

Southeastern Spine Institute



Code of Conduct and Ethics

Version 1.0 Effective Date: August 20, 2014



Southeastern Spine Institute Code of Conduct and Ethics

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August 2014

To our Employees and Colleagues:

The Southeastern Spine Institute (SSI) is committed to rendering compassionate, competent and cost effective spinal healthcare to our patients that is reflective of our values. Our goal is to have the patient feeling better and back to their normal life as quickly as possible. The *SSI Code of Conduct and Ethics* (Code) aligns with our mission, goals, and objectives and ensures a safe, law-abiding, ethical and productive business. The Code outlines the ethical principles and responsibilities for compliant behavior and for providing quality care and services to our patients. SSI will actively create and adhere to a Compliance Program that will provide for detection, reporting, correction and elimination of errors of fraud and abuse. The SSI Compliance Program will support our mission and values and commit us to complying with these standards while operating in highly regulated and complex health care environment.

Every employee at SSI plays a critical role in sustaining these values, providing quality care, and making our Compliance Program a success. The active participation of every individual associated with our organization is vital. In general, the use of good and informed judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If you know or suspect that a law, regulation, policy or our standards are not being followed, you must report this information. We encourage an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from SSI's supervisors and Management. To further assist you in carrying out your compliance responsibilities, we have designated a Compliance Officer and established a confidential *Compliance Hotline*. Reports can be made anonymously, and we can assure you that SSI will not tolerate retaliation for reporting in good faith any items of concern to Management, Human Resources, the Compliance Officer, or the Compliance Hotline.

Our managers and physician leaders join us in pledging our full commitment to upholding the *Code of Conduct and Ethics* and the Compliance Program. By complying with the *Code's* standards you will help to maintain a positive, safe and compliant work environment for you and your coworkers. We believe that our compliance efforts are critical to the SSI's operations and integrity.

Sincerely,

Joey Fischer
Chief Executive Officer

Donald R. Johnson, II, MD
Medical Director

INTRODUCTION TO THE CODE OF CONDUCT AND ETHICS ("CODE")

SSI is committed to the goal of serving our patients in an ethical, legal and responsible manner, consistent with our mission and values. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. The *Code of Conduct and Ethics*, which we may also refer to as "*Code*," is the foundation of our Compliance Program and guides us in our daily activities. It can be understood as the "constitution" of our Program.

The *Code*, as well as all statutes, regulations, guidelines, and our policies and procedures must be observed by everyone: employees, contractors, physicians, physician assistants, members of the Board of directors, officers and anyone else engaged in our work environment or acting on behalf of the organization. No one, regardless of position, will be allowed to compromise adherence to the *Codes* standards, statutes, regulations, business standards, policies or procedures. Failure to comply with the standards, statutes, regulations, guidance, policies and procedures can result in serious damage to our reputation, regulatory and enforcement action against the organization and individual employees, and employee disciplinary action up to and including immediate termination.

If you have any questions about the *Code* or about any of our policies or practices, you should raise them with your supervisor, another manager, Human Resources, or the Compliance Officer. Our managers and Compliance Officer have been charged with a special obligation to be available and responsive to employees when questions arise about adherence to the *Code*. If anyone is not satisfied with the response received from the management staff concerning applications of the *Code*, they are invited to continue raising their concerns to the highest level of management.

Further, the *Code of Conduct and Ethics* is intended to ensure that we meet our compliance goals in today's highly regulated health care and business environment as well as to provide high quality of care. The *Code* is designed to provide general guidance, and do not replace our policies and procedures. Rather, the *Code* serves as a "constitution" for our Compliance Program. If there is no specific policy, the *Code* becomes the policy. If a policy and the *Code* conflict, the *Code* becomes the policy. In seeking additional guidance and direction regarding the *Code*, employees are encouraged to refer to existing policies and procedures. The *Code* is a "living document," which will be updated periodically to respond to changing conditions. Thus, the organization reserves the right to modify or terminate any or all of the *Codes* standards at any time.

MISSION AND OBJECTIVES

MISSION:

Southeastern Spine Institute exists to render compassionate, competent and cost effective spinal healthcare to our patients.

VALUES:

COMPASSION	We treat the whole person – body and mind – thus promoting a successful and lasting outcome.
COMPETENT	We have a knowledgeable staff and hold ourselves responsible for providing patients with excellent quality care.
EFFICIENCY	We strive to have the patient feeling better and back to their normal life as quickly as possible.
EXCELLENCE	We aim to be always one step ahead, and make sure we bring our patients the latest advancements in all areas of spine medicine.
INTEGRITY	We are an organization known for honesty and integrity.
TEAMWORK	We value team work and rely on a team of physicians and physician assistants trained in multiple disciplines who work together to diagnose and treat almost any type of spine problem.

QUALITY OF CARE AND SERVICE

Standard of Conduct: We are committed to providing quality care and services. Our first responsibility is to our patients and their families.

- ❖ We will treat all individuals with whom we interact and their family members, other SSI personnel, and any other persons with courtesy, respect, and dignity.
- ❖ We will accomplish quality care through the development of a philosophy in which all aspects of patient care are taken seriously.
- ❖ We will listen to and acknowledge our patients and their families concerns, and involve patients in the decision making process regarding their health care.
- ❖ We will communicate in an open and honest manner with patients, recognizing their right to informed consent and the right to refuse treatment.
- ❖ We will identify individual patient needs and requirements and take all actions reasonably necessary to provide quality care and services.
- ❖ We will make treatment decisions based upon the clinical needs of the patient and medical necessity.
- ❖ We will not discriminate against any patient on the basis of race, color, religion, gender, age, disability, or other areas protected by law.
- ❖ We will employ only Board certified (or Board eligible) physicians and properly licensed and credentialed physician assistants and other health care professionals with the proper experience and expertise.
- ❖ We will require SSI physicians, physician assistants, and other health care professionals to maintain high levels of clinical performance and professional standards for patient quality care through completion of continuing medical education requirements and additional training in high-risk areas.
- ❖ We will maintain the confidentiality, integrity, and security of protected health information and obey all laws and professional standards.

HEALTH AND SAFETY IN THE WORKPLACE

Standard of Conduct: We are strongly committed to providing a healthy, safe and secure work environment.

- ❖ We will consider the safety and security of patients, employees, and volunteers in all of our activities.
- ❖ We will comply with all occupational safety and health standards and regulations established by the Occupational Safety and Health Act and state and local regulations.
- ❖ We will maintain a work place that protects the health and safety of employees and the patients we treat. We will report any practice that may violate a safety standard to our manager.
- ❖ We will comply with applicable laws and regulations relating to the environment, including those laws and regulations regarding the handling, storage, use and disposal of hazardous materials and infectious wastes.
- ❖ We comply with permit requirements for the safe discharge of pollutants into the air, sewage systems, water and land.
- ❖ We will follow emergency and safety plans and procedures.
- ❖ We will promote a culture of transparency, and follow a risk event protocol to identify patient care issues.
- ❖ We will expect that you understand how these requirements apply to your specific job responsibilities and seek advice from your manager or the Compliance Officer whenever you have a question or concern.
- ❖ We will identify patient care issues and promptly report any possible violation of the organization's safety policies and procedures, laws, regulations or standards to a supervisor or the Compliance Officer.
- ❖ We will provide information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, intranet pages, memos, or other written communications.
- ❖ We will encourage employees and patients to report their concerns, or suggestions for improved safety in the workplace with a manager, Privacy Officer, Security Officer, or Compliance Officer.
- ❖ We will not tolerate any work place violence, including threats, harassment, bullying toward any individual, or the illegal possession of weapons in the work place.

COMPLIANCE WITH LAWS AND REGULATIONS

Standard of Conduct: We are committed to the highest standards of business and professional ethics and personal integrity and will continuously promote compliance with laws and regulations.

- ❖ We will strive to provide patient care and conduct business while following all applicable rules regulations and SSI policies. SSI will refrain from any illegal, dishonest, or unethical conduct.
- ❖ We will promptly report to management or the Compliance Officer whenever a potential or suspected violation of law, regulation or policy has occurred. All compliance issues or reported concerns will be acted upon in a fair and truthful manner.
- ❖ We will not tolerate any retaliation or other negative action against an employee who reports, in good faith, a suspected violation or behaviors that undermine a culture of teamwork, safety, professionalism and compliance.
- ❖ We will ensure that employees are adequately trained on Federal and state regulations pertaining to their job functions, including the provisions of the False Claims Act.
- ❖ We will expect all employees to be familiar with applicable laws, regulations and policies governing their area of work.
- ❖ We will not provide or accept kickbacks, bribes, product bonuses, special fringe benefits, unusual price breaks, rebates or anything of value in order to influence the referral of patients of services.
- ❖ We will ensure that all contracts with individuals or organizations that may be a possible referral source are in writing and approved by appropriate management after review by legal counsel.
- ❖ We will bill patients and third-party payors in accordance with applicable laws and regulations.
- ❖ We will maintain complete and accurate patient medical records, and as necessary retain such records to support our billed services and health care operations, and keep all such information confidential and available as required.
- ❖ We will not hire or contract with individuals who have been sanctioned (excluded from participation) by the HHS Office of Inspector General (OIG), state or professional licensing agencies, or State Medicaid agencies, or barred from Federal procurement programs.
- ❖ We will compete in the market place solely on the merits of our services.
- ❖ We will ensure that marketing, advertising and sales communication, both oral and written, is clear, correct, non-deceptive, and compliant with patient privacy regulations contained in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Final Omnibus Rule.

BILLING, CODING AND RECORDS INTEGRITY

Standard of Conduct: We are committed to the highest quality of healthcare coding, billing, and reimbursement management and promoting sound ethical business practices.

- ❖ We will maintain timely and accurate patient records and code and bill only for services actually delivered as documented in the patient's medical records.
- ❖ We will code and bill only for services personally performed by an SSI physician, physician assistant, or other eligible practitioner, or health care professional acting under the physician's supervision.
- ❖ We will not knowingly submit for payment or reimbursement a claim we know to be false, fraudulent or fictitious.
- ❖ We will assign diagnostic, procedural, and billing codes that most accurately describe the treatment and services that were provided. Upcoding, fragmentation, duplicate billing, and unbundling are unlawful and strictly prohibited.
- ❖ We will periodically review coding practices and a policy, including software edits, to ensure they are consistent with all applicable Federal, state and private payor healthcare program requirements.
- ❖ We will periodically review bills, reimbursements, and medical records to ensure compliance with applicable billing, coding and documentation requirements, and investigate any inaccurate billings and payments.
- ❖ We will alert the payor, correct any errors in billing, and appropriately refund any money, as inaccuracies are found.
- ❖ We will regularly monitor our records for credit balances and will promptly refund any overpayments, and report refund any overpayments made by Federal health care programs within 60 days.
- ❖ We will not waive insurance co-payments or deductibles except as permitted under applicable laws, regulations or contractual requirements.
- ❖ We will not alter or prematurely destroy any document in response to, or in anticipation of, a request for those documents by any government agency or court.
- ❖ We will respond to all questions and complaints related to a patient's bill or inquiry in a direct and honest manner.
- ❖ We will retain medical documentation and billing records in a manner consistent with applicable laws and regulations, including HIPAA standards.

HUMAN RESOURCES

Standard of Conduct: We are committed to creating a workplace where employees are treated with dignity, respect, fairness and professionalism.

- ❖ We will continue to acknowledge that our employees are our most valuable assets.
- ❖ We will provide a work environment for our workforce that prohibits all forms of discrimination and unlawful harassment of any employee based upon race, color, sex, age, national origin, veteran status, or any other factor.
- ❖ SSI specifically prohibits any form of sexual harassment, whether verbal, physical or environmental. Harassment will not be tolerated.
- ❖ We will provide equal employment opportunities to all employees and potential employees through a positive and continuing program that prohibits discrimination in employment because of race, creed, color, religion, sex, national origin, sexual orientation, marital status, age, physical condition or disability.
- ❖ We will review and evaluate each person's performance periodically in an objective, consistent and uniform manner.
- ❖ We will continually strive to build confidence and professionalism in every employee.
- ❖ We will treat each other with mutual respect, regardless of status or position, and encourage employees to offer positive and constructive criticism.
- ❖ We will apply the *Code of Conduct and Ethics* and personnel policies equally to all SSI employees regardless of position in the workplace.
- ❖ We will provide reasonable training opportunities to assist employees to build and maintain professional skills.
- ❖ We will keep information confidential regarding current and former employees, including information related to salary, performance, medical history, current health status, finances, and other information contained in personnel files.
- ❖ We will comply with the Fair Labor Standards Act and Family and Medical Leave Act (FMLA).
- ❖ We will familiarize ourselves and comply with the contents of the *Code of Conduct and Ethics*, applicable Employee Handbook(s), as well as with the policies and procedures applicable to our employment and responsibilities at SSI.

PROTECTION AND USE OF INFORMATION, PROPERTY AND ASSETS

Standard of Conduct: We are committed to protecting SSI's property and information against loss, theft, and destruction or unauthorized use.

- ❖ We will exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines for all property and equipment entrusted to us.
- ❖ We will require employees to notify their supervisor if any equipment appears to be damaged, defective, or in need of repair.
- ❖ We will appropriately maintain and inventory supplies and fixed assets and keep them secure.
- ❖ We will not allow unauthorized copies of computer software or using unauthorized personal software on computer equipment.
- ❖ We will not permit unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material.
- ❖ We will encourage accurate and complete documentation of all business and patient transactions.
- ❖ We will not communicate or transfer any information, data, or documents to any unauthorized persons.
- ❖ We will not use computers, software, e-mail, facsimile machines and other technology to communicate trade secrets and other information to unauthorized people or entities. We will not use email to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.
- ❖ We will not use personal emails for SSI business, unless authorized. We will not transmit protected health information in an unsecure manner or using personal email.
- ❖ We will not use technology to compose, transmit, access, or receive data that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person.
- ❖ We will not post information on personal blogs, web pages, social networking, twitter, or similar sites that mentions SSI or its clients and also expresses either a political opinion or an opinion regarding SSI or its clients' actions, without including a disclaimer. Conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site.
- ❖ We will implement safeguards to protect the confidentiality, integrity and availability of PHI that we create, maintain, transmit or disclose and use in any manner.

CONFLICTS OF INTEREST

Standard of Conduct: We are committed to acting in good faith in all aspects of our work and to avoid conflicts of interest or the appearance of conflicts of interest.

- ❖ We will maintain unbiased relationships with actual and potential vendors and contractors.
- ❖ We will not offer, accept or provide gifts or favors, such as meals, transportation or entertainment that might be interpreted as a conflict of interest.
- ❖ We will not accept a gift that exceeds courtesy value and may never accept cash or cash equivalents in connection with our responsibilities.
- ❖ We will exercise good faith and fair dealing in all transactions that involve our responsibilities to the organization.
- ❖ We will not misuse our position for personal gain.
- ❖ We will not hire or have a business relationship with a relative or family member without making it known in advance to management.
- ❖ We will not allow relatives of current employees to occupy a position that will be working directly for or directly supervising their relative.
- ❖ We will not accept outside employment that conflicts with our position or duties without making it known to our supervisor or management.
- ❖ We will not partake in business dealings with outside firms that result in unusual gains for those firms, such as bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the outside firm, the employee, or both.
- ❖ We will require management approval for promotional plans that could be interpreted to involve unusual gain.
- ❖ We will conduct transactions with outside firms and vendors within the framework established and controlled by the management of SSI.

FOUR-STEP COMMUNICATION AND REPORTING PROCESS

If you have a question or concern about an activity being unethical, illegal, or wrong, use the following 4-step process to answer questions and report concerns. Throughout this process your identity will be kept confidential as much as possible and within the limit of the law.

1. Talk to your supervisor. He or she is most familiar with the laws, regulations, and policies that relate to your work.
2. If you are not comfortable contacting your supervisor, or if you don't receive an adequate response from them, talk to another member of the management team. You may also choose to speak with Human Resources. Remember, all team leaders and supervisors have an open door policy regarding compliance concerns and issues.
3. If you have followed either #1 or #2 and still have questions, contact our Compliance Officer by phone at 843-654-8857 (internal ext. 376) or by email at compliance@southeasternspine.com. He/she will maintain your confidence and work to resolve any issues in a fair and unbiased manner.
4. If for any reason you feel you cannot follow the above steps or want to report anonymously, call the *Compliance Hotline* at 1-855-252-7606. The Compliance Officer will address all reports made to SSL's *Compliance Hotline*.

COMPLIANCE HOTLINE

We recognize that there are times when questions or problems cannot be addressed through the normal communication and reporting process. When this happens, you should use the *Compliance Hotline*. The confidential *Compliance Hotline* can be reached at **1-855-252-7606**.

Messages retrieved from the *Compliance Hotline* will not be traced or recorded. You will remain anonymous, unless you choose to identify yourself. If you do give your name, your identity will be protected to the extent allowed by law. No disciplinary action or retaliation will be taken against you for reporting to the Drop Box in good faith.

All messages reported to the *Compliance Hotline* will be reviewed by the Compliance Officer and will be responded to fairly. All complaints or reports will be carefully investigated before any action is taken. The rights of all staff, including anyone who is the subject of a Hotline report, will be respected and protected. Actions taken will not be made public except as required by applicable laws or regulations.

NON-RETALIATION POLICY/DUTY TO REPORT

Employees have an affirmative duty to report compliance violations. No disciplinary action or retaliation will be taken against you when you report a perceived issue, problem, concern, or violation to management, the Compliance Officer, or the *Compliance Hotline* "in good faith."

The "in good faith" requirement means an employee actually believes or perceives to be true the information reported. We value and respect the dignity of the individual; therefore, you have the right to be treated fairly and with respect and the organization must ensure that you are treated that way.

COMPLIANCE RESPONSIBILITIES

RESPONSIBILITY OF ALL EMPLOYEES

- ❖ Everyone is to abide by all applicable laws, regulations, and policies. Anyone who knows about a violation or misconduct must report this information. If you do not report a violation, you may be subject to disciplinary action even if you were not directly involved. Reporting does not protect you from disciplinary action regarding your own performance or conduct, but telling the truth about your own actions will be considered.
- ❖ All employees are expected to demonstrate and promote a commitment to ethical and legal behavior that is consistent with our values.

RESPONSIBILITY OF MANAGERS

- ❖ Build and maintain a culture of compliance.
- ❖ Lead by example to prevent and detect compliance risks and remedial action.
- ❖ Implement and maintain appropriate controls to monitor compliance and mechanisms that foster the effective reporting of potential compliance issues.

RESPONSIBILITY OF BOARD OF DIRECTORS

- ❖ Lead by example.
- ❖ Set the mission for SSI's Compliance Program and exercise oversight of the Compliance Program.

CERTIFICATION AND ACKNOWLEDGEMENT

I have received and read the *SSI Code of Conduct and Ethics (Code)*. I understand that the *Code* applies to my employment and, if applicable, services as a corporate official, and that following all laws, regulations, policies and the *Code* is a condition of my employment. I will seek advice from my supervisor, another manager, Human Resources, the Compliance Officer, or I will report through the *Compliance Hotline* with any compliance questions, concerns or issues.

The standards listed in the *Code* do not create or constitute, and may not be construed as, an express or implied contract of employment or any other type of contract. Our organization is an employer-at-will and employees are employees-at-will. This understanding between our organization and its employees means that any applications or documents signed by you in no way signify a contract of employment. Employment with SSI is entered into voluntarily, and both SSI and I are free to end the employment relationship at any time, for any reason, with or without cause or advance notice. My employment at-will status with SSI may be altered only by a written contract signed by an officer of SSI.

My signature reflects that I have received the *Code of Conduct and Ethics* dated August, 2014. I realize that it is my responsibility to read and comply with the procedures and policies set forth in the *Code*.

Employees:

Employee Signature

Employee Name

Date

Other (Volunteer, Contractor, Vendor, Governing Board Members, etc):

My signature reflects that I have received the *Code of Conduct and Ethics* dated August, 2014. I realize that it is my responsibility to read and comply with the procedures and policies set forth in the *Code*, as applicable to me.

Signature

Name

Company or Organization Name

Date