

DAUGHTERS OF SARAH SENIOR COMMUNITY

DAUGHTERS OF SARAH NURSING CENTER, INC.

COMPLIANCE MANUAL

Daughters of Sarah Nursing Center, Inc is sponsored by the Jewish community of the Capital District. Its mission, to enhance the quality of life of those it serves by assuring maximum independence and dignity, is rooted in, and defined by, the ethical values and moral teachings of Judaism. As such, Daughters of Sarah Nursing Center, Inc. subscribes to the highest standards of care, ethical behavior and regulatory compliance.

This Manual sets forth a CODE OF ETHICS/CONDUCT that personnel employed by or associated with the Daughters of Sarah Nursing Center, Inc are expected to follow. It also provides information as to how to contact the Compliance Officer in the event that you become aware of a violation of the standards of conduct.

The CODE OF ETHICS/CONDUCT is an integral component of our Compliance Program. Our goal is to insure compliance with the myriad of laws, rules and regulations that govern our daily operations, including, among other things: (i) the quality of medical services provided; (ii) the truthful and accurate coding, billing and documentation of those services; (iii) our general business practices, and (iv) our referral relationships.

Neither this Manual, nor our Compliance Program, can cover every situation that might arise. If you are unsure of what the proper course of conduct might be in any given situation, or if you believe these standards of have been violated, you are urged to contact our **Compliance Officer**, Joan Healey at **(518) 724-3201**. Alternatively, if you prefer, you can report your concerns or questions anonymously to the Senior Crimestoppers' 24 Hour Hotline at 1-800-590-5850. (For your convenience, posters containing the Hotline number are posted by the time clocks.) Additional information on the Compliance Program is contained in the Employee Handbook.

Because of the importance of our Compliance Program, we require that all employees cooperate fully in carrying it out. The Program will be most effective if everyone works to insure that the standards are being met. Staff is expected to cooperate with all compliance related investigations and to actively strive to correct any unethical, illegal or improper practices indentified. Violations of the CODE OF ETHICS/CONDUCT will result in disciplinary proceedings, up to and including possible termination. In addition, the failure of any staff member to report known or valid suspicions of violations can be construed as condoning such misconduct, and could also lead to disciplinary action.

By the same token, staff is encouraged to let us know when they see employees engaging in good and ethical behavior, as well. **We also want to be able to recognize the good things that happen here.**

CODE OF ETHICS/CONDUCT

This CODE OF ETHICS/CONDUCT is intended to summarize the standards of behavior that Daughters of Sarah Nursing Center, Inc expects of its employees, as referenced in the Compliance Program, the Employee Handbook, and other topic-specific policies and procedures of the Facility.

1. **Honest Conduct.** Employees and affiliated staff are required to be honest and lawful in all of their business dealings on behalf of Daughters of Sarah and avoid engaging in behavior that could create even the appearance of impropriety. They should report to the Compliance Officer any action they witness or hear about that they *reasonably think may* be unlawful or improper.

2. **Compliance with Federal and State False Claim Laws.** It is our policy that all employees, affiliated staff, contractors and agents comply with all applicable Federal and New York State laws and regulations governing the submission of billing claims and related statements. Neither Daughters of Sarah, nor its employees, affiliated staff, contractors or agents shall make or submit any false or misleading entries on any claim forms or other documentation, nor shall they participate in any arrangement by or at the behest of another that results in the submission of a false or misleading claim or documentation. (Additional information on the false claim Fraud and Abuse Prevention Policy is contained in the Employee Handbook.)

3. **Billing, Coding and Documentation for Services.** All billing, coding and documentation for services rendered must be accurate and truthful, and no one should ever misrepresent charges or services to, or on behalf of, a resident or third-party payor. Federal and State regulations governing billing, coding and documentation will be fully followed for all services billed. Deliberate or reckless misstatements to governmental agencies or other payors will expose staff to disciplinary proceedings (including termination) and possibly criminal penalties.

Only those medical services that are consistent with accepted standards of medical care should be billed. Billing and coding must be based on adequate documentation of the medical justification for the service provided and for the bill submitted.

4. **Business Practices.** The Facility will forego any business transaction or opportunity that can only be obtained by improper or illegal means, and the Facility will not make unethical or illegal payments to anyone to induce the use of our services.
 - a. **Business Relations.** Business relationships with other health care providers will be solely aimed at enhancing the quality or continuity of care provided to residents.

Financial relations will be based on their bona fide financial value and their positive impact on the ability of the Facility to deliver services to its residents. Such relations will not be based on an intent to induce or reward referrals to or from another provider.

- b. *Business Records.*** All business records shall be accurate and truthful, with no material omissions; the assets and liabilities of the Facility shall be properly accounted for in compliance with all tax and financial reporting requirements, and no false records shall be maintained. All reports to governmental agencies, insurance carriers, or other entities will be accurate and honestly made.
 - c. *Cost Report.*** The Cost Report will be prepared in compliance with all applicable regulations. Costs will be claimed when based on appropriate documentation; unallowable costs will not be claimed; and all costs will be properly allocated to appropriate cost centers based on verifiable information and data.
 - d. *Credit Balances.*** On a periodic, regular basis, the Facility shall generate reports of the status of any credit balances of refunds owing to third-party payors. Appropriate refunds will be made to the appropriate payor in a timely and reasonable manner.
5. **Purchasing.** Purchasing decisions shall be made with the goal of obtaining the highest quality product or service for the Facility and its residents at the most reasonable price, and shall be in accordance with our Bidding and Purchasing policies. No purchasing decision should be made because any employee, officer, or director – or a family member of any of them – will benefit by the transaction. Nor should a purchasing decision be made in exchange for a referral of business or with a view toward inducing another to refer business to the Facility.
6. **Payments to Influence Decisions.** No staff shall engage, either directly or indirectly, in any unlawful business practice, including kickbacks, payoffs or bribery intended to influence or reward a favorable decision by any resident, family member, physician, government representative, contractor, vendor, or any other person in a position to benefit the Facility or an employee in any way.
7. **Confidentiality of Resident Information.** In compliance with applicable privacy laws and the Facility’s Privacy Policies, all personally identifiable resident health information will be kept confidential, except when disclosure is authorized by the resident or by law.
8. **Anti-Referral Laws.** Both Federal and State laws make it unlawful to pay someone on the basis of the value or volume of referrals. Daughters of Sarah does not pay incentives to any of our personnel based upon the numbers of residents admitted to the Facility or the value of services provided, nor do we pay third parties for making resident referrals.

The Facility does not accept any form of payment in return for referring residents to other health providers. In discharging or referring residents, the Facility does so based on the

resident's documented medical need, the ability of the provider to meet that need, and the resident's right to select providers.

- 9. Conflicts of Interest.** Conflicts of Interest can involve both financial interests and non-financial interests with entities that do business with or compete with Daughters of Sarah, including interests that create an appearance that a staff member's conduct on behalf of this Facility might be compromised in some way by a competing interest. All staff shall disclose to the Compliance Officer any conflicts of interest in outside companies, entities or concerns.
- 10. Gifts.** Individual staff may not accept gifts or gratuities from residents, resident's family members, vendors or contractors doing business with us (or seeking to do business with us) if doing so will create an appearance that the gift is being provided to influence or induce the staff member in the performance of their duties or to act in their own benefit over the Facility's. Items of nominal value (such as business meals from existing vendors, or holiday cookies that can be shared with an entire unit or department) that are clearly tokens of respect, friendship or appreciation are acceptable. *Cash gifts are not acceptable under any circumstances.*
- 11. Other Policies.** In addition to the CODE OF ETHICS/CONDUCT, the Compliance Program, and the Employee Handbook, Daughters of Sarah has other topic- or department- specific compliance policies and procedures. These additional policies are also a component of the Compliance Program and are designed to compliment and illuminate the standards of this Code.

I. COMPLIANCE PROCEDURES

1. **Compliance Personnel and Practices.** The following compliance personnel and procedures are available:

- a. **Compliance Officer.** The Compliance Officer is Joan Healey. The Compliance Officer is responsible for receiving and responding to all reports, complaints, and questions regarding compliance issues. The Compliance Officer is also responsible for compliance investigations and reviews, and for overseeing compliance training.
- b. **Reporting Process.** All personnel should report any question they might have regarding potential unethical or illegal conduct to the Compliance Officer. (If questions or suspicions involve the Compliance Officer, reporting can be made to the CEO [Mark Koblenz].) If personnel prefer, they can anonymously report concerns to the Senior Crimestoppers Hotline.
- c. **Inquiry.** Upon receiving a report, the Compliance Officer will conduct an investigation, as appropriate. All staff is expected to cooperate with the investigatory process.
- d. **Confidentiality.** Reports or questions filed will be held in the strictest confidence possible, consistent with the need to investigate any allegations of wrongdoing and to take appropriate remedial action.
- e. **Non-Retaliation.** Any staff member who submits a good faith report or question involving wrongdoing will not be subject to intimidation or retaliation for so reporting. Moreover, Daughters of Sarah policies permit the Facility to institute disciplinary proceedings against any other staff member who engages in intimidation or retaliation due to the filing of a report.
- f. **Board Committee.** The Board of Directors has established a Corporate Compliance Committee to meet at least annually to review the implementation and progress of the Compliance Program. The Compliance Officer will report directly to the CEO and annually to the Committee and to the Board of Directors.

2. **Corrective Action and Discipline.**

- a. **Corrective Action.** Violations of the CODE OF ETHICS/CONDUCT, the Compliance Program, or other compliance related policies and procedures may result in corrective action being taken by the Facility, including but not limited to:
 - Refunding overpayments;
 - Additional training being implemented for staff;
 - Staff being disciplined, including termination;
 - Suspension of billing for a given provider or particular service;
 - Modification of the Facility's business practices or other policies;
 - Modification of the Compliance Program to ensure continuing compliance with applicable laws and regulations.

b. Discipline. If, after investigation, it is concluded that (i) any standards of conduct have been violated, or that (ii) any staff have encouraged, directed, or facilitated others to violate the standards, or that (iii) any staff have failed to report good faith suspicions of violations or misconduct, or that (iv) any staff have intimidated or threatened others who have made or are planning to make a report of suspected misconduct, then appropriate discipline as provided for in the Employee Handbook (including warnings, suspension, and/or termination) may be imposed.

3. **Training.** The Compliance Officer will insure that all staff receive compliance and ethics training. Such training shall include, without limitation, distribution of the Employee Handbook, distribution of this Manual, compliance review training during orientation for new employees, annual review of compliance issues as part of the Annual Mandatory In-Service for all staff, occasional in-service training on compliance issues when necessary, and any remedial training as required as part of corrective action under the Compliance Program.

4. **Phone Numbers.**

Compliance Officer - Joan Healey:	(518) 724-3201
Senior CrimeStoppers - 24-Hour Hotline:	1-800-590-5850
CEO – Mark Koblenz	(518) 724-3204