

NEW YORK  

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**DOWNTOWN**

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HOSPITAL

**CODE OF CONDUCT**

Version Number: 1

**EFFECTIVE DATE: FEBRUARY 8, 2011**

## LETTER FROM THE PRESIDENT

*A special message from the President and Chief Executive Officer to the employees, medical staff, Trustees and all other members of the Hospital and Hospital Associates.*

This Code of Conduct sets forth the standards of conduct that all Hospital Associates are expected to follow and is based on the principles outlined in our Mission, Visions and Values Statements. All Hospital Associates should adhere both to the spirit and language of the Code of Conduct and maintain a high level of integrity in their business conduct and clinical practice.

While the Code of Conduct is designed to provide overall guidance, it does not address every situation. More specific guidance is provided in Corporate and Medical Staff Bylaws and Compliance policies and procedures.

The Corporate Compliance Program will only be effective if all Hospital Associates cooperate willingly and participate actively. We expect and require all Hospital Associates to be law-abiding, honest, trustworthy and fair in all business dealings.

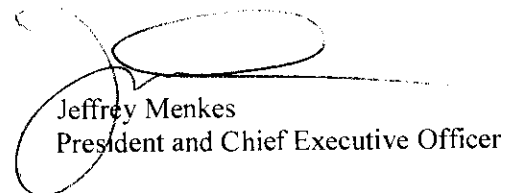
The code supports the Hospital's Mission, Vision and Values Statement. Because we feel so strongly about our ethical responsibilities, the Board of Trustees has adopted a formal Corporate Compliance Program and appointed a Chief Compliance Officer to oversee it. The Code applies equally to everyone associated with the Hospital, Board of Trustees, administration, medical staff and all Hospital employees.

We believe that our employees are partners in maintaining an organization that adheres to the highest ethical and legal standards, and we expect that every employee will act with integrity in any job or endeavor undertaken on behalf of the Hospital.

Managers are expected to maintain open lines of communication with their employees and we encourage them to be especially sensitive and responsive to employee concerns about actual or potential code violations.

Please read the attached Code of Conduct Policy carefully, paying particular attention to those aspects of the Code that apply to your area of responsibility, and use the information to guide your work at the hospital.

Sincerely,



Jeffrey Menkes  
President and Chief Executive Officer

## CODE OF CONDUCT

This Code of Conduct sets forth the standards of conduct that all Hospital Associates are expected to follow and is based on the principles outlined in our Mission, Vision and Values Statements. All Hospital Associates should adhere both to the spirit and the language of the Code of Conduct and maintain a high level of integrity in their business conduct and clinical practice. While the Code of Conduct is designed to provide overall guidance, it does not address every situation. More specific guidance is provided in Corporate and Medical Staff Bylaws and compliance policies and procedures.

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### **Mission Statement**

The Hospital is a community teaching hospital committed to meeting the health care need of people who live, work or visit Lower Manhattan. As a community hospital, the Hospital offers health care services to meet the specific needs of the community with an emphasis on outreach and ambulatory services. The Hospital also provides ready access to sophisticated medical technology and procedures through affiliation with the New York-Presbyterian Healthcare System.

As a teaching hospital, the Hospital conducts graduate and undergraduate educational programs and provides clinical experience for physicians, medical students, nurses and other health care professionals. New York Downtown Hospital offers to its patients, medical staff and employees a caring environment that emphasizes patient dignity and professional pride.

All Hospital associates will act with integrity during all interactions with everyone with whom we deal, including the Hospital's patients, employees, other health care providers, companies with whom we do business, government entities, and public and private entities from whom reimbursement for services are sought and received. We will provide the best quality care to our patients while observing the highest ethical, business, and legal standards. In this regard, all Hospital Associates will comply with all applicable federal and state laws, rules and regulations, as well as strive to avoid the appearance of impropriety.

### **Vision Statement**

The Hospital strives to be a center of excellence for inpatient and ambulatory care, health maintenance and primary care education; a trusted neighbor which provides access to a full range of quality health care services for the community with special emphasis on greater New York's Chinese Community; and a leader in the field of emergency preparedness and disaster response.

### **Values Statement**

The Hospital's statement of values defines the core principles and beliefs that guide the Hospital in fulfilling its mission. These values exemplify and provide a foundation for decisions and

actions on the part of Hospital staff and the way in which Hospital Associates relate to patients and with one another. The following are the four key cornerstones of the Hospital's philosophy:

***1. Patient First***

Our primary concern is the best interest of our patients.

***2. Integrity***

The Hospital holds itself and all Hospital Associates fully accountable for professional actions and expects everyone to be honest and ethical in all of our dealings. We uphold the Hospital's high standards of professional behavior and have high standards for the Hospital's Associates.

***3. Respect for the Individual***

The Hospital conducts all activities with patients, their families and loved ones, community members, vendors, and staff with respect for the individual.

***4. Teamwork***

The Hospital and Hospital Associates work together for the common purpose of serving our patients and the community. We support each other and are free to ask for advice or assistance from our colleagues.

**Quality of Care and Services**

We are committed to providing high quality care and skilled, compassionate, reliable services to our patients and to our community in a safe and healing environment.

- We will respect the dignity, comfort, and privacy of each of our patients and will treat all of them with consideration, courtesy and respect.
- We will provide appropriate and timely care to all patients without regard to race, religion, age, gender, national origin, sexual orientation, disability or military status.
- We will, when a patient presents with an emergency medical condition, provide that patient with a screening examination and stabilization of any emergency condition in accordance with applicable laws, rules, and regulations, regardless of the patient's ability to pay.
- We will transfer a patient only after the patient has been medically stabilized and an appropriate transfer has been arranged.
- We will treat our patients based solely on clinical needs.
- We will have a qualified practitioner properly evaluate every patient before initiating a treatment plan.
- We will provide patient care that conforms to acceptable clinical and safety standards.

- All individuals employed to meet the needs of our patients will have the proper credentials, experience, and expertise necessary to perform their duties.
- We are responsible, at every level of the organization, for maintaining the integrity and quality of our job performance.
- We honor the right of patients to receive information regarding Hospital policies, procedures, charges, and the health professionals who care for them.
- We will maintain complete and thorough records of patient information to fulfill the requirements set forth in our policies, accreditation standards, and applicable laws and regulations.
- We are committed to observing the highest ethical standards in research conducted at the Hospital.
- These standards provide that all patients asked to participate in a research project be advised of the risks and benefits, as well as alternative services or treatment available. In addition, a patient's refusal to participate will not in any way affect his/her access to care or services provided by the Hospital.
- We will support and promote a continuous quality and performance improvement program throughout the Hospital.

### **Confidentiality**

We are committed to maintaining the confidentiality of patient and other Hospital information in strict accordant with legal and ethical standards including in accordance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the Health Information Technology for Economic and Clinical Health (HITECH) Act passed as part of the American Recovery and Reinvestment Act of 2009 (ARRA). Breaches of confidentiality are not tolerated by the Hospital.

- We will respect the privacy of our patients and fellow employees.
- We will actively protect and safeguard patient information.
- We will not reveal information unless it is supported by a legitimate clinical or business purpose, in compliance with Hospital policies and procedures, the Medical Staff Bylaws, and applicable federal and state laws, rules and regulations.
- We will not discuss patient information in any public area, including elevators, hallways, and dining areas.
- We will disclose business information only as required in the performance of our job or as expressly authorized to do so by the Hospital.
- We will not use or share "insider information," which is not otherwise available to the general public, for any direct or indirect personal gain or other improper use. One example of improper use of "insider information" would be trading in the securities of another company based on such information.

- We will exercise care to ensure that confidential and proprietary information is carefully maintained and managed to protect its value.
- We will not disclose information regarding the institution's financial performance without appropriate approval.
- We will treat salary, benefits, payroll, personnel files, and information on disciplinary matters as confidential information.
- We will maintain computer passwords and access codes in a confidential and responsible manner.
- Any privacy or HIPAA concerns you have can be directed to the Hospital's Chief Compliance Officer at (212) 312-5695 or to the Hospital's Compliance Hotline at (800) 806-9422.

### **Photographing, Video Recording, and Audio Recording of Patients and Staff**

We will provide clear and concise guidelines to obtain consent to photograph, video or audio record ("film") patients and/or staff.

- We will make sure Public Affairs are given advanced notification by the person proposing the filming or photography project for approval.
- We will make sure Public Affairs coordinates with the Manager of Legal Affairs & Risk Management with respect to obtaining authorization forms consistent with legal requirements, including HIPAAA to be signed by patients (or their healthcare agent, guardian or family member) and/or staff member who wish to appear in a production and to release protected health information, as applicable.
- We will inform the patient and/or staff member of the nature and purpose of the filming/photography and of its intended use; and will document the consent to appear and to release protected health information on the appropriate consent form.
- We will have requests by television crews, production companies, newspapers, magazines, or other media-related entities ("film crews") to photograph, video/audio tape and/or to transmit live productions from hospital locations, including inpatient and outpatient areas, approved by Public Affairs in advance.
- We will have Public Affairs coordinate the signing of Location Agreements and other documents required by law and Hospital policy before film crews may commence filming.
- We will require a signed patient consent form to be sent back to Public Affairs where it will be logged and maintained. A copy of the consent form is to be kept in the patient's medical record.

## **Work place Behavior and Equal Opportunity**

We will treat all people with respect, dignity and courtesy. We recognize that our greatest strength lies in the talent of our people who create the Hospital's success and determine its reputation.

- We encourage and support employees in developing their individual skills, talents and understanding of their jobs.
- We will afford employees nondiscriminatory terms, conditions, and privileges of employment, regardless of race, color, religion, sex, sexual orientation, national origin, age, marital status or military status, and without regard to the disability of qualified persons within the meaning of applicable law.
- We do not permit any act of retaliation or reprisal against an employee who in good faith reports a violation of law, regulation, standard, hospital policy or the Code of Conduct.
- We will support an alcohol and drug-free workplace and abide by Hospital policies prohibiting illegal possession, distribution, use, or being under influence of illegal drugs, alcohol or other substances.
- We will show proper respect and consideration to one another regardless of position. Discriminatory treatment, sexual harassment, and unlawful harassment of any kind are not tolerated.
- We will not tolerate threatening, aggressive, or abusive behavior toward others. Nor will we permit possession of weapons or dangerous instruments or substances of any kind while on Hospital property, unless the appropriate Hospital authority expressly permits possession.
- We expect all employees and staff to conform to the standards of their professions and to exercise appropriate judgment in the performance of their duties.
- We will screen all prospective employees to assure that they have not been sanctioned by any regulatory agency and are eligible to perform their designated responsibilities.
- We are aware that every Hospital manager is responsible for creating a work environment in which ethical concerns can be raised. If an employee raises an ethical question or concern, the manager must address it. If a manager does not know how to respond, he or she should seek assistance through the chain of command, the Human Resource Department or through the Office of Legal Affairs.

## **Business Ethics and Compliance with Laws and Regulations**

We will follow the letter and spirit of applicable laws and regulations, conduct our business ethically and honestly, and act in a manner that enhances the Hospital's standing in the community and is sensitive to those whom we serve.

- We will make every effort to demonstrate honesty, integrity, and fairness in the performance of our duties.

- We will report any practice or condition that may violate any law, rule, regulation, safety standard, hospital policy, or Code of Conduct to appropriate levels of management.
- We are strictly prohibited from giving or receiving any form of payment, kickback, or bribe to induce the referral or the purchase of any healthcare service and will comply with both the Federal Anti-Kickback Rule and Stark Laws against Physician Referrals.
- We will not offer any improper inducements or favors from vendors to influence our patients or others connected with the Hospital to use a particular product or service.
- We will avoid agreements or other actions that may unfairly restraint trade or reduce competition.
- We will be aware of situations that may present potential antitrust issues and avoid inappropriate discussions with competitors regarding business issues. This includes prices for goods and services, salaries, and benefits, payment rates and business plans.
- We will market and advertise accurately and in compliance with laws and regulations.
- We will provide contract payments or other benefits to clinicians and referral sources for their services and at the rates called for in the contract with them. Payments must also be supported by proper documentation that the services contract for were in fact provided.
- We will procure, maintain, dispense and transport drugs or other controlled substances used in the treatment of patients according to applicable laws and regulations.
- We will not make any verbal or written false statements to a government agency or other payer.
- We will not pursue any business opportunity that requires unethical or illegal activity.
- We will strive to ensure that all reports or other information required to be provided to any federal, state, or local government agency are provided on time, accurately, and according to applicable laws and regulations.
- We will comply with federal regulations regarding government contracts and programs in which we participate. We will provide managers and employees who work in relevant areas with knowledge of the governing rules and regulations.
- We will not subordinate our professional standards, judgment, or objectivity to any individual. Significant differences of opinion in professional judgment will be referred to appropriate management for resolution.
- We will not enter into any joint venture, partnership, or other risk-sharing arrangement with any entity that is a potential or actual referral source unless the arrangement has been reviewed and approved by legal counsel.
- We will not use Hospital resources, facilities, or supplies for the purpose of supporting any candidate for public office.

- We will not engage in lobbying activities on behalf of the Hospital that are or may be inconsistent with the Hospital's tax-exempt status.
- We will conduct fundraising in accordance with all applicable laws and regulations and Hospital policies and procedures.

### **Conflicts of Interest**

We will adhere to the Hospital's Conflict of Interest Policy Statement.

### **Coding and Billing**

We will make sure that coding and billing is performed accurately and that documentation exists to support the services rendered and the amounts billed. Communication among the clinicians, the coders and the billers is required to ensure that accurate information is provided.

- We will submit accurate and complete billing claims submitted for patient services.
- We will maintain appropriate documentation to support coding and billing.
- We will bill for services according to medical necessity guidelines established by the various payers.
- We will provide employees who provide information or perform activities that result in a claim for payment with knowledge as to applicable laws, rules and regulations.
- We will properly train staff and provide them with coding and billing updates in a timely manner.
- We will notify the payer of payment errors and process refunds promptly and accurately.
- We do not routinely waive patients' coinsurances and deductibles. However, when it is done, it will be in accordance with established rules, policies and procedures.
- We will maintain complete and thorough records to fulfill requirements set forth in our policies and procedures, accreditation standards and applicable laws and regulations.
- We will issue statements, communications, and representations that are accurate, complete, truthful, and comply with applicable laws and regulations.
- We strive to identify errors, report them to our managers or the appropriate Hospital authority, and correct them in a timely and appropriate manner.

### **Safeguarding Resources/Assets**

We will protect our assets and the assets of others entrusted to the Hospital, including physical and intellectual property, and protect information against loss, theft or misuse.

- We will establish internal controls within our areas of responsibility to ensure the safeguarding of the Hospital's assets, the accuracy of financial statements and all other records and reports.

- We will use Hospital property appropriately and take measures to prevent any unexpected loss of equipment, supplies, materials, or services. We are aware that managers must approve any personal use of Hospital equipment, supplies, materials, or services.
- We will report time and attendance accurately and will work productively while on duty.
- Travel and entertainment expenses should be consistent with our job responsibilities, the organization's needs and in accordance with Hospital policy.
- We will issue and maintain financial reports, accounting records, research reports, expense accounts, time sheets, and other documents that are accurate and clearly reflect the true nature of transactions.
- We will follow the laws regarding intellectual properties, including patents, trademarks, marketing, copyrights and software.
- We will not copy Hospital computer software unless it is specifically allowed in the license agreement.
- We will adhere to established policies and procedures governing record management and comply with the record retention and destruction policies/schedules for our departments.

#### **Environmental Considerations**

We are committed to providing a safe and secure environment for patients, staff and visitors.

- We will consider the safety and security of patients and employees in all of our activities.
- We will exercise good judgment with regard to the environmental aspects of the use of Hospital buildings, property, laboratory processes, and medical products.
- We will comply with established Safety and Infection Control policies and procedures, which are intended to avoid job-related hazards and ensure a safe work environment.
- We will smoke only in designated areas and in accordance with established policies and procedures.
- We will comply with all laws and regulations governing the handling, storage, use and disposal of hazardous materials, other pollutants and infectious waste.
- We will comply with permit requirements that allow for the safe discharge of pollutants into the air, sewage systems, water or land.
- We will report any possible violation of the Hospital's safety policies and procedures, laws, regulations, or standards to our manager or supervisor. If we are not satisfied that the issue has been addressed we will notify the Safety Officer of the Chief Compliance Officer.

## **Employee Issues and Concerns**

It is our responsibility to understand and comply with applicable rules, regulations, and laws that govern the Hospital and its employees. We will also comply with the Code of Conduct. We understand that violating the principles of the Code can result in corrective action, up to and including employee discharge.

- If there is a question or concern about a situation that appears to be illegal or unethical, we may seek guidance first from our manager. If, however we are uncomfortable addressing the issue with our manager, we will inform one of the following: Senior Management, Manager of Legal Affairs, Human Resources or the Chief Compliance Officer.
- Managers are responsible for responding to issues or concerns identified by employees. If the manager is unable to respond to an employee, he/she is encouraged to seek the guidance of their superior and, if necessary, the Office of Compliance.
- We are aware that the Hospital has established a toll-free Compliance Hotline and the phone number is (800) 806-9422. Reports received will be investigated promptly by the Chief Compliance Officer, Manager of Legal Affairs and outside counsel where necessary. Calls may be made anonymously and every effort will be made to assure the confidentiality of the information provided.
- We may report concerns or raise issues or questions through any of the aforementioned channels. We are aware that employees who fail to report a suspected or, known violation of the Hospital Code of Conduct or other policies or procedures may be subject to corrective action.

## **Compliance with Standards**

One goal of the Corporate Compliance Program is to promote your understanding of the applicable laws, rules and regulations. We do this through a variety of methods including in-service training programs, training from supervisors and providing written compliance policies and procedures. Applicable standards and policies generally are made available to Hospital Associates through posting on the intranet, general distribution and training. You also may ask questions of your manager or the Chief Compliance Officer if you require assistance understanding your legal and ethical obligations.

All Hospital Associates must comply with the standards of conduct set forth in this Code of Conduct, the Corporate Compliance Program Manual, other applicable Hospital policies and procedures and the Corporate and Medical Staff Bylaws. Other standards of conduct may be adopted by the Hospital and the Hospital's departments. These additional policies and procedures are an integral part of the Corporate Compliance Program and should be designed to compliment the standards set forth in this Code of Conduct and the Corporate Compliance Program Manual.

## **OIG Guidance for Hospitals**

In January 2005, the Office of the Inspector General (OIG) of the Department of Health and Human Services issued compliance guidance for hospitals, including Hospital. This guidance describes eight key areas for fraud and abuse. The list is not intended to be exhaustive, but rather demonstrates some areas to which all Hospital Associates should be aware and pay particular attention.

- Submission of Accurate Claims and Information.
- The Referral Statutes: The Physician Self-Referral Law (Stark Law) and Federal Anti-Kickback Statute.
- Payments to Reduce or Limit Services.
- Emergency Medical Treatment and Labor Act (EMTALA).
- Substandard Care.
- Relationship with Federal Health Care Beneficiaries.
- HIPAA Privacy and Security Rules.
- Billing Medicare or Medicaid Substantially in Excess of Usual Charge.

## **NY OMIG Compliance Program for Providers**

In addition to the federal OIG guidance above, the New York Office of the Medicaid Inspector General (OMIG), promulgated regulations that became effective in July 2009 that require health care providers, including hospitals like Hospital, to implement an effective compliance program that is applicable to the following risk areas:

- Billings.
- Payments.
- Medical necessity and quality of care.
- Governance.
- Mandatory reporting.
- Credentialing.
- Other risk areas that are or should with due diligence be identified by the provider.
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**ACKNOWLEDGMENT STATEMENT**

By signing below, I acknowledge that I have received and read the Hospital's Corporate Compliance Manual, as well as the Code of Conduct and Corporate Compliance Program Guidelines. I agree to abide by the Hospital's Code of ethical and responsible conduct and comply with all applicable federal and state laws, rules and regulations. I further agree to report any suspected violations of law or the Hospital's Corporate Compliance Program or Code of Conduct.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date