

Northwell Health ACO

# Code of Ethical Conduct

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## NORTHWELL HEALTH ACO CODE OF ETHICAL CONDUCT

### Code of Ethical Conduct

As part of its Compliance Program, Northwell Health ACO (the “ACO”) has established this Code of Ethical Conduct (Code). All applicable personnel, including the ACO Board of Managers (the “Board”) and employees, as well as ACO participants, providers/suppliers, and any other entity or individual performing functions on behalf of the ACO (collectively, “ACO Personnel”), must adhere to both the spirit and language of this Code and maintain a high level of integrity and honesty in all of their conduct relating to the operations of the ACO and participation in the ACO program.

### Our Commitment to Compliance

The ACO is committed to providing patients with quality medical care in accordance with high clinical, ethical, business, and legal principles. Our commitment includes promoting evidence-based medicine; patient engagement; cost effective and high quality care; and the coordination of patient care. To that end, all ACO Personnel must act in compliance with all applicable legal and ethical rules and strive to achieve the highest quality of care while avoiding even the appearance of impropriety.

In implementing its Code and Compliance Program, the ACO is relying upon, in part, Northwell Health’s Compliance Program for certain operational compliance policies and procedures. In addition to being covered by the ACO’s Compliance Program and this Code, all individuals affiliated or employed by Northwell Health shall also be covered by Northwell Health’s Compliance Program, Code of Ethical Conduct, and applicable policies and procedures. ACO participants, providers/suppliers, and other entities or individuals who are performing functions on behalf of the ACO and are not affiliated with or employed by Northwell Health will remain covered by their employer’s Compliance Program, in addition to the requirements of the ACO’s Compliance Program and this Code.

If you have any questions or concerns about anything covered by this Code of Ethical Conduct, or about any other matter relating to the ACO’s Compliance Program, or if you wish to report a compliance concern, please contact the ACO’s Compliance Officer or the ACO’s Compliance HelpLine at **(800) 894-3226**.

### Duty to Comply and Report

#### **Cooperation with the Compliance Program**

All ACO Personnel have an obligation to fully cooperate with the ACO’s Compliance Program as it relates to participating in the ACO and includes, but is not limited to, cooperating with any inquiries concerning improper business, documentation, data reporting, coding or billing practices; responding to any reviews or inquiries; and, actively working to correct any improper practices that are identified.

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In addition, ACO participants and providers/suppliers will cooperate and work with the ACO in the performance of the following:

- Periodic compliance audits of the ACO participant or ACO provider/supplier's practices, including working with and allowing ACO staff or agents to conduct audits of medical record documentation, quality data collection, and claims submission, as applicable to the operation of the ACO program and the ACO participant's or provider's/supplier's participation in the ACO program;
- Implementing procedures to ensure the accurate collection and transmission of quality data necessary to the operation of the ACO program;
- Informing all of the ACO participant's or provider's/supplier's staff about the ACO's Compliance Program, including how to report compliance issues or concerns to the ACO Compliance Officer or the Compliance HelpLine;
- Distributing compliance materials provided to the ACO participant or provider/supplier from the ACO, including but not limited to, this Code of Ethical Conduct and other applicable compliance policies and procedures; and
- Sharing compliance information with the ACO, such as the results of audits, which are relevant to the operation of the ACO program and the ACO participant's or provider's/supplier's participation in the ACO Program.

### **Reporting Obligations**

All ACO Personnel have an obligation to report to the Compliance Officer, or the Compliance HelpLine, any actual or suspected violations of this Code, the ACO's policies and procedures, and/or federal or state law. ACO Personnel also must report any other compliance-related issues, including but not limited to, conflicts of interest, fraud, or other misconduct of any type relating to the ACO's operations.

### **Consequences for Not Reporting Potential Compliance Issues**

The failure to comply with the law and/or to report suspected violations of state or federal law can have very serious consequences for the ACO and for any affiliated individual who fails to comply or report. Failure to participate in the Compliance Program may lead to termination of employment or contract or to being subject to other disciplinary measures, depending upon the nature of the violation.

### **Non-Retaliation and Non-Intimidation**

The ACO strictly prohibits intimidation or retaliation against any entity or individual who in good faith participates in the ACO's Compliance Program. Any suspected acts of intimidation or retaliation should be reported to the ACO's Compliance Officer, or the Compliance HelpLine.

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The ACO will immediately investigate and take appropriate action with respect to all suspected acts of retaliation or intimidation. Any individual who is found to have retaliated against or intimidated any ACO Personnel for their good faith participation in the Compliance Program will be subject to immediate discipline, up to and including termination of employment or contract.

### Compliance with Policies and Procedures

ACO Personnel shall comply with all policies and procedures of the ACO and any policies and procedures of Northwell Health or other parent organization to the extent applicable to their participation in the ACO program. Such compliance includes, but is not limited to, the following:

- The ACO's Code of Ethical Conduct, Compliance Plan, and other compliance policies.
- All ACO policies and procedures adopted to ensure patient-centeredness, including but not limited to, those relating to:
  - Promotion of evidence-based medicine;
  - Promotion of patient engagement;
  - The timely and accurate reporting of quality and cost metrics established by the ACO; and,
  - The coordination of patient care across and among primary care physicians, specialists, and acute and post-acute providers and suppliers.
- All policies otherwise relating to the operation of the ACO Program and to the ACO Personnel's participation in the ACO Program.

### ACO Participant or Providers/Suppliers' Compliance Program Obligations

Where required by law, all ACO participants and providers/suppliers shall implement their own compliance programs. If the ACO participant or ACO provider/supplier is required by law to have a compliance program, the ACO participant or provider/supplier shall provide a copy of their Compliance Plan or other assurances to the ACO.

Regardless of whether the ACO participant or provider/supplier is required to have its own compliance program under the law, the ACO participant or provider/supplier, at the very least, will implement a system to monitor the appropriateness of its documentation, coding, and billing practices to Medicare.

[Our Commitment to our Patients](#)

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### Quality of Care

Providing high quality care to our patients is the cornerstone of the ACO. Consistent with this commitment, all ACO Personnel shall:

- Honor the dignity and privacy of each of our patients and treat them with consideration, courtesy and respect.
- Provide appropriate, timely and individualized care to all patients without regard to race, religion, age, gender, national origin, sexual orientation or identity, disability, military status, or regards to the patient's insurance coverage.
- Protect and promote the rights of every patient, including, but not limited to, the patient's right to respect, privacy, a dignified existence, self-discrimination, and the right to participate in all decisions about their own care, treatment and discharge.
- Ensure that patient care conforms to acceptable clinical and safety standards and that patients are properly evaluated and treated by a qualified practitioner.
- Maintain complete and thorough records of patient information to fulfill the requirements set forth in our policies, accreditation standards, and applicable laws and regulations.
- Support and promote continuous quality and performance improvement program throughout the ACO.
- Continuously strive toward a culture of patient safety and provide quality medical care to its patients.

### No Reduction of Medically Necessary Services

While the ACO and all ACO participants and providers/suppliers are committed to lowering the costs of health care services to their patients while enhancing the quality of care, ACO participants and providers/suppliers will not reduce or limit any medically necessary services to any patient as a means of achieving any ACO goals.

### Non-Discrimination

The ACO prohibits any form of discrimination in the provision of services, marketing, or enrollment practices. As a result, the ACO and its participants and providers/suppliers will not deny, limit, or condition the services to individuals on the basis of any suspect factor, including any factor that is related to health status, such as:

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- The nature and extent of the medical condition, including mental, as well as physical illness;
- Medical history; or
- Genetic information.

The ACO will not tolerate any practice that could reasonably be expected to have the effect of denying or discouraging the provision of medically necessary services to eligible individuals.

### Standards Relating to Information Privacy and Security

We demonstrate our respect for our patients by protecting the confidentiality of all personal information they share with us for the purpose of receiving quality medical care. This information, known as Protected Health Information (PHI), can include patients' names, addresses, phone numbers, Social Security numbers, medical diagnoses, family illnesses and other personal information. Federal and State laws, as well as quality of care standards, require us to keep this information confidential.

All ACO Personnel shall keep patient information confidential, except when disclosure is authorized by the patient or permitted by law. In compliance with Federal and State privacy laws, ACO Personnel:

- Shall not access or use patient information except as necessary to perform their job functions;
- Shall access, use, and disclose only the minimum amount of patient information needed to perform their jobs;
- Shall not discuss patient information with others who do not have a job-related need to know; and
- Shall not share user IDs or passwords to electronic systems.

Subject to emergency exceptions, patient privacy will be protected and patient specific information will be released only to persons authorized by law or by the patient's written authorization. If any ACO Personnel are unsure of the rules governing the release of patient related data, they should seek out appropriate guidance from the ACO Compliance Officer or other knowledgeable party before you release any information.

Anyone affiliated with the ACO who engages in unauthorized access or disclosure of patient information related to the ACO will be subject to disciplinary action up to and including termination of employment or contract. Individuals may also be subject to civil or criminal penalties.

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### Gifts to Beneficiaries

ACO Personnel are prohibited from providing gifts or other remuneration to beneficiaries, either individually or on behalf of the ACO, as inducements for receiving items or services from or remaining in, the ACO, or receiving items or services from ACO providers/suppliers, except as provided for in an applicable and eligible beneficiary incentive program.

### Marketing Materials

The ACO strictly adheres to all federal and State laws, regulations, and rules governing the marketing and advertising to ACO beneficiaries. The ACO will not tolerate the use of any incorrect or misleading information in its marketing or advertising to ACO beneficiaries. The ACO and its participants and providers/suppliers will immediately cease using any marketing or advertising materials upon receiving direction from CMS to do so.

### Credentialing and Licensure

Compliance with credentialing and licensure requirements is a necessary component of the ACO's commitment to ensure that patients are provided high quality care. In credentialing ACO participants and providers/suppliers, the ACO will confirm licensure, search governmental exclusions lists, and perform other commonly accepted background check practices.

### Beneficiary Choice

Neither the ACO nor any ACO participant, provider/supplier or other individual or entity performing functions or services related to the ACO Program, will commit any act or omission, nor adopt any policy that inhibits Medicare beneficiaries aligned with the ACO from exercising their basic freedom of choice to obtain services from health care providers and entities who are not affiliated with the ACO. In addition, neither the ACO nor any ACO participant or provider/supplier will engage in cost shifting or required referrals as prohibited under the law.

### Beneficiary Notices

The ACO will comply with all applicable requirements established by CMS with respect to the provision of notices to Medicare beneficiaries aligned with the ACO, including but not limited to, those providing for the collection and use of data concerning beneficiaries and the right of the beneficiary to opt out of such data sharing.

### [Our Commitment to Government Regulators](#)

### Honesty and Lawful Conduct

ACO Personnel must avoid illegal conduct, both in business and personal matters. No person shall take any action that he or she believes violates any statute, rule, or regulation. In

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addition, ACO Personnel must comply with this Code and ACO Compliance policies and procedures; strive to avoid the appearance of impropriety; and never act in a dishonest or misleading manner.

### **Quality Data Collection and Submission**

In accordance with the ACO Program, the ACO must periodically submit quality and other relevant data to Medicare. All ACO Personnel will cooperate with the ACO in gathering and recording such data in a truthful, accurate, timely, and complete manner, so that the data may be properly submitted to Medicare and/or the ACO, as may be required under the ACO Program. All ACO Personnel responsible for submitting this data will be expected to strictly follow all regulations and guidance governing these procedures.

### **Accuracy and Integrity of Books and Records**

The ACO and the ACO participants and providers/suppliers will keep accurate books and records with respect to any activity, claims submission, arrangements or transactions relating to the operations of the ACO and the ACO Program. No false or artificial entries shall be made for any purpose. Similarly, all reports submitted to governmental agencies will be accurately and honestly made.

### **Compliance with Medicare and Medicaid Anti-Referral Laws**

Federal and State laws make it unlawful to pay or give anything of value to any individual on the basis of the value or volume of patient referrals. In accordance with federal and State law, the ACO and its ACO participants and providers/suppliers will not solicit, offer, pay, or receive payment from physicians, providers or anyone else, whether directly or indirectly, for referrals. All referral decisions shall be made based solely on medical necessity and quality of care concerns.

In addition, distributions and use of any shared savings under the ACO Program shall not be based, either directly or indirectly, on referrals between participating providers.

Finally, all marketing activities and advertising by ACO Personnel must be based on the merits of the services provided by the ACO and not on any promise, express or implied, of remuneration for any referrals.

### **Certifications**

Under the ACO program, the ACO must file certain certifications to the Medicare program. All such certifications will be made by an individual with authority to legally bind the ACO. Such certification may be related to data or information requested by or submitted to the Federal government, including, but not limited to, quality data submissions; annual certifications; and, certifications as to compliance with regulatory requirements. The ACO will ensure that all such certifications are accurate, complete, and truthful.

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### **Mandatory Reporting**

The ACO will ensure that all incidents that are required to be reported under Federal and State reporting laws, rules, and regulations are timely reported to an appropriate governmental agency. The ACO Compliance Officer will conduct periodic reviews to monitor the ACO's compliance with these mandatory reporting requirements including, but not limited to:

- Ensuring that any overpayment from Medicare is disclosed and refunded as required by law; and
- Ensuring that probable violations of law are reported to an appropriate law enforcement agency.

### **Overpayments**

If the ACO receives monies to which it is not entitled from a governmental payor, such payments will be reported and refunded in accordance with applicable law.

### **[Our Commitment to our Business Partners](#)**

### **Gifts to Others**

ACO Personnel are prohibited from asking for or accepting gifts in exchange for services or that appear to be for that purpose. Common sense should inform the ACO Personnel's judgment regarding whether a gift is improper and should be refused to prevent embarrassment and avoid what may be an unintentional violation of the law. Gifts of cash or a cash equivalent such as gift certificates, checks or stock instruments are not to be accepted or given under any circumstances. This policy applies to all interactions with ACO providers/suppliers, vendors, and any other third party. ACO Personnel also are required to comply with their employer's policies, including any gift related policies.

### **Proper Business Practices**

The ACO is committed to conducting all of its business affairs with integrity, honesty, and fairness to avoid conflicts between personal interests and the interest of the ACO. ACO Personnel will not engage, either directly or indirectly, in any corrupt business practice intended to influence the manner in which the ACO or the ACO participants or ACO providers/suppliers perform their medical services, accept referrals, or otherwise engage in their business practices.

### **[Our Commitment to our Colleagues](#)**

### **Conflicts of Interest**

ACO Personnel will exercise the utmost good faith in all transactions that touch upon

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their duties and responsibilities for, or on behalf of, the ACO. Even the appearance of illegality, impropriety, a conflict of interest, or duality of interests may be detrimental to the ACO and must be avoided. All ACO decisions will be made fairly and objectively, without favor or preference based on personal considerations. ACO Personnel may not use their position or knowledge gained for personal advantage.

ACO Personnel will not let their judgment become impaired or even appear to be impaired by outside personal or financial interests in carrying out their responsibilities for the ACO.

ACO Personnel have a duty to immediately disclose any potential conflict of interest to the ACO's Compliance Officer.

### **Distribution and Use of Shared Savings**

All distributions of shared savings payments will be made in accordance with a methodology approved by the Board and will not reflect or be based on referrals between ACO Participants or ACO providers/suppliers or on any other improper basis. Rather, distributions or any use of shared savings payments must be reasonably related to the purpose of the ACO program, as determined by the Board.

### **Compliance Resources**

#### **The Office of Corporate Compliance**

The Office of Corporate Compliance is located at 1111 Marcus Avenue, New Hyde Park, NY 11042. The office hours are 9:00 am to 5:00 pm, Monday through Friday. Walk-ins are welcome or you can call to make an appointment. The office can be contacted at (516) 465-8097 or by fax at (516) 465-8996 during regular working hours. You may also contact the ACO's Compliance Officer directly at:

**Louis DiGiovanni**  
*ACO Compliance & Privacy Officer*  
LDigiovann@Northwell.edu  
(516) 465-3224

#### **The Compliance HelpLine**

The Compliance HelpLine is available 24 hours a day, seven days a week. Compliance HelpLine callers may remain anonymous and those who choose to give their name will have their identities protected to the extent allowed by law. The Compliance HelpLine has multi-lingual operators who can take reports from individuals whose first language is not English. The Compliance HelpLine can be reached by calling **(800) 894-3226** or by visiting **[www.northwell.ethicspoint.com](http://www.northwell.ethicspoint.com)** online.