

NYU LANGONE MEDICAL CENTER

Code of Conduct



NYU Langone Medical Center

Contents

LETTER FROM THE DEAN AND CEO....	1
NYU LANGONE MEDICAL CENTER MISSION....	2
VALUES....	3
INTRODUCTION....	4
FOUNDATION STATEMENT: A PERSONAL COMMITMENT TO ETHICS AND INTEGRITY....	5

Part One: Principles of Conduct

1 Quality of Care—Commitment to Our Patients....	7
2 Conduct with Patients and Colleagues....	10
3 Emergency Care....	11
4 Federal, State, and Local Laws, Regulations, and Policies....	12
5 Conflicts of Interest....	14
6 Anti-Kickback and Physician Self-Referral....	15
7 Confidentiality....	16
8 Accurate and Truthful Documentation, Coding, Billing, and Financial Reporting....	17
9 Medical Center Assets....	18
10 Pharmaceuticals, Prescription Drugs, and Controlled Substances....	19
11 Environmental Health and Safety....	20
12 Scientific and Clinical Research....	21
13 Political Participation....	22
14 Government Investigations, Accreditations, and Surveys....	23

Part Two: Reporting Concerns and Enforcement

1 Responsibility for Reporting....	25
2 The Medical Center’s Nonretaliation Policy....	26
3 Enforcement of the Code....	27

LETTER FROM THE DEAN AND CEO

To: Trustees, Faculty Members, Officers, Full- and Part-Time Employees, Students, and Volunteers of NYU Langone Medical Center

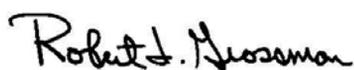
As Dean and CEO of NYU Langone Medical Center, I am focused on seeing this great institution take its rightful place among the top academic medical centers in the world. Greatness is measured by our ability to deliver compassionate patient care that is both quality-oriented and efficient, to provide education and guidance to the next generation of physicians, and to perform cutting-edge research that advances medicine and helps relieve suffering. But that's not all. Greatness is also measured by our commitment to upholding our Integrity Value, through a strong foundation of ethical conduct and compliance with the law.

This expanded Code of Conduct explains our long-standing commitment to ethical and legal conduct in greater detail. It is designed to provide guidance as each of us strives to make ethical decisions in our daily activities. It applies to every member of the Medical Center community: trustees, faculty members, officers, full- and part-time employees, students, and volunteers.

While the Code is comprehensive, it cannot cover every situation you might encounter. It's up to each individual to seek advice when faced with a question about any of the principles of this Code. In addition, if you believe that this Code is being violated, we need to know about it. You may choose to consult with a member of management or the Office of Compliance, or you may make an anonymous call to our Compliance Helpline at 866-NYU-1212. We will thoroughly review any concerns you have and take action to correct problems you identify. And we will not tolerate any retaliation against you if you come forward with a concern that you believe, in good faith, to be true.

As you read the Foundation Statement and the principles that follow, you will see that collectively they form a firm ethical framework that defines us as a great academic medical center. I am asking each of you to join me in making a personal commitment to uphold this Code of Conduct without exception.

Sincerely,



Robert I. Grossman, M.D.
Dean and Chief Executive Officer





NYU LANGONE MEDICAL CENTER MISSION

The mission of NYU Langone Medical Center is to promote the relief of human suffering caused by disease and disability through education, research, and patient care. This mission coincides with the ultimate mission of Medicine.

In its pursuit of this goal, the Medical Center shall foster prevention, amelioration, and cure of illness and injury by educating highly competent health professionals, improving understanding of the causes and mechanisms of human disease, providing direct patient care, and encouraging sound planning to improve the delivery of health care and health education. It shall provide the facilities and personnel necessary to carry out these functions in the most professional manner possible.

In all its activities, the Medical Center shall maintain the highest standards of excellence and consideration for the dignity of the individual.

Education

In educating the physician, the Medical Center shall merge the best traditions of the past with the most relevant content and vital teaching methods of the present. It is the goal of the Medical Center to instill in each student a respect for his or her profession and the people he or she serves, to provide for the continuing education of physicians throughout their careers, and to foster an atmosphere of learning for all staff throughout the Medical Center.

Research

In seeking new knowledge, the Medical Center shall stimulate research into the fundamental bases of life processes, as well as the nature of diseases and disorders and the means by which they can be overcome. The Medical Center shall encourage collaboration among independent researchers, interpret the value of research to patients and the general public, and foster a spirit of inquiry throughout the Medical Center.

Patient Care

NYU Langone Medical Center will place the patient at the center of all efforts. In providing direct patient care, the Medical Center shall service patients from metropolitan New York and those referred from other areas of the nation and the world. The Medical Center shall provide professional care and treatment for patients in accordance with high standards of medical service, offer programs of health education, and maintain a climate in which each member of the health care team can learn and carry out his or her responsibilities in the most professional manner possible.

VALUES

At NYU Langone Medical Center, we set the standard for patient care, scientific research, and medical education. We have built a tradition of service that has touched the lives of countless people in New York City, across the country, and around the world. The Medical Center's strength as an institution is based on the individual acts and the spirit of dedication of our physicians, health care professionals, scientists, employees, and students.

To ensure that NYU Langone Medical Center remains at the forefront of the medical profession and a place where people can build successful careers, we have adopted a set of Values that are designed to reflect not only our history, but also our commitment to the future. The Values are meant to complement, not replace, our existing codes of ethics and professional responsibilities. They are intended to be used as a means to enhance the way we deliver services to our patients, their families, visitors, and our colleagues.

We believe the five Values—**Excellence, Respect, Teamwork, Integrity, and Caring**—will enable us to build our tradition of service, to foster a culture of collaboration and teamwork, and to better meet the needs of those we serve.



INTRODUCTION

This Code of Conduct is a key element of NYU Langone Medical Center’s Corporate Compliance Program. It works together with our Mission, Values, and policies to promote conduct that is honest, ethical, and lawful. It is important that you understand your personal obligations under this Code.

Part One

Principles of Conduct, starting on page 6, makes up the heart of the Code. It presents 14 principles that are intended to serve as a guide to help you make ethical decisions. The Code was not created to cover every situation and does not replace or limit policies, procedures, and rules enacted by the University, NYU School of Medicine, or NYU Hospitals Center. If you have any questions about the Code, contact your supervisor or a member of the Office of Compliance.

Part Two

Reporting Concerns and Enforcement, beginning on page 24, covers three important topics. First, it explains your responsibility to report actions that appear to violate the Code and describes several options for reporting. Next, it describes the Medical Center’s nonretaliation policy—the protection we will provide you when you report violations. Third, it explains the disciplinary actions for violations of the Code.

Opposite this page you will find our **Foundation Statement**. It asks you, as a member of the Medical Center, to make a personal commitment to honesty, ethics, and integrity, and to uphold it without exception. This commitment lays the groundwork for all of the principles that follow.

FOUNDATION STATEMENT

A Personal Commitment to Ethics and Integrity

Everything I do and every decision I make will be guided by principles of honesty, integrity, and high ethical standards.

I will...

... **maintain honesty.** I will act with honesty and in good faith in all aspects of my job. In doing so, I will not make false or misleading statements. I will never take unfair advantage of anyone by manipulating or concealing information that is essential for conducting activities within the Medical Center. I will not misrepresent, falsify, or alter data.

... **consider the consequences before acting.** When someone asks me to do something that appears to violate the Code, I will have the courage to ask for advice before acting, even if the request comes from the person who supervises my work. For advice, I may speak in confidence with a staff member from the Office of Compliance or call the NYU Langone Medical Center's confidential Compliance Helpline.

... **admit mistakes and correct them.** Everyone makes mistakes—but a mistake that is covered up is a serious matter. If I discover that I have made a mistake, I will report it to the person who supervises my work as soon as possible and take steps to rectify it.





PART ONE | Principles of Conduct

1 Quality of Care—Commitment to Our Patients

I will demonstrate my personal commitment to ensuring that the Medical Center provides high-quality, compassionate, skilled patient care in a safe and healing environment, even if I do not work directly with patients.

I will...

... **report patient care issues.** I will report any incident of patient care that does not appear to meet the Medical Center's standards of quality. If I see that any aspect of patient care is being provided in a manner that puts a patient in danger—or that appears to violate our standards of quality or Patient Care and Nursing Standards—I will report it to the person who supervises my work, to the Office of Compliance, or to the Compliance Helpline. I understand that I may also report any concerns regarding the safety or quality of care to The Joint Commission. The hospital will take no disciplinary action if I report a concern to The Joint Commission.

... **assist patients in communicating compliance-related issues and unresolved quality issues.** If a patient approaches me with a compliance issue or a quality-of-care issue that remains unresolved although it has been reported to other hospital resources, I will assist the patient in communicating it to the Office of Compliance or the Compliance Helpline.

... **fulfill my personal responsibilities to report quality measures.** I will promptly and efficiently fulfill any personal responsibilities I have regarding our compliance with the following:

- Conditions of Participation for Hospitals (Centers for Medicare and Medicaid Services)
- Hospitals—Minimum Standards (New York State's Public Health Law)
- Standards and surveys of The Joint Commission
- Standards and surveys of the Commission on Accreditation of Rehabilitation Facilities
- Requirements of the Accreditation Council for Graduate Medical Education and other accrediting/certifying agencies
- Consensus measures of the National Quality Forum
- Principles of the Leapfrog Group for Patient Safety





- Standards adopted by the Magnet Recognition Program, recognizing excellence in nursing service
- Requirements for accreditation by the Liaison Committee on Medical Education (LCME)
- Recommendations and guidelines issued by other regulatory and voluntary groups identified as appropriate by NYU Langone Medical Center

If I work directly with patients, I will...

... **make sure I am prepared.** I will have current credentials, the expertise, and the competence to provide the patient care I am responsible for.

... **provide patients with care that is medically necessary,** appropriate to the situation, safe, and in compliance with professionally recognized standards of care.

... **maintain complete and accurate records** of patient information that fulfill the requirements of Medical Center policies, accreditation standards, and applicable laws and regulations.

... **look for ways to improve service.** I will try to find continuous quality- and performance-improvement opportunities.

... **make sure every patient receives the booklet *Your Rights as a Hospital Patient in New York State*** and that he or she understands it.

... **involve patients and family members in decisions** regarding the care patients will receive, to the extent possible.

... **ask questions** of the person who supervises my work.





If I have responsibility for overseeing the care provided to patients, I will...

- ... **know the quality goals and initiatives** of the Medical Center and use my understanding of them to foster quality assurance and continuous quality improvement.
- ... **know the measurement tools and benchmarks** the Medical Center uses to measure quality.
- ... **support and implement our Patient Care and Nursing Standards.**
- ... **ensure that patient choice** is included in clinical decision making.
- ... **implement plans of correction** and monitor continued compliance.

If my responsibilities do not include working directly with patients or overseeing their care, I will...

- ... **learn my job and do it to the best of my ability.** I will not underestimate the importance of my role in the success of the Medical Center and our mission. Every member of the Medical Center contributes to or supports our ability to provide quality patient care, cutting-edge research, or education to future physicians.
- ... **courteously assist patients and visitors.** If I am in contact with patients and visitors in person, on the phone, or by any other means of communication, I will remember that in the eyes of the person I am communicating with, I am the appointed representative of the Medical Center.
- ... **protect the confidentiality of patients and visitors.** If I learn the identity of a patient or visitor through my job or through casual observation, I will respect the confidentiality of the person identified. I will not share this information with anyone, including colleagues, family, or friends.

WHAT CONSTITUTES HARASSMENT?

Harassment is doing or saying things that make a person feel uncomfortable. Harassment can be based on race, color, religion, sex, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability, and any other legally protected basis.

Sexual harassment may include the following:

- Making a deal with someone that involves sex in exchange for something (such as receiving free patient care, earning a promotion, getting more-interesting work assignments, or keeping one's job)
- Telling sexual jokes or making repeated sexual references
- Making vulgar or lewd comments
- Unwelcome touching or fondling
- Obscene or sexually suggestive cartoons, posters, or e-mails
- Making unwanted and repeated statements about somebody's clothes, body, or personal life
- Looking a person up and down (elevator eyes)

Other forms of harassment may include the following:

- Verbal abuse or hostile behavior, such as insulting, teasing, mocking, degrading, or ridiculing another person or group
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands
- Physical assault or stalking
- Displaying or e-mailing derogatory, demeaning, or hostile materials
- Unwillingness to train, evaluate, assist, or work with an employee, faculty member, or student

2 | Conduct with Patients and Colleagues

I will let the Medical Center's Values be my guide in relationships with patients and their families, visitors, and colleagues.

I will...

- ... **strive to create the best possible experience** for our patients, their families, and visitors.
- ... **take the initiative** to find safe, creative, and effective solutions to patient-related concerns.
- ... **work collaboratively with my colleagues.** I will demonstrate my respect for my colleagues by communicating positively with them and about them.
- ... **treat each person respectfully, as a unique individual.** I will not discriminate against or harass anyone on the basis of race, color, religion, sex, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, or disability.
- ... **comply with our policies** on maintaining an alcohol-, drug-, and smoke-free workplace.
- ... **follow the specific guidelines** outlined in the Faculty Handbook, Residency Training Program Contract, House Staff Manual, Postdoctoral Handbook, Student Handbook, Staff Handbook, or Patient Care and Nursing Standards.

3 | Emergency Care

If I come in contact with individuals who appear to have emergency medical conditions, I will uphold the Medical Center's EMTALA Policy on Screening, Stabilization, and Transfer of Individuals with Emergency Medical Conditions.

I will...

- ... **neither discourage patients from entering the emergency department** nor direct them to another emergency department if they are seeking a medical screening examination at the Medical Center emergency department.
- ... **honor patients' rights to receive medical screening examinations**, and, if necessary, stabilizing treatment, by qualified medical professionals. Patients have this right even if they cannot pay and do not have insurance. They are also entitled to these services regardless of race, color, religion, sex, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability, diagnosis, or socioeconomic status.
- ... **come to the aid of individuals** on the NYU Langone Medical Center campus who request a medical screening, or whose appearance or behavior indicates to me that they are in need of emergency care.
- ... **help to secure basic first aid** by qualified medical professionals for individuals who present to an off-campus site requesting treatment for an emergency condition.
- ... **help secure transportation**, if necessary, to the NYU Langone Medical Center emergency department or, if individuals are off campus, to the emergency department of the nearest hospital.
- ... **make sure medical screening examinations and stabilizing treatments are not delayed** while inquiring about payment method, obtaining payment, or checking on insurance status.
- ... **arrange appropriate transfer** to another medical facility for patients who cannot be treated at NYU Langone Medical Center's emergency department because of our capability or capacity.





WHAT CAN LEAD TO INELIGIBILITY?

Examples of situations that can result in becoming ineligible include the following:

- Conviction related to patient abuse
- Default on a health education loan or scholarship
- Conviction of a crime related to federal or state health care programs
- License revocation or suspension
- Felony conviction related to health care fraud
- Felony conviction related to a controlled substance
- Submitting claims for excessive charges, unnecessary services, or services that fail to meet professionally recognized standards of health care

Ineligibility remains in force until an official reinstatement process has been completed.

4 Federal, State, and Local Laws, Regulations, and Policies

I will obey the letter and spirit of the laws, regulations, and policies that apply to my position.

I will...

... **familiarize myself with the laws and regulations** that relate to my position. I will uphold both the written words and the meaning behind those words. I will take responsibility to maintain any licenses and/or credentials required for my position. If I am a physician, physician's assistant, or specialist's assistant, I will become familiar with, and avoid, the actions that constitute professional misconduct.

... **learn the Medical Center policies that relate to my position and obey them.** These policies are included in our Mission, Values, Bylaws of the Medical Staff, Faculty Handbook, Postdoctoral Handbook, Staff Handbook, and Patient Care and Nursing Standards, as well as this Code of Conduct. Many of our organization-wide policies are in the NYU Policy and Procedure repository on the intranet ("The Link"). I will also learn and obey the policies and procedures within my own department.

... **ask questions.** If I have questions about law, regulations, and policies or my responsibilities for them; I will ask the person who supervises my work, the Office of Compliance, or the Office of Legal Counsel.

*If I have management or supervisory responsibility,
I will...*

- ... **make a sincere effort to keep up with regulatory changes** that affect my areas of responsibility by reviewing professional journals, listservs and other publications, as well as current newsletters published by the Office of Compliance.
- ... **seek out both internal and external professional development opportunities**, as they become available.
- ... **act as a role model for my staff**, demonstrating my understanding of and compliance with laws and regulations.
- ... **follow appropriate procedures** to ensure that our departmental policies and standards are complete and up-to-date.
- ... **make sure my department obtains** all necessary licenses, permits, and approvals required for operation.
- ... **inform the institution if I become ineligible to participate in federal and state programs.** The Medical Center receives money from the federal and state government, including entities such as Medicare, Medicaid, Tricare, and the National Institutes of Health. Because we receive these funds, we cannot employ or contract with anyone determined to be ineligible to participate in a program funded by the federal or state government. If I learn that I have become ineligible, I will contact the Office of Compliance at 212-404-4078 to inform the Medical Center.



**WHAT CONSTITUTES
PROFESSIONAL MISCONDUCT
IN NEW YORK STATE?**

Examples include:

- Obtaining a license fraudulently
- Practicing the profession fraudulently or beyond its authorized scope
- Being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except when on a therapeutic regimen that does not impair the ability to practice
- Willfully making or filing a false report, or failing to file a report required by law or by the New York State Department of Health or New York State Education Department, as well as willfully impeding or obstructing such filing or inducing another person to do so
- Failing to make available to a patient, upon request, copies of documents that have been prepared for and paid for by the patient or client
- Revealing personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient, except as required by law
- Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform them
- Abandoning or neglecting a patient under, and in need of, immediate professional care without making reasonable arrangements for the continuation of such care
- Willfully harassing, abusing, or intimidating a patient, either physically or verbally
- Failing to maintain a record for each patient that accurately reflects his or her evaluation and treatment

HOW CAN I RECOGNIZE A CONFLICT OF INTEREST SITUATION?

You have a conflict of interest if you or a member of your immediate family is an owner, a part-owner, or an employee of—or is receiving money from—a company that...

- ...does business with the Medical Center.
- ...proposes to do business with the Medical Center.
- ...competes with the Medical Center.
- ...solicits employees from the Medical Center.

You also have a conflict of interest if you have the authority to recommend doing business with a Medical Center vendor or contractor and a member of your immediate family is an owner, a part-owner, or an employee of—or is receiving money from—that vendor or contractor.



5 | Conflicts of Interest

I will avoid situations in which my business or personal interests influence (or appear to influence) my ability to act in the best interest of the Medical Center. If I believe that I have a conflict of interest, I will disclose it.

I will...

- ... **never use my position to profit personally** or to assist others in profiting at the expense of the Medical Center.
- ... **learn to recognize conflict of interest situations.**
- ... **refuse personal gifts or benefits** from vendors, patients, or others. Our Gift Policy includes information about the acceptance and/or solicitation of gifts or benefits from vendors, patients, and others.
- ... **disclose any financial interests** that I or members of my immediate family have that would appear to affect or be affected by my work at the Medical Center or the research I am doing on its behalf. See the Policies on Conflict of Interest, Commitment, and Consulting
- ... **follow the Interdisciplinary Structure Standard** if I am in a position to allow vendors and other representatives to be in operating rooms or interventional suites.

6 | Anti-Kickback and Physician Self-Referral

I will not give, receive, offer, or ask for anything of value in exchange for referring patients, products, or services. This includes accepting anything of value for purchasing, leasing, ordering, arranging for, or recommending products or services.

I will...

- ... **adhere to Medical Center guidelines on accepting referrals.** If I am in a position to accept patient referrals and admissions, I will do so based solely on the patient's medical needs and our ability to render the services needed. I will never offer anything of value, directly or indirectly, to anyone—colleagues, physicians, or anyone else—in exchange for referral of patients.
- ... **adhere to guidelines on making referrals.** If I am in a position to make referrals, I will not solicit or receive anything of value, directly or indirectly, in exchange for referring patients.
- ... **not engage in “swapping” business.** If I am in a position to make referrals to another health care provider, I will not take into account the volume or value of referrals that the provider has made, or may make, to the Medical Center.
- ... **learn the rules that apply to physician self-referrals** if I am a physician or an independent licensed practitioner such as a nurse practitioner.
- ... **not refer patients for “designated health services”** to a facility that I have an ownership interest in, or compensation arrangement with, if services are being paid for by Medicare or Medicaid, unless a specific exception/safe harbor applies.

WHAT ARE “DESIGNATED HEALTH SERVICES”?

The following have been identified by the Centers for Medicare and Medicaid Services (CMS) as “designated health services”:

- Clinical laboratory services
- Physical therapy services, including speech-language pathology services
- Occupational therapy services
- Radiology services, including magnetic resonance imaging, computerized axial tomography scans, and ultrasound services
- Radiation therapy services and supplies
- Durable medical equipment and supplies
- Parenteral and enteral nutrients, equipment, and supplies
- Prosthetics, orthotics, and prosthetic devices and supplies
- Home health services
- Outpatient prescription drugs
- Inpatient and outpatient hospital services

7 | Confidentiality

I will safeguard confidential information about patients, research subjects, employees, students, and the institution itself.

I will...

- ... **access confidential information only to perform my responsibilities** within the institution and for no other purpose.
- ... **safeguard confidential information** to prevent disclosing it to anyone who does not have an official need to know.
- ... **refrain from sharing competitive information** concerning the Medical Center with representatives from other hospitals, health care providers, or medical schools. Among the classes of confidential information I will not discuss are the following:
 - Business arrangements. Our financial and contractual arrangements with suppliers and managed care companies.
 - Plans. Information about our strategic plans, potential acquisitions, and planned investments.
 - Marketing. Our marketing efforts or future plans.
 - Financial information. Our prices, professional fees, reimbursements, and salary levels.
- ... **follow our confidentiality and security guidelines**. I will pay particular attention to the specific guidelines included in the following:
 - Policy Statement on Privacy, Information Security, and Confidentiality
 - Computer and Information Security: A Guide to Protecting Institutional and Personal Data
 - Patient Care and Nursing Standards
- ... **comply with Medical Center guidelines for reporting breaches of Protected Health Information (PHI)**. If I discover that unsecured PHI has been accessed, used, or disclosed, or if I find or receive PHI that I am not authorized to have, I must report the incident to the Office of Compliance within 24 hours of the event. The helpline designated for reporting these PHI issues is **1-877-PHI-LOSS (1-877-744-5677)**. It is multilingual, toll-free, and available seven days a week, 24 hours a day (see back, inside cover for more information).

PROTECTING CONFIDENTIAL PATIENT INFORMATION

Because of the personal nature of the health care business, the Medical Center often obtains very personal information from patients. It is important that we collect only the information that is absolutely necessary and protect that information after we receive it.

WHAT IS PROTECTED HEALTH INFORMATION (PHI)?

Protected Health Information (PHI) means individually identifiable health information that is transmitted or maintained in any form (oral, electronic, paper, etc) if it:

- Identifies or could be used to identify an individual.
- Is created or received by a health-care provider (such as NYU Langone Medical Center), health plan, employer, or healthcare clearinghouse.
- And relates to the:
 - past, present, or future physical or mental health or condition of an individual.
 - provision of healthcare to an individual.
 - past, present, or future payment for the provision of that healthcare.

8 Accurate and Truthful Documentation, Coding, Billing, and Financial Reporting

If I am responsible for any type of documentation, for coding and billing any products or services, or for financial reporting, I will perform my duties accurately, truthfully, and promptly.

I will...

- ... **create and maintain thorough, accurate records.** I will document promptly, following legal requirements, professional standards, and my department's policies.
- ... **take responsibility.** If coding or billing is done on my behalf, I will make sure that I have a thorough knowledge of the claims and verify that they are accurate. I will never sign a document without being certain it is accurate.
- ... **bill Medicare and Medicaid only for services that are medically necessary.** I will not provide a service that is not covered and bill for one that is.
- ... **comply with the Medical Center policy on State/Federal False Claims Acts and Whistleblower Protection.**
- ... **never submit for payment claims containing fraudulent information,** or claims based on fraudulent documentation, to any federal or state program.
- ... **report suspected incidents of fraud, waste, and abuse** (see "Responsibility for Reporting" on page 25). I will protect people who come forward to report any such incidents.
- ... **bill only for services that are actually provided, properly documented, and accurately coded.**
- ... **fairly and accurately represent the financial condition** of the Medical Center or any area I am responsible for.
- ... **ensure that the financial transactions I report reflect actual transactions** and conform to generally accepted accounting principles (GAAP).
- ... **accurately record** all funds, assets, liabilities, revenues, and expenses.
- ... **produce cost reports that are true, correct, and complete,** and prepared according to instructions.
- ... **report immediately any improprieties** I may suspect in accounting, internal controls, or auditing to the Office of Compliance.

WHAT CODING PRACTICES SHOULD I AVOID?

The following coding practices are examples of fraud or abuse:

- Using "default codes" or selecting codes because they guarantee payment, instead of coding and billing the products and services actually provided
- "Upcoding," or selecting the code for a more serious diagnosis or more extensive procedure than is actually performed
- "Unbundling" a group of procedures and coding them separately in order to receive a separate payment for each procedure, when one or more are components of a global code

WHAT FINANCIAL REPORTING PRACTICES SHOULD I AVOID?

The following financial reporting practices are examples of fraud:

- Hiding expenditures, funds, assets, or liabilities
- Knowingly providing false or inaccurate information to an employee, management, our auditors, legal counsel, the authorities, government agencies, or accreditation organizations
- Providing untrue statements of material fact or omitting material facts

9 | Medical Center Assets

I will protect Medical Center assets from loss, damage, theft, misuse, and waste with the same care that I would protect my own assets.

These assets include...

- ... **equipment and supplies.** I will not remove the Medical Center's supplies and equipment from the premises for personal use. These supplies and equipment include vehicles, machinery, tools, computers, printers, telephones, and medical devices, as well as office, medical, cleaning, and food supplies.
- ... **time.** As one of the Medical Center's assets, I will work productively and report my time and attendance accurately.
- ... **departmental funds.** If I am in a supervisory or management position, I will maintain careful internal controls and accurate records of departmental funds, including cash and cash equivalents. I will exercise appropriate oversight of financial reports, expense accounts, and timesheets.
- ... **records.** I will comply with the Medical Center's record retention and destruction policy and schedules that apply to my job responsibilities.





10 | Pharmaceuticals, Prescription Drugs, and Controlled Substances

If I have responsibility for, or access to, prescription drugs, controlled substances, over-the-counter drugs, or any street-valued medical supplies (for example, needles), I will maintain the highest possible professional and ethical standards with regard to them.

I will...

- ... **learn the laws that apply to my responsibilities.** I will become familiar with the laws, internal policies, and Patient Care and Nursing Standards that govern my work with these drugs and supplies. I understand that drugs can never be provided without an order by someone who is licensed by the State of New York to write prescriptions.
- ... **keep all drugs and supplies secure.** I will take particular care to keep drugs secured at all times and be sure they are not available to anyone who does not have a prescription. I will follow policies, procedures, and standards for handling outdated, deteriorated, or unusable drugs.
- ... **report security problems.** If I am aware of, or suspect, a lapse of security or the inappropriate distribution of drugs, I will report it immediately to the person who supervises my work, the Office of Compliance, or the Compliance Helpline.

11 | Environmental Health and Safety

I will comply with the Medical Center's safety and health policies to ensure that patients, students, faculty, employees, and visitors are protected from undue health risks and unsafe conditions.

I will...

- ... **handle and dispose of hazardous materials legally and appropriately**, if I have responsibilities that include handling and/or disposing of such materials.
- ... **comply with laws, regulations, and policies** regarding the shipping, handling, use, storage, transportation, and disposal of all hazardous materials, including radioactive materials and medical or chemical wastes.
- ... **comply with the Medical Center's permits** that allow us to safely manage waste discharge.
- ... **contract only with reputable, licensed vendors** to transport and dispose of hazardous materials.
- ... **accurately maintain the records required** by federal and state laws and regulations.
- ... **report suspected violations**. If I suspect a violation of an environmental or occupational safety or health law, I will report it immediately to the Office of Compliance or the Compliance Helpline.



If I am involved in any way in developing research proposals or conducting research activities, I will ensure that my work is conducted with the highest ethical standards. All of my work will be consistent with federal, state, and local laws and regulations, as well as Medical Center policies.

I will...

... **obtain all required approvals** and follow all Medical Center guidelines, policies, and procedures, including those of the following:

- Institutional Review Board (IRB), for approval of all research involving human subjects.
- Institutional Animal Care and Use Committee (IACUC), for approval of all research involving animals.
- Institutional Bio-safety Committee (IBC), for approval of all research involving recombinant DNA.
- Embryonic Stem Cell Research Oversight Committee (ESCRO) for approval of research involving stem cells.
- Sponsored Research Programs Administration (SPA), for guidance on complying with the fiscal requirements for government-sponsored research.
- Office of Clinical Trials (OCT), which provides guidance and support for all aspects of clinical research, such as contract negotiation and budgeting, including Medicare coverage analysis.

... **never participate in research misconduct**, such as making up results, changing results, or copying results from other studies and claiming them as my own.

... **submit accurate, truthful, and complete accounting, record keeping, and billing records**. I will comply with governmental and sponsor requirements, as well as these and other Medical Center policies and procedures:

- Clinical Research and Billing
- Cost Transfers on Sponsored Projects
- Institutional Cost Sharing
- Effort Reporting for Sponsored Research Projects
- Program Income Earned on Sponsored Projects
- Charging Direct Costs to Sponsored Programs

WHICH COMPLIANCE AREAS ARE OF PARTICULAR IMPORTANCE TO RESEARCHERS?

Our top priorities are...

...**protecting patients and human subjects** and their rights during research, investigations, and clinical trials.

...**fully informing patients** of their rights and responsibilities, risks, expected benefits, and alternatives.

...**the humane care and use of laboratory animals** in biomedical and behavioral research and education.

In addition, researchers need to be especially familiar with...

...**administrative responsibilities** that are needed to ensure that the federal government, state government, and other sponsors are charged only for what they have agreed to pay for and for the work we have actually performed.

...**good clinical practice**. Researchers must receive certification of training and education in good clinical practice as a prerequisite to conducting research with human subjects by completing the required IRB tutorials.

...**principles for managing research data**. Researchers are responsible for the privacy and security of their research data. Transfer of research data from NYU requires approval.



13 | Political Participation

I will not use Medical Center funds, time, or equipment to campaign for (or against) any political candidate. I understand that participation in political campaigns could jeopardize the Medical Center's tax-exempt status.

I will...

- ... **participate in political activity only as a private citizen, not as a representative of the Medical Center.** I am entitled to participate in, or contribute to, any political organization or campaign I choose. I will, however, clearly label any personal communication with legislators as my own, not as correspondence coming from the Medical Center.
- ... **use my own funds** for any political participation and not attempt to be reimbursed by the Medical Center.
- ... **refrain from providing or offering any benefit in an attempt to influence government officials.** If I am responsible for conducting transactions or handling contracts with governmental agencies, I will ensure that they are handled honestly and ethically.
- ... **report inappropriate requests for benefits.** If a government representative requests or demands any type of benefit from the Medical Center, I will report it immediately to the Office of Compliance or the Office of Legal Counsel.

14 | Government Investigations, Accreditations, and Surveys

I will uphold the Medical Center's policy on Responding to Government Inquiries by cooperating fully with requests from governmental agencies and accrediting associations concerning the Medical Center's operations.

I will...

- ... **report any requests** I receive from a government investigator to my supervisor, who will contact the Office of Legal Counsel and the Office of Compliance.
- ... **follow the guidance** provided by the Office of Legal Counsel if I am asked to surrender documents to investigators.
- ... **cooperate with representatives** from accrediting associations such as The Joint Commission and the Commission on Accreditation of Rehabilitation Facilities (CARF) in an open and honest manner.
- ... **never destroy or alter records** requested for a government investigation or survey, nor will I lie or make misleading statements on or about those documents.
- ... **never pressure or suggest to anyone to hide information** from, or provide false information to, government investigators or accreditation surveyors.





PART TWO

Reporting Concerns and Enforcement

1 Responsibility for Reporting

If I am aware of—or even suspect—a violation of the Code, I have a responsibility to report it to the person who supervises my work, the Office of Compliance, or the Compliance Helpline.

Why report concerns or violations? Compliance is *everyone's* responsibility. Every member of the Medical Center has an obligation to report situations or activities that are—or even seem to be—violations of the Code. If something concerns you but you are not sure whether it is a violation of the Code, you must raise the concern and ask for advice. You do not have to be absolutely sure that you are right to make a report, but you must provide information that you believe to be true.

When you report concerns and violations, you provide an opportunity for the Medical Center to investigate them and, if necessary, correct them before they can cause serious legal issues or negative publicity. If you are aware of a violation of the Code and don't report it, you are allowing it to continue. Failing to report a violation is a violation in itself. If you know of, or suspect, a violation and do not report it, you can face disciplinary action.

Here are the ways to report concerns or violations:

- **Make a report to the person who supervises your work.** Make an appointment so you can discuss the issue confidentially and thoroughly. Be prepared to present any evidence you have to support your allegations.
- **Make a report to a representative from the Office of Compliance or Human Resources.** If you are uncomfortable talking with the person who supervises your work, you can contact any one of the following people by e-mailing **Compliance.Help@nyumc.org** or calling either the Office of Compliance or Employee Relations. Ask that your call be directed to the appropriate person.

Office of Compliance 212-404-4078

For specific contact information, go to www.med.nyu.edu/compliance.

- Vice President, Audit and Compliance
- Director of Hospital Compliance
- Director of Research Compliance
- Director of Faculty Group Practice Compliance
- Privacy Officer

Human Resources Department—Employee Relations 212-404-3857





- **Make a report in writing.** Send a description of your concern by letter, memo, or fax to:

NYU Langone Medical Center Office of Compliance
1 Park Avenue, 10th Floor
New York, NY 10016
Confidential Compliance Fax: 212-404-4095

If you report an issue to the person who supervises your work, to a representative from the Office of Compliance, or to Human Resources, you can request that your report remain confidential. In doing so, you are requesting that your identity not be revealed. However, in some instances, your identity might need to be revealed in order for an investigation or legal proceeding to move forward.

- **Make a report anonymously through the Compliance Helpline.** The **Compliance Helpline (866-NYU-1212)** is multilingual, toll-free, and available seven days a week, 24 hours a day. Calls are answered by an outside service, and your caller ID information is not recorded. You do not need to reveal your identity, but you should give enough specific information to enable a complete investigation of the issue you are reporting.

The Helpline operator forwards your report to the Office of Compliance for investigation. When you call the Helpline, you receive a tracking number and a time to call back for an update on your report or the answer to your question.

2 | The Medical Center’s Nonretaliation Policy

*I understand that I am protected from retaliation
if I report violations or suspected violations of this Code.*

The Medical Center promises that there will be no retaliation against you if you raise concerns or questions about misconduct or report violations of this Code. Examples of retaliation include termination of employment, unjustified negative performance reviews, harassment, or exclusion from department meetings or social activities.

If you report a violation and believe you are experiencing retaliation, you have the right to report this situation to the Office of Compliance. Retaliation against anyone who has raised a concern or reported a violation of the Code will be subject to disciplinary action, including possible termination.

3 | Enforcement of the Code

I understand that I will be subject to disciplinary action for violations of this Code.

If you violate this Code of Conduct, you will be subject to disciplinary action, up to and including termination. The specific action will depend on the nature and severity of the violation. Disciplinary actions will be consistent with the Bylaws of the Medical Staff, Faculty Handbook, Postdoctoral Handbook, Student Handbook, and Staff Handbook.

Examples of actions subject to disciplinary action include the following:

- Participating in activities that violate this Code
- Encouraging, directing, facilitating, or permitting activities that violate this Code
- Failing to report suspected violations of the Code
- If you are a supervisor or manager, failing to detect violations of the Code, if you should have discovered the issues in the course of your supervisory or management responsibilities





NYULMC Office of Compliance

You must report these common HIPAA/HITECH Act issues

Did you or someone you know:

- **Find** unsecured patient information?
- **Lose** or **misplace** patient information?
- Accidentally **release** patient information to someone who should not have received it?
- Accidentally **receive** patient information that was not meant for you?
- Have a laptop, PDA or flash drive **stolen**?
- **Send** a fax containing patient information to the wrong number or **receive** a fax not meant for you?

If the answer to any of these questions is

YES or MAYBE, then call within 24 hours of the event

1-877-PHI-LOSS*

(1-877-744-5677)

24 hours a day, 7 days a week

**This helpline is just for Protected Health Information/HIPAA issues*



NYULMC
Office of
Compliance

Compliance is everyone's responsibility!

If you have questions or concerns about:

- Code of Conduct Violations
- Billing & Coding
- Conflicts of Interest
- Financial Reporting
- Retaliation
- Documentation
- Kickbacks
- Research Related Issues
- Other Compliance Issues

Call the

Compliance Helpline

1-866-NYU-1212

24 hours a day, 7 days a week

NYU

Langone Medical Center



Langone Medical Center

550 First Avenue New York, NY 10016