialed individuals to provide patient care and support services.

Each individual is expected to:

- Perform his/her job duties within the scope of his/her licensure and practice authority.
- Maintain an active and current license.
- Comply with all credentialing requirements.

Employee Responsibilities

Fulfillment of CommonSpirit's commitment to the standards of conduct is dependent upon the commitment of each CommonSpirit employee. In performing job duties, each CommonSpirit employee is required to adhere to the *Reference Guide* and the Corporate Responsibility Program as well as:

- Take responsibility for his/her actions.
- Know and comply with applicable laws and rules, including federal health care program requirements, and the *Reference Guide* and all policies and procedures as they apply to his/her particular job responsibilities.
- Seek guidance as provided in the *Reference Guide* and/or policies when in doubt about his/her responsibilities.
- Refrain from involvement in illegal, unethical, or other improper acts.
- Promptly report any potential or suspected violation of the CommonSpirit *Reference Guide*, policies, or applicable laws or regulations.
- When requested, assist CommonSpirit personnel and other authorized personnel in investigating allegations of violations.

CommonSpirit provides employees with policies, training, and other aids to help fulfill their responsibilities under the standards of conduct. Supplemental materials and training are provided throughout CommonSpirit where appropriate.

Endorsements and Testimonials

It is the policy of CommonSpirit, its direct affiliates and subsidiaries not to provide endorsements to organizations, businesses or the products or services of businesses or organizations that are suppliers or vendors to CommonSpirit.

As a representative of CommonSpirit or one of its organizations, you may not provide testimonial statements or endorsements for use in a vendor's or contractor's advertisement, brochure or other marketing material. As it relates to endorsements and testimonials, you may not speak on behalf of CommonSpirit or your local organization unless you have written approval in accordance with applicable CommonSpirit policies.

Health and Safety

CommonSpirit facilities maintain a safe and healthy working environment.

- Employees shall be adequately trained on and shall adhere to all safety policies and procedures.
- Employees shall conduct themselves in a manner that minimizes health and safety hazards and shall promptly notify their supervisor of any actual or potential unsafe working conditions or practices.

- Employees shall properly generate, store and dispose of biological, medical, chemical and other hazardous waste according to applicable laws and policies designed to protect human, environmental and community health.
- Employees who are authorized to operate incinerators, sterilizers, decontaminators and underground storage tanks (containing fuel for emergency generators) and other equipment containing chemicals shall be adequately trained to operate such devices pursuant to all permits, regulations and applicable procedures.

Management Expectations

Management at every level is responsible for ensuring our compliance efforts are properly and effectively implemented. Compliance is not only the responsibility of Corporate Responsibility staff – it is the responsibility of every one of us, particularly management. It is ultimately the role of each of us to ensure we fulfill our obligations as managers and ensure compliance with laws, rules and policies. In carrying out these responsibilities, managers will:

- Use care in screening potential employees and act professionally and lawfully in supervising existing employees.
- Take reasonable steps to ensure employees are familiar with the CommonSpirit Corporate Responsibility Program.
- Adequately train employees to comply with the requirements contained in the *Reference Guide* and applicable laws and regulations, policies and compliance directives.
- Maintain a work environment in which employees feel free to ask questions and disclose concerns about potential or suspected issues without fear of retaliation.



- Conduct periodic reviews to provide reasonable assurances of adherence to the CommonSpirit Corporate Responsibility Program.
- Promptly report any potential or suspected violation of the *Reference Guide* or applicable laws and regulations (personnel who can assist with specific concerns are listed at the end of this *Reference Guide*).
- Set a proper example for employees to follow.

Marketing Practices

CommonSpirit provides a reliable, responsible source of information about health care to the community. Marketing, communications, fundraising and advertising activities can educate the community about health issues, increase awareness of our services and facilitate employee recruitment. Any advertising or marketing conducted by CommonSpirit must:

- Present truthful, accurate and non-deceptive information to the public in all marketing, communications and advertising materials.
- Distinguish opinion from fact when presenting issues.
- Not exploit the fears of patients, residents, members or others we serve or their families in our marketing, communications, fundraising and advertising activities.
- Obtain the consent of the person or third party whose name or likeness will be used prior to public dissemination of the advertising or marketing material.
- Comply with applicable federal and state laws and system policies for marketing and advertising activities, including any marketing and advertising activities provided for or with non-employed physicians or physician groups.

Q Two oncologists who are not employees of the hospital just joined the medical staff to provide a new service. We would like to send an announcement to the community to highlight this new service. Is this a permitted marketing practice?

A Yes, it is generally acceptable for a hospital to market a new service line. However, this type of announcement and the actual cost of the advertisement must be in accordance with applicable state and federal fraud and abuse laws and CommonSpirit physician marketing guidelines. Consult your local Corporate Responsibility Officer or Legal Team attorney to determine the applicable requirements and the restrictions that apply for non-employed physician and physician group advertising and marketing activities.

Patient Care and Rights

We deliver quality care without regard to race, color, national origin, ancestry, sex, pregnancy, childbirth or related medical condition, marital status, religion, creed, physical/mental disability, medical condition, age, gender identity, sexual orientation, citizenship, payer source or ability to pay, or any other protected categories as defined by law. We treat every person in our care with dignity and respect. Our commitment to quality and service is shared by our board and committee members, employees, officers, volunteers, medical staff and other representatives of our organization. Our commitment to our distinctive Catholic culture enables us to obtain desired outcomes.

We provide individuals in our care with information regarding their rights and responsibilities, and we protect those rights. Individuals in our care have the right to accurate, timely information about their health, payment options (including charity care) and other information to help them make decisions about their treatment. It is our responsibility to provide this information. Please refer to your organization's guidelines for a description of patient rights.

Q To whom should I report quality of care issues?

A Such issues include many aspects of care and should first be discussed with your manager. More serious issues may need to be evaluated by the Quality Department, the Risk Management Department or the Patient Grievance Committee. If you believe the quality of care issue is not being addressed, use the CommonSpirit reporting process.

Q If I see a patient, resident, member or other individual in our care is not being treated with the proper courtesy and respect, what should I do?

A First, ensure the individual is not in harm's way. Then, talk with your manager. If your manager does not provide a satisfactory response, contact your local patient advocate, patient experience or risk manager, or use the CommonSpirit reporting process.

Q What should I do if I know a medical error has occurred? Should I tell the patient or family?

A CommonSpirit supports compassionate disclosure whenever an error has occurred. To assist the family in making any additional and well-informed care decisions, the disclosure must take place in a coordinated manner. Contact your manager and your quality or risk manager to ensure the disclosure is handled appropriately.

Q How can I help a patient or family member get the information they need to make informed decisions?

A Work with your team to make sure all printed/educational documentation is provided in an easy-to-understand format. Use teach-back methods to ensure they actually understand. If you think a patient or family is being pressured to make a particular decision, talk with your manager, your local patient advocate, patient experience manager, or quality or risk manager.

Protecting our Assets

We are committed to protecting our assets, including our financial resources, supplies, equipment and reputation. We do so by making wise and ethical decisions to ensure our assets are used to support our healing ministry. As responsible stewards of our resources, we:

- Follow our *Reference Guide* and all policies and procedures.
- Keep accurate and reliable financial records and reports.
- Use organizational equipment, supplies, materials and services for authorized purposes only, and protect assets from loss, theft and misuse.
- Use the CommonSpirit reporting process if we have questions about the proper use of organizational assets.

Social and Environmental Responsibility

CommonSpirit is committed to advancing the care and stewardship of both people and the planet. This standard represents a commitment to the common good. It recognizes that local, national and global communities must nurture a sustainable and healthy environment, as well as promote social and economic justice.

As a responsible corporate citizen, CommonSpirit will:

- Expand and strengthen social and environmental actions to meaningfully improve the outcomes of our health care ministry.
- Seek proactive solutions to enhance the health and well-being of all, while avoiding adverse impacts to people and the environment.
- Minimize and manage adverse impacts where avoidance is not possible, while seeking meaningful alternatives to promote the greater good.
- Enhance and expand partnerships and stakeholder engagement at all levels of society to build resilience and reinforce common goals that are life-affirming and mitigate social and environmental risk.
- Seek to promote safety and security for colleagues, communities and the greater society by addressing and preventing violence in all its forms. This includes directly prohibiting human trafficking within the organization and among all who interact with the organization.

Social responsibility is based on the concept that sustainable development must be founded upon a “universal respect for, and observance of, human rights and fundamental freedoms for all”¹. CommonSpirit will not promote or contribute to violations of international human rights obligations and treaties. CommonSpirit will support the protection and fulfillment of human rights, including addressing, reducing and preventing the negative impacts of social determinants of health.

¹ Charter of the United Nations, Article 1, para.3.



CommonSpirit promotes a balanced approach to all environmental and social efforts to maximize patient, employee and community health and safety while minimizing our environmental footprint.

The ecological crisis we now face, with climate change being one of the most evident manifestations, is serious and urgent. CommonSpirit's efforts to see everything as connected – or integral ecology – underlies our commitment to addressing poverty and inequality among all people as well as our commitment to protecting and conserving our common home for present and future generations.

Training and Education

CommonSpirit is committed to providing the training and education necessary to carry out the duties of your job. Comprehensive training and education are available to help you understand and comply with our expectation that you conduct yourself ethically and responsibly. This training is provided at the time you join the organization and annually thereafter. In addition, many employees receive annual specialized training on subjects such as billing, coding, confidentiality, safety, environmental issues and regulations relating specifically to their jobs. Failure to complete your required annual training will be included in your annual evaluation.

Conflicts of Interest

Conflicts of interest occur when personal interests or activities influence, or appear to influence, our ability to act in the best interest of CommonSpirit. Actions or relationships that could create a conflict of interest must be disclosed in writing, in advance and approved according to policy. CommonSpirit employees must properly disclose and cooperate in the management of situations that pose potential or actual conflicts of interest.

Gifts and Gratuities

A gift generally defined as a “thing given willingly to someone without payment; a present,” in the health care context, may represent risk to CommonSpirit employees. CommonSpirit defines a gift as an item of value, including cash, cash equivalents, such as a gift certificate or

**“The time is always right
to do what is right.”**

—Rev. Dr. Martin Luther King, Jr.

a voucher, grants, scholarships, educational funding, meals, lodging, transportation, or tickets to a sporting, cultural or community event, including any fees associated with that event.

Vendors use gifts as marketing strategies to increase their business. Some gifts involve overt marketing and branding. Other gifts, such as meals and trips, are more subtle but are given with the same goal in mind – to generate business for the vendor. No gift of money should ever be accepted by a CommonSpirit employee from a company or firm doing business with CommonSpirit.

At a minimum, accepting gifts from vendors can create the perception that decisions are made based on personal benefit rather than what is in the best interest of patients or CommonSpirit. This perceived conflict of interest can undermine the trust of patients, others we serve and community members. There is also evidence to suggest the acceptance of gifts, even seemingly trivial ones, can significantly influence decision making without the recipient's conscious awareness. Vendors may also offer gifts to support staff to gain access to decision makers.

At worst, improper gift giving and receiving may violate the federal Anti-Kickback Statute, which prohibits individuals and entities from knowingly offering, paying, soliciting or receiving "remuneration" (anything of value or "kickbacks") to induce or reward referrals of items or services paid for by federally funded programs. If a vendor's gift causes concern, engage your supervisor or manager and the CommonSpirit Corporate Responsibility Officer to review the facts and circumstances of the situation.

CommonSpirit recognizes the value of supplier-sponsored education programs principally to provide employees with important job-related information. If you are invited to a vendor-sponsored workshop, seminar or training session, you may not accept free travel from the vendor, but you may, with prior approval from your manager, accept a waived registration fee. If the vendor requests you to present best practices or other materials related to the vendor activity, the vendor may contract with CommonSpirit and pay fair market value for the services and expenses related to this activity as long as the activity does not violate CommonSpirit's Advertising and Marketing Policies.

CommonSpirit employees cannot accept or offer anything of even nominal value, including food and beverage, from or to a government official.

Gifts from patients or other donors represent a heartfelt offering, gratitude for excellent care and appreciation for the bond created between health care workers and those they serve. CommonSpirit seeks to be respectful of a patient's or family member's appreciation for his/her caregivers. For additional direction on gifts, please refer to organizational policy or consult your local Corporate Responsibility Officer.

Routine charitable donations and event sponsorships from a business source or vendor, when routinely handled and appropriately documented by the foundation/fundraising department and are not conditioned upon transacting or conducting business with the business source, are generally permissible and not governed by the above gift giving/receiving guidelines. Separate guidelines are provided for the Foundation.

Political Activities

The tax-exempt status of CommonSpirit Health carries certain restrictions on political activities. The law delineates between political campaign activity (i.e., involvement with the nomination, appointment, or election of candidates for public office) and policy activities (i.e., advocacy and lobbying to influence public policy). Participation by tax-exempt organizations in political activity or campaigns is not permitted. As a result, CommonSpirit Health does not use corporate resources for political purposes and complies with all applicable State and Federal laws.

However, the law allows for – and CommonSpirit Health actively participates in – public policy advocacy efforts, particularly on behalf of persons who are poor or underserved. Advocacy and lobbying activities focus on attempts to influence the development of public policy, such as legislation and regulations. (Ballot questions, including referenda, initiatives, constitutional amendments, and bond measures are considered legislation.) The CommonSpirit Health Advocacy team, local ministry leadership, and our employees participate in these activities to influence public policy at the state and federal level.

“Substantial” lobbying activity at the local, state or federal levels is not permitted. There is no precise definition of “substantial,” but a general rule of thumb is committing more than 5% of an organization’s total expenditures toward lobbying. The Internal Revenue Service watches and investigates the political activities of tax-exempt organizations. Since violation of the rules could jeopardize our tax-exempt status, CommonSpirit Health closely monitors and tracks spending on political activities as well.

The following guidelines provide an overview of what is and is not allowed.

Permissible Activities for a Tax-Exempt Organization

Tax-exempt organizations are allowed to conduct the following activities:

- Encouraging individuals to call or write a letter to elected officials to express the organization’s view on a public policy issue or legislation.
- Arranging personal visits with elected officials, legislators and government agencies to provide the organization’s perspective on public policy issues or legislation.
- Holding public forums, lectures and debates to raise awareness of public policy issues and to inform voters of their impact on the organization.
- Providing financial and in-kind support to groups sponsoring ballot initiatives, referenda and similar measures.
- Hosting candidate forums, debates and visits as long as all candidates for office are given an opportunity to appear and speak to employees.
- Allowing a candidate to appear at an organization if the appearance is based on the candidate’s status as an expert, public figure or celebrity, and no mention is made of the candidacy, and there is no campaign or election-related activity.
- Using a tax-exempt organization’s resources, facilities and personnel to sponsor non-partisan voter registration drives.



Permissible Activities for Employees of a Tax-Exempt Organization

Employees of tax-exempt organizations are allowed to conduct the following activities:

- Personally endorsing, supporting or opposing a candidate as long as the employees do not imply that they are representing CommonSpirit Health, use their CommonSpirit Health title, or use organizational resources (such as telephones, office supplies and email).
- Contributing personal funds to support or oppose a candidate or for a political action committee (PAC).

Impermissible Activities for a Tax-Exempt Organization

Tax-exempt organizations are not allowed to participate in the following activities:

- Endorsing (supporting or opposing) a candidate for public office.
- Contributing organizational funds or resources to a candidate, election campaign committee or PAC.
- Sponsoring a fundraiser or another event that endorses a candidate on or off the property of the organization.
- Inviting a candidate or a select group of candidates to appear at a tax-exempt organization for the purpose of conducting election-related activity or promoting a candidacy.
- Permitting candidate, political party or PAC literature to be placed or distributed on the premises.

Impermissible Activities for Employees of a Tax-Exempt Organization

Employees of tax-exempt organizations are not allowed to participate in the following activities:

- Engaging in activities or making statements that imply CommonSpirit Health supports or opposes a candidate.
- Asking or pressuring a fellow employee to endorse, support or oppose a candidate.
- Using the organization's resources (such as phone, emails, mailing lists, letterhead, etc.), facilities or personnel to solicit support, opposition or contributions for a candidate or PAC.

Participation on Outside Boards of Trustees/Directors

CommonSpirit encourages staff to be active in our communities. This may include serving on the boards of charitable and civic organizations. You should not accept a position on a board if that participation conflicts, or may conflict, with the interests of CommonSpirit. If you choose to accept such a position when there is or may be a conflict of interest and appropriate steps are not taken to mitigate or manage the conflict, such action will be treated as a violation of the conflict of interest policy. If you have any questions as to whether such a conflict exists, you should check with your manager or your local Corporate Responsibility Officer.

When serving on outside boards:

- You should refrain from participating in actions on matters that might affect the interests of CommonSpirit.
- When speaking as a board member, do not identify yourself as speaking on behalf of CommonSpirit unless you have written approval from your local Corporate Responsibility Officer.
- Consult your manager or Human Resources before accepting payment for board services performed during regular work hours.

Outside Activities

If you own an entity or have any type of employment or consulting relationship with an outside entity from which CommonSpirit buys goods or services, the relationship must be disclosed to your manager to determine whether there is a conflict of interest or potential conflict of interest. If the manager determines there is no conflict with that relationship, any consulting or other business activities must be conducted on your personal, not work, time and must not conflict with or affect your work performance.

Vendor Relations

Business relationships with vendors must be conducted fairly and in the best interests of CommonSpirit, without inappropriate personal ties to or bias toward vendors. Employees must disclose to their supervisor any personal relationships and business activities with contractors, vendors and referral sources or referral recipients who may be construed by an

impartial observer as influencing the employee's performance of duties.

Use the CommonSpirit reporting process to:

1. Ask questions if you are concerned about a contractor relationship.
2. Report attempts by contractors to inappropriately influence business activities.

Q My sister-in-law is a health care consultant. Would it be a conflict if I recommend her to work on a project at my hospital?

A No, unless you do something to provide her with an advantage or special consideration. Your family member may apply to work as a consultant; however, do not use your position to influence a decision to hire your relative. Do not share information with your relative other prospective vendors would not have.

Services for Competitors/Suppliers

As an employee of CommonSpirit, you must not perform work or render services for a CommonSpirit vendor or supplier outside of the normal course of your employment with CommonSpirit without giving prior notice to your manager or supervisor. Service on vendor-sponsored advisory councils or similar groups are permitted only with the approval of your supervisor and the division area leader or a member of the executive leadership team, as applicable. In addition, all travel and lodging costs associated with such vendor-sponsored groups must be paid by the facility, not the vendor, and all policies, including policies related to gifts and honoraria, must be followed.

Legal Obligations

Anti-Kickback Statute

The federal Anti-Kickback Statute (AKS) prohibits individuals and entities from knowingly offering, paying, soliciting or receiving "remuneration" (anything of value or "kickbacks") to induce or reward referrals of items or services paid for by federally funded programs. Medicare and Medicaid are examples of federally funded programs covered by the AKS.

No person may directly or indirectly pay or provide anything of value to physicians or other health care providers to refer patients to our hospitals or other health care entities. AKS is complex, and many states have laws similar to the AKS. Avoid any conduct that violates, or appears to violate, the AKS. If you are in doubt about whether a situation may be problematic, you should contact your local Corporate Responsibility Officer or Legal Team attorney for guidance before proceeding.

The AKS is intended to prevent:

- Compromising medical judgment and treatment decisions because of financial incentives.
- Overutilizing items or services covered by federal health programs.
- Increased costs to the Medicare/Medicaid programs because unnecessary or excessive care has been provided.
- Unfair competition (see also the section on Antitrust).

Q What are “kickbacks?”

A Kickbacks are gifts, gratuities, incentives or anything of monetary or other value given with the intent, expectation or understanding that an individual will make referrals to us or be rewarded for past referrals. In addition to cash and cash equivalents (for example, gift certificates or gift cards), examples of prohibited activity or items of value include:

- Free supplies, space, personnel or equipment.
- Free trips, lodging and food (in excess of what is allowed by CommonSpirit policy).
- Discounts or account adjustments or write offs (other than those defined in the charity care or other discount policies).

Q What types of arrangements are inappropriate to offer physicians and may be considered a kickback?

A Examples include:

- Anything of value given with an expectation of future referrals or as a reward for past referrals.
- Providing office space at less than fair market value.



- Providing items or services free of charge or at less than fair market value (for example, hazardous waste disposal service).
- Writing off a physician's bill or recruitment loan.

Q Dr. Jones occasionally sends patients to our hospital. He said he would send us more patients if we provide him with free or discounted office space. Can we do this?

A No. We must charge the physician fair market value for office space. Free or discounted lease arrangements may appear to be an incentive for referrals from the physician.

Antitrust and Trade Regulations

CommonSpirit does not participate in activities that illegally reduce or eliminate competition, control prices, allocate markets or exclude competitors.

- The purpose of antitrust and trade regulations is to protect the public, CommonSpirit and other companies from unfair trade practices. These laws promote competition and preserve the free enterprise system. Employees are expected to strictly comply with all applicable federal and state antitrust regulations.
- Because antitrust matters can only be analyzed on a very fact-specific basis, the CommonSpirit Legal Team must be consulted in advance on each occasion where the collective activity or decision making will occur that may involve antitrust issues.

Antitrust Rules to Live By

- Do not engage in price fixing, bid rigging or allocation of customers or markets.
 - Price fixing is an agreement between organizations about the prices one or both will charge others for goods or services.
 - Bid rigging is an agreement between organizations about who will or will not bid.
 - Customer allocation is an agreement between organizations or individuals to divide customers, patients or other business among themselves.
- Do not discuss with any competitor:
 - Prices, terms or conditions of sales.
 - Where CommonSpirit intends to sell or bid.
 - To whom CommonSpirit intends to sell or bid.
 - Whether, or at what price, CommonSpirit intends to sell or bid.
- If any representative of a competitor attempts to discuss any of these subjects with you, terminate the conversation immediately and report it to your manager.
- Do not engage in activities such as bribery, stealing, improperly using competitor trade secrets, deceptive or similar unfair practices or intimidating or threatening customers or suppliers.

Coding and Billing

Federal and state laws control third-party billing for patients, residents, members and others in our care. CommonSpirit submits accurate, complete and timely claims for payment. CommonSpirit could be required to refund payments for filing inaccurate or fraudulent claims, and CommonSpirit and its employees could be subject to criminal prosecution.

Clinical, health information management, billing or coding employees and others responsible for creating charges must:

- Ensure their work is accurate, completed timely, and complies with policies and federal and state laws and regulations.
- Bill only for services provided and appropriately documented, using accurate billing and diagnosis codes.
- Immediately notify a manager, a local Corporate Responsibility Officer or the CommonSpirit Corporate Responsibility Officer, of inaccuracies so they can be corrected.
- Retain billing and medical record data as required by law and the organization's record retention policies.

It is the policy of CommonSpirit to provide and bill for reasonable and necessary services for the diagnosis or treatment of an illness or injury, in the most appropriate location, ordered by a physician or other health care provider.

Q If documentation is not available when we are ready to submit a bill, is it okay to submit the bill?

A No. Do not submit the bill until appropriate documentation is on file. This verifies the services were provided to the patient.

Q Can we perform services for patients who are not registered in our patient registration system?

A No. All services must be documented and appropriately billed, so all patients must be registered.

Copyrighted, Trademarked or Licensed Material

Employees must not copy documents or computer programs in violation of applicable copyright laws or licensing agreements. Employees must not use confidential business information improperly obtained from competitors, or which is otherwise in violation of a covenant not to compete, a prior employment agreement, or other contracts.

Emergency Medical Treatment and Labor Act

CommonSpirit requires all entities to comply with the Emergency Medical Treatment and Labor Act (EMTALA), sometimes called the "Anti-Dumping Law." Numerous states have also enacted similar laws, some of which are more stringent than the federal law. Consistent with our commitment to the poor and underserved, any person regardless of his/her ability to pay, is provided an appropriate medical screening examination to determine whether

an emergency medical condition exists; or, for pregnant women, if active labor exists. Appropriate stabilizing treatment is provided within the capability of the staff and the health care entity for patients determined to have an emergency medical condition. EMTALA also applies when the need for emergency care is apparent or requested by an individual on the hospital's property outside of the dedicated emergency department.

CommonSpirit organizations may not delay medical screening examinations or stabilization to obtain financial or demographic information from the patient. CommonSpirit organizations may only transfer unstable patients with an emergency medical condition to another health care entity if:

1. The patient requests the transfer and has been informed of the hospital's obligations and the risks and benefits of transfer.
2. A physician certifies the medical benefits provided at another entity are reasonably expected to outweigh the increased risks involved with the transfer.

Q Does the EMTALA law permit us to register an individual who comes into our emergency department before we perform a medical screening examination and stabilization procedures?

A You may follow reasonable registration procedures to register an individual first only if the process does not:

1. Delay the medical screening examination and any necessary stabilizing treatment.
2. Include questions about the individual's method of payment or ability to pay.

You may ask the individual if he/she has insurance and the name of the carrier, provided the questions do not delay screening or treatment. Reasonable registration processes should not discourage the individual from remaining in the emergency department for further evaluation. CommonSpirit organizations shall not request prior authorization from the individual's insurance company or managed care plan before completing a medical screening examination or beginning stabilization treatment.

Excluded Providers

The federal government prohibits payment for services provided by an individual or entity that the government has excluded from participating in a federally funded health care program. We do not knowingly employ, conduct business with or contract with excluded providers. CommonSpirit conducts pre-employment, pre-contracting, pre-credentialing and ongoing excluded provider status checks on individuals, providers and entities associated with us. Any relationship with an employee, individual or entity found to be an excluded provider will be terminated.



False Claims Act

The Law

The federal False Claims Act (31 USC 3729–33) makes it a crime for any person or organization to knowingly make a false record or file a false claim with the government for payment.

“Knowingly” means the person or organization:

- Knows the record or claim is false.
- Seeks payment while ignoring whether the record or claim is false.
- Seeks payment recklessly without due care of whether the record or claim is false.

Under certain circumstances, an inaccurate Medicare, Medicaid, Veterans Affairs, Federal Employee Health Plan or Workers’ Compensation claim could allege to be a false claim. Examples of possible false claims include knowingly billing Medicare for services not provided or not ordered by a physician, or for services provided at sub-standard quality.

Examples of potential false claims include:

- Billing for services not provided.
- Billing for services provided, but not medically necessary.
- Submitting inaccurate or misleading claims about the type or level of services provided.
- Making false statements to obtain payments for products or services.
- Failing to repay the federal or state government for an identified overpayment.

A person who has information regarding improper or false claims submitted for payment to the government may file a lawsuit in federal court on behalf of the government (“Qui Tam” or “Whistleblower Claim”) and, in some cases, receive a percentage of any recoupment received by the government for bringing original information about a violation to the government’s attention. There are also state laws allowing a similar lawsuit in state court if a false claim is filed with the state for payment, such as under Medicaid or workers’ compensation. Penalties

are severe for violating the federal False Claims Act. The penalty can be up to three times the value of the false claim plus fines currently from \$11,181 – \$22, 363 per claim.

Whistleblower Protection

The federal False Claims Act protects anyone who files a false claim lawsuit from being fired, demoted, threatened or harassed by their employer for filing the suit. Employees who believe they have been retaliated against by their employer for filing a false claims lawsuit may file a lawsuit against their employer in federal court. If the employer is found to have retaliated, the court can order the employer to re-hire the employee, and to pay the employee twice the amount of back pay owed, plus interest and attorney's fees.

CommonSpirit Corporate Responsibility Policies

CommonSpirit is committed to honest and ethical conduct. CommonSpirit's Corporate Responsibility Program includes policies and procedures for detecting and preventing fraud, waste, and abuse - including false claims. Additionally, the program includes employee education; a disclosure program, including a hotline; monitoring and auditing systems; and prompt correction of identified problems. Key points of the CommonSpirit Corporate Responsibility Program include the following:

- The policies exist to detect and prevent fraud, waste and abuse.
- CommonSpirit recognizes integrity is integral to all facets of its business dealings, and certain business standards can be universally applied.
- While ethical business behavior may seem obvious, situations sometimes arise in which the proper course of conduct may not be clear.

Physician Arrangements

CommonSpirit maintains relationships with physicians in compliance with applicable state and federal laws and may enter into employment or other arrangements with physicians to ensure access to care for our patients. We have developed policies that provide an efficient framework to transact business with physicians in compliance with those laws.

- CommonSpirit is committed to maintaining positive working relationships with physicians.
- CommonSpirit is committed to providing a medical staff privileging process using professional criteria in a fair, prompt and reasonable manner, without discrimination on the basis of race, color, national origin, ancestry, sex, pregnancy, childbirth or related medical condition, marital status, religion, creed, physical/mental disability, medical condition, age, gender identity, sexual orientation, citizenship, payer source or ability to pay or any other protected categories as defined by law.
- All agreements involving payments or other compensation between CommonSpirit or CommonSpirit facilities and physicians and physician-owned entities are to comply with the policies and applicable law. The following requirements are a summary of the material, but not of the complete requirements, for many physician arrangements under the policies:

- The written agreement is prepared by the CommonSpirit Legal Team and signed by both the CommonSpirit entity and physician prior to the services being rendered or payment exchanged.
- The agreement identifies the correct legal name and tax payer I.D. number of the physician or physician entity and payments may only be made to the specified party to the agreement.
- Compensation is determined in advance and fixed for at least one year.
- Fair market value of the compensation to be paid is documented in a form and format consistent with the policies.
- Services to be provided and the compensation to be paid are clearly described in the agreement.
- The arrangement does not take into account the value or volume of referrals.
- Documentation sufficient to demonstrate the services were performed as required under the agreement must be submitted by the physician/physician entity prior to the provision of payments under the agreement.
- Changes to the agreement must be documented in writing and may not be effective until the writing is signed by all parties.

Additional guidance will be provided in the policies for managed care, physician recruitment and other types of physician arrangements. For any questions regarding physician arrangements you should contact your Legal Team attorney for guidance before proceeding.

Physician Self-Referral Law (Stark Law)

The Stark Law prohibits a physician from referring Medicare patients to a health care provider if the physician (or an immediate family member of the physician) and provider have any type of financial arrangement. However, referrals are permitted if the financial relationship is structured to comply with certain exceptions to the Stark Law.

If the arrangement does not fully comply with an exception, the provider cannot bill for designated health services ordered or referred by the physician.

The Stark Law is complex and numerous exceptions exist. Many states have laws similar to the Stark Law.

Unlike the federal Anti-Kickback Statute, which requires that one of the parties intends to reward or induce health care referrals, the Stark Law is a “strict liability” statute. This means even unintentional violations of the Stark Law may have significant financial penalties. If you have any questions about whether an arrangement with a physician is compliant with the Stark Law, you should contact your local Corporate Responsibility Officer or Legal Team attorney for guidance.

Q A physician provides medical director services to our hospital and is paid for these services. Under the Stark Law, does this result in a financial relationship?

A Yes. For purposes of the Stark Law, a financial relationship occurs whenever anything of economic value is transferred between a hospital and a physician (or a physician’s immediate family members). Thus, if the physician refers any Medicare patients to

the hospital for services, payment for medical director services would be permissible provided it meets the personal services exception under the Stark Law.

Q Who qualifies as an “immediate family member” under the Stark Law?

A The term “immediate family member” is defined broadly to mean husband or wife; birth or adoptive parent, child or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.

Research

CommonSpirit is committed to high standards of ethics and integrity when engaging in research. Any dishonesty, misconduct, fraud, or harm to research subjects may damage the reputation and credibility of researchers, the scientific community at large, and CommonSpirit organizations. Researchers must be knowledgeable about applicable laws and regulations and CommonSpirit policies and procedures relating to research compliance.

Grant and Contract Management

CommonSpirit may receive money in the form of grants and contracts to conduct specific research studies. The grant/contract awarding organization may be a state or federal government agency or a non-profit or for-profit company. Effective grant/contract management requires CommonSpirit to demonstrate accountability with sponsor’s funds and comply with specific terms and conditions of contracts and grants. Proper processes must be in place to ensure compliance with all federal, state, and agency rules and regulations as well as CommonSpirit policies and procedures related to research and grant management. Understanding these requirements prior to accepting an award is also important because this information as well as additional approvals may be necessary for the application and award acceptance processes. Contact your Research Institute/Center or the Research Corporate Responsibility Officer if you have any questions related to these requirements.

Human Subjects Research

All human subjects research at CommonSpirit shall have Institutional Review Board (IRB) approval or determination of exemption from IRB oversight. The IRBs also perform Privacy Board responsibilities as required under HIPAA. It is important to determine if a project is classified as research or another activity, such as performance improvement, quality assurance or program evaluation. Contact your Research Institute/Center to learn more about your designated IRB review and approval processes.

Data Research and Biorepositories

Human subjects research includes obtaining information or biospecimens through intervention or interaction with an individual and using, studying or analyzing the information or biospecimens; or obtaining, using, studying, analyzing or generating identifiable private information or identifiable biospecimens. IRB approval is required for creation of a biorepository or database if one purpose of the biorepository/database is for research, even if it is not the primary purpose. Individuals shall obtain IRB approval or a determination of



exemption from IRB oversight before accessing any tissue or other biospecimens; or data including patient information for systematic analysis. For additional information on data research or biorepositories, contact your Research Institute/Center.

Clinical Research Billing Compliance

Clinical research tests and procedures may be paid for by the sponsor of the study or may be reimbursable by a federal, state or private payer subject to coverage criteria. Determining how each research test and procedure will be paid and accurately communicating the coverage to the research subject and billing departments is essential to ensure accurate billing occurs. For questions or assistance with research billing, contact your Research Institute/Center or the Research Corporate Responsibility Officer.

Animal Subjects Research

All vertebrate animal research shall be approved by a CommonSpirit-designated Institutional Animal Care and Use Committee (IACUC). Researchers are responsible for proper animal care and handling of animals used in their studies, in accordance with applicable federal and state regulations, and CommonSpirit policies and procedures. Contact your Research Institute/Center to learn more about your designated IACUC review and approval processes.

Conflict of Interest Management

Potential conflicts of interest shall be identified and managed to promote objectivity and eliminate bias or the appearance of bias in research. A research conflict of interest may exist when a researcher's personal financial, intellectual or equity interest could directly and

significantly affect the design, conduct or reporting of the research. Researchers shall report personal interests related to their institutional responsibilities as required by federal and state regulations, and CommonSpirit policies and procedures. Contact your Research Institute/Center or the Research Corporate Responsibility Officer to learn more about the disclosure and management of possible conflicts of interest.

Research Misconduct

Federal regulations prohibit misconduct in research, which includes intentional fabrication, falsification, or plagiarism in proposing, conducting, reviewing or reporting research results. Honest errors or differences of opinion do not constitute research misconduct. Formal research misconduct inquiry and investigation procedures are followed to determine if research misconduct occurred and protect the rights of all individuals involved. Anyone who suspects research misconduct should immediately contact the Research Corporate Responsibility Officer to discuss his/her concerns.

Q A physician approached me about using patient information from the electronic health record for a research study. Who should I contact about the study?

A All human subject research must be approved by a CommonSpirit-designated IRB. Contact your Research Institute/Center for information about IRB application and approval processes.

Q What if I am unsure of how the billing should be handled for a particular clinical research study?

A Contact your Research Institute/Center or the Research Compliance Corporate Responsibility Officer for information.

Tax-Exempt Status

CommonSpirit and most of its related organizations are nonprofit, tax-exempt and operated solely for religious and charitable purposes. This status provides CommonSpirit certain benefits. To maintain our tax-exempt status, we must use our resources to further the religious and charitable purposes of our mission in supporting healthy communities. Tax laws prohibit our tax-exempt organizations from:

- Providing goods, services, leases, compensation or other benefits to organizational insiders (such as an officer, director, key employee or physician) without receiving equivalent value in return. Some examples include:
 - Paying more than fair market value for services, products or leases.
 - Providing courtesy discounts and other uncompensated benefits to physicians, officers, directors and trustees, other than those provided for by organizational policy.
 - Accepting research grants from third parties when the researcher keeps the funds for personal use or the CommonSpirit organization is not paid for the use of its time, equipment, or facilities in connection with the research.

- Subject to certain exceptions, providing goods, services, leases, compensation or other benefits to a third party (who is not an insider) without receiving equivalent benefit in return. Some examples include:
 - Taking part in a joint venture, partnership or similar transaction that results in an improper private benefit (gain) to a third party.
 - Recruiting physicians or other key employees with incentives or compensation plans in excess of fair market value or that do not serve an identified community need.
 - Leasing a facility to a third party at less than fair market value.
 - Providing services to a third party at less than fair market value, such as billing services to private physicians or providing health care services at less than fair market value, except where permitted by CommonSpirit's charity, prompt pay or other discount policies.
 - Permitting any person to buy, sell, lease or use organizational property at less than fair market value.
 - Use of tax-exempt space for private practice or for-profit purposes.

Corporate Responsibility Support and Other Resources

Reporting Concerns

As an organization and as individuals, we are responsible for promptly reporting potential violations of law, regulation, policy or procedure. You are protected from retaliation if you make a good-faith report, complaint or inquiry. The CommonSpirit reporting process is described below.

CommonSpirit Reporting Process:

1. Speak with your supervisor or another manager.
2. If the supervisor/manager is not available, or you are not comfortable speaking with him/her, or you believe the matter has not been adequately resolved, contact your Human Resources representative or your local Corporate Responsibility Officer.
3. If you want to anonymously report a concern to a neutral third party, you have two options:
 - Call the reporting hotline number: **1.800.845.4310**
 - File your report using the Internet:
<https://compliancehotline.commonspirit.org>

The confidential option described in #3 above is available 24 hours a day, seven days a week. Reports made by phone or the Internet are received by trained staff who document and forward information to your local or CommonSpirit Corporate Responsibility Officer for appropriate action. These reports are not traced or recorded. You may remain anonymous

if you wish. If you choose to identify yourself, there is no guarantee your identity will remain confidential. However, when you identify yourself, it is easier for Corporate Responsibility staff to respond. Retaliation against any employee who, in good faith, reports potential or suspected violations is unlawful and will not be tolerated.

Failure to Act

All persons associated with CommonSpirit must act in a manner consistent with our mission, values, policies, and the *Reference Guide*. We are subject to serious consequences if we fail to comply with laws, regulations, and organizational policies and procedures.

The consequences to CommonSpirit may include risks to the safety of those we serve, refund of payments from government programs, civil or criminal liability, exclusion from federal payment programs, and loss of tax-exempt status. Individuals may also be subject to disciplinary action, including suspension or termination of employment, termination of a contractual relationship or removal from office or board membership. Individuals may also be held criminally liable, prosecuted and subject to substantial fines.

Resources

Contact your local Corporate Responsibility Officer or other personnel when you have questions regarding our *Reference Guide* or organizational policies. The list below summarizes the types of concerns typically addressed by specific personnel within CommonSpirit. If your concern is not listed below, contact your local Corporate Responsibility Officer for assistance.

Types of Issues Addressed by the Corporate Responsibility Officer (may involve coordination with Legal Services in the application and interpretation of laws and regulations)

- Corporate Responsibility Program orientation, education, and training
- EMTALA
- Stark Law
- Anti-kickback statute
- Antitrust compliance
- False Claims Act
- Tax-exempt status
- Billing issues
- Improper or incorrect documentation for billing
- Non-compliance with the *Reference Guide* and/or other policies and procedures adopted as part of the Corporate Responsibility Program
- Falsification of records
- Fraudulent activities
- Conflicts of interest
- Potential or actual disclosures of confidential information, including privacy and/or security breaches
- Misuse of assets
- Americans with Disabilities Act issues (patient related)
- Compensation arrangements related to a contract
- Contractual relationships potentially involving referrals of patients or residents
- Medically unnecessary services provided to patients, residents, members, or other individuals in our care
- Other activities that may violate federal, state, or local laws, statutes, regulations, guidelines or rules that govern the health care industry
- Inappropriate use of social media

Types of Issues Addressed by Safety Personnel

- Occupational Safety and Health Administration (OSHA) issues
- Ergonomics
- Workplace safety
- Workplace violence

Types of Issues Addressed by Human Resources Personnel

- Employee Retirement Income Security Act (ERISA)
- Sexual, racial or other harassment
- Equal Employment Opportunity issues
- Staff rights
- Unemployment
- Employment practices
- Employee disputes/grievances
- Americans with Disabilities Act (ADA) issues (employee related)
- Illegal or abusive alcohol or drug use
- Labor relations/unions
- Workers' Compensation issues and medical disability
- Weapons and violence in the workplace
- Gambling in the workplace
- Unexcused absences or repeated tardiness
- Compensation
- Employee benefits
- Family and Medical Leave Act
- Uniformed Services Employment and Reemployment Rights Act (USERRA)

Types of Issues Addressed by Ethics Resources, Risk Management, Nursing, or Pastoral Care

- Advance Directives
- Disrespect of patients, residents, members or others we serve
- End of life issues
- Patient rights
- Ethical and Religious Directives
- Statement of Common Values
- Patient grievances
- Clinical issues/quality of care concerns

Acknowledgment and Certification

I acknowledge I have received an electronic or physical copy of the CommonSpirit *Standards of Conduct: Our Values in Action Policy and Reference Guide* (herein referred to as *Reference Guide*), and I agree to read it completely. I also agree to discuss any questions or concerns regarding this *Reference Guide* with my supervisor or other appropriate CommonSpirit leader. I certify that I will comply with the *Reference Guide* standards and guidelines and any other standards or policies set by CommonSpirit or the organization I serve that apply to me in my role throughout my association with CommonSpirit. I understand it is my responsibility to report any concerns regarding possible violations of these standards, guidelines or policies.

I also understand I may be asked to cooperate in an investigation of matters that may affect or relate to compliance with applicable standards, guidelines or policies and agree to do so when asked. Furthermore, I understand neither CommonSpirit nor the local organization I serve will retaliate against me for making a report in good faith.

I understand CommonSpirit or its organizations will conduct an excluded provider background check prior to my employment or association and periodically thereafter. I understand CommonSpirit reserves the right to terminate my employment or other association if I am an excluded provider/individual.

I understand the *Reference Guide* contains standards for behavior within CommonSpirit and is not a contract for employment or other services. I also understand these standards may be amended, modified or clarified at any time, and I will receive periodic updates to these standards.

PLEASE PRINT

Name

Department, Board, Board Committee or Other Affiliation

Organization

Signature

Date

Your acknowledgment and certification as stated above will be collected and retained electronically as a part of your education transcript. In certain circumstances, you may be asked to complete the above certification, detach this card and submit it to your training facilitator or your local Corporate Responsibility Officer as documentation of your acknowledgment and certification. Consult with Human Resources or your local Corporate Responsibility Officer if you have any questions about this process.

Conclusion

Our core values and standards of conduct serve as guiding principles for ethical behavior as found in the *Standards of Conduct: Our Values in Action Policy and Reference Guide*. It is our responsibility to understand and follow these standards of conduct. Contact your manager, Corporate Responsibility Officer or the reporting hotline with questions or concerns. No retaliatory action will be taken against anyone who makes a good-faith report of a potential violation of the standards, guidelines and polices outlined in the *Standards of Conduct: Our Values in Action Policy and Reference Guide*.

Please become familiar with the standards of conduct defined in this *Reference Guide*. By promoting our values and ethics, we can strengthen our organization and live out the mission of CommonSpirit.

