

**METRO HEALTH  
CORPORATE COMPLIANCE PROGRAM  
AND CODE OF CONDUCT**

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**POLICY STATEMENT**

Metro Health Hospital believes that conscientious dedication to the highest ethical standards is essential to its mission. This dedication is important because Metro Health is charged with serving the community, and because a significant portion of Metro Health’s services are reimbursed through governmental programs which properly require that business be conducted with complete integrity. To maintain high standards of health care, Metro Health affirms a value-based leadership and management that foster a climate of personal responsibility and mutual accountability. Metro Health is committed to meeting the highest standards of business practice and professional ethics in all its activities.

**SCOPE**

Metro Health Hospital an assumed name of Metropolitan Hospital, Metropolitan Enterprises and Metro Health Service Corporation (Collectively “Metro Health”)

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**GENERAL**

Metro Health has always been committed to providing services in compliance with the letter and spirit of all applicable local, state and federal laws. Constant vigilance is necessary to avoid impropriety or the appearance of impropriety. Accordingly, Metro Health has developed a Corporate Compliance Program (the "Program") to set standards for and monitor conduct of all the activities with which Metro Health is involved. While implementation and enforcement of the Program will be centrally directed by a Corporate Compliance Officer and Committee, responsibility for compliance also rests with each and every Metro Health employee and independent professional who enjoys staff privileges at Metro Health Hospital.

Metro Health has an outstanding reputation for integrity, a reputation to which all its Board of Directors, medical staff, associates and volunteers, past and present have contributed to since it's

founding. This reputation is more than a source of pride for us; rather it enables fulfillment of its mission of services to those in need. To assist in preserving and protecting these high standards, set forth in the Program, Metro Health has also developed a Corporate Compliance Code of Conduct. The purpose of the Code of Conduct is to clearly define Metro Health's position regarding matters of integrity and ethics and to provide information that will assist its Board of Directors, medical staff, associates, and others in making good personal judgments when dealing with issues of integrity and ethics that arise in the course of their service.

**GENERAL  
OPERATION  
AND  
STRUCTION OF  
THE PROGRAM**

**A. Objectives of the Program**

The objectives of the Program are:

- To assist Metro Health in avoiding improper transactions;
- To assist Metro Health in avoiding irregularities in payment, reimbursement and other transactions;
- To assist Metro Health's management in identifying areas of possible concern that might adversely affect Metro Health's good reputation, its participation in public programs, or its status as the holder of public licenses, certifications, and exemptions; and
- To provide additional oversight of Metro Health's compliance with laws, regulations, and special conditions imposed upon it by any licensing or regulatory authorities.

The success of the Program depends upon the active participation of Metro Health's senior executives, its board members, financial and claims staff, officers, and the leadership of the departments and the professional staff. Through the dissemination of the Corporate Compliance Program and Code of Conduct, and appropriate education and training, all such persons shall be fully advised regarding their responsibilities and the circumstances in which they should timely report regarding matters subject to review under the Program.

**B. Establishment of a Corporate Compliance Officer**

Metro Health has established the position of Corporate Compliance Officer to administer and oversee the Program. The Corporate Compliance Officer is appointed by the CEO of Metro Health Hospital, and reports directly to the CEO and Joint Conference Committee of Metro Health Hospital, who then report to the Metro Health Hospital Board of Directors. The Corporate Compliance officer shall meet with the Board of Directors on at least an annual basis.

The Corporate Compliance Officer will be provided with the resources necessary to fulfill the responsibility for operation of the Program. He/she may inquire into any matter arising or appearing to arise within the purview of the Program, including, but not limited to, matters involving unethical conduct, irregular billing, claims, or payments and regulatory compliance.

Metro Health is committed to investigate all reported concerns promptly and confidentially to the extent possible. The Corporate Compliance Officer will obtain whatever assistance is necessary to coordinate any findings from the investigations and immediately recommend corrective action or changes that need to be made. It is expected that all individuals will cooperate with investigative efforts.

The Corporate Compliance Officer is responsible to report as to all identified concerns, inquires conducted, recommendations for action, any prosecutions or administrative actions commenced

against Metro Health and any material violations of the Corporate Compliance Program of Code of Conduct.

It should be clearly understood that the Corporate Compliance Officer is not responsible for the organization's actual compliance with applicable laws, rules and regulations or for transacting business in conformity thereto. Rather, the Corporate Compliance Officer is responsible for ensuring that the organization has in place, at all times, an effective Program and Code of Conduct, and that the applicable policies, procedures and practices are sufficient for purposes of communicating, monitoring and enforcing Metro Health's ongoing commitment to compliance.

Due to the importance of understanding and abiding by all of Metro Health's standards and procedure, the Corporate Compliance officer shall make available to each officer, director, employee and medical staff member a copy of the Corporate Compliance Program and Code of Conduct.

Each officer, director, employee and medical staff member who has received the Program and Code of Conduct shall provide to the Compliance Officer an electronic confirmation or a written attestation, (i) acknowledging receipt of the Manual; (ii) confirming that the recipient has read and understood the Program and Code of Conduct; and (iii) agreeing to be bound by and to comply with all compliance policies.

### **C. Establishment of a Corporate Compliance Committee**

To assist and serve the Corporate Compliance Officer and enable Metro Health to monitor the integrity and effectiveness of the Program and Code of Conduct, a Corporate Compliance Committee (the "Committee") has been established.

1. **Composition.** The Committee shall consist of those individuals selected by the CEO of Metro Health Hospital or Corporate Compliance Officer for their professional knowledge, expertise and experience to best serve Metro Health and the purposes of the Program and Code of Conduct. The members of the Committee shall include members of management and senior management. They shall serve at the discretion of the CEO and Corporate Compliance Officer and may be removed without cause. Additional members of the Committee may be appointed by the CEO or Corporate Compliance Officer at any time.

In addition, task forces have been established, consisting of both Committee and Non-committee members, to assist the Committee in carrying out its purpose and responsibilities. The goals and objectives of the task forces have been set forth as follows:

**A) Billing Audit and Implementation** – A thorough review of Metro Health's billing and coding has been conducted upon the implementation of our Corporate Compliance Program. This task force reviews, assesses, coordinates and implements recommended actions related to billing and coding matters on an on-going basis. This includes reviews and maintenance with respect to the chargemaster. This task force shares and coordinates activities with the Policy, Education and Monitoring & Auditing Task Forces with respect to the necessary action relating to billing and coding.

**B) Policy Review & Implementation** - A thorough review of all existing Metro

Health policies has been conducted upon the implementation of our Corporate Compliance Program. Metro Health has policies and procedures in place regarding the operation of the Program and our compliance with Federal health care program requirements. The policies and procedures are distributed or made available to all relevant Metro Health personnel. A database of all policies is maintained for tracking and monitoring purposes. The Corporate Compliance Program and Code of Conduct shall be reviewed and updated as needed, or at least biannually. The Corporate Compliance Committee will appoint an ad hoc committee as necessary for policy review and drafting.

**C) Disciplinary Guidelines** - A thorough review of Metro Health's policies has been conducted. Determinations were made regarding the effectiveness of these policies and whether revisions or new policies needed to be drafted to address any violation of state or federal laws or the Corporate Compliance Program and Code of Conduct. This task force will review disciplinary matters as they pertain to the policies as needed.

**D) Education** - A determination of Metro Health's educational needs with respect to corporate compliance was conducted. This task force will coordinate and oversee a schedule of the overall education and report back to the Committee on an ongoing basis

**E) Monitoring and Auditing Procedures** - Metro Health has established ongoing monitoring and auditing procedures relating to billing and coding practices. A hotline, pursuant to the requirements of the federal government, will be consistently maintained to enable open communication and assist in the monitoring process. This task force performs or delegates performance of various audits.

**F) Administrative/Legal** - Metro Health believes it is essential that the CEO of Metro Health Hospital and/or its various Board of Directors be updated on a regular basis. This task force will also address any issues requiring legal analysis.

2. **Duties**. The Committee, acting through and at the direction of the Corporate Compliance Officer, is empowered to investigate, evaluate and report facts, and make recommendations regarding possible responses and/or initiatives. Committee members will be accessible to the Corporate Compliance Officer to discuss any compliance issues or potential Program or Code of Conduct violations, which arise.

As is the case with the Corporate Compliance Officer, the Committee is not responsible for the organization's actual compliance with applicable laws, rules, and regulations, but merely ensures that a continually effective Program and Code of Conduct exists and that the requisite policies, procedures and practices most appropriate for Metro Health are properly communicated, monitored and enforced on an ongoing basis.

3. **Quorum**. The presence of at least a majority of the regular members of the Committee shall constitute a quorum. All actions by the Committee require a majority vote of the members present. The Corporate Compliance Officer shall communicate the Committee's actions and recommendations to the appropriate Metro Health officers, employees, and representatives.

4. **Meetings**. The Committee shall meet periodically, no less than four times per year, to

review and consider any inquiries conducted or supervised by the Corporate Compliance Officer and to continue to monitor the integrity and effectiveness of the Program and Code of Conduct. Meetings may be conducted in person or by telephone. Prior to or at the onset of such meetings, the Corporate Compliance Officer shall submit to each member of the Committee an agenda enumerating those matters to be reviewed by the Committee. The CEO of Metro Health Hospital or the Corporate Compliance Officer may call special meetings of the Committee.

5. **Minutes.** Written agendas for all meetings of the Committee shall be prepared and maintained in the office of the Corporate Compliance Officer together with a record of all recommendations made by the Committee.

6. **Reporting and Confidentiality.** Through the Corporate Compliance Officer, the Committee will submit to the CEO and Board of Directors a written annual report summarizing its activities. Any report or document submitted by or to the Committee shall be considered and marked privileged and confidential.

The Committee has established a confidential reporting system that is accessible to all. All personnel are expected to comply with all federal and state healthcare program requirements and with all Metro Health policies. Individuals may report any identified issues or questions associated with Metro Health's policies, conduct, practices, or procedures believed by the individual to be a potential violation of criminal, civil, or administrative law, without fear of retribution. This system may be accessed by either:

- Sending a confidential report to the Corporate Compliance Officer
- By addressing it to Christine Lawrence, Corporate Compliance Officer, Metro Health Hospital, Wyoming, Michigan.
- By leaving a confidential message on the Corporate Compliance Hot Line by calling **(888)-222-0625.**

Each disclosure will be reviewed by the Compliance Officer or his/her designee, who will either investigate the disclosure or refer to the relevant department or manager for follow-up and any other appropriate corrective action.

Metro Health is committed to ethical and legal conduct that is compliant with all relevant laws and regulations and to correcting wrongdoing wherever it may occur in the organization. Each individual has the responsibility for reporting any activity by any colleague, physician, affiliate, subcontractor, or vendor that appears to violate applicable laws, rules, regulations, or any part of Metro Health's Program or Code of Conduct.

In conducting investigations, the Corporate Compliance Officer and Committee shall respect the confidentiality laws and ethical standards. Any documents relating to inquiries will be marked privileged and confidential and maintained by the Corporate Compliance Officer on a confidential basis. They shall not be disclosed except: (1) to members of the Committee; (2) to members of management or management representatives having a need to know; and (3) as may be required by law or order of a court of competent jurisdiction.

Any individuals making a report are assured that such reports are treated as confidential and will be shared only on a need-to-know basis. Metro Health will take no adverse action against a person making a good-faith report, whether or not the report ultimately proves to be well founded. If an

employee or professional staff member does not report conduct violating Metro Health's policies of which he/she is aware, that employee or professional staff member may be subject to disciplinary action, up to and including termination of employment or revocation of privileges.

7. **Education and Training.** The Committee will facilitate and ensure the proper education and training of corporate officers, directors, employees and medical staff and requires that all such individuals complete compliance training that addresses Metro Health's Code of Conduct and the operation of the Program. Metro Health may also require additional training for all employees, contractors, subcontractors, agents and other persons who provide patient care items or services or who perform billing, coding, or claims submission functions on behalf of Metro Health. Metro Health shall develop and implement policies and procedures that specifically address these training responsibilities and requirements.

Attendance and participation in training and educational programs is imperative, and the failure to comply with training requirements may result in disciplinary action. The Corporate Compliance Officer, or designated person, will retain records of Metro Health's training and educational programs, including dates of training, attendance logs and outlines/topics, which comprised the training sessions.

8. **Corrective Action and Discipline.** Violations of Metro Health's Program and Code of Conduct, failure to comply with applicable federal or state law, and other types of misconduct threaten Metro Health's status as a reliable, honest and trustworthy provider capable of participating in federal healthcare programs. Detected but uncorrected misconduct can seriously endanger the mission, reputation, and legal status of Metro Health. Consequently, upon reports or reasonable indications of suspected noncompliance, the Corporate Compliance Officer and other designated management officials will initiate prompt steps to investigate the conduct in question. A determination as to whether a material violation of applicable law, or the requirements of Metro Health's Program and Code of Conduct, will be undertaken so that the appropriate measures, if necessary, can be commenced to correct the problem.

Where an internal investigation substantiates a reported violation, it is the policy of Metro Health to initiate corrective action, including, as appropriate, making prompt restitution of any governmental agency, instituting whatever disciplinary action is necessary, and implementing systemic changes to prevent a similar violation from recurring in the future. All violators of Metro Health's Program or Code of Conduct will be subject to disciplinary action. The precise discipline utilized will depend on the nature, severity, and frequency of the violation and may result in any of the following disciplinary actions:

- Verbal warning
- Written warning
- Written reprimand
- Suspension
- Termination
- Restitution

## **CODE OF CONDUCT**

### **A. Introduction**

Metro Health is committed to providing quality care to its patients. As part of this commitment,

anyone associated or affiliated with Metro Health must always conduct business with absolute integrity and professionalism. This Code of Conduct (the “Code”) provides guidance to ensure that the work of Metro Health is performed in an ethical and legal manner and emphasizes the shared common values, which guide our actions. The Code contains resources to help resolve any questions about appropriate conduct in the work place. Please review it thoroughly, as your adherence to its spirit, as well as its specific provisions, is absolutely critical to our future.

If you have any questions regarding this Code or encounter any situation, which you believe violates provisions of this Code, you should immediately consult your supervisor, members of Metro Health’s management team, or the Corporate Compliance Officer. You have our personal assurance there will be no retribution for asking questions or raising concerns about the Code or for reporting possible improper conduct.

Metro Health is committed to the ideals in this Code of Conduct. We are equally committed to assuring that our actions consistently reflect our words. In this spirit, we expect all of our colleagues’ actions to reflect the high standards set forth in this Code of Conduct. No code of conduct can substitute for our own internal sense of fairness, honesty, and integrity. We ask you to assist us and all members associated or affiliated with Metro Health in supporting the values and principles, which are critical to our achieving our mission.

## **B. Metro Health’s Mission Statement**

Metro Health is committed to improving the health and well being of its communities through the provision of personalized, accessible, affordable health care.

In pursuit of this mission, Metropolitan has affirmed the following value statements:

- Strive for excellence.
- Treat others with integrity, respect, and compassion.
- Use effective communication and teamwork.
- Demonstrate a commitment to our universe: the environment, the community, the organization and one another.

## **C. Purpose of Code of Conduct**

Metro Health’s Code of Conduct provides guidance to all its employees and individuals associated or affiliated with its professional practices and assists those individuals in carrying out their daily activities within appropriate ethical and legal standards. These obligations apply to Metro Health’s relationships with patients, affiliated physicians, third-party payers, subcontractors, independent contractors, vendors and consultants.

The Code is a critical component of Metro Health’s overall Compliance Program and has been developed to ensure that Metro Health meets its ethical standards and complies with applicable laws and regulations.

The Code is intended to be a statement that is comprehensive and easily understood. In some instances, the Code deals fully with the subject covered. In many cases, however, the subject discussed has so much complexity that additional guidance is necessary for those directly involved

with the particular area to have sufficient direction. In those cases, it is recommended that you review the specific Metro Health or department policy and procedure for direction.

Though the concept of management autonomy is promoted by Metro Health, the guidelines set forth in this Code and in Metro Health policies and procedures are mandatory and must be followed.

#### **D. Leadership Responsibilities**

While all employees and individuals associated with Metro Health are obligated to follow this Code, it is expected that the Board of Directors, Vice-Presidents, Directors and Management will set the example, and in every respect serve as models. They must help to create a culture within Metro Health, which promotes the highest standards of ethics and compliance. This culture must encourage everyone in the organization to raise concerns when they arise. No one at Metro Health must ever sacrifice ethical and compliant behavior in the pursuit of business objectives.

#### **E. Commitment to Interested Parties**

Metro Health affirms the following commitments:

**To its patients** - Metro Health will provide quality medical care that is compassionate, promptly delivered and cost effective.

**To its colleagues** - Metro Health is committed to a work environment which treats all individuals with fairness, dignity, and respect, and affords them an opportunity to develop professionally in a setting in which all ideas are valued.

**To its employed and affiliated physicians** - Metro Health will provide a work environment, which has excellent facilities, modern equipment and outstanding professional support.

**To its third-party payors** - Metro Health will work with its third-party payors in a manner, which reflects its commitment to contractual obligations and reflects its shared concern for quality healthcare and efficiency and cost effectiveness. Metro Health encourages its private third-party payors to adopt their own set of comparable ethical principles to recognize their obligations to patients as well as the need for fairness in dealing with providers.

**To its suppliers** - Metro Health is committed to fair competition among prospective suppliers and the obligations and responsibilities required of a good customer.

**To its volunteers** - The concept of voluntary assistance to the needs of patients and their families is an integral part of the fabric of healthcare. Metro Health is committed to ensuring that its volunteers feel a sense of meaning from their volunteer work and receive recognition for their volunteer efforts.

**To the communities it serves** - Metro Health is committed to understanding the particular needs of the communities it serves and providing those communities quality, cost effective healthcare. Metro Health recognizes that it has a responsibility to assist those in need and proudly supports charitable contributions and worthy causes within the communities it serves.

**To its regulators** - Metro Health is committed to an environment in which compliance with rules, regulations, and sound business practices are woven into the corporate culture. Metro Health accepts the responsibility to aggressively self-govern and monitor adherence to state and federal laws and to its Program and Code of Conduct.

**F. Relationships with Healthcare Partners**

**1. Patients**

**A) Patient Rights**

Metro Health's goal is to provide quality medical care and services to all of its patients. All patients are treated with respect and dignity and only provided care that is both necessary and appropriate. Metro Health makes no distinction in the care it provides based on age, color, handicap, marital status, national origin, race, religion, sex, sexual orientation or payment source. Moreover, medical treatment is not based on patient or organization economics, but rather on identified patient healthcare needs.

A written statement of patient rights is made available to each patient upon admission to Metro Health Hospital and to each outpatient at registration. This statement includes the rights of the patients to make decisions regarding medical care and conforms to all applicable state and federal laws.

Metro Health assures patients' involvement in all aspects of their care and obtains informed consent for all treatment. Specifically, each patient or patient representative is provided with a clear explanation of the medical care to be provided, together with information regarding diagnosis, treatment plan, right to refuse or accept care, and an explanation of the risks and benefits associated with available treatment options.

Patients are informed of their right to make advance directives. Those advance directives will be honored within the limits of the law and Metro Health's mission, philosophy, and capabilities

Patients and their representatives will be accorded appropriate confidentiality, privacy, and opportunity for resolution of complaints. Patients are treated in a manner that preserves their dignity, autonomy, self-esteem, civil rights, and involvement in their own care.

Metro Health collects information about a patient's medical condition and history in order to provide the best possible care. This information is of a sensitive nature and Metro Health is committed to maintaining its confidentiality. Metro Health does not release or discuss patient-specific information with others unless authorized by the patient's written consent or required by law. Patient specific information may be discussed within Metro Health, when necessary for legitimate business purposes.

Medical records should not be physically removed from Metro Health, altered, or destroyed. Employees who have access to medical records must take all efforts to preserve their confidentiality and integrity, and no employee is permitted access to the medical record of any patient without a legitimate, service-related reason for so doing. Any unauthorized release of, or

access to, medical records or a patient's medical information should be reported to a supervisor or the Corporate Compliance Officer.

## **B) Emergency care and patient transfers**

Emergency care is an integral part of Metro Health's service to the community. Metro Health complies with the Emergency Medical Treatment and Active Labor Act ("EMTALA") in providing emergency medical treatment to all patients, regardless of ability to pay. Anyone with an emergency medical condition is given an appropriate screening examination and treated based on medical necessity. In an emergency situation, financial and demographic information will be obtained only after the immediate needs of the patient are met. Metro Health will not admit or discharge patients related to their ability to pay.

Patients will only be transferred to another facility if the patient's medical needs cannot be met at Metro Health and appropriate care is knowingly available at another facility. If necessary, the stabilized patient may be transferred to another hospital that is qualified to care for the patient, has space available, and has agreed to accept the transfer. Before transfer, Metro Health staff shall provide the medical treatment that minimizes risks to the patient's health and, in the case of a woman in labor, the health of the unborn child.

### **2. Affiliated Physicians**

Any business arrangement with a physician must be structured to ensure precise compliance with legal requirements. Such arrangements must be in writing and approved by Metro Health's legal counsel.

#### **A) Patient Referrals**

Patient referrals are important to the delivery of appropriate health care services. Patients are admitted, or referred, to Metro Health by their physicians. Patients leaving one Metro Health facility may be referred to other facilities, which may also be affiliated with Metro Health. Many patients who leave such a facility may also need durable medical equipment, home care, pharmaceuticals, oxygen, and may be referred to qualified suppliers of these items and services.

Metro Health's policy is that patients, or their legal representatives, are free to select their health care providers and suppliers, subject to the requirements of their health insurance plans. The choice of a hospital, a diagnostic facility, or a supplier should be made by the patient, with guidance from his or her physician as to which providers are qualified and medically appropriate. Metro Health personnel should use caution when referring patients to other Metro Health facilities and providers. It may be necessary to disclose to the patient that Metro Health has an interest in a particular facility or other provider. The Corporate Compliance Officer should review discharge planning forms and procedures to be sure that Metro Health makes required disclosures and gives patients appropriate choices.

Physicians and other health care providers may have financial relationships with Metro Health. These relationships may include compensation for administrative, management or professional services, or loans of certain types. In some cases, a physician may have invested as a part owner in diagnostic equipment or a health care facility.

A federal law known as the “Stark law” applies to any physician who has, or whose immediate family member has, a “financial relationship” with Metro Health, and prohibits referrals by that physician to a Metro Health entity for the provision of certain designated health services reimbursed by Medicare and Medicaid. If a financial relationship exists, referrals are prohibited unless a specific exception is met. The chairperson of each department, the medical staff administration, and the payroll department are expected to monitor financial relationships with physicians and their family members and report any irregularities to the Corporate Compliance Officer.

In order to legally and ethically meet all standards regarding referrals and admissions, Metro Health will not pay for referrals nor accept payment for referrals that we make. All patient referrals and admissions will be based solely on the patient’s clinical needs and Metro Health’s ability to render services. No individual affiliated with Metro Health is permitted to solicit or receive anything of value, directly or indirectly, in exchange for the referral of patients. Similarly, when making patient referrals to another healthcare provider, Metro Health may not take into account the volume or value of referrals that the provider has made (or may make) in return.

### **3. Third-Party Payors**

#### **A) Coding and Billing for Services**

Metro Health will take great care to assure that all billings to government and to private insurance payors reflect truth and accuracy and conform to all pertinent federal and state laws and regulations. The right to bill the Medicare and Medicaid programs, conferred through the award of a provider or supplier number, carries a responsibility that may not be abused. Violations can result in exclusion from the Medicare and Medicaid Program. Many people, throughout Metro Health, have the responsibility for entering charges and procedure codes. Each of these individuals, including agents, is expected to monitor compliance with applicable billing rules. Any false, inaccurate, or questionable claims should be reported immediately to a supervisor or to the Corporate Compliance Officer.

Each employee and professional who is involved in submitting charges, preparing claims, billing and documenting services is expected to maintain the highest standards of personal, professional, and institutional responsibility. Metro Health expressly prohibits anyone acting on its behalf from knowingly presenting or causing to be presented claims for payment or approval, which are false, fictitious, or fraudulent.

Any subcontractors engaged to perform billing or coding services are expected to have the necessary skills, quality control processes, systems and appropriate procedures to ensure all billings for government and commercial insurance programs are accurate and complete. Metro Health requires such entities to have their own compliance programs and code of conduct or to adopt Metro Health’s Code as their own, and to regularly provide training and education to their staff regarding federal health care program requirements, accurate coding and submission of claims, policies, procedures and other requirements applicable to medical record documentation, and applicable reimbursement statutes, regulations and program requirements and directives, and to maintain records of such training.

Metro Health will operate oversight systems designed to verify that claims are submitted only for services actually provided and that services are billed as provided. These systems will emphasize the critical nature of complete and accurate documentation of services provided. As part of this documentation effort, Metro Health will maintain current and accurate medical records.

## **B) Cost Reports**

Metro Health's business involves reimbursement under government programs that require the submission of certain reports of its costs of operation. Federal and state laws define what costs are allowable and outline the appropriate methodologies to claim reimbursement for the cost of services provided to program beneficiaries. Metro Health will comply with all federal and state laws relating to the filing of its cost reports.

## **4. Subcontractors, Suppliers, and Institutions**

Metro Health must manage its subcontractor and supplier relationships in a fair and reasonable manner, consistent with all applicable laws and good business practices. Metro Health should always promote competitive procurement to the maximum extent practicable. The selection of subcontractors, suppliers, and vendors will be made on the basis of objective criteria including quality, technical excellence, price, delivery, adherence to schedules, service, and maintenance of adequate sources of supply. Purchasing decisions will be made on the supplier's ability to meet our needs and not on personal relationships and friendships. Metro Health will always employ the highest ethical standards and business practices in source selection, negotiation, determination of contract awards, and the administration of all purchasing activities. Metro Health shall inform subcontractors, suppliers and vendors of our Program and Code of Conduct.

## **G. Regulatory Compliance**

Metro Health operates in a highly regulated industry, and must monitor compliance with a large variety of complex regulatory schemes. Metro Health provides a wide range of medical services, and these services may be provided only pursuant to appropriate federal, state, and local laws and regulation. The regulatory schemes govern the licenses and certifications that allow Metro Health to deliver care to its patients. The continued ability of Metro Health to operate and serve the community depends upon each employee's help in regulatory compliance.

ΔMetro Health is committed to complying with its regulatory obligations as they relate to detecting and reporting health care fraud and abuse. Healthcare compliance is a proactive practice designed to prevent fraudulent activities. In the interest of educating and familiarizing employees, contractors and agents about health care compliance in this arena, pertinent Federal and Michigan laws and regulations are summarized below.

ΔThe Federal government has enacted the Federal False Claims Act, which is paralleled by the Michigan Medicaid False Claims Act. Both the Federal and Michigan versions of the Act cover fraud involving any state or federally funded contract or program. Each Act established liability for any person who knowingly presents or causes to be presented a false or fraudulent claim to the United States government or the State of Michigan for payment. Both the Federal and Michigan versions of the False Claims Act do not require proof of a specific intent to defraud the Federal government or the State of Michigan. Instead, health care providers and facilities can be

prosecuted for conduct that leads to the submission of fraudulent claims to the Federal government or the State of Michigan.

ΔTo encourage individuals to come forward and report misconduct involving false claims, both the Federal government and the State of Michigan have enacted “qui tam” or whistleblower protections. The Federal False Claims Act allows any person with actual knowledge of allegedly false claims to the government to file a lawsuit on behalf of the United States government. In addition, the “Michigan Whistleblower Protection Act” and the “Michigan Health Facility Whistleblower Protection Act” protect a person who makes a report of a violation. Under the health Facility Whistleblower Protection Act, an individual employed or under contract with a health facility must give the facility sixty days written notice of any issues that may pose as an unsafe practice and the individual must not have a reasonable expectation that the facility had taken or would take timely action to the address the issue.

ΔIn addition, Federal Agencies have authority under Program Fraud Civil Remedies Act to investigate allegations that a company or person has committed a fraud upon the Government. An employee with knowledge of a fraud against the United States Government can file a report with the appropriate agency to trigger such an investigation.

Some of the regulatory programs which employees may deal with in the course of their duties include the following:

- Michigan hospital, nursing home and other licensure laws
- Healthcare Facilities Accreditation Program (HFAP)
- Medicare certification and conditions of participation
- Certificate of Need Laws
- Controlled substance registration
- Pharmacy licensure and registration
- Clinical laboratory licensure and regulation
- Occupational Safety and Health regulation
- Building, safety, food service and fire codes
- Securities regulation

The Corporate Compliance Officer can provide employees with information on these rules, and can direct questions or concerns to the proper person.

Metro Health will comply with all applicable laws and regulations. All colleagues, medical staff members, privileged practitioners, and contract service providers must be knowledgeable about and ensure compliance will all laws and regulations; and should immediately report violations or suspected violations to a supervisor or member of management, or the Corporate Compliance Officer.

Metro Health will be forthright in dealing with any billing inquiries. Requests for information will be answered with complete, factual, and accurate information, and all individuals on behalf of Metro Health will cooperate with and be courteous to any government inspectors, providing them with the information to which they are entitled during an inspection.

During such an inspection, Metro Health will never conceal, destroy, or alter any documents, or lie

or make misleading statements to the government representative. Furthermore, no one will attempt to cause another colleague to fail to provide accurate information or obstruct, mislead, or delay the communication of information or records relating to a possible violation of law.

In order to ensure that Metro Health fully complies with all regulatory obligations, any individuals affiliated with Metro Health must be informed and educated regarding stated areas of potential compliance concern. The Department of Health and Human Services, and particularly the Office of Inspector General, has routinely notified healthcare providers of areas in which these government representatives believe that insufficient attention is being accorded government regulation. Metro Health will be diligent in the face of such guidance about reviewing these elements of its system to ensure their correctness. To that effect, Metro Health will provide the information and education necessary to comply with all applicable laws and regulations.

## **H. Business Information and Information Systems**

### **1. Accuracy, Retention, and Disposal of Documents and Records**

Metro Health is responsible for the integrity and accuracy of its organization's documents and records, not only to comply with regulatory and legal requirements, but also to ensure that records are available to reflect and/or defend its business practices and actions. No one may alter or falsify information on any record or document. Medical and business documents and records are retained in accordance with the law and Metro Health's record retention policy. Medical and business documents include paper documents such as letters and memos, computer-based information such as e-mail or computer files on disk or tape, and any other medium that contains information about the organization or its business activities. It is important to retain and destroy records appropriately according to Metro Health's policy. You must not tamper with records, nor remove or destroy them prior to the specified date.

### **2. Confidential Information**

Confidential information about Metro Health's operations is a valuable asset. Although one may use confidential information to perform his/her job, it must not be shared with others outside of Metro Health, unless proper authorizations have been executed and the individuals have a legitimate need to know of this information and have agreed to maintain the confidentiality of the information. Confidential information includes personnel data maintained by the organization, patient lists and clinical information, pricing and cost data, information pertaining to affiliations, financial data, research data, strategic plans, marketing strategies, techniques, employee lists, and proprietary computer software. Consistent with HIPAA, we do not use, disclose or discuss patient specific information with others unless it is necessary for treatment, payment or healthcare operation purposes or is required by law.

Metro Health colleagues must never use or disclose confidential information that violates the privacy rights of our patients. In accordance with our access and privacy policies and procedures, which reflect HIPAA requirements, no Metro Health colleagues, affiliated physician or other healthcare partner has a right to any patient information other than that necessary to perform his or her job.

Subject only to emergency exceptions, patients can expect their privacy will be protected and

patient specific information will be released only to a person authorized by law or by the patient's written authorization.

This provision does not restrict the right of an individual to disclose, if he or she wishes, information about his or her own compensation, benefits, or terms and conditions of employment.

Metro Health is committed to implementing reasonable administrative, physical and technical safeguards to protect the confidentiality, integrity, and availability of electronic PHI. Security controls may include policies and procedures, technical controls for electronic information, physical controls, and corporate wide education. Metro Health has a security officer whose responsibility it is to make sure that the health information of our patients is kept secure

### **3. Electronic Media**

All communication systems, electronic mail, internet access, or voice mail are the property of the organization and are to be primarily used for business purposes. Highly limited reasonable personal use of communications systems is permitted; however, you should assume that these communications are not private. Patient or confidential information should not be sent through electronic mail or the Internet. Individuals who abuse our communications systems or use them excessively for non-business purposes may lose these privileges and be subject to disciplinary action.

### **4. Financial Reporting and Records**

Metro Health has established and maintained a high standard of accuracy and completeness in the documentation and reporting of all financial records. These records serve as a basis for managing its business and are important in meeting its obligations to patients, colleagues, shareholders, suppliers, and others. They are also necessary for compliance with tax and financial reporting requirements.

All financial information must reflect actual transactions and conform to generally accepted accounting principals. Metro Health maintains a system of internal controls to provide reasonable assurances that all transactions are executed in accordance with management's authorization and are recorded in a proper manner so as to maintain accountability of the organization's assets.

## **I. Workplace Conduct and Employment Practices**

### **1. Conflict of Interest**

A conflict of interest may occur if your outside activities or personal interests influence or appear to influence your ability to make objective decisions in the course of your job responsibilities. A conflict of interest may also exist if the demands of any outside activities hinder or distract you from the performance of your job or cause you to use Metro Health resources for other than Metro Health purposes. It is your obligation to ensure that you remain free of conflicts of interest in the performance of your responsibilities at Metro Health. If you have any question about whether an outside activity might constitute a conflict of interest, you should consult with your supervisor and/or manager and refer to the appropriate policies for direction before pursuing the activity.

## **2. Controlled Substances**

Certain pharmacy operations of Metro Health are registered to compound and dispense narcotics and other controlled substances and medical supplies. Improper use of these substances is illegal and extremely dangerous. Metro Health requires that its employees comply with the terms of its controlled substances registration and policy and with federal and state laws regulating controlled substances. Under Metro Health policy, access to controlled substances is limited to persons who are properly licensed and who have express authority to handle them. No health care practitioner may dispense controlled substances except in the conformity with state and federal laws and the terms of the practitioner's license.

Employees should carefully follow record keeping procedures established by their departments and the pharmacy. Unauthorized manufacture, distribution, use, or possession of controlled substances by Metro Health employees is strictly prohibited, and will be prosecuted to the full extent of the law. Any employee who knows of unauthorized handling of controlled substances is to provide the information immediately to his or her supervisor or the Corporate Compliance Officer.

## **3. Copyrights**

Individuals associated or affiliated with Metro Health may only make copies of copyrighted materials pursuant to Metro Health's policy on such matters.

## **4. Diversity and Equal Employment Opportunity**

Individuals working on behalf of Metro Health provide a wide complement of talents that contribute greatly to Metro Health's success. Metro Health is committed to a policy of nondiscrimination and equal opportunity for all qualified applicants and employees, without regard to race, color, sex, height, weight, or marital or familial status. Metro Health will comply with all laws, regulations, and policies related to nondiscrimination in all of our personnel actions. Such actions include hiring, recruiting, compensation, corrective action, discipline, and promotions.

If an employee feels he or she or any patient has been discriminated against or harassed on the basis of his or her race, color, sex, or other protected category, he or she should contact the Director of Human Resources so that an investigation may be initiated in accordance with Metro Health policies and procedures.

No one shall discriminate against any individual with a disability with respect to any offer, or term or condition, of employment. Metro Health will make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities.

## **5. Harassment and Workplace Violence**

Each individual working on behalf of Metro Health has the right to work in an environment free of harassment. Metro Health will not tolerate harassment by anyone based on the diverse characteristics or cultural backgrounds of those who work with the organization. Degrading or

humiliating jokes, slurs, intimidation, or other harassing conduct is not acceptable in the workplace. Any form of sexual harassment is strictly prohibited. This prohibition includes unwelcome sexual advances or requests for sexual favors in conjunction with employment decisions. Moreover, verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment has no place at Metro Health.

Metro Health will not tolerate any workplace violence. Workplace violence includes robbery and other commercial crimes, stalking cases, violence directed at the employer, terrorism, and hate crimes committed by current or former colleagues. As part of Metro Health's commitment to a safe workplace for its colleagues, the possession of firearms, other weapons, explosive devices, or other dangerous materials on Metro Health premises is strictly prohibited. Individuals who observe or experience any form of harassment or violence should report the incident to their supervisor, a member of management, Human Resources or the Corporate Compliance Officer.

## **6. Health and Safety**

All Metro Health facilities must comply with government regulations and rules and with Metro Health policies or required facility practices that promote the protection of workplace health and safety. Metro Health's policies have been developed to protect you from potential workplace hazards. You should become familiar with and understand how these policies apply to your specific job responsibilities and seek advice from your supervisor or the Safety Officer whenever you have a question or concern. It is important for you to advise your supervisor or the Safety Officer of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken to resolve the issue.

## **7. License and Certification Renewals**

Individuals retained as independent contractors in positions which require professional licenses, certifications, or other credentials are responsible for maintaining the current status of their credentials and shall comply at all times with federal and state requirements applicable to their respective disciplines. To assure compliance, Metro Health may require evidence of the individual having a current license or credential status. Metro Health will not allow any colleague or independent contractor to work without valid, current licenses or credentials.

## **8. Research**

Metro Health follows high ethical standards in any research conducted by its physicians and professional staff. Metro Health does not tolerate intentional research misconduct. Research misconduct includes making up or changing results or copying results from other studies without performing the research.

All patients asked to participate in a research project are given a full explanation of alternative services that might prove beneficial to them. They are also fully informed of potential discomforts and are given a full explanation of the risks, expected benefits, and alternatives. The patients are fully informed of the procedures to be followed, especially those that are experimental in nature. Refusal of a patient to participate in a research study will not compromise their access to services.

All personnel applying for or performing research of any type are responsible for maintaining the

highest ethical standards in any written or oral communications regarding their research projects as well as following appropriate research guidelines. As in all accounting and financial record keeping, Metro Health's policy is to submit only true, accurate, and complete costs related to research grants.

## **9. Substance Abuse and Mental Acuity**

To protect the interests of all individuals working on behalf of Metro Health and its patients, Metro Health is committed to an alcohol and drug-free work environment. All individuals must report for work free of the influence of any illegal drug or alcohol. Reporting to work under the influence of any illegal drug or alcohol, having an illegal drug in your system, or using, possessing, or selling illegal drugs while on Metro Health work time or property may result in immediate termination. Metro Health reserves the right to use drug testing as a means of enforcing this policy.

It is also recognized that individuals may be taking prescription drugs, which could impair judgment or other skills required in job performance. If you have questions about the effect of such medication on your performance, consult with your supervisor.

## **10. Ineligible Persons**

We do not contract with, employ, or bill for services rendered by an individual or entity that is excluded or ineligible to participate in Federal healthcare programs, suspended or debarred from Federal governments contracts; or has been convicted of a criminal offense related to the provision of healthcare items or services and has not been reinstated in a Federal healthcare program after a period of exclusion, suspension, debarment, or ineligibility, provided that we are aware of such criminal offense. We routinely search the Department of Health and Human Services' Office of Inspector General and General Services Administration's lists of such excluded and ineligible persons. A number of Metro Health policies address the procedures for timely and thorough review of such lists and appropriate enforcement actions.

Colleagues, vendors, and privileged practitioners at Metro Health are required to report to us if they become excluded, debarred or ineligible to participate in Federal healthcare programs; or have been convicted of a criminal offense related to the provision of healthcare items or services.

## **J. Payments, Discounts and Gifts**

### **1. General**

Metro Health participates in the Medicare program, a federal program, which provides health insurance to the aged and disabled, and the Medicaid program, a federal/state program which provides health care coverage to low income persons. Federal law makes it illegal for Metro Health or its affiliates to provide or accept "remuneration" in exchange for referrals of patients covered by Medicare or Medicaid. The law also bars the payment or receipt of such remuneration in return for directly purchasing, leasing, ordering, or recommending the purchase, lease, or ordering of any goods, facilities, services, or items covered under the benefits of Medicare or Medicaid. In Michigan, a parallel state statute applies these same prohibition to all patients, regardless of payor source.

These “fraud and abuse” or “anti-kickback” laws are designed to prevent fraud in the Medicare and Medicaid programs and abuse of the public funds supporting the programs. Metro Health is committed to carefully observing the anti-kickback rules and avoiding any practice that may be interpreted as abusive. Employees involved with finance functions, purchasing and facilities operation, laboratory, pharmacy, medical staff administration, and any activity that includes entering into a personal service contract are expected to be vigilant in identifying potential anti-kickback violations and bringing them or any related questions to the attention of the Corporate Compliance Officer.

## **2. Entertainment and Gifts**

Nothing in this part of the Code should be considered in any way as an encouragement to make, solicit, or receive any type of entertainment or gift. Moreover, please note that the following subsections govern activities with those outside of Metro Health and not to actions within the organization.

### **A) Receiving Gifts from Patients**

Gifts from patients and/or their families should be discouraged. Under no circumstances may you solicit a personal gift from a patient. However, in limited circumstances you may accept a gift or gift certificate if the value of such is \$25.00 or less. Under no circumstances may a gift of cash or cash equivalent (such as a check) be accepted. If a patient or family member wishes to make a gift to a department or the Hospital, the employee can refer them to the Foundation Wish List program.

### **B) Receiving Business Courtesies**

Metro Health recognizes there will be times when you may wish to accept from a current or potential business associate an invitation to attend a social event in order to further develop your business relationship. Sometimes a business associate will extend training and educational opportunities that include travel and overnight accommodations to you at no cost to you or Metro Health. Similarly, there are some circumstances where you are invited to an event at a vendor's expense to receive information about new products or services. Prior to accepting any such invitation, you should confirm that doing so is consistent with Metro Health's policy on this subject. Finally, under no circumstances may you solicit a gift.

### **C) Extending Business Courtesies to Non-referral Sources**

There may be times when you may wish to extend to a current or potential business associate (other than someone who may be in a position to make a patient referral) an invitation to attend a social event in order to further or develop your business relationship. The purpose of the entertainment must never be to induce any favorable business action. During these events, topics of a business nature must be included in the discussion and the host must be present.

Metro Health may, from time to time, sponsor events with a legitimate business purpose. Provided that such events are for business purposes, reasonable and appropriate meals and entertainment may be offered. In addition, transportation and lodging can be paid for. However, all elements of such events, including these courtesy elements, must be consistent with Metro Health's policy on

such events.

It is critical to always avoid the appearance of impropriety when giving gifts to individuals who do business with Metro Health. Metro Health will never use gifts or other incentives to improperly influence relationships or business outcomes. The policy on business courtesies may provide modest flexibility in order to permit appropriate recognition of the efforts of those who have spent meaningful amounts of volunteer time on behalf of Metro Health.

Both the federal and state governments have strict rules and laws regarding gifts, meals, and other business courtesies for their employees. Accordingly, Metro Health's policy is to not provide any gifts, entertainment, meals, or anything else of value to any employee of the executive branch of the federal government except for minor refreshments in connection with business discussions or promotional items with the applicable Metro Health logo valued at no more than \$10.00. With regard to gifts, meals, and other business courtesies involving any other category of Government official or employee, you must determine the particular rules applying to any such person and carefully follow them.

#### **D) Extending Business Courtesies to Possible Referral Sources**

Any entertainment or gift involving physicians or other persons who are in a position to refer patients to Metro Health's healthcare facilities must be undertaken in accordance with Metro Health's policies. Metro Health is committed in complying with all federal and state laws, regulations, and rules regarding these practices.

#### **K. Marketing Practices**

##### **1. Antitrust Laws**

Antitrust laws are designed to create a level playing field in the marketplace and to promote fair competition, free from collusive agreements among competitors on price or service terms. These laws apply to health care services, and Metro Health is committed to full compliance with all state and federal antitrust laws.

Antitrust laws prohibit most agreements to fix prices, divide markets, boycott competitors or unreasonably restrain competition. Accordingly, Metro Health will independently determine prices and terms, taking into account all relevant factors, including costs, market conditions, widely used reimbursement schedules, and prevailing competitive prices, to the extent these can be determined in the market place. No oral or written understanding with any competitor concerning prices, pricing policies, pricing formulas, bids, or bid formulas, or concerning discounts, credit arrangements, or related terms of sale or service will be permitted. To avoid the possibility of misunderstanding or misinterpretation, Metro Health's policy prohibits any consultation or discussion with competitors relating to prices or terms, which Metro Health or any competitor charges or intends to charge. Joint ventures and affiliations, which may require pricing discussions, must be individually reviewed by the Corporate Compliance Officer and/or outside legal counsel for antitrust compliance.

Hospitals and other health care entities are often asked to share information concerning employee compensation. Metro Health policy prohibits the sharing with competing health care providers of

current information or future plans regarding salaries or salary levels. While Metro Health may participate in and receive the results of general surveys, such surveys must conform to the guidelines for participation.

## **2. Marketing and Advertising**

Marketing and advertising activities may be conducted to educate the public, provide information to the community, increase awareness of Metro Health services or for recruitment purposes. Metro Health will only present truthful, fully informative, and non-deceptive information through its marketing and advertising resources and materials.

### **L. Physician Recruitment**

The recruitment and retention of physicians requires special care to comply with Metro Health policy and applicable law. Physician recruitment has implications under the anti-kickback laws, the Stark law, and the IRS rules governing the tax-exempt status of Metro Health. Each recruitment package or commitment should be in writing, consistent with guidelines established with Metro Health. All recruitment arrangements should be reviewed by the Corporate Compliance Officer.

In general, support provided to a new physician is most likely to be acceptable if it is provided in order to persuade the physician to relocate to Metro Health's geographic service area in order to become a member of the professional staff, or if it is provided to a new physician completing his or her training. Support should be of limited duration. The physician cannot be required to refer patients to an affiliate of Metro Health, and the amount of compensation or support cannot be related to the volume or value of referrals.

### **M. Tax-Exemption**

Any non-profit Metro Health entity serving charitable purposes holds federal tax-exempt status and is exempt from paying federal income tax on most of their revenue. Those entities may also accept tax-deductible charitable contributions from members of the community. Loss of exempt status would result in penalties, interest, and significant cost.

In order to qualify for tax exemption, the specific entity of Metro Health must be operated exclusively for charitable purposes and provide a community benefit. Furthermore, none of their earnings may inure to the benefit of any private individual. Any such "private inurement" could cause that Metro Health entity to lose its tax-exempt status. In addition, a private person may not receive more than an incidental benefit from Metro Health assets, measured against the overall community benefit provided by the Metro Health entity.

Because Metro Health entities are dedicated to charitable purposes, all contracts and agreements must be negotiated at arms length. Compensation provided to health professionals for recruitment, retention, employment, and personal services must be reasonable in the context of the services provided and the need for them and consistent with fair market value. Reasonableness must be analyzed based on overall compensation and benefits. Metro Health has developed and implemented policies and procedures in regards to execution of contracts as it relates to health professionals. Any compensation arrangement, which involves a payment that is more than fair

market value, must be reported to the Corporate Compliance Officer.

**N. Environmental Compliance**

Health care facilities produce waste of various types. Metro Health is committed to safe and responsible disposal of biomedical waste and other waste products and the compliance with all-applicable environmental laws and regulation. Effective compliance requires ongoing monitoring and care. Metro Health will operate each of its facilities with the necessary permits, approvals and controls. Metro Health facilities use a medical waste tracking system, biohazard labels, and biohazard containers for the disposal of infectious or physically dangerous medical or biological waste. Individuals who come into contact with biological waste should be familiar with Metro Health's medical waste policy and procedures, and should report any deviations from the policy to their supervisor or the Corporate Compliance Officer

**Definition(s)** N/A

**Reference(s)** N/A

**Related Metro Policies** N/A

**Input/Review** Veronica Marsich, SHR&R

**Issued By** Christine Lawrence, BSN, J.D.

**Approving Committee(s)** \_\_\_\_\_ **Committee(s)** \_\_\_\_\_ **Date** \_\_\_\_\_

**Director or VP Approval** \_\_\_\_\_ Christine Lawrence  
Vice President of Risk and Compliance

**Attachment(s)**

