

Boston Medical Center
CODE OF CONDUCT

Choosing the Right Course



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Si quiere leer el Código de Conducta en español, por favor vaya a la página web del Departamento de Cumplimiento bajo la pestaña "Departments" (Departamentos) en el sitio de Intranet de BMC y haga clic en Código de Conducta, o envíe un correo electrónico a compliancehelp@bmc.org para solicitar una copia impresa.

Si ou vle li Kòd Konduit la nan lang Kreyòl Ayisyen, tanpri ale nan paj sitwèb Depatman Konfòmite a anba onglè "Departments" sou sit Entranèt BMC epi klike sou Kòd Konduit la oswa voye yon imèl ba compliancehelp@bmc.org pou mande yon kopi enprime.

Para ler o Código de Conduta em português, acesse a página da web do Departamento de Conformidade (Compliance Department), na guia "Departments" (Departamentos) do site da Intranet do BMC e clique em Code of Conduct (Código de Conduta) ou envie um e-mail para compliancehelp@bmc.org para solicitar uma cópia impressa.



Dear Colleagues,

Here at BMC we strive every day to do what is right. The BMC Code of Conduct and our Compliance program are important parts of this effort. Our newly-revised Code of Conduct is one of BMC's most significant business documents. It describes our

commitment to performing our work with honesty and integrity and with the greatest transparency possible. It also provides resources to help you perform your job the right way.

Compliance is everyone's responsibility. As a member of BMC's workforce, you must:

- Read and understand the Code and our policies and procedures;
- Complete the annual Compliance training;
- Perform your job with the highest standards of integrity, always adhering to the requirements of the federal and state health care laws;
- Ask questions;
- Speak up. Report potential problems to your manager, the Compliance Hotline (800.586.2627) or any member of the Compliance team (617.638.7919); and
- Help prevent retaliation against anyone who makes a good-faith report of a compliance or privacy-related issue.

Our goal is to have BMC's work environment be one where everyone identifies and reports small problems before they create a substantial risk and while they are easy to fix. In this environment, everyone is comfortable asking questions or identifying problems, without fear of retaliation. Any of us should be able to say, "I think we have a problem."

We partner with Compliance because it is fundamental to everything we do at BMC. We work together to create and maintain a culture that continually reinforces our high ethical standards. I think of our Compliance team as the lifeguards for BMC. Like lifeguards at the waterfront, Compliance protects BMC and keeps us out of trouble by identifying and fixing hazards before they become problems. And if there is a problem, Compliance works with us to resolve it. This is a critical component of our providing exceptional care without exception to all of our patients.

Remember, it takes a lifetime to build a good reputation but only one unethical act to tarnish it.

Thank you for everything you do for our patients and our community.



Kate Walsh
CEO & President
Boston Medical Center

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

– Rev. Dr. Martin Luther King, Jr.



Our Mission

We will provide consistently excellent and accessible health care services to all in need of care, regardless of status or ability to pay.

Our Vision

Our vision is to meet the health needs of the people of Boston and its surrounding communities by providing high quality comprehensive care to all, particularly mindful of the needs of the vulnerable populations, through our integrated delivery system, in an ethically and financially responsible manner.

Our Values

Respect

We will serve our patients and their families, physicians, staff and communities with dignity and respect. We follow the RESPECT behavioral attributes at all times.

Commitment

We will integrate our public health, preventive, emergency and rehabilitative programs with a full range of primary to tertiary medical services.

Diversity

We will serve the ever-changing needs of our urban and suburban populations, while honoring their ethnic, religious and cultural differences.

Competence

We will apply a high degree of medical, nursing and technical management in a professional and accountable manner.

Education

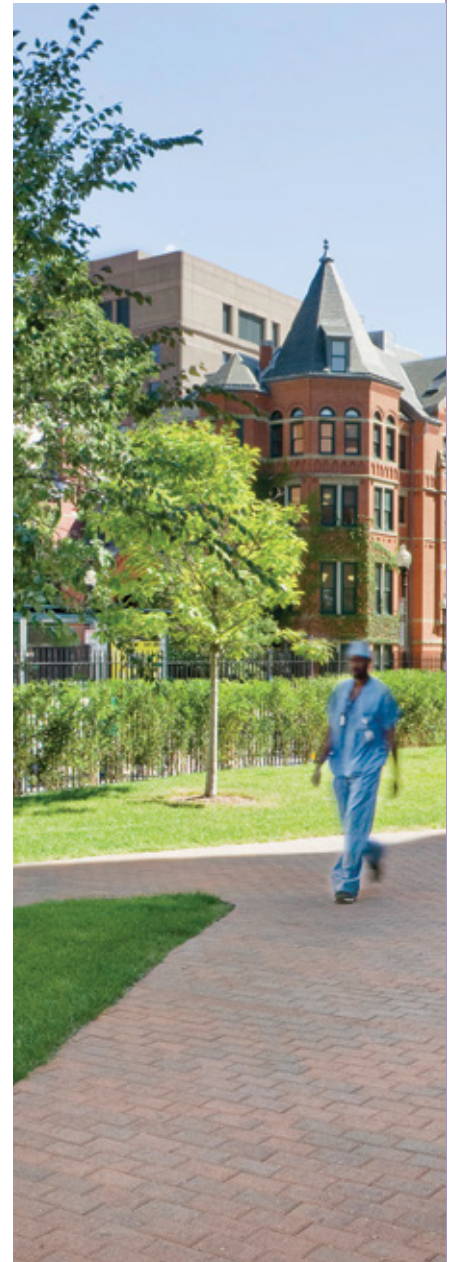
We will collaborate with Boston University, its schools and other institutions to support a premier learning environment for all members of our community.

Research

We will conduct research that will lead to major improvements in health care and health status for all people, and further scientific advances in medicine.

Cost Effectiveness

We will develop and participate in community-based and managed-care programs that promote affordable, responsible and high-quality health care.



We provide the highest quality, appropriate care to every patient

BMC's mission is to provide high quality, effective, compassionate and appropriate care to every patient. We are committed to the delivery of excellent and necessary care, regardless of the patient's ability to pay. Our work is guided by always doing what is best for the patient and always putting the patient first.

We ensure quality through our many BMC programs that monitor all aspects of the care we provide and work to continuously improve it. We meet the quality of care standards set by The Joint Commission and other accrediting bodies. We are attentive to all of these standards and seek to establish systems that reflect the best practices required or recommended by them.

Our commitment to quality of care is the responsibility of every BMC colleague. In any circumstance where you question whether we are providing the highest quality care possible, you have an obligation to raise your concern through appropriate channels until it is satisfactorily addressed and resolved.

We work to keep our patients safe at all times

Patient safety is a top priority for BMC. We work to create an effective Patient Safety Culture. Patient safety means keeping BMC patients free from preventable harm. A "culture of safety" is one where all employees are constantly mindful of the risks inherent in our work and continuously strive to eliminate them.

We do this by:

- asking for help or offering help in uncertain circumstances;
- reporting adverse events including errors, near misses and unsafe situations by paging 31-SAFE (7233) and filing a STARS Incident Report;
- seeking to understand the root causes of adverse events; and
- participating in problem-solving and process improvement to prevent errors and increase patient safety.

We report any incident or unsafe situation we see or are involved in at BMC that did or could cause harm to patients or visitors, our colleagues or BMC. When mistakes or adverse events are reported, we determine the root causes of what happened and correct them.

For more information, please consult BMC policy #04.01.000, "STARS Incident Reporting."



Q: I almost gave a patient a wrong dose of medication. Do I need to report this "near miss?"

A: Yes. Reporting this incident to the STARS system allows BMC to investigate and make any changes in process needed to prevent this from happening again.



We respect our patients' rights

The rights of our patients are guaranteed by federal and Massachusetts laws. These include the right to review and receive copies of medical records (for a fee in some cases), the right to privacy during medical treatment or care and the right to informed consent. We ensure that these rights are respected at all times. BMC provides a copy of the Patients' Bills of Rights to every BMC patient.

We also believe that all of our patients have the right to consistently excellent and accessible health care services regardless of status or ability to pay. We serve all patients and their families with dignity and respect. We are culturally competent. This means that we are sensitive to the ethnic, religious, language and cultural differences of our patients at all times.

To protect our patients' rights, we:

- involve patients in all material aspects of their care, including obtaining informed consent for treatment and making health care decisions;
- communicate effectively with patients, families and caregivers and use BMC's Interpreter Services as needed;
- treat patients in a culturally-appropriate manner that preserves their dignity, autonomy and civil rights;
- inform each patient (or patient representative, as appropriate) of his or her rights in advance of providing or discontinuing care; and,
- respect patients' decisions, even when we don't agree with them.

For more information, please consult BMC policies #03.17.000, "Patient Rights and Responsibilities," #03.02.000, "Patient Consent," and #03.12.000, "Interpreter Services Department."

Q: I need to obtain a copy of the Patients' Bill of Rights. Where can I find it?

A: The Patients' Bill of Rights can be found on BMC's external website, www.BMC.org.

We advocate for our patients and their families and caregivers

BMC's goal is to create a care environment in which patients and their families receive exceptional care without exception. One way we do this is by advocating for our patients, both at the bedside and in the community. Despite our best efforts, we may not always meet our patients' expectations. When this happens, we want to learn from our patients so that we can remedy their concerns.

Our Patient Advocacy Program serves as the liaison between patients, families and the BMC community. The advocates work collaboratively with staff to address and resolve patients' expressions of commendation and concern. This Program is the mechanism by which we ensure a prompt and sensitive response to each patient or the patient's representative.

Patient advocates assist patients and their families in the following areas: patients' rights and responsibilities; patients' rights to make a complaint; the Health Care Proxy; and, problems, concerns or unmet needs of patients and their families. We advocate for patients and their families by:

- seeking solutions to the concerns and unmet needs of our patients and their families;
- empowering patients to become active participants in their own health care;
- educating the community about patients' rights and responsibilities;
- facilitating effective communication among patients, families and staff;



- encouraging our patients and their families to share their concerns with BMC colleagues or the BMC Patient Advocacy Program; and,
- providing guidance regarding Advance Directives, including the availability of a Massachusetts Health Care Proxy.

For more information, please contact the Patient Advocacy Office at 617.414.4970 and consult BMC policy #03.08.000, "Patient Advocacy Program."

We protect the confidentiality of our patients' medical, personal and financial information

We maintain the privacy and security of our patients' protected health information and other personal and financial information at all times. The Health Insurance Portability and Accountability Act of 1996, known as HIPAA, and other federal and state laws, prohibit the use or disclosure of patient information unless it is for treatment, payment or health care operations or is otherwise allowed by law. These rules also apply to all patients, including BMC colleagues, family members and acquaintances who are receiving treatment or care at BMC.

Gaining access to or sharing patient information in violation of law or BMC policy or without patient consent is a serious matter that can result in significant individual criminal and civil liability, including but not limited to, fines and imprisonment. Colleagues who do so also may be subject to disciplinary action up to and including immediate termination of their employment or BMC affiliation.

To protect the confidentiality and security of patient information, we:

- never disclose or use patients' confidential information except to complete BMC work (i.e., for treatment, payment or hospital operations), or as permitted by law and BMC policy;
- do not gain access to or obtain any patient information other than the minimum information necessary to do our jobs;
- never discuss confidential patient information in public areas or other locations where we may be overheard by others;
- release patient information only to persons who have the patient's written authorization or who are authorized by law to receive it;
- never discuss BMC patients or post patient information or photos on social media websites, even if the patient authorizes it;
- recognize that BMC's Communications and Marketing Departments are solely authorized and responsible for BMC's social media sites and that they and the Development Department are the only ones who can develop content for BMC's social media sites;
- remember that only BMC's Communications Department may answer health care questions posed by others on BMC's social media sites;
- never create a new BMC social media site without the express prior consent of the BMC Communications Department;
- acknowledge our obligation to protect BMC's confidential information, including patient and business information;

Q: How can I protect patient privacy when I am caring for patients in shared rooms?

A: You can close the curtains around the patient's bed, speak as quietly as possible to the patient and make sure the patient is willing to discuss treatment and care if visitors are present.



- contact the Privacy Officer if we have a question about releasing patient information before we release the information; and,
- report to your supervisor or manager or the BMC Privacy Officer any actual or suspected unauthorized use, access or disclosure of patient information.

HIPAA also provides patients with certain rights regarding their protected health information. Patients can request an amendment or correction to the information contained in their medical records and an accounting of all disclosures of their protected health information. Patients also can choose to opt out of the hospital directory in order to maintain their privacy. All BMC patients are provided with a copy of our Notice of Privacy Practices which informs them of these and other rights.

Q: A colleague has been admitted to BMC and our department is worried about him. Can I look at his medical record to see how he is doing?

A: Absolutely not. HIPAA protections apply to BMC employees who also are patients. You can only look at the medical record if your job duties and responsibilities require you to do so.

patient information or identity theft, you should contact the BMC Privacy Officer at 617.638.7919. For more information, please consult the following BMC policies: #02.02.000, “Release of Medical Records and Protected Information,” #38.01.002, “Confidentiality and Use of Information,” #38.01.003, “HIPAA Minimum Necessary Standard,” #38.01.007, “Red Flags and Identity Theft Prevention Program,” #38.02.001, “Social Media,” #38.02.003, “Notice of Privacy Practices” and #38.02.003a, “Privacy Practices Notice.”

Identity theft is a growing problem for health care providers throughout the United States. It occurs when a patient’s personal and financial information is illegally obtained from a provider and then used to open credit accounts or obtain goods and services. We follow the requirements of BMC’s Identity Theft Prevention Program and take all possible actions to ensure that patient information is not used for improper or illegal purposes.

If you have any questions about the release of

We follow the requirements of the Emergency Medical Treatment and Active Labor Act (EMTALA)

The Emergency Medical Treatment and Active Labor Act, known as EMTALA, requires us to perform a medical screening examination and stabilize every patient who arrives in our Emergency Department or elsewhere on our campus with an emergency medical condition, regardless of the patient’s ability to pay. “Emergency medical condition” includes pregnant women who are in active labor.

Patients can be transferred to another medical facility at their request or when an authorized BMC clinician determines that the patient’s medical needs cannot be met at our hospital because we do not have the capability or capacity to treat the patient. Patients must consent to the transfer and all other EMTALA transfer requirements must be fulfilled.

We carefully follow all of the requirements of EMTALA. We do not delay the medical screening examination or stabilizing treatment in order to seek financial or insurance coverage information. We do not admit, discharge or transfer patients with emergency medical conditions based on their ability or inability to pay or any other discriminatory factor.

For more information, please consult BMC policy #09.11.000, “Treatment and Transfer of Emergency Patients.”

Q: Do we have to provide care to a patient with an emergency condition even though he or she has no insurance?

A: Yes. We must screen and stabilize all patients who arrive at our Emergency Department regardless of their ability to pay.



We follow the RESPECT behavioral attributes.

BMC colleagues follow the RESPECT behavioral attributes in all of their workplace interactions. These attributes are:

- **Responsibility** – Take responsibility for your actions; treat patients and each other as you would want to be treated.
- **Empathy** – Demonstrate empathy and compassion in all interactions.
- **Service Excellence** – Be positive; show respect and dignity. Provide a memorable and consistent customer experience.
- **Problem Solve/Take Action** – Proactively identify issues; problem solve solutions and take action to improve the way we work.
- **Efficiency** – Respect all of our resources; act to eliminate waste from our systems and processes.
- **Cultural Competency** – Embrace the diversity of our patients and each other.
- **Teams Work** – Work collaboratively with others across the organization; learn from others.



A common language for consistent behaviors for all BMC employees.

We provide Equal Employment Opportunity for all employees

BMC is proud to be an integral part of the diverse community of Boston. It is this community, comprised of people from a wide variety of cultures and backgrounds, that BMC draws upon as a resource for its employees and patients. BMC is committed to creating and sustaining a workplace where we respect and value our employees, not in spite of, but because of the differences in their backgrounds and cultures.

We believe there is strength in diversity, not only of race, gender, age, religion and disability, but also of education, family status, national origin, sexual orientation, gender identity and expression and all of the other factors that make people individuals. Honoring the diversity of our community will promote and ensure the mutual respect, collaboration and productivity that is necessary to provide the highest quality health care.

For more information, please consult BMC policies #07.00.00a, “Affirmative Action/EEO Statement” and #07.00.00b, “Diversity Statement.”

We do not engage in discriminatory or harassing conduct

BMC complies with all laws and regulations governing all aspects of employment, including hiring, promotion and termination. We do not tolerate discriminatory or harassing conduct and we do not permit retaliation against or intimidation of anyone who makes a good-faith complaint of discrimination or harassment. BMC investigates and takes appropriate action on all complaints of harassment and discrimination that are made to employees’ supervisors, Human Resources (617.638.8582) or the Compliance Hotline (800.586.2627).

For more information, please consult BMC policy #07.00.000, “Discrimination and Harassment Policy.”



We conduct ourselves in a professional manner at all times

In order to provide high quality patient care, we must be able to collaborate, communicate and cooperate at all times. We can achieve this only if we treat each other with respect, courtesy, dignity and understanding. Appropriate professional behavior is any reasonable conduct intended to advocate for patients, to recommend improvements in patient care and to participate in the operations, leadership or activities of the staff.

Behaviors that undermine the culture of safety include, but are not limited to:

- inappropriate physical contact or invasion of personal space;
- sexual, religious, racial or other unlawful harassment;
- bullying;
- using profanity or personal insults directed at colleagues;
- throwing objects and other unsafe conduct;
- destroying BMC property; and,
- refusing to speak to colleagues or refusing to respond to them.

If you are subjected to unprofessional behavior, you should report it to your supervisor or manager, to Human Resources (617.638.8582) or to the Compliance Hotline (800.586.2627).

For more information, please consult BMC policies #02.28.008, “Medical/Dental Staff Policy Regarding Unprofessional Relationships and Disrespectful and Abusive Conduct” and #07.13.000, “Employee Conduct.”

We work together to provide a safe and secure workplace

BMC is concerned about the well-being and personal safety of its employees and anyone doing business with BMC. Acts of violence and threats of violence in the workplace are prohibited. Violent acts include physical violence, stalking, threats or similar acts. Workplace violence is any conduct that is offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. No firearms, weapons, explosive devices or other dangerous materials are permitted in BMC facilities.

Any BMC colleague, regardless of position, who commits or threatens to commit an act of workplace violence will be subject to disciplinary action up to and including termination of employment. All threats of or actual violence should be reported as soon as possible to your immediate supervisor or another member of management **and** Public Safety (617.414.4444). BMC will promptly and thoroughly investigate all reports and will not tolerate retaliation against anyone who makes a good-faith report.

For more information, please consult BMC policies #07.34.000, “Workplace Violence” and #07.13.000, “Employee Conduct.”



We avoid conflicts of interest

BMC makes clinical and business decisions based solely on the best interests of our patients and best business practices. Your outside financial or other personal interests must not influence – or appear to influence – your professional decision-making on behalf of BMC. You also may not personally benefit from any actions that you take on behalf of BMC. You must put BMC’s interests ahead of your own at all times.

In order to identify and manage potential conflicts of interest, you are required to disclose any potential or actual conflict of interest to the BMC Chief Compliance Officer. Certain BMC colleagues are required to file annual disclosure forms that describe any potential or actual conflicts of interest the individual may have. The Chief Compliance Officer reviews the disclosures and determines how to resolve any conflicts of interest. Most conflicts can be resolved easily; however, in some instances, you may be required to refrain from participating in certain decision-making activities.

For more information, please consult BMC policy #09.04.000, “Conflict of Interest.”

Q: My husband just took a job with a vendor who sells medical supplies to BMC. What should I do?

A: Contact the Chief Compliance Officer at 617.683.7919 to disclose this potential conflict. The Chief Compliance Officer will determine any actions that should be taken to manage the potential conflict.

We do not tolerate substance abuse or impairment in the workplace

We prohibit the unsafe use of alcohol, drugs or medications in the workplace. Abusing substances or working while impaired can lessen your ability to perform your responsibilities and compromise the safety of colleagues, patients and the public. On-the-job use, possession, theft or sale of drugs and alcohol is strictly prohibited. BMC reserves the right to test employees for drugs or alcohol when there is a reasonable suspicion that an employee is under their influence in the workplace.

For more information, please consult BMC policy #07.31.000, “Drug and Alcohol Policy.”

We do not permit excluded providers to work at BMC

BMC may not employ, credential or contract with any “ineligible person.” An “ineligible person” is any individual or entity that is currently excluded from participation in state and federally-funded health care programs such as Medicare or Medicaid or that has been convicted of a criminal offense related to the provision of health care items or services and has not yet been reinstated after a period of exclusion or ineligibility.

Q: I just received notice that I have been excluded by the OIG. What should I do?

A: Inform your supervisor and also call the Chief Compliance Officer at 617.638.7919.

BMC routinely screens all colleagues against the Excluded Provider lists published by the federal government and the Commonwealth of Massachusetts. If you are excluded from participation in the federal or state health care programs, you must notify the Chief Compliance Officer immediately. You also must notify the Chief Compliance Officer if you become aware that a BMC colleague has been excluded.

For more information, please consult BMC policy #09.01.000, “Screening for Ineligible and Excluded Persons.”



We protect BMC's not-for-profit status

We do not use any BMC resources, including email, to engage in political activity either personally or on behalf of BMC. BMC is a 501(c)(3) tax-exempt, not-for-profit corporation, so BMC cannot take positions on political elections, campaigns or candidates. BMC also does not make contributions or expenditures, directly or indirectly (or through the use of intermediaries, consultants or otherwise), on behalf of any candidate for political office, political party or political committee. This prohibition includes monetary contributions and non-monetary contributions, such as colleagues' work time or BMC's telephones, vehicles or premises.

BMC may, however, engage in public policy debates by making independent expenditures related to political speech. For example, BMC may provide relevant, factual information about the impact of public policy decisions on health care operations.

We can participate as individuals in political activities during our non-working time. However, we must be sure that we keep our personal political activities separate from our job duties and responsibilities and we can never suggest or imply that we are representing BMC when we participate in these activities.

For more information, please consult BMC policy #09.09.000, "Political Contributions."

We use BMC's assets only for appropriate, work-related purposes

BMC resources are not for personal use

We do not use BMC resources, such as materials, supplies and equipment, for personal use. Generally, you should not conduct personal business during working time and you should not use BMC's assets for personal financial gain. Occasional use of certain assets is permissible if the cost to BMC is negligible, such as making a personal telephone call. However, you should not expect that any such activities are private, as BMC reserves the right to monitor and obtain your communication usage and content and to impose discipline when your usage violates BMC's policies.

For more information, please consult BMC policies #07.30.000, "Internet Access and Use" and #07.30.100, "Email and Voicemail Acceptable Use."

Confidential business information

We expect colleagues to protect BMC's confidential business information, such as pricing, our services in the market, key costs, employee compensation and marketing plans. We exercise caution when we share the information with competitors and at trade association meetings. Our competitors include other health systems and facilities in markets where we operate.

We also respect our competitors' confidential information. We gather information about competitors ethically and do not accept information if we suspect it was obtained inappropriately.

We must take care to protect BMC's confidential business information. The following examples of information are considered confidential:

- information that is not publicly known;
- organizational strategies;
- patient information;
- pricing and cost data;
- marketing plans;
- salary and wage information;
- business partnerships;
- affiliations and mergers; and,
- other financial data.



Confidential business information cannot be shared. Many members of the BMC workforce have access to confidential BMC information. We must exercise care and diligence to maintain the confidentiality of the information and use that information only as needed to perform our jobs. We must also protect the confidential information that our business partners share with us.

For more information, please consult BMC policies #38.01.001, “Confidentiality and Use of Information” and #07.30.000, “Internet Access and Use.”

Intellectual property

We comply with all applicable intellectual property laws. We respect these laws as they apply to publications, media and other forms of expression and communication. We only use software that has been properly licensed and we use it in conformity with the terms of the license.

BMC’s intellectual property rights are valuable business assets. Any work of authorship, invention or creation by a BMC colleague during the scope of his or her employment is BMC property. This includes, for example, patents, trademarks and trade secrets. We have a shared responsibility to protect BMC’s property rights while we are employed at BMC and after the termination of our employment. We should notify the Chief Compliance Officer if we become aware of any new work that could benefit from intellectual property protection. We also respect the intellectual property rights of others and do not knowingly infringe on any valid third party rights.

For more information, please consult the “Patent Policy and Agreement Boston University Medical Center” located at www.internal.bmc.org, Research tab, Grants Administration Pre-Award, Internal forms.

Advertising and Marketing

Advertising and marketing are useful ways to inform the community, educate patients and their families, and attract clients, business partners and employees. We engage in truthful, informative and non-deceptive marketing and advertising. If you have questions about BMC’s advertising and marketing initiatives, please contact the Marketing Department at 617.638.8990.

We allow BMC’s Office of Communications to handle all media relations and internal and external communications on behalf of BMC.

The BMC Office of Communications is responsible for our media and public relations and all other types of communication within BMC and between BMC and the public. All news and other information that is released to the media by BMC must be approved by and coordinated through the Office of Communications. If you believe that non-public information from or about BMC has been or is about to be released inappropriately without the consent of the Office of Communications, please notify your supervisor immediately.

For more information, please consult BMC policy #02.16.000, “Media Requests for Information, Interviews and Photographs.”

Q: I was asked by a Boston Globe reporter for a comment on a new BMC initiative. Can I talk with the reporter?

A: No. You need to contact the Office of Communications first and describe the inquiry. Communications will decide how to handle it.



We comply with all federal and state legal requirements for the provision of health care

At BMC, we comply with all applicable federal and state laws and regulations and professional standards governing our operations and the delivery of health care services and products. These laws, regulations and standards are numerous, complex and technical in nature.

BMC colleagues whose positions may affect BMC’s compliance with those laws, regulations and standards are expected to attend educational or training programs offered by BMC for the purpose of knowing and understanding those laws, regulations and standards and to certify their intent to comply with them.

It is important to remember that violation of any of these laws may result in personal criminal and civil sanctions and penalties. For example, some of the laws, such as fraud and abuse and licensure laws, subject violators to imprisonment. Other laws subject violators to fines of up to \$100,000 per occurrence, loss of licensure or exclusion from participation in the Medicare and Medicaid programs for a specified number of years or permanently.

Because the sanctions and penalties can be so severe, BMC cautions and advises all colleagues to act wisely, intelligently, professionally and at all times in strict accordance with all applicable laws, regulations and professional standards.

We document, code and bill appropriately for all treatments and services rendered

BMC is committed to complying with all federal and state regulations governing health care documentation and the coding and billing of claims submitted for payment. Complete, factual and legible documentation in medical records is essential for accurate coding and billing. Accurate records also demonstrate our credibility as a health care provider and allow us to make the best decisions possible for our patients.

Colleagues who make good-faith reports regarding actual or potential violations of the legal requirements for billing and coding may not be subjected to retaliation or intimidation. All contractors or agents of BMC retained to perform billing or coding services must comply with this Code and BMC’s billing, coding and documentation policies.

In order to avoid liability for false claims, you should:

- carefully follow departmental procedures for documenting in the medical record;
- never alter, falsify or destroy any information in a medical record; and,
- ensure that any contractors or agents who perform billing or coding work for BMC comply with our policies and all applicable laws.

Q: What are some examples of false claims?

A: Examples include billing for services not provided; billing for a higher level of service than was actually provided; billing under one provider’s name/NPI for a service provided by another provider; and, billing for services not documented in the medical record.

Under federal law, all identified overpayments must be refunded to the government payer within 60 days of identification. Failure to do so can result in fines and other penalties.

For more information, please consult BMC policies #09.07.000, “Billing and Claim Submission Policy – Compliance with False Claims Act and Whistleblower Laws” and #02.22.000, “Documentation Requirements for Medical Record.”



We retain records as required by law

Federal and state laws require that we retain medical and other records for specified periods of time. We carefully follow the rules for each type of record. All BMC colleagues are responsible for ensuring that our records are accurate, up-to-date and maintained in compliance with the law and BMC policies. BMC may suffer serious consequences up to and including sanctions, fines and loss of accreditation if we fail to comply with the legal requirements.

For more information, please consult BMC policy #02.06.000, "Policy for Retention and Destruction of Medical Records" and #02.06.001, "Policy for Retention and Destruction of Documents Other than Medical Records."

Q: We found boxes of old medical records when we cleaned out a storage area recently. What should we do?

A: Please contact the BMC Privacy Officer at 617.683.7919 to report your discovery.

We respond appropriately to government inquiries

We fully cooperate with all appropriate government requests for information, site visits, audits and investigations. These interactions with government authorities may have significant legal and financial impacts on BMC and you.

It is vitally important that you notify your supervisor and the BMC Chief Compliance Officer immediately if you are contacted by a government agent for information or if any government agency initiates a non-routine site visit. In this situation, you should ask for the government representative's official identification, the reason for the visit and whether he/she has a subpoena or warrant. You should then notify your supervisor and the Chief Compliance Officer and ask the government agent to wait while you do so.

If you are approached by a government agent regarding your relationship with BMC, you have the right to:

- speak with the agent;
- schedule the interview at a time and place that is convenient for you;
- have counsel present;
- end the discussion at any time for any reason; or,
- decline to talk with the agent.

For more information, please consult BMC policy #09.19.000, "Responding to Government Inquiries."

We participate fully in all accreditation efforts and surveys

BMC holds a number of accreditations and certifications which are vitally important to our continued successful operation. We maintain these accreditations and certifications by participating in surveys and audits. We must always be direct, open and honest when we interact with accrediting bodies and surveyors. We can never mislead these agency representatives or conceal or alter any documents in preparation for or during a survey or urge our colleagues to do so.



We abide by all legal requirements governing the conduct of research

BMC conducts research that will lead to improvements in health care and health status for all people, and to further scientific advances in medicine. All research must be conducted according to the highest ethical standards and in compliance with all applicable policies, federal and state laws and regulations. We protect the rights and well-being of our patients who choose to participate in research studies. Refusal of a patient to participate in research will not compromise their access to our services or the care that they receive at BMC.

We require our Institutional Review Board (IRB) to review and approve all research that involves human subjects. We engage human research participants in a meaningful, informed consent process. We also maintain an environment that fosters privacy and security.

BMC will not tolerate acts of plagiarism, falsification or fabrication of data, or other research misconduct. We are committed to full compliance with our policy for responding to allegations of research misconduct. Our investigators are expected to be accountable for the funds received from sponsors of research and to comply with the terms and conditions of research grants and contracts.

For more information, please consult BMC policy #02.28.000, "Research and Scholarship Misconduct."

If you have any questions or concerns about research, please contact the Chief Compliance Officer at 617.638.7919.

We protect the marketplace

BMC strives to win business by providing high quality and cost effective services. We comply with the antitrust laws, which prohibit agreements between competitors that undermine the principles of fair competition. We do not tolerate behavior that fixes prices, divides markets, manipulates competitive bidding processes, causes boycotts of competitors or places unreasonable restraints on competition.

For more information, please consult BMC policy #09.14.000, "Compliance with Antitrust Laws."



Our Relationships with Vendors, Suppliers and Other Health Care Industry Representatives adhere to BMC policy

We do not accept gifts or anything of value from health care vendors

BMC recognizes that relationships between providers and vendors can further a mutually beneficial exchange of information about products or services relevant to patient care, but also recognizes that those same relationships may create potential for conflicts of interest or abuse. For this reason, we have adopted a policy that prohibits BMC colleagues from accepting any form of personal gift, regardless of value, from health care vendors or their representatives. This prohibition includes food funded, directly or indirectly, by vendors and provided on the BMC campus.

The policy also sets forth the basic requirements for consulting arrangements between providers and vendors, attendance by providers at educational conferences and other activities sponsored by vendors, vendor access to BMC facilities, educational grants and scholarships funded by vendors and the disclosure of provider/vendor financial relationships.

We also require vendor representatives to adhere to the requirements of this policy. These requirements include that vendor representatives:

- cannot visit our campus without an appointment;
- must check in at a RepTrax® kiosk before traveling around our campus;
- generally cannot interact with trainees on campus; and,
- are not permitted in patient care areas.

All of the policy requirements must be followed by BMC colleagues in order to ensure the integrity and transparency of our industry relationships and to assure our patients that we provide the best and most appropriate care for each individual, free from the influence of industry or personal self-interest.

For more information, please consult BMC policy #09.16.000, "Policy for Interactions with Industry by BMC Clinicians and Staff."

Our Referral and Financial Relationships with Physicians Comply with Legal Requirements

We do not pay for referrals or accept payment for referrals we make

The federal Anti-Kickback Statute and other laws prohibit the receipt of anything of value in return for making referrals of patients who are beneficiaries of federal or state health care programs. These laws also bar the payment or receipt of anything of value in return for directly purchasing, leasing or ordering (or for recommendations to purchase, lease or order) any goods, facilities, services or items covered under the benefits of the Medicare or Medicaid programs. In Massachusetts, state law applies these prohibitions to all patients, regardless of payer source.

Q: What actions might influence referrals and violate the Anti-Kickback Statute?

A: Three examples are: a hospital providing discounted office space to a physician to induce the physician to make referrals; a pharmacy routinely waiving co-payments to encourage patients to get their prescriptions filled there; and, a gift from a health care vendor to thank hospital staff for their orders.



BMC is committed to complying with these federal and state laws. All BMC colleagues are expected to be vigilant in identifying potential anti-kickback violations and reporting them to the Chief Compliance Officer or to the Compliance Hotline as soon as they are discovered.

For more information, please consult BMC policy #09.15.000, “Compliance with Anti-Kickback Laws.”

We comply with the requirements of the Stark Law

BMC is committed to compliance with the Stark Law. This law generally prohibits a physician from referring a patient for designated health services to an entity in which the physician (or his/her immediate family) has a financial interest. There are certain specific exceptions to this rule, such as contracts for professional services and fair market value leases.

Patient referrals are important to the delivery of appropriate health care services. It is our policy that patients, or their legal representatives, are free to select their health care providers and suppliers subject to the requirements of their health insurance plans. The choice of hospital, diagnostic facility or supplier should be made by the patient with guidance from his/her physician as to which providers are qualified and medically-appropriate.

For more information, please consult BMC policy #09.12.000, “Patient Referrals: Compliance with Stark.”

We require all physicians and other providers to be appropriately credentialed and licensed

BMC employs only those individuals who are properly licensed and credentialed for the position for which they are hired. Proper credentialing and licensing are important ingredients of high quality patient care and are required by federal and state laws. We conduct credentialing reviews before providers commence their work with BMC and we recredential them at regular intervals

in accordance with regulatory requirements. We also conduct criminal background checks on all colleagues before they are employed or affiliated with BMC.

For more information, please consult BMC policies #07.16.000, “Competency” and #07.29.000, “Criminal Offender Record Information (CORI).”



Our Compliance Program

The mission of the BMC Compliance Program is to protect public confidence in BMC's clinical and business practices through:

- education;
- the establishment and enforcement of standards that comply with applicable laws and regulations; and,
- the identification and prompt resolution of instances of non-compliance.

The Program partners with BMC's leadership and operational departments to promote an ethical workplace through adherence to this Code of Conduct and BMC's policies and procedures.

The Compliance Program is designed to detect and prevent fraud, waste and abuse and to ensure our adherence to the many laws and regulations that govern the provision of health care. The Program is a vehicle for preventing violations of the law and enabling BMC to rectify any situation before it becomes a problem or legal violation. Since the Program benefits both BMC and its colleagues, BMC expects good-faith cooperation from all colleagues in making the Program effective.

The BMC Compliance Program also promotes ethical decision making. When you are confronted with a difficult decision, ask yourself these questions:

- Is it legal?
- Does it comply with our Code of Conduct and policies?
- Is it the fair and honest thing to do?
- Is it in the best interests of our patients and BMC?
- Would it be OK to see my decision on the front page of the newspaper?

If your answer to all of the above questions is "yes," you are making the right decision.

Our Privacy and Security Programs

BMC's Privacy and Security Programs are designed to implement the requirements of HIPAA and other federal and state laws that govern the use and disclosure of patient medical, financial and personal information.

The BMC Security Program, which is led by our IT Department, ensures the security of our electronic systems, communications and confidential patient information. The IT Security Officer can be reached at 800.586.2627.

The BMC Privacy Program provides education and training on patient privacy issues. The Privacy Program also receives reports of potential and actual privacy violations and investigates and resolves them appropriately. BMC colleagues always respect patient privacy. If you do not know whether patient information should be released or if you have questions about HIPAA, please consult the BMC Privacy Officer at 617.638.7919.



Our Duty to Comply, Report and Cooperate

All BMC colleagues have a duty to comply with this Code of Conduct, BMC policies and procedures and all applicable state and federal laws. If you become aware of any actual or threatened violation of these requirements, you must report the situation to the Chief Compliance Officer immediately by calling 617.638.7919 or calling the Compliance Hotline at 800.586.2627.

BMC will not take any adverse action against any BMC colleague who reports, in good faith, any violation, actual or threatened, regardless of whether the situation giving rise to the report is ultimately determined not to have any factual basis. If you know of any actual or threatened violation of any applicable law, regulation or standard and fail to report the situation, you may be subject to disciplinary action.

The BMC Compliance Hotline

BMC has established a Compliance Hotline (800.586.2627) to encourage all BMC colleagues to report questions and concerns about compliance with the Code of Conduct, BMC policies and procedures and applicable laws and regulations governing health care. The Hotline is operated by an outside vendor and is available 24 hours a day, seven days a week. You can make a complaint anonymously if it is more comfortable for you. Interpreter services are available for the Hotline to ensure that the concerns of non-English speakers can be received and addressed.

You are encouraged to report any concerns or ask questions of your supervisor or the Compliance Department directly. However, the Compliance Hotline is available as an alternative method for reporting concerns and you do not need to raise an issue with your supervisor first before calling the Compliance Hotline. You also can contact the Compliance Department by sending an email to compliancehelp@bmc.org.

BMC will not retaliate against anyone who brings a compliance matter to the attention of our organization. All reports will be investigated and appropriately resolved under the direction of the Chief Compliance Officer.

For more information, please consult BMC policy #09.02.000, "Compliance – Availability and Use of Compliance Hotline."

Q: I want to make a report of a problem but I'm afraid my supervisor will find out I made the report. What can I do?

A: You can call the Compliance Hotline anytime and make an anonymous report.

We Do Not Permit Retaliation or Intimidation

BMC does not permit retaliation against, or intimidation of, any BMC colleague who makes a good-faith report of a compliance-related concern internally or to an outside government entity. Retaliation is prohibited by both state and federal laws and will not be tolerated at BMC.

Q: I was told by my supervisor that I am going to be interviewed by Compliance about a report made by one of my co-workers. I am worried that I will be retaliated against if I tell the truth. What can I do?

A: You are required to participate in Compliance investigations but you cannot be retaliated against for doing so. If you believe you have been subject to retaliation, please contact the Chief Compliance Officer.

We seek to have an open and supportive environment where colleagues feel comfortable raising issues and everyone works to resolve them as quickly as possible. BMC colleagues are protected against retaliation and intimidation whether or not



the situation giving rise to the report is ultimately determined not to have any factual basis. However, false reports made for malicious reasons may subject the reporter to discipline.

If you believe you are being retaliated against for making a report of a Compliance-related issue or for participating in a Compliance or Security/Privacy investigation, please contact the Chief Compliance Officer at 617.638.7919.

For more information, please consult BMC policy #09.20.000, "Policy Against Retaliation."

Our Managers and Supervisors are Compliance, Privacy and Security Champions

Within their work units, BMC supervisors and managers have special responsibilities to educate others about the BMC Compliance, Privacy and Security programs and to implement each program's policies on an ongoing basis. Managerial staff members also serve as role models for our colleagues, so we expect them to treat everyone affiliated with BMC with respect and to act with compassion, honesty and integrity at all times.

It is the duty of BMC supervisors and managers to create an environment where BMC colleagues feel comfortable expressing concerns or raising issues without fear of reprisal. For this reason, managers and supervisors are required to have a thorough knowledge of the BMC Compliance, Privacy and Security programs and must act to support program policies at every opportunity.

We Impose Discipline Firmly and Fairly

BMC enforces its standards of conduct through appropriate disciplinary action taken on a fair, equitable and consistent basis for every employee, regardless of position. Any BMC colleague who violates the provisions of this Code of Conduct or BMC policies and procedures will be subject to disciplinary action. The appropriate disciplinary action will be determined on a case-by-case basis. BMC policy provides for a range of possible disciplinary actions, from a verbal warning to discharge from BMC employment.

Regardless of the violation, BMC reserves the right to impose any level of discipline, including immediate discharge from BMC employment, based on our assessment of all of the circumstances of the violation, including, but not limited to, the seriousness of the violation, the frequency of the violation, the actual or potential consequences of it and the employee's prior disciplinary and performance record.

For more information, please consult BMC policy #07.13.000, "Employee Conduct."

We Respond to Compliance and Privacy Issues in a Timely and Appropriate Manner

All reports will normally be investigated within 30 days of receipt. Investigations of reports will be conducted by, or at the direction of, the Chief Compliance Officer. The Chief Compliance Officer, or his/her designee, may enlist the assistance of persons with relevant expertise or experience while conducting the investigation.

Once an investigation is complete, the Chief Compliance Officer will inform the individual who made the report as to whether the report was substantiated and, to the extent appropriate, the corrective actions being taken to remedy the problem. All BMC colleagues have a duty to cooperate with investigations conducted by the Compliance Department and with the implementation of any corrective action plans.



BMC Compliance Department

720 Harrison Avenue, Suite 650
Boston, MA 02118
Phone: 617.638.7919

The office hours are 8:00 am – 5:00 pm. Walk-ins are welcome or you can call the Compliance Office to make an appointment.

Compliance email: compliancehelp@bmc.org
Compliance Hotline: 800.586.2627
Intranet website: www.internal.bmc.org/compliance

BMC Privacy Officer

Phone: 617.638.7987
Email: Privacyofficer@bmc.org
Intranet website: www.internal.bmc.org/compliance

BMC Security Officer

Phone: 800.586.2627

BMC 340B Compliance Manager

Phone: 617.638.5843

Other Boston Medical Center Resources

BMC Office of Communications

85 E. Newton Street, 4th Floor
Boston, MA 02118
Email: communications@bmc.org
The Communications Office is available 24 hours a day, 7 days a week to assist you. For staffing information and phone numbers, please visit:
www.bmc.org/about/news/communications.htm
After hours, call 617.638.8405 and ask to be connected to the on-call staff person.

BMC Human Resources Division

85 E. Concord Street, 1st Floor
Boston, MA 02118
Phone: 617.638.8582
Intranet website:
www.internal.bmc.org/hr/humanresources.htm

BU/BMC Institutional Review Board (IRB)

560 Harrison Avenue, 3rd Floor
Boston, MA 02118
Phone: 617.638.7207 Fax: 617.638.7234
Email: medirb@bu.edu
Office hours: 8:00 am - 4:30 pm

BMC Interpreter Services Department

Phone: 617.414.5549 Fax: 617.414.5017
Office Hours: 8:30 am – 5:00 pm, Monday-Friday
Off-hours beeper number: 6042
Intranet website: www.internal.bmc.org/interpret

BMC Office of General Counsel

720 Harrison Street, 6th Floor
Boston, MA 02118
Phone: 617.638.7901 (regular business hours)
617.638.7243 (on call attorney – after hours)

BMC Office of Patient Advocacy

Phone: 617.414.4970
To reach a Patient Advocate, please call the number above. A Patient Advocate is available on-site from 8:00 am – 4:30 pm, Monday through Friday. After hours and on weekends, a Patient Advocate is available by page through the phone number above.

BMC Office of Public Safety

85 East Concord Street, 4th Floor
Boston, MA 02118
Phone: 617.414.4444
Website: www.bumc.bu.edu/publicsafety

BMC Patient Safety

Pager number for serious incidents with clear harm:
31-SAFE (31-7233)

Federal Government Resources

Centers for Medicare and Medicaid Services

www.cms.hhs.gov

US Department of Health and Human Services, Office of Inspector General (OIG)

www.oig.hhs.gov

US Department of Health and Human Services, Office of Civil Rights (HIPAA)

www.hhs.gov/ocr/privacy

Massachusetts Resources

Massachusetts Department of Public Health

www.mass.gov/eohhs/gov/departments/dph

Board of Registration in Medicine (BORIM)

www.mass.gov/eohhs/gov/departments/borim



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Compliance Department

Boston Medical Center

720 Harrison Avenue, 6th Floor, Boston, MA 02118