

A photograph of a brick building entrance. A large, illuminated red sign reads "EMERGENCY". The sign is mounted on a dark grey overhang with a wood-grain ceiling. The building is made of red brick with stone accents at the base. In the background, there is a parking lot, another building, and a sunset sky with clouds.

# EMERGENCY



## Integrity & Compliance Program: **Standards of Conduct**



# Livingston HealthCare Integrity and Compliance Program: Standards of Conduct

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## From the CEO

At Livingston HealthCare, we pride ourselves on our relationships with each other and our community. We have a tradition of honest and ethical behavior and a long-standing commitment to compassionate, personal care.

The Integrity and Compliance Program, which is comprised of the Standards of Conduct and the Corporate Compliance Plan, formalizes and communicates our existing standards of behavior and supports our mission to serve our community through quality care.

We are called upon to perform our jobs and carry out many responsibilities each day. You may be confronted by challenging situations. Use these guidelines to help you make the right decisions, and when in doubt talk to your manager or the compliance officer.

I am confident that you will all lead by example and show the highest level of integrity in all that you do.

A handwritten signature in black ink that reads "Bren Lowe". The signature is fluid and cursive, with the first letters of "Bren" and "Lowe" being significantly larger and more stylized than the rest of the letters.

Bren Lowe  
Chief Executive Officer

# Overview

Livingston HealthCare's Integrity and Compliance Program communicates our commitment to conducting business with integrity. When people behave with integrity, they act honestly, sincerely, ethically, morally, and legally. This document is a formal statement of Livingston HealthCare's standards and rules for ethical business conduct. For many areas of this program, there are more detailed, specific policies and procedures that are available in our Corporate Compliance Plan, through your manager, or the compliance officer.

The compliance officer oversees the Integrity and Compliance Program, which is comprised of the Standards of Conduct and the Corporate Compliance Plan. The compliance officer is a resource for questions or concerns about this program. All reports of suspected violations of the Integrity and Compliance Program should be sent to the compliance officer. Suspected violations are investigated appropriately. Detailed information on reporting a suspected violation is available at the end of this booklet.

The integrity and Compliance Program applies to everyone who works as a part of the Livingston HealthCare team. This includes:

- Livingston HealthCare Board of Directors
- All employees who work for Livingston HealthCare (full time, part time, PRN, locums, contract employees, etc.)
- People and businesses who do business with Livingston HealthCare
- Students
- Volunteers

All Livingston HealthCare personnel are expected to follow the standards described in the Integrity and Compliance Program. Compliance is everyone's responsibility, and everyone who works at or with Livingston HealthCare is responsible for reporting suspected violations. Anyone who reports a suspected violation in good faith will be protected from retaliation.

***"Act as if what you do makes a difference. It does."***

*–William James*

## Ethical Behavior

Livingston HealthCare's policy is to prevent unethical or unlawful behavior, to halt such behavior as soon as possible after its discovery, and to discipline those who violate the standards set forth in the Integrity and Compliance Program. Livingston HealthCare personnel must comply with the Integrity and Compliance Program, seek clarification when questions arise, and assist in investigations of alleged violations.

Livingston HealthCare's Integrity and Compliance Program cannot cover all circumstances. Consequently, those who encounter situations not addressed by this program should apply the overall philosophy and concepts of the Integrity and Compliance Program to the situation.

Livingston HealthCare cares about how results are achieved, not just that they are achieved. Employees are encouraged to openly discuss issues with management, to record transactions accurately in books and records, and to be honest and forthcoming with internal/external auditors. Livingston HealthCare expects honesty in all aspects of every employee's work-patient care, records, bookkeeping, budget proposals, etc.

## Commitment to Quality Care

Livingston HealthCare strives to ensure that the patient care provided is not only ethical, but is safe, effective, timely, and efficient. Patients are treated with dignity, respect, and courtesy, and employees' actions should advance our commitment to deliver the highest quality of care.

## Patient Care and Patient Rights

Livingston HealthCare encourages patient and family involvement in all aspects of care. Patients and families are given a statement of patient rights and responsibilities upon admission, including information about the right to make decisions regarding care. Livingston HealthCare makes every effort to involve patients and families in decisions regarding care to the extent that it is possible.

## Emergency Treatment

Livingston HealthCare adheres to the requirements of the Emergency Medical Treatment and Labor Act (EMTALA) in providing medical screening examination and stabilizing treatment to patients who come to the hospital for emergency treatment or who are in labor, regardless of the patient's ability to pay. Patients with emergency medical conditions are only transferred to another facility at the patient's request, or if Livingston HealthCare does not have the capacity to meet the patient's medical needs and appropriate care is available at another facility. Such transfers are done in compliance with state and federal EMTALA requirements.

## Financial Assistance

Financial assistance is available to patients based on financial need and qualification. It is provided in a manner that addresses the patient's individual financial situation, supports our organization's not-for-profit mission, and complies with application and eligibility criteria as set forth in our Financial Assistance policy.

## Conflicts of Interest and Outside Activities

Livingston HealthCare personnel must avoid situations where their personal interest could conflict, or reasonably appear to conflict, with the interests of Livingston HealthCare. An example of a conflict of interests is any opportunity for personal gain apart from the normal compensation provided through employment.

### Personal Financial Gain

Personnel should avoid any outside financial interest that might influence their decisions or actions as representative of Livingston HealthCare. Such interests might include, but are not limited to:

- A personal or family interest in an enterprise that has business relations with Livingston HealthCare. This restriction does not apply to minimal holding of stock or other securities of a corporation whose shares are publicly traded and which may do incidental business with Livingston HealthCare.
- An investment in another business that competes directly with Livingston HealthCare. This does not apply if the investment is not a significant part of the individual's or the individual's family's income or net worth or the area of competition has minimal effect on Livingston HealthCare.

### Outside Activities

- Employees should avoid outside employment or activities that would have a negative impact on the performance of their job, conflict with their obligations to Livingston HealthCare, or in any way negatively impact Livingston HealthCare's reputation community.
- Members of Livingston HealthCare's governing Board of Directors and committees are subject to the conflict of interest policy required of tax-exempt organizations by the IRS.

Personnel who feel that they may have a conflict of interest due to investments or outside activities should consult with the compliance officer.



# Use of Livingston HealthCare Funds and Assets

Livingston HealthCare assets are to be used solely for the benefit of Livingston HealthCare. Assets are much more than equipment, inventory, funds, and office supplies. Assets include medical records, concepts, business strategies and plans, financial data, intellectual property rights, and other information about Livingston HealthCare's activities. Livingston HealthCare personnel may not use Livingston HealthCare assets for personal gain. If property no longer needed by Livingston HealthCare is sold to Livingston HealthCare personnel, such sales must be documented and approved by an appropriate authority other than the personnel making the purchase.

## Avoidance of Fraud and Abuse

Avoidance of behavior that could constitute fraud or abuse is imperative. In Livingston HealthCare's transactions with all payers, including Medicare and Medicaid, Livingston HealthCare's policy is to deal legally and honestly with all requirements, including those related to billing, documentation, coding, marketing, and self-referral prohibitions. Each employee should understand the behavior within his or her area of responsibility that could pose a concern under federal or state fraud and abuse or false claims laws and should comply with those laws.

All Livingston HealthCare personnel should be familiar with and comply with the requirements of the Livingston HealthCare Integrity and Compliance Program.

***"It takes less time to do the right thing than it does to explain why you did it wrong."***

*–Henry Wadsworth Longfellow*

## Government Investigations

Livingston HealthCare personnel will cooperate with government personnel conducting investigations. Government investigators have the right to contact you at work or at home for work-related issues. In most situations, personnel have the right to decide when and where the interview will be conducted. Please contact the compliance officer if you are approached about a government investigation. The compliance officer can provide more information about your rights regarding government investigators and answer other questions you may have.

# Confidential Information and Trade Secrets

Livingston HealthCare patient records must remain confidential in accordance with Livingston HealthCare policies and applicable laws.

In addition, personnel must safeguard Livingston HealthCare's confidential information and trade secrets. This includes information that would not generally be disclosed to the public or information that would be useful to Livingston HealthCare's competition, such as:

- Financial data
- Planned new projects
- Information about areas where Livingston HealthCare intends to expand
- Wage and salary data
- Employee information
- Capital investment plans
- Projected earnings
- Changes in management or policies of Livingston HealthCare
- Internal data (i.e., data collected about Livingston HealthCare patients, services, etc.)

Personnel may not provide improper access to confidential information and trade secrets of any other company, including our competitors.

Guidelines governing confidential information and trade secrets include:

- Discuss proprietary information with others only on a need-to-know basis.
- Disclose proprietary information to persons outside of Livingston HealthCare only when the appropriate disclosure agreements have been completed.
- Be vigilant about inadvertently discussing confidential information or trade secrets in social situation or routine business relationships.

## Dealing with Suppliers and Referring Providers

Dealing with product and service suppliers and with referring providers can pose ethical or even legal problems. These guidelines are intended to help make ethical decisions in potentially difficult situations.

### “Kickbacks” and Rebates

Livingston HealthCare personnel or their families must not receive personal kickbacks or rebates as a result of the purchase or sale of goods or services at Livingston HealthCare. Kickbacks or

rebates can take many forms and are not limited to cash payments or credits. In general, if Livingston HealthCare personnel or family members stand to gain personally from a transaction, that transaction is prohibited. Such practices are not only unethical, but are in many cases illegal.

## Reciprocity

In many circumstances, Livingston HealthCare purchases goods or services from a supplier who also purchases goods or services from us. This practice is normal and acceptable, but any form of pressure for reciprocity with that supplier is not. Livingston HealthCare personnel must never ask a supplier to buy Livingston HealthCare products or services in order to become or continue to be a Livingston HealthCare supplier.

## Gifts or Gratuities from Businesses

Accepting a bribe, kickback, gratuity, or other payment made to influence a business decision is prohibited. Employees may not receive or ask for anything above nominal value from a third party for these reasons.

Personnel and members of their immediate families may accept unsolicited, non-monetary gifts from a business or individual doing or seeking to do business with Livingston Healthcare only if the gift is of nominal value or the gift is primarily of an advertising or promotional nature. Textbooks and other gifts that primarily benefit patient care with a value in the general range of \$100 or less are permissible. Gifts of greater value may be accepted if protocol, courtesy, or other special circumstances exist. However, all gifts that appear to be worth more than \$100 should be reported to the compliance officer. The compliance officer will determine if gifts may be kept, if they should be returned, or if they will become Livingston HealthCare property.

## Food from Businesses

It is against Livingston HealthCare policy for any industry representative to bring or deliver food to any Livingston HealthCare facility. However, grants from businesses to offset the cost of modest refreshments for valid educational meetings may be solicited and accepted, so that Livingston HealthCare may provide the refreshments.

## Entertainment by Businesses

Personnel may not encourage or solicit entertainment from any individual or company with whom Livingston HealthCare does business. Offering or accepting entertainment, which is not a reasonable adjunct to a business relationship, but is primarily intended to gain favor or influence should be avoided. Invitations should be declined from vendors, pharmaceutical representatives, or business representatives for any entertainment not included in the agenda of a professional

educational event, such as a national meeting, continuing medical education, or other preapproved meeting.

## Business Meals

When business meetings include a meal, modest offers of hospitality may be made by outside business representatives and accepted by Livingston HealthCare employees.

## Payment to Agents, Representatives, Outside Consultants

Agreements with agents, sales representatives or outside consultants must be reasonable in amount, not excessive in light of trade practices, and reasonably equal to the value of the services rendered. Agreements with a term of one year or more with a value greater than \$10,000 should be in writing.

## Payment to Government Employees

No payments of money, gifts, services, entertainment, or anything of value may be offered or made available in any amount, directly or indirectly, to any government official or employee. Such payments or offers are not legal in the United States. Such payments should not be made in other countries, even if legal there, if they are in violation of U.S. laws, regardless of the nationality of the recipient. If in doubt, consult the compliance officer.

## Other Improper Payments

The use of Livingston HealthCare funds or assets for any unlawful or unethical purpose is prohibited. Any payment which is improper when made by Livingston HealthCare personnel is likewise improper if made by a commissioned agent, consultant, or other third party on behalf of Livingston HealthCare if Livingston HealthCare personnel know or have reason to know that a payment will be made. The making of any payment to a third party for any purpose other than that disclosed on the payment documentation is prohibited.

## Gifts from Patients

Patients who desire to make a gift to Livingston HealthCare should be referred to the Livingston HealthCare Foundation. Gifts of substantial value that cannot be refused graciously must be delivered to the Foundation. All gifts of money must be forwarded to the Foundation. Some patients may insist on making a personal gift to an employee that cannot be declined without embarrassing the patient. If the gift is small, it may be accepted and shared with coworkers (i.e., box of candy, flowers, etc.). If the gift is small and cannot be shared (i.e., necktie, bottle of wine, etc.), it may be used for personal purposes.

This topic can be difficult. Seek guidance from your manager, director, human resources or the compliance officer.

## Books & Records

### Falsification of Records

It is illegal and unethical to falsify records. Federal law requires Livingston HealthCare to assure that its books and records accurately reflect the true nature of the transactions represented. In rare circumstances to protect the identity of a patient, Livingston HealthCare may agree to use an alias instead of the patient's true name. It is against Livingston HealthCare policy, and possibly illegal, for any personnel to knowingly cause our books or records to be inaccurate. Examples include making records appear as though payments were made to one person when, in fact, they were made to another, or submitting expense accounts which do not accurately reflect the true nature of a transaction. False or artificial entries must never be made in Livingston HealthCare books and records, or in any public record, for any reason. Permanent entries in Livingston HealthCare records should not be altered in any way. Corrections of errors in documentation are to be made and initialed only according to the established protocol.

No payment or receipt on behalf of Livingston HealthCare may be approved or made with the intention or understanding that any part of the payment or receipt will be used for a purpose other than that described in the documents supporting the transaction. "Slush funds" or similar offbook accounts, where there is not accounting for receipts or expenditures on financial records, are strictly prohibited. Personnel must not create or participate in the creation of any records which are intended to be misleading or to conceal anything that is improper.

### Retention of Records

Disposal or destruction of Livingston HealthCare's records and files is not discretionary. Legal and regulatory practices require the retention of certain records for various periods of time, particularly in the tax, personnel, health and safety, environmental, contract, and administrative areas. In addition, when litigation or a government investigation or audit is pending, relevant records must not be destroyed until the matter is closed. Destruction of records to avoid disclosure in a legal proceeding may constitute a criminal offense. Refer to the document retention policy or ask risk management for information on retention periods and restrictions.

**"Watch the little things. A small leak can sink a great ship."**

*–Benjamin Franklin*



## False Claims Act

The Federal Civil False Claims Act (“FCA”) and similar state laws establish liability for any person who knowingly presents or causes to be presented a false or fraudulent claim for payment to the U.S. government or state or local government. This includes claims filed with Medicare, Medicaid, and other federal and state payers. The FCA allows the government to bring civil lawsuits to recover damages and penalties when false claims are submitted. It is illegal to submit claims for payment that a person knows or should know are false or fraudulent. The FCA states:

*Any person who knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval; or who knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim or who conspires do the same ... or who knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government, is liable to the United States Government for a civil penalty. 31 U.S.C. §§ 3729–3733*

Penalties under the FCA can include fines of up to \$ 11,000 per claim, plus up to 3 times the amount of damages the government sustains. Under the FCA, no specific intent to defraud is required. The FCA defines “knowing” to include not only actual knowledge but also deliberate ignorance or reckless disregard for the truth or falsity of the information. The FCA contains a whistleblower provision that allows private individuals to file a lawsuit on behalf of the United States and entitles that whistleblower to a percentage of any recoveries. Whistleblowers could be current or former business partners, staff, patients, or competitors. Workforce members cannot be retaliated against for filing a whistleblower action. There also is a criminal False Claims Act (18 U.S.C. § 287) that imposes criminal penalties including imprisonment and criminal fines for submitting false claims to the government. Montana’s false claims act contains similar provisions to the federal civil FCA.

## Political Activities and Contributions

Livingston HealthCare encourages all personnel to vote and be active in the political process. However, federal laws and many state laws restrict the use of organization funds in connection with elections. Accordingly, it is against Livingston HealthCare policy, and may also be illegal, for personnel to include, directly or indirectly, any political contribution on your expense report or in any other way that causes Livingston HealthCare to reimburse you for that expense. In general, the cost of fund raising tickets for political functions is considered a political contribution. Therefore, including the cost of such a fund raising dinner on an expense account, even if business is discussed, is against Livingston HealthCare policy and is possibly illegal.

Use of any Livingston HealthCare property, facilities, supplies, or equipment, or time of any Livingston HealthCare personnel, for any political activity is prohibited. Examples of prohibited conduct include using administrative time to send invitations to political fundraising events, using a Livingston HealthCare telephone to make politically-motivated solicitations, allowing any candidate to use any Livingston HealthCare facilities (such as meeting rooms) for political campaigning, or loaning Livingston HealthCare property to anyone for use in connection with a political campaign.

The political process has become highly regulated. Anyone who has questions about what is or is not proper should consult with the compliance officer before agreeing to do anything that could be construed as involving Livingston HealthCare in any political activity at either the federal, state, or local level, or for any foreign country.

## **Safety, Health and Environment**

Livingston HealthCare is committed to providing a safe and healthy workplace for our employees and for visitors to our premises. Livingston HealthCare is equally committed to minimizing the impact of our operations on the environment. These commitments can only be met through the awareness and cooperation of all personnel. Livingston HealthCare personnel have a responsibility to abide by safe operating procedures, to guard their own and their fellow employees' health, and to maintain and utilize pollution control systems. In the United States, regulatory agencies exist under federal, state, or local jurisdiction to ensure compliance with laws and regulations affecting safety, health, and environmental protection. It is Livingston HealthCare's policy to comply with both the letter and spirit of the laws and regulations imposed by these agencies and to attempt to develop a cooperative attitude with inspection and enforcement personnel. In keeping with this spirit, personnel are encouraged to report any conditions that they may perceive to be unsafe, unhealthy, or hazardous to the environment to their supervisors.

## **Employee Relations**

It is Livingston HealthCare's policy to provide equal opportunity employment to individuals who are qualified to perform the essential job functions, regardless of their race, color, sex, religion, national origin, disability, or age. Livingston HealthCare is committed to following the human rights laws of the United States and of the states where employees reside. Every employee has a right to a work in an environment free of harassment or discrimination because of race, color, sex, religion, national origin, disability, or age. These commitments can only be met if all employees treat each other with mutual respect, courtesy, and fairness.

# Compliance Resources

All Livingston HealthCare employees are expected to comply with the Integrity and Compliance Program. When in doubt, it is your responsibility to seek clarification from your manager, director, human resources, or the compliance officer.

## Reporting a Concern

The compliance officer operates a confidential hotline. You can report a suspected violation anonymously and confidentially 24 hours a day, every day of the year.

**Compliance Hotline: 406-823-6495**

When you report in good faith, you will be protected from any form of retaliation.

## Disciplinary Action

Employees who knowingly violate the Integrity and Compliance Program will be subject to appropriate corrective action, up to and including termination. Individuals who think they have been unfairly disciplined may follow the appeal process, which is available from human resources.