

Yamhill Community Care POLICY AND PROCEDURE



POLICY NUMBER: CMPL-003	TITLE: Code of Conduct & Ethics
DEPARTMENT: Compliance	APPROVED BY: President/CEO, Yamhill Community Care Board of Directors
EFFECTIVE DATE: 6/21/2021	LAST REVISION DATE: 09/23/2020, 5/26/2021
REVIEW DATES: 5/26/2021; 4/29/2022	
APPLIES TO: Yamhill Community Care Board of Directors, committee members, executive officers and employees, consultants, business associates, and any individual representing Yamhill Community Care.	

DEFINITIONS:

Word or Acronym	Definition
Abuse	Practices that are inconsistent with sound fiscal, business, or medical practices and result in an unnecessary cost to Medicaid, Medicare or Yamhill CCO, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost.
Conflict of Interest	Any individual related to YCCO in a position to use contact or a position in the organization to advance his/her private business or financial interests, or the private business or financial interests of a family member.
Ethics	Moral principles that govern a person's behavior or the conducting of an activity.
False Claim	A claim that a provider knowingly submits or causes to be submitted that contains inaccurate, misleading or omitted information and such inaccurate, misleading or omitted information would result, or has resulted, in an overpayment.
Fraud	An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable federal or state law.
Subcontractor	An individual or entity that has a contract with an MCE that relates directly or indirectly to the performance of the MCE's obligations under its contract with the State. A Participating Provider is not a Subcontractor solely by virtue of having entered into a Participating Provider agreement with an MCE.

Waste	Health care spending that can be eliminated without reducing the quality of care. This includes inefficient use or management of resources, unnecessary expenses, or procedures that cannot reasonably be expected to yield better patient outcomes.
Whistleblower	A person who exposes secretive information or activity that is deemed illegal, unethical, or not correct within a private or public organization.

POLICY:

The Yamhill Community Care (YCCO) Code of Conduct & Ethics (Code) articulates the organization’s culture of compliance and ethical behavior. YCCO expects and requires that all members of the YCCO workforce abide by the highest standards of integrity, including employees, volunteers, consultants, interns, non-employee committee members, Board members, subcontractors, vendors, and business partners. It is everyone’s responsibility to be compliant, regardless of job level.

While this Code does not cover every situation that may occur in the course of daily business, it provides general guidance and direct the reader to seek additional information when needed. More specific guidance can be found in the YCCO Annual Fraud, Waste, and Abuse (FWA) and Compliance Plan and Handbook as well as in YCCO policies and procedures.

As is indicated in the Mission Statement, Vision Statement, Ten Guiding Principles, and throughout this Code, it is YCCO’s express intention to consistently do the right thing for members, coworkers, the organization, business partners, and government agencies while maintaining a position of compliance with all related federal, State and local rules, regulations, contract language, and guidelines. YCCO expects employees to conduct themselves in a professional and ethical manner.

While there is no single standard that governs all situations, YCCO believes that the use of available resources, good judgement, and common sense, combined with personal integrity and honesty is our organization’s best guide to assuring that business activities are conducted with the highest ethical standards.

YCCO seeks to promote full compliance with the terms and conditions outlined in Exhibit B Part 9 of the OHA Contract, as well as all State and federal laws, rules and regulations, and policies applicable to it, foster and assure ethical conduct, and provide guidance to each workforce member and subcontracted entity of YCCO for his/her conduct.

Yamhill Community Care Organization’s Mission Statement

“Working together to improve the quality of life and health of Yamhill Community Care Organization members by coordinating effective care.”

Yamhill Community Care Organization’s Vision Statement

“A unified healthy community that celebrates physical, mental, emotional, spiritual, and social well-being.”

Yamhill Community Care Organization’s 10 Guiding Principles:

1. Health Education

2. Accountability
3. Innovation
4. Evidence-Based Clinical Care
5. Transparency
6. Shared Responsibility
7. Member Empowerment
8. Wellness Promotion
9. Equity
10. Stewardship

Reporting Mechanisms

YCCO offers numerous lines of communication to ensure confidentiality in reporting. These communication channels are accessible to all. If an individual has a compliance or fraud, waste, and abuse issue, concern, or suspects a violation has occurred, the following reporting methods are available:

1. Individual reports to their immediate supervisor
2. Individual reports to their department manager
3. Individual reports to any member of leadership
4. Individual reports to Human Resources
5. Individual reports directly to the Quality Assurance and Compliance Director/Chief Compliance Officer:

Shanna Eide

503-455-8058

seide@yamhillcco.org or compliance@yamhillcco.org

6. Individual makes an anonymous report to the YCCO EthicsPoint Hotline, available 24 hours a day, 7 days a week:
By phone: 844-989-2845
Online: <http://yamhillcco.ethicspoint.com>

Individuals have an obligation to report compliance and fraud, waste, and abuse concerns that they may have to the appropriate person. Individuals will also be expected to cooperate with the investigation of reported issues.

If a question arises about a compliance or regulatory issue or if interpretation of a rule or regulation is needed, individuals may contact any staff member in the YCCO Compliance Department or the Compliance Officer via the contact information above.

Whistleblower/Non-Retaliation

YCCO policy aligns with the State and Federal False Claims Act and other applicable state and federal laws, including section 1902(a)(68) of the Social Security Act and the protections afforded to those persons who report FWA under applicable whistleblower laws. If an individual reports a potential violation of this Code or other compliance or ethical concern, the report will be kept confidential as permitted by law and to the extent possible consistent with YCCO's obligation to investigate and resolve the report. If an individual reports via the YCCO EthicsPoint Hotline, they may choose to remain anonymous.

YCCO has a strict policy that prohibits retaliation against an employee who reports a fraud, waste, and abuse, compliance, or ethical concern in good faith. Those who retaliate against an individual who makes a report in good faith will be subject to disciplinary action, up to and including termination of employment or contract.

If an individual believes they are being retaliated against for making a report in good faith, they are asked to report that concern through the following methods listed in the Reporting Mechanisms section above. All allegations of retaliation will be investigated by the appropriate personnel. Anyone found to have violated YCCO's non-retaliation policy will be subject to disciplinary action. See *YCCO Whistleblower: Zero Tolerance/Non-Retaliation Policy*.

Conflict of Interest

A conflict of interest is when employment or a relationship outside of YCCO creates an actual, potential, or apparent conflict in a person's ability to do their job. A conflict of interest may also cause an individual to not make objective decisions in the best interest of YCCO. Due to this, YCCO does not allow employment outside of the organization without disclosing a potential conflict and obtaining consent from YCCO leadership.

Examples of a conflict of interest may include, but are not limited to:

- Acting as a consultant, advisor, employee, or independent contractor of/with a YCCO competitor, customer, or vendor.
- Owning any significant interest in any business or organization that does or wishes to do business with YCCO.
- Using any organization assets or resources for personal gain or advantage.
- Business dealings with relatives or close friends.
- Investments and financial interests in business partners.

Annually, YCCO requires employees to sign an acknowledgement of this Code. By signing that document, the individual is attesting that they are free from any conflict of interest or that any and all potential conflicts of interest have been disclosed to YCCO. See *CMPL-002 Conflict of Interest Policy*.

Gifts, Entertainment, & Hospitality

YCCO's business transactions with vendors, suppliers, contractors, and other third parties must be free from influence and the appearance of influence. In general, YCCO employees cannot accept gifts or business courtesies unless specific conditions are met.

Inducements & Incentives

YCCO does not allow employees to use financial or other rewards to influence or persuade:

- Potential beneficiaries to enroll with or join YCCO;
- Providers to deny or limit care; or,
- Anyone to commit fraud, waste, or abuse.

The use of incentives, bribes, or kickbacks to induce such behavior is strictly prohibited.

Political Activity & Lobbying

YCCO encourages employees to participate in and contribute to political organizations and campaigns should they choose. However, at no point may an individual identify as a

representative of YCCO while participating in these activities. YCCO will not reimburse staff for participating in activities of this nature.

Confidentiality

Within the healthcare industry, confidentiality is highly regulated. YCCO ensures that every employee is aware of what confidential and proprietary information is, and that staff maintains security of organizational and member information according to rules, regulations, and guidance provided by the State and federal government.

YCCO's confidential and proprietary information is non-public information created, recorded, or used to support the organization. This involves daily work processes and includes YCCO's strategic plans.

Confidential and proprietary information should be communicated with co-workers on a "need to know" basis when there is a need for a co-worker or board member to know specific information. Confidential information should never be discussed in social situations. Job-specific procedures should be followed in instances when requests for information come from outside the organization. Questions regarding what can or cannot be shared should be directed to a member of YCCO leadership.

Protected Health Information (PHI) is highly sensitive information about YCCO members. All YCCO employees have an obligation to protect PHI. Examples of PHI include member name, birthdates, social security numbers, member Medicaid ID numbers, addresses, and information about medical conditions and treatment. YCCO's obligations, member rights, and actions YCCO expects employees to take are described in greater detail in YCCO's HIPAA policies and procedures available to employees.

Training

Annually, YCCO administers general compliance, fraud, waste, and abuse, and HIPAA training to staff. It is required that employees take these trainings within 90 days of being hired and annually thereafter.

Excluded Persons or Entities

An excluded person or entity is one that is not allowed to participate in Medicare, Medicaid, or any federally funded program for a variety of reasons. Often, these are individuals who have been found guilty of irregularities with billing or misrepresentation of credentials. YCCO cannot, either directly or indirectly, employ or contract with any excluded person or entity. YCCO is responsible for ensuring that no persons or entities contracted or affiliated with YCCO are excluded. If a person or entity contracted with YCCO becomes excluded, YCCO must immediately stop reimbursing claims from such excluded providers and remove them from the YCCO provider network. See *QA-001 Exclusion Screening Policy*.

YCCO Compliance and Fraud, Waste, and Abuse Program

YCCO contracts with federal, State, and local government agencies to administer covered services for beneficiaries. We administer these services in accordance with contractual obligations and the regulatory requirements set forth by those governing agencies. YCCO's Compliance and Fraud, Waste, and Abuse Program helps ensure that the organization has systems and processes in place to be compliant with laws, regulations, guidance, and

contract language that YCCO is required to follow. Everyone at YCCO has a role in making the Compliance and Fraud, Waste, and Abuse Program effective.

- Everyone is responsible for compliance and are obligated to report potential compliance and fraud, waste, and abuse issues
- If an individual does not understand something, it is their responsibility to speak up and reach out to the appropriate person for clarification or guidance
- All compliance and fraud, waste, and abuse reports are investigated and are kept confidential as permitted by law
- Individuals who make a report in good faith will be protected from retaliation and intimidation

YCCO's Compliance Officer is tasked with developing and implementing written fraud, waste, and abuse policies and procedures as well as the Annual Fraud, Waste, and Abuse Prevention Plan. YCCO's Fraud, Waste, and Abuse Program and Oversight Specialist works closely with the Compliance Officer to administer the YCCO FWA program.

YCCO's Compliance Committee is made up of the YCCO Compliance Officer, senior management, subcontractor representatives, and members of the YCCO Board of Directors. The Compliance Committee is responsible for oversight of the YCCO Fraud, Waste, and Abuse Program and compliance with the contract.

Fraud, Waste, and Abuse

YCCO is committed to fraud, waste, and abuse prevention and enforcement in accordance with the terms and conditions of the OHA-OHP Health Plan Services Contract. YCCO is obligated to report any fraud, waste, and abuse issue observed or reported. Fraud, waste, and abuse can be committed by various entities, including but not limited to providers, health plans, pharmacies, pharmacy benefit management companies, members, employees, and board members.

The False Claims Act is a federal law that makes it a crime for any person or organization to knowingly present, or cause to be presented, a false or fraudulent claim or statement to the government. This includes any plan or program that provides health benefits, whether directly, through insurance or otherwise, which is funded directly, in whole or in part, by the government or state healthcare system. False claims, fraud, dishonesty, or criminal conduct of any sort, on the part of any employee, officer, director, or anyone doing business with YCCO will not be tolerated. For more information, please refer to the *YCCO Compliance and Fraud, Waste, and Abuse Plan* and *CMPL-001 Prevention, Detection, and Reporting of Fraud, Waste, and Abuse Policy*.

YCCO conducts various anti-fraud activities which are overseen by the Compliance Committee. This portion of the Compliance and Fraud, Waste, and Abuse Program is to increase awareness about and improve the prevention, detection, investigation, and resolution of confirmed fraud, waste, and abuse. Employees are trained on fraud, waste, and abuse upon hire and annually thereafter. Vigilance in this area can assist YCCO and members, as well as help maintain overall quality and affordability of health care services.

Responsibilities and Obligations of YCCO Employees

All YCCO employees are responsible for and obligated to assist with preventing, detecting, and correcting instances of potential non-compliance. To make sure we are able to recognize and properly handle potential issues of non-compliance, YCCO is committed to the following:

- All employee compliance training
- Job-specific training and education
- Implementation of policies and procedures
- Enforcing standards through disciplinary actions, if necessary
- Routine auditing and monitoring
- Communicating on general and specific compliance topics
- Reporting compliance activities to the Compliance Committee and YCCO Board of Directors, as necessary
- Proactively monitoring performance in meeting regulatory standards, and self-disclosing non-compliance to State and federal regulators.

Potential Compliance Issues

Potential compliance issues exist when a business process or behavior does not follow or is inconsistent with this Code, laws, regulations, guidance, and/or YCCO policies and procedures. Employees are responsible for being attentive to potential compliance issues and to bring them to the attention of a supervisor or manager, the Compliance Officer, or a member of the Compliance Department.

Consequences of Non-Compliance

Failure to act with integrity or comply with applicable laws and regulations can have an adverse impact on YCCO and its business. YCCO will respond promptly and thoroughly research any allegation of improper or illegal activities, including potential non-compliance or fraud, waste, and abuse. If it is found that a YCCO employee, subcontractor, participating provider, or board member is not meeting the organization’s compliance expectations or is in violation of this Code, policy, rule, regulation, or law appropriate action will be taken, including, but not limited to disciplinary actions and reporting the conduct to the appropriate regulatory agency or to law enforcement.

REFERENCES:

N/A

RELATED POLICIES & DOCUMENTS:

YCCO Compliance and Fraud, Waste, and Abuse Plan
 CMPL-001 Prevention, Detection, and Reporting of Fraud, Waste, and Abuse Policy
 CMPL-002 Conflict of Interest Policy
 CMPL-015 Whistleblower: Zero Tolerance/Non-Retaliation Policy
 QA-001 Exclusion Screening Policy

LOG OF REVISION

DATE	REVISION	BY WHOM
11/3/2016	Language adjusted for YCCO from CO policy	Ebenjamin, Quality Oversight Coordinator

01/9/2017	Added Oregon House Bill provisions for Whistleblower	Ebenjamin, Quality Oversight Coordinator
01/23/2017	Board Approval	Ebenjamin, Quality Oversight Coordinator
01/17/2020	Archived	
5/26/2021	Redeveloped policy	SEide, QA & Compliance Director
5/26/2021	Approved	SMcCarthy, President/CEO
6/21/2021	Board Approval	YCCO Board of Directors
4/29/2022	Reviewed – no content changes	SEide QA & Compliance Director