

## PATHWAYS CMH

<b>POLICY TITLE:</b> Code of Conduct	<b>CATEGORY:</b> Compliance	
<b>EFFECTIVE DATE:</b> 05/16/13	<b>BOARD APPROVAL DATE:</b> 08/16/14	
<b>REVIEWED DATE:</b> 04/13/16	<b>REVISION(S) TO POLICY STATEMENT:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> Compliance Manager	<b>CEO APPROVAL:</b> Mary Swift, CEO	

**APPLIES TO:**

Pathways Personnel  
Contract Providers

**POLICY:**

***Applicability:***

Pathways directly provides and contracts services for adults and children with mental illness, developmental disabilities, serious emotional disturbances, and co-occurring mental health and substance use disorders. This code of conduct applies to all Pathways operational activities and administrative actions, and includes those activities that come within federal and state regulations relating to health care providers. Of particular importance to Pathways is to maintain a health care and business environment that is committed to integrity and ethical conduct, particularly in the areas of legal compliance, business ethics, confidentiality, conflict of interest, business and consumer relationships, documentation and billing practices, personnel and confidential employee information, investigation and response, discipline and evaluation, and professional ethics. Therefore, this code of conduct applies to all Pathways board members, employees, volunteers, students, interns (hereinafter referred to as "Personnel") in the performance of work for Pathways that is under the direct control of Pathways.

This Code of Conduct is intended to establish ethical standards of health care and ethical business practices as a framework for Personnel in the performance of work. It is not intended to set forth all of the substantive practices that are an intricate fiber of high quality care. Personnel are expected to be familiar with and are obligated to adhere to the standards set forth in this Code of Conduct or incorporated by reference herein and in Pathways policies.

***Obligation of Pathways Personnel:***

Each individual is obligated to conduct themselves in accordance with:

- a. Standards set forth in this Code of Conduct;
- b. Applicable federal and state laws and regulations;
- c. Pathways policies, including general policies, Compliance Program Plan and Policies, and those applicable to specific job, position or function;
- d. Standards of conduct incumbent upon an individual by virtue of holding state licensure or registration; and
- e. Ethical standards binding on an individual as a practitioner of a particular profession.

***Professional Ethics:***

An employee who is a member of a health care profession required to be licensed or registered under the Michigan Public Health Code is responsible for obtaining his or her license or registration and renewals thereof on a timely basis. A health care professional shall render

professional services only within the scope of his or her license or registration and in a manner that conforms to applicable standards of care and to the ethics of his or her profession. No employee that is a health care professional is permitted to render professional services unless he or she possesses all valid, current and unrestricted state and federal licenses, registrations and certifications necessary to legally practice his or her profession and has been credentialed and privileged as provided in Pathways policies.

***Responsibility to Consumers:***

Personnel have an affirmative obligation to:

- Treat consumers and family members with dignity and respect.
- To provide service that meets the consumer's medical necessity, as identified through clinical assessment; and when the consumer meets the requirements for the service, the service is included in the person-centered individualized plan of service.
- Not discriminate based on race, color, national origin, ancestry, religion, age, sex, weight, marital status, physical or mental impairment by Personnel in the provision of services, including admission to and discharge from services or discrimination is prohibited.
- Provide consumers and families with all information concerning services and treatment when and to the extent required by applicable Federal and State laws and regulations and/or by sound clinical practice.
- To document in a timely manner to ensure an accurate accounting of service provided.
- Protected health information from unauthorized use or disclosure except as required or permitted by law.
- Report suspected abuse and neglect as required by law.
- Protect consumers' Rights and furnish services to consumers in a manner that does not violate their legal rights as defined in the Michigan Administrative Rules, Public Health Code and Mental Health Code.
- Not have relationships of a sexual nature of any kind with a consumer. Relationships of a sexual nature with a consumer are prohibited.
- Not engage in or permit any third party to engage in studies, surveys or clinical investigations involving consumers or consumers' personally identifying information (collectively, "research") without the prior written approval of the MDHHS Institutional Review Board. All research must be conducted in compliance with all applicable Federal and State laws and regulations, in accordance with applicable professional ethics, and with due respect for the legal rights of affected consumers.

***Conflict of Interest:***

Personnel will avoid any action that conflicts with the interest of the organization. All Personnel must disclose any potential conflict of interest situations that may arise or exist. Pathways will maintain standards establishing a clear separation of any supplemental employment in terms of private practice and outside employment from activities performed for Pathways. Conflicts of interest that providers may have must be considered. If a provider with a disclosed conflict of interest is used, the conflict must be addressed in the relevant agreements.

**BUSINESS ETHICS**

***Financial Standards:***

Pathways shall ensure integrity of all financial transactions. Transactions shall be executed in accordance with established policies and procedures and with federal and state law and recorded in conformity with generally accepted accounting principles or any other applicable

criteria. All financial reports, accounting records, research reports, expense accounts, time sheets and other documents will accurately and clearly represent the relevant facts or the true nature of a transaction. No undisclosed or unrecorded funds or assets will be established for any purpose. Pathways will not tolerate improper or fraudulent accounting, documentation, or financial reporting.

***Kickbacks:***

Personnel are prohibited from offering, soliciting, or accepting money or anything else of value from any Pathways vendor or provider except as provided herein. Personnel may share in a gift of goods or services from a vendor or provider if, any only if:

- The gift consists of goods delivered to Pathways premises;
- If used or consumed on the premises;
- The gift is not intended for the personal use or benefit of specific individuals;
- The gift does not violate federal and state laws and regulations that prohibit soliciting or accepting anything of value in exchange for influencing a purchase of goods or services or the referral of consumers for services.

***Marketing and Media:***

Pathways news releases, marketing campaigns and advertising materials shall not be deceptive or misleading by omission or commission. All marketing materials and advertising aimed at Medicaid eligible consumers are subject to prior approval of Michigan Department of Health and Human Services (MDHHS).

***Market Competition:***

To ensure compliance, Pathways policy and business practices prohibit setting charges in collusion with competitors and entering into certain exclusive arrangements with vendors. Additional information concerning antitrust issues can be obtained from the Compliance Officer.

***Outside Employment:***

Pathways Personnel shall not represent or act as an agent, compensated or uncompensated, for any outside interest in any transaction in which Pathways has a direct or substantial interest, financial or otherwise. Nor shall any employee accept any outside engagement or employment the pursuit of which conflicts with the ability of the employee to discharge properly his or her duties to Pathways. Outside employment shall be disclosed to and approved as defined in the Pathways policies.

***Procurement:***

Vendors of goods and services shall be selected based on objective criteria including quality, technical excellence, price, delivery, and adherence to schedules, service, and maintenance of adequate sources of supply. Where required by law or contract, procurement shall be by competitive bid. Where procurement is by secret bid, Personnel shall not directly or indirectly disclose any information to any bidder or potential bidder if such disclosure would confer or tend to confer any competitive advantage.

***Trading on Inside Information:***

Personnel may not engage in or retain the profits of any private activity, business or transaction arising out of or in any way related to information acquired in the course and scope of their employment or other relationship with Pathways.

***Improper Referrals:***

Referrals of consumers for services outside Pathways are important to the delivery of proper care to our consumers. If a referring health care professional or a member of his or her immediate family has an ownership or financial interest in any entity to which a consumer is referred, and payment for the referred services will be made by any federally-funded health care program (e.g., Medicare, Medicaid), federal and state laws may forbid the referral. No employee may make a referral in violation of such laws. Additional information concerning referral restrictions can be obtained from the Compliance Officer.

***Gifts Influencing Decision-Making:***

Personnel will not accept from anyone gifts, favors, services, entertainment or other things of value to the extent that decision-making or actions affecting Pathways might be influenced. Similarly, the offer or giving of money, services or other things of value with the expectation of influencing the judgment or decision-making process of any purchaser, supplier, customer/member, government official or other person by any Personnel is absolutely prohibited. Any such conduct should be reported immediately to a director of the Compliance Officer.

***Billing and Claims:***

Pathways is committed to charging, billing and submitting claims for reimbursement only when the services have been provided and documented in the manner required by laws, regulations, policies and applicable standards of care. All Personnel should know and carefully follow the applicable rules for submission of bills and claims for reimbursement, whether those claims are submitted to Pathways for payment or to a third party for payment by Pathways. Any Personnel that knows or suspects that a bill or claim for reimbursement is incorrect is required to report the matter immediately to a supervisor or to the Compliance Officer.

**CONFIDENTIALITY*****Consumer Identifying and Confidential Information:***

Except as otherwise required by law (e.g. Mental Health Code, 42 CFR, Part II relative to substance abuse services, HIPAA), consumer identifying and confidential information shall not be released without an appropriately signed "Authorization to Disclose Confidential Information: or official judge's court order.

***Disclosure of Business and Personnel Information:***

Except as otherwise required by law (e.g. the Freedom of Information Act), personnel information and business information about the operations of Pathways acquired by any Personnel from any source shall be disclosed within Pathways only on a minimum necessary, need to know basis and solely for purposes related to the performance of job duties. Such information may be disclosed outside the agency only as permitted or required by law and Pathways policy.

**WORKPLACE CONDUCT AND EMPLOYMENT PRACTICES*****Employment Discrimination:***

Pathways and its Personnel shall abide by any and all applicable federal and/or state equal opportunity statutes, rules, and regulations including, without limitation, Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination in Employment Act, the Fair Labor Standards Act, the Americans with Disability Act, the

Rehabilitation Act of 1973, and the Occupational Health and Safety Act of 1970, all as may from time to time be modified or amended.

***Controlled Substances:***

Pathways prohibits the consumption of alcohol and the unlawful possession, use, manufacture or distribution of illicit drugs or alcohol on or in its property, including Pathways owned or leased vehicles. In addition, no Personnel shall consume alcohol or be under the influence of illicit drugs or alcohol while acting in the course and scope of his or her employment or while operating a Pathways vehicle. All health care professionals, including those who maintain DEA registration, must comply with all Federal and State laws regulating controlled substances. Any Personnel who knows or suspects the consumption, unlawful or unauthorized possession, use, manufacture or distribution of illicit drugs or alcohol by any other Personnel in violation of this paragraph must promptly notify his or her supervisor and/or the HR Director and the Compliance Officer.

***Harassment:***

Unlawful harassment is any unwelcome conduct, whether verbal, physical or visual, that is based on a person's race, color, religion, sex, age, national origin, height, weight, marital status, veteran status or disability or any other legally protected characteristic. Pathways is committed to an environment free of harassment from Personnel. Pathways will not tolerate harassment based on race, color, religion, sex, age, national origin, height, weight, marital status, veteran status, disability, sexual orientation, or any other condition, which adversely affects their work environment. Pathways has a strict non-retaliation policy prohibiting retaliation against anyone reported suspected or known compliance violations.

***Sexual Harassment:***

Sexual harassment is prohibited. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct explicitly or implicitly affects an individual's employment, interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

***Weapons:***

No Personnel shall possess, maintain, keep or bear any rifle, pistol or other firearm, whether licensed or unlicensed, registered or unregistered, concealed or not concealed, holstered or unholstered, cased or uncased in any building or vehicle owned, rented or operated by Pathways or on which consumers receive services for which payment is made in whole or in part with Pathways funds. No Personnel shall possess, maintain, keep or bear any explosive or other weapon in any building or vehicle owned, rented or operated by Pathways or on which consumers receive services for which payment is made in whole or in part with Pathways funds.

***Personal Use of Pathways Resources:***

Except as provided herein, use of Pathways property, equipment or other tangible assets for personal purposes without the prior written approval of the Personnel's supervisor is prohibited. The occasional personal use of Pathways property, equipment and tangible assets (e.g., making local phone calls and sending personal e-mail over company communications equipment) is acceptable where Pathways incurs no direct expense in connection with such personal use. Personnel may not contribute Pathways funds or property to any charity without prior written authorization of the CEO or his or her designee.

***Nepotism:***

Personnel shall not advocate a relative for appointment, employment, promotion, or advancement. An employee, volunteer, trainee, intern shall not appoint, employ, promote, or advance a relative to any position over which he or she has supervisory responsibility.

For the purpose of this section, the term “relative” means an individual related to the Personnel by blood or marriage. For the purpose of this section, the term “advocate” means the referral or recommendation of a relative to Personnel standing lower in the same chain of command for appointment, employment, promotion, or advancement.

***Political Activities and Contributions:***

Personnel may not directly or indirectly contribute Pathways property, equipment, funds, resources or other tangible or intangible assets or the use thereof to political campaigns, candidates, political parties or any agent or affiliate thereof. Prohibited conduct includes, but is not limited to, the use of work time and/or Pathways equipment to solicit or canvas on behalf of a political cause or candidate. No Personnel shall publicly or privately represent his or her political views as those of the Pathways.

***Reporting:***

All Personnel are obligated to report violations and suspected violations of fraud, waste, and abuse. Any individual that becomes aware of or has reasonable grounds to suspect a violation of any of the standards within this Code of Conduct by another individual is obligated to report the violation or suspected violation by one of the following methods:

- Directly to any supervisor;
- Directly to the Compliance Officer at the following address:

Pathways Compliance Officer  
Pathways Community Mental Health  
2500 7<sup>th</sup> Avenue South, Suite 100  
Escanaba, MI 49829  
Phone: (906) 233-1217  
E-Mail: [jlippens@up-pathways.org](mailto:jlippens@up-pathways.org)

- Anonymously through the Compliance Helpline at (800) 401-8004

All reports will be treated as confidential to the extent allowed by law, and will only be shared with others on a bona-fide need-to-know basis. Under no circumstances will Pathways as a CMH tolerate retribution against any employee or agent simply for making a “good faith” report to the Compliance Officer.

Obligations are also identified and defined in the Board approved Pathways Compliance Plan which are available on Pathways web site as <http://www.pathways-up.org>. Commitment to the goals of the Board-approved Compliance Plan, are required for all Personnel, agents, providers, and subcontractors. Each employee, affiliate, agent, contract provider, and subcontractor bears responsibility for compliance.

**HISTORY:**

REVISION DATE: 12/15/14; 06/18/15; 04/13/16

DEO APPROVAL DATE: 06/18/15

BOARD APPROVAL DATE: 05/16/13; 08/16/14

Pathways  
Code of Conduct Acknowledgment

*I understand that I am to read the Code of Conduct. I understand that if I have any questions pertaining to the Code of Conduct, I can contact the Pathways Chief Executive Officer or Compliance Officer for clarification.*

*Initials:* \_\_\_\_\_

*I have received a copy of Pathways Code of Conduct. Signing this form is my acknowledgement of receipt of Pathways Code of Conduct, and my acknowledgement of the principles as defined in the Pathways Code of Conduct. My signature below is acknowledgement of and agreement to abide by this Code:*

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date