

# STANDARDS OF CONDUCT

JUNE 2019



**Itasca Medical Care (IMCare)**  
**1219 SE 2nd Avenue**  
**Grand Rapids, MN 55744**

Website: [www.imcare.org](http://www.imcare.org)

Dear Employee Partners,

Itasca Medical Care is dedicated to providing high quality health services in order to improve the health of the people in Itasca County, Minnesota. A key element of this is having high ethical standards and integrity. We are committed to achieving our purpose in full compliance with our values as well as all applicable Federal and State laws and regulations. To assist in fulfilling this commitment, IMCare implemented a voluntary Compliance Program. An important part of our Compliance Program is our Standards of Conduct.

The Standards of Conduct create a uniform code and are guidelines to clarify specific ethical questions that may arise in the course of your work. Please become familiar with the basic concepts outlined in the Standards of Conduct. If any aspect of the Standards of Conduct is unclear to you or if you have questions or concerns about a situation you are facing, I hope you will feel comfortable discussing your questions and concerns with your supervisor. If you do not wish to do so, or if your supervisor is not able to address your issue, you may discuss your questions or concerns with the Contract Compliance Officer or the IMCare Director.

We are committed to honoring the community's trust at Itasca Medical Care and are asking you to partner with us in maintaining our uncompromising values.

Sincerely,

A handwritten signature in black ink, appearing to read "S Duell". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'S'.

Sarah Duell  
Director  
Itasca Medical Care

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## INTRODUCTION TO THE STANDARDS OF CONDUCT

Itasca Medical Care is committed to the goal of serving our participants, providers, employee partners and the communities that we serve in an ethical, legal and responsible manner. Further, Itasca Medical Care is committed to providing all services in full compliance with all applicable laws, regulations and guidelines, as well as with our own policies and procedures. We are particularly sensitive to requirements applicable to federal and state health care programs.

The *Standards of Conduct*, as well as all statutes, regulations, guidelines, and Itasca Medical Care policies and procedures must be observed by everyone: employee partners, contract labor, enrollees, providers, and anyone else engaged in our work environment or acting on behalf of Itasca Medical Care. No one, regardless of position, will be allowed to compromise adherence to the *Standards of Conduct*, statutes, or regulations. Failure to comply can result in serious damage to our standing in the community, regulatory action against Itasca Medical Care and individual employee partners, and employee partner corrective action.

If you have questions about the *Standards of Conduct* or about any Itasca Medical Care policies or practices, you should raise the question with your supervisor first. If the response received from your supervisor does not resolve the issue(s) concerning application of the *Standards of Conduct*, you are invited to address your concerns to the Contract Compliance Officer.

The *Standards of Conduct* adopted by Itasca Medical Care are intended to ensure that we meet our compliance goals in a highly regulated business environment. The *Standards of Conduct* are designed to provide general guidance, and not replace the policies and procedures of the organization. If there is no specific policy, the *Standards of Conduct* becomes the policy. If a policy and the *Standards of Conduct* seem to conflict, the *Standards of Conduct* should be followed. In seeking additional guidance and direction regarding the *Standards of Conduct*, employee partners are encouraged to refer to Itasca Medical Care Policies and Procedures. The *Standards of Conduct* are a “living document”, which will be updated periodically to respond to changing conditions. Therefore, Itasca Medical Care reserves the right to modify or amend the *Standards of Conduct* at any time.

## PURPOSE

Itasca Medical Care (IMCare) is a non-profit, county-owned, county-based purchasing (CBP) organization dedicated to providing high quality health services in order to improve the health of the people of the IMCare service area.

The guide that follows presents the *Standards of Conduct* for all IMCare employees, contracted employees, Itasca County Board of Commissioners, and first tier, downstream and related entities (FDRs). IMCare's *Standards of Conduct* are intended to serve as guiding principles for how IMCare and first tier and downstream entities conduct themselves in the course of doing business. All persons acting as representatives of IMCare are expected to conduct themselves with the highest professional ethics.

The principles included in these *Standards of Conduct* reflect IMCare's commitment to:

- Uphold its duty to protect confidentiality
- Demonstrate strong business integrity
- Encourage a culture that promotes open and candid communication
- Meet regulatory responsibilities

## VALUES

IMCare's values help guide our business and how we conduct ourselves in our relationships with others.

- Integrity is the driving force behind our obligation to provide quality health care services and our commitment to honest, forthright, and respectful communications with all
- Respect that fosters a work environment based on teamwork, encouragement, and trust, along with honest and open communication among all employees and business partners
- Responsibility for adhering to the highest legal and ethical standards for our business
- Promoting stewardship by responsibly managing our resources, using them in the best way possible for our members
- Protecting, promoting, and improving the health of all people, families, and communities of the service area

## ADDRESSING INTEGRITY CONCERNS

IMCare's business is governed by complex, demanding, and ever-changing laws, rules, and regulations. We recognize that the application of these laws, rules and regulations can create uncertainty for employees and other IMCare representatives in some situations. IMCare is committed to providing each responsible person with the resources and training needed to make ethical and legal decision while performing his/her job.

Questions and concerns about the proper way to handle different situations may, and often do, arise. Open discussion of issues and concerns by all employees without and fear of retaliation is essential to the success of the Compliance Program and IMCare. We are expected to ask questions and raise concerns when we have doubts about whether an action or situation is proper.

We all have the responsibility to engage in appropriate business conduct. In addition, we must report any activity that we, in good faith, believe may be a violation of any applicable laws, regulations, policies and this *Standards of Conduct*. IMCare policy and procedure 1.05.14: Non-Retaliation/Non-Retribution Policy forbids retaliation against any employee who bring forward a good faith concern. Any person who violates this policy is subject o disciplinary action up to and including termination. We are encouraged to talk to our supervisors first about any questions or concerns we may have. However, there are alternative channels and resources available, as outlined in the following steps:

Step 1: When in doubt, ask and continue asking until you get an answer that makes sense.

- Is there a law or regulation being violated?
- Is the situation consistent with IMCare values, policies and *Standards of Conduct*?
- Could the situation harm IMCare's reputation?
- How would the situation be described in a newspaper headline?

Step 2: Discuss your issue or concern with your direct supervisor. Give them a chance to participate in problem-solving your issue or concern. If you still have concerns after talking with them or you are not comfortable discussing the issue with them, go to the next step.

Step 3: Discuss your issue or concern with the Contract Compliance Officer or IMCare Director. If you are not taking this step, go to the next step.

Step 4: Call the IMCare Compliance Hotline at **1-866-269-0584**. Issues may also be reported via email to **IMCareCompliance@co.itasca.mn.us**. Reporting by email is not considered anonymous.

## INTEGRITY STANDARDS

### **Compliance with Laws/Regulations**

IMCare is committed to complying with all federal, state and local laws and regulations that govern its business. We are each responsible for ensuring our own compliance with laws, rules, regulations and contractual obligations applicable to IMCare. Understanding the laws and regulations that apply to our particular roles at IMCare is a part of our job responsibilities.

IMCare's commitment to complying with laws and regulations applies to applicable common business practices and laws and the laws, regulations and guidance that govern the State and Federal health care programs that IMCare administers.

#### Your Duties:

- Reporting promptly to the Contract Compliance Officer when any possible violation of law, regulation, guidance or policy has occurred.
- We will not provide or accept kickbacks, bribes, rebates or anything else of value in order to influence providers or contractors.
- Never jeopardize your job, your co-workers' jobs or IMCare's future by taking part in a potentially illegal or unethical activity.
- We shall not employ or contract with individuals who have been suspended or barred from providing services under federal or state healthcare programs.
- We shall voluntarily self-report potential fraud or misconduct to the federal and/or state agency, or its designee, as it is detected and/or required.

### **Lobbying and Political Activity**

IMCare supports all employees' right to participate in and contribute to political activities as citizens of their country, state, county, city, and neighborhood. This includes voting in elections and educating yourself on issues that may affect you or your community. However, your political involvement must be separate from your duties as at or for IMCare. There should never be an appearance that IMCare is connected to or endorses your political activities.

Federal law restricts the use of IMCare funds in connection with federal and state elections.

Lobbying involves the advocacy of an interest that is affected, actually or potentially, by the decisions of government leaders. IMCare commissioners, managers, supervisors, employees, and where appropriate, contractors and other agents, must not engage in any lobbying or political activity that is not compliant with applicable law.

## **COMPLIANCE AND FRAUD, WASTE AND ABUSE OVERSIGHT PROGRAMS**

We have a duty to live up to our regulatory responsibilities. Because IMCare work involves serving Minnesota Health Care Programs members in Itasca County, it naturally falls into the public spotlight. Everything said and done must meet professional and ethical standards. The only course of action you should ever take is to do what is right, every time and under every circumstance.

IMCare has government program contracts with the Minnesota Department of Human Services (DHS) and the Centers for Medicare and Medicaid Services (CMS). IMCare is firmly committed to complying with all applicable federal and state standards and requirements included in the DHS and CMS contracts, including applicable Medicare and Medicaid statutes, regulations and program manuals, the federal and state False Claims Acts, the federal and state Anti-Kickback Statutes, the STARK law, and the Health Insurance Portability and Accountability Act (HIPAA). IMCare employs policies and procedures to ensure that illegal remuneration is not permitted, and if any unlawful remuneration scheme is uncovered, IMCare will take appropriate steps to remedy.

IMCare management fully supports the policies and procedures that require reporting of non-compliance with any law, or policy. You may report any concerns related to IMCare's business, 24 hours a day, 7 days a week by calling 1-866-269-0584 or emailing [\*\*IMCareCompliance@co.itasca.mn.us\*\*](mailto:IMCareCompliance@co.itasca.mn.us).

### **Reporting a Compliance Concern or Incident**

We are all expected to do what is right. Laws, regulations and organizational policies can be complex and sometimes confusing. While IMCare expects that its representative try to do what is right, the right thing to do may not always be clear.

To avoid confusion and to facilitate compliant behavior, all employees, and first tier, downstream and related entities are expected to promptly report any good faith belief of a violation of the laws and regulations that govern IMCare's business.

Compliance reports may include:

- Questions or concerns about fraud, waste and abuse
- Possible violations of laws or regulations
- Questions about ethical business behavior
- Concerns about possible violations of IMCare policies
- Concerns about financial reporting

No employee or first tier, downstream or related entity will suffer any penalty or retribution for reporting in good faith any suspected misconduct or noncompliance. IMCare is in compliance with protection under enhanced whistleblower rights under 41 U.S.C section 4705.

Any employee or first tier, downstream or relation entity who knows of, but fails to report, suspected misconduct or noncompliance may be subject to termination of employment or contract.

Ways to report a compliance concern or question:

- Compliance Hotline: **1-866-269-0854**
- **IMCareCompliance@co.itasca.mn.us**
- CMS designee, such as CMS MEDIC (Medicare concerns) at: **1-877-772-3379**

### **Fraud, Waste and Abuse Reporting**

IMCare employees and first tier, downstream and related entities are obligated to comply with the fraud, waste and abuse laws, which have a significant impact on health care and health insurance costs.

Fraud, waste and abuse deterrence is not only good business practice by IMCare and its employees and first tier, downstream and related entities. But deterrence also contributes to the efficiency and quality of the health care system. IMCare is committed to complying with all Medicaid and Medicare law, regulations, guidance and standards.

IMCare closely examines allegations of fraud, waste and abuse, investigates the evidence and seeks appropriate remedies. The federal and state False Claims Acts have what is known as whistleblower protections. Individual with specific knowledge of false claims submissions have the right to file a claim and will be protected under both the federal and the state False Claims Acts for doing so.

Ways to report suspected fraud, waste and abuse concerns or questions:

- Report any incidence of suspected fraud, waste or abuse, to the IMCare Health Plan Compliance Coordinator at **218-327-6766 or 1-800-843-9536, ext. 2766**
- Compliance Hotline: **1-866-269-0854**
- **IMCareCompliance@co.itasca.mn.us**
- CMS designee, such as CMS MEDIC at **1-877-772-3379**

First tier, downstream and related entities must:

- Widely publicize methods for reporting fraud, waste and abuse to your employees
- Take disciplinary action with employees when non-compliance or unethical behavior is involved and according to contract.

## CONFLICT OF INTEREST

IMCare demonstrates good stewardship by avoiding situations where our own personal interests may conflict, or appear to conflict, with the interests of IMCare. IMCare maintains a policy that protects itself from any conflict of interest that could result in situations where a personal financial interest may affect the ability to make fair and objective decisions on behalf of IMCare. A conflict of interest occurs whenever a person permits the prospect of direct or indirect personal gain to influence his/her judgment or actions in making decisions regarding IMCare business. We must be free of actual, apparent, or potential conflicts of interest when dealing with people of business entities on behalf of IMCare. We must award business solely on merit, getting the best value for IMCare and, wherever practical, on a competitive basis.

We all have an obligation to be free of actual, perceived, or potential conflicts of interest when conducting business on behalf of IMCare. A potential conflict of interest may arise in several ways, including but not limited to, when we or a family member:

- Are employed by, or owners of, a competitor, customer, provider, or supplier of IMCare;
- Use information that comes to us as representative of IMCare for personal investment or gain; or
- Take advantage of any situation for personal gain that may disadvantage IMCare.

Avoid conflicts of interest by:

- Making decisions in the best interests of IMCare
- Avoiding situations that improperly influence or appear to improperly influence your business decisions
- Asking for help if you are not sure

## **GIFTS AND KICKBACKS**

We are all prohibited from accepting gifts or gratuities of any value that may result in undue influence on our decision-making and vendor selection. Acceptance of modest entertainment such as meals is permissible if consistent with common business practice and of nominal value. Any sort of kickback or gifts of cash or cash equivalents are always prohibited, even if of nominal value.

IMCare's business involves dealing with federal and state government officials and employees who are bound by specific laws and regulation governing gifts and gratuities. IMCare is committed to ensuring compliance with these laws and regulations. Therefore, as a general rule, IMCare employees and representatives must not offer any gift or gratuity to any government official or employee. If a government official or employee demands a gift or gratuity, this must reported to your manager, supervisor, or the Contract Compliance Officer right away.

All employees and representatives are prohibited from engaging in any conduct that violates the federal Anti-Kickback Statute. The federal Anti-Kickback Statute makes it illegal to knowingly or willfully offer, pay, solicit or receive anything of value in return for the referral of business reimbursed by Medicare, Medicaid or any other federal health care program. A violation of the Anti-Kickback Statute provides for severe criminal, civil and monetary penalties not only for individual who offer kickbacks, but also for IMCare and involved employees and representatives.

## **CONFIDENTIALITY OF INFORMATION**

IMCare takes the obligation to maintain the confidentiality of our member's personal information very seriously. It is our obligation to do all we can to provide the necessary protections to ensure that a member's protected health information and nonpublic personal information is not used or disclosed in a manner not allowed by state or federal law. Employees and representatives must follow all IMCare policies and procedures to ensure that confidential information about our members is protected. In addition, we will only access the member's information on a need to know basis as a part of our responsibilities at IMCare.

Any unauthorized access, use or disclosure of confidential information is prohibited. Confidential information includes anything that is generally not known or shared with the public or outside IMCare.

Examples of confidential information are:

- Sensitive information that IMCare obtains through its business or employment relationships;
- Proprietary information, including trade secrets, vendors and/or competitors; and
- Information about IMCare customers, employees, consultants, volunteers, contractors or participating providers that is not public knowledge.

We also may not acquire or use confidential or proprietary information (including technology) from other companies through improper means.

## ACCOUNTING AND ACCURACY OF RECORDS

IMCare's reports and records made in the course of business must always be accurate, true and complete. No one may falsify, misrepresent or suppress any information contained in IMCare's records. IMCare will strictly adhere to the generally accepted accounting principles or statutory accounting principles as required. For example:

- All transactions and payments must be promptly and accurately reflected;
- No secret or unrecorded funds or assets may be created or maintained for any purposes;
- All invoices must accurately reflect the terms and services being purchased or sold and the price paid; and
- No person may make false entries, inappropriately amend entries, or fail to correct inaccurate entries.

We maintain, support and follow internal controls designed to provide reasonable assurance that transactions are authorized and that transactions and other data are recorded and presented in a manner that is accurate, complete, current and not misleading. We charge all items to the appropriate account, regardless of the financial status of the line of business or contract.

IMCare is committed to the creation and submission of only true and accurate reports by its employees and any third parties who create or update IMCare records. We must create or submit false or misleading reports of operating statistics or measurements, such as performance data and utilization data. If we are unsure of the accuracy of any information that is to be submitted, we must take all necessary steps to verify the accuracy or raise our concerns to appropriate management. We all share the responsibility to ensure the careful and accurate document submission.

Your duties for IMCare reporting:

- Ensure that all IMCare records are accurate and complete
- Do not make false or misleading entries
- Promptly report any good faith belief of a violation
- Follow the principles of the *Standards of Conduct*

IMCare retains all documents for the appropriate period of time in accordance with IMCare's documentation retention policies as required by applicable laws and government program contractual requirements. We must not improperly destroy any records or other official IMCare documents. If litigation, a government audit or investigation is anticipated or ongoing, IMCare documents and records must be retained in their proper form until we are advised that the matter has been concluded.

## **OFFICE PROTOCOL/WORK ENVIRONMENT**

IMCare is committed to maintaining a work environment that is safe and secure and where we treat each other with honesty, dignity and respect. We have the right to an environment free from harassment, retaliation, discrimination, violence, threats of violence, illegal drugs, and the influence of alcohol, where privacy and dignity are respected and all are protected from offensive, obscene, or threatening behavior. We strictly prohibit discrimination in regard to employment.

Employees and IMCare representatives are responsible for adhering to all IMCare and Itasca County policies and procedures related to workplace safety and security, as well as federal, state and local laws and regulations governing workplace safety, employee health, and environmental protection. While on premises, employees, representatives, and visiting individuals must wear a county-issued identification badge at all times.

IMCare assets are to be used only for lawful, business-related purposes of IMCare. Assets include, but are not limited to: entity data, business opportunities, strategies and plans, financial data, and other proprietary or confidential information about IMCare's business or its employees, equipment, credit cards, and computer supplies and software. We have the responsibility to protect these assets and to ensure that they are used for valid IMCare purposes and guarded against misuse, waste, abuse, loss, and theft. Incidental personal use of equipment and software must follow Itasca County's technology policy and any other related policies and procedures.

## CONCLUSION

This *Standards of Conduct* reflects IMCare's commitment to the highest standards of legal and ethical business conduct. The *Standards of Conduct* does not contain all of IMCare's policies or include all details regarding any policy. Rather, it sets for the fundamental legal and ethical principles for conducting all aspects of IMCare business. Detailed policies and procedures for conducting IMCare business are contained in Compliance 360.

Please take a few minutes to complete the attached Certification and Acknowledgement to indicate your acceptance of the *Standards of Conduct*.

In addition, you received a copy of IMCare's Conflict of Interest policy. You are obligated to review the policy and sign your acceptance and indicated any potential conflicts. Your signed acknowledgement will be reviewed to identify and address any potential conflicts.

Thank you.

**CERTIFICATION AND ACKNOWLEDGEMENT**

I have received and I have read, the Itasca Medical Care *Standards of Conduct*. I understand that the *Standards of Conduct* apply to my employment and that following all laws, regulations, policies, and the *Standards of Conduct* is a condition of my employment. I will seek advice from my supervisor, IMCare Director, or the Compliance Officer with any compliance questions or issues.

My signature means that I have received the Itasca Medical Care *Standards of Conduct* on \_\_\_\_\_, and that I acknowledge that it is my responsibility to read and comply with the procedures and policies set forth in the *Standards*.

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Employee Partner Signature

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Employee Partner Printed Name

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Position

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Date