



ADMINISTRATIVE POLICY # 704**SUBJECT: Compliance Program**

Subject

Ascension is committed to carrying out its healthcare ministry in a manner consistent with the Ascension Mission, Vision, and Values. We are dedicated to following a high ethical standard of individual conduct as well as acting responsibly as corporate citizens. To ensure that appropriate ethical and legal business standards and practices are maintained and enforced, Ascension has established and implemented a policy for an effective Compliance Program. The Compliance Program will focus on business and professional standards of conduct, compliance with federal, state and local laws, promotion of good corporate citizenship, prevention and early detection of misconduct, identification/prioritization of high risk areas and increased awareness through communication/education.

This Administrative Policy is a system-wide policy applicable to Ascension and all organizations directly or indirectly controlled by Ascension. This Administrative Policy supersedes and replaces Ascension Health Policy #14, Corporate Responsibility and Conflicts of Interest; Ascension Health Procedure CR-1, Corporate Responsibility Program; Ascension Health Procedure OL-7, Conflicts of Interest; and any ministry specific compliance or corporate responsibility program policy or procedure.

Definitions

As used in this document, the following terms are described below:

1. “Ascension” means Ascension Health Alliance and all organizations directly or indirectly controlled by Ascension.
2. “Ascension CCO” means the executive who has been designated as Ascension’s Chief Compliance Officer by the Ascension Chief Executive Officer.
3. “Ascension Compliance” means the centralized compliance function for Ascension.
4. “Ascension Legal” means Ascension’s Legal business unit that operates as a centralized legal function for Ascension.
5. “Associate” means an employee of Ascension who provides services in exchange for compensation and receives a W-2 from Ascension.
6. “Ascension Audit Committee” means the Audit Committee of the Ascension Board of Directors. The Audit Committee has responsibility for oversight of the Ascension Compliance Program.
7. “Ascension Board of Directors” means the Board of Directors of Ascension.



8. “Contractor” means an individual (i) who has an independent contractor agreement with Ascension to provide goods or services to Ascension, or (ii) who owns, is employed by, or otherwise works for an organization with such a contract, and who has direct contact with any Associate in the performance of the contract.
9. “Compliance Program” means the overall compliance program developed and implemented by Ascension.
10. “Compliance Committees” means the management committees that assist in the development, implementation, and ongoing operation of the Compliance Program throughout Ascension.
11. “Controlled” means the authority, directly or indirectly, to appoint, elect or approve at least a majority of the individual members, shareholders, partners or equity owners of an organization; or the authority, directly or indirectly, to appoint, elect or approve at least a majority of the governing body of an organization.
12. “Ministry Market” means the organization in a regional or local area through which Ascension carries out its Mission and in which Ascension serves as the sole or controlling member.
13. “Ministry Market Finance Committee” means the Finance Committee of the applicable Ministry Market Board of Directors or Trustees.
14. “Participant” means an individual subject to the Compliance Program. Participants will include all Associates, all directors and officers of Ascension, and all Contractors and Professional Staff Members whom the Ascension management determines should be subject to the Compliance Program.
15. “Professional Staff Member” means a physician or an allied health practitioner who is a member of the Ascension medical staff, but who is not an Associate or Contractor.
16. “Standards of Conduct” means the principles of Participant behavior that promote ethical business and professional conduct, integrity and compliance.

Administrative Policy

I. Key Characteristics of the Compliance Program

The Compliance Program will:

- A. Require proactive guidance, self-review, monitoring, auditing, and reporting;
- B. Require good faith effort to comply with law and regulations;
- C. Require commitment of high level personnel;



- D. Heighten awareness and sensitivity to high risk areas through education and communication; and
- E. Ensure commitment to implement appropriate corrective action in response to identified compliance issues on a timely basis.

Attachment A describes the role of federal and state laws in preventing and detecting fraud, waste and abuse in federal healthcare programs.

II. Elements of the Compliance Program

- 1. Oversight of Governance and Management
 - a. The Ascension Audit Committee is responsible for providing oversight of the Compliance Program for Ascension.
 - b. Ascension Compliance operates as a centralized function for Ascension. The Ascension CCO is responsible on an enterprise-wide basis for supporting the Ascension General Counsel in his or her duties of overseeing and managing the Compliance Program. The Ascension CCO serves as the leader of Ascension Compliance and leads a team of compliance professionals who are charged with designing and delivering a compliance program that is consistent with guidance issued by the Office of Inspector General of the Department of Health and Human Services. In implementing and managing the Compliance Program for Ascension, the Ascension CCO will:
 - i. Have direct access to the Ascension Board of Directors, the Ascension Audit Committee, the Ascension Chief Executive Officer, and Participants;
 - ii. Ensure that periodic reports are provided to the applicable governing boards and committees, including the Ascension Board of Directors, the Ascension Audit Committee and the Ministry Market Finance Committees, and senior management concerning the status of the Compliance Program and any significant compliance issues affecting Ascension; and
 - iii. Maintain appropriate documentation related to the Compliance Program.
 - c. Each Ministry Market Board of Directors or Trustees will have a Ministry Market Finance Committee that receives periodic reports related to the Compliance Program and any significant compliance issues affecting the Ministry Market.
 - d. Compliance Committees will be established in the Ministry Markets to assist with the maintenance of the Compliance Program.



2. Policies and Procedures
 - a. Ascension Mission, Vision and Values and related behaviors are described in the Ascension Standards of Conduct for all Participants. Attachment B is the Ascension Standards of Conduct.
 - b. Written policies and procedures will be adopted and implemented which address the elements of the Compliance Program and other general compliance issues. Policies and procedures that pertain to general compliance issues will be made available to all Participants.
3. Training and Education
 - a. The Compliance Program will include training and education programs for Participants. Such education and training will be part of initial orientation programs and occur annually for each Participant. Certain Participants may have additional education and training requirements depending on their title, position, or responsibilities. A mechanism for tracking the completion of required training will be maintained.
 - b. All Associates will sign a statement acknowledging their awareness of the Compliance Program, their responsibility to report illegal or questionable activity, and their agreement to abide by the Standards of Conduct.
4. Risk Assessment
 - a. An Ascension risk assessment will be performed based on the current healthcare business and regulatory environment. This assessment will be prepared at least annually.
 - b. The operations of Ascension in these risk areas will be reviewed to determine where exposure may exist and how each risk area will be addressed (e.g., policies and procedures; training and education; and/or auditing).
 - c. On an annual basis, a formal Compliance Work Plan will be developed to address compliance risk areas. The Compliance Work Plan will be approved by the Ascension Compliance Committee and shared with the Ascension Audit Committee.
5. Open Lines of Communication
 - a. Compliance Program issues can be identified by various reporting sources including direct reporting by Associates, auditing and monitoring activities, and external governmental agency inquiries and investigations.



- b. The Ascension reporting system includes a confidential process by which any Associate should feel comfortable in seeking guidance and disclosing information about potential violations without feeling any threat of retaliation. Associates can report compliance issues by a variety of methods including, but not limited to, the following:
 - i. Directly to the Associate's supervisor, management staff and/or Human Resources staff;
 - ii. Directly to Ascension Compliance; and
 - iii. An anonymous reporting system.
- c. Ascension will maintain a Compliance Program hotline, known as the Ascension Values Line. The Ascension Values Line provides a means by which any Associate can report a potential Compliance issue in an anonymous and confidential manner. Ascension Compliance will be responsible for ensuring that Ascension Values Line calls are appropriately investigated and that a response is provided to the caller on a timely basis (if such caller elects not to remain anonymous).
- d. Other Participants will report potential compliance issues to Ascension Compliance.

6. Compliance Program Investigations

- a. Ascension Compliance will be responsible for performing a thorough investigation of compliance reports or issues on a timely basis. Based on the investigation, a timely response will be made to the reporting party, as appropriate, and a determination will be made regarding corrective action, which may include but not be limited to, repayment or voluntary self-disclosure.
- b. Depending on the nature of the potential violation, guidance from Ascension Legal may be sought regarding the steps necessary to investigate and remedy, if necessary, the potential violation.

7. Response to Detected Deficiencies

- a. Ascension Compliance will take reasonable steps to appropriately respond to any Compliance Program issue detected or reported.
- b. Appropriate corrective actions will be taken that address the specific compliance issue and that prevent similar issues from occurring in the future. Corrective actions will be documented and followed up to ensure that they have been implemented in a timely fashion.



8. Auditing and Monitoring System

- a. As part of the Compliance Program, auditing and monitoring activities shall be conducted to address the risk areas in the annual Compliance Work Plan.
- b. Audits shall be conducted in conjunction with other warranted internal or external investigations of specific Compliance Program issues.
- c. Depending on the nature of the audits, it may be appropriate to engage outside consultants and/or perform self-audits of high-risk compliance areas.
- d. Issues identified through the auditing and monitoring process shall be timely reviewed and corrective actions shall be implemented, as appropriate.

9. Enforcement of Disciplinary Standards (Corrective Action)

- a. Ascension Compliance, together with Human Resources and other applicable Associates, will ensure that consistent corrective action is taken and documented in response to violations of federal, state and local laws, Standards of Conduct and/or Ascension compliance policies.
- b. Ascension Compliance will ensure that no Participants are excluded from participation in the Medicare and Medicaid programs.

10. Review of Compliance Program. The Compliance Program will be reviewed on a periodic basis to ensure that it is updated to address organizational changes and other changing requirements of Ascension.



Effective Date: 9/15/2018

Approved:

Printed: Joseph R. Impicicche

Title: EVP & General Counsel, Ascension

Approved by Ascension Legal Services: 9/15/2018
Date

- Attachments:
- Attachment A – The False Claims Act
 - Attachment B – Standards of Conduct



Refer to:

Ascension System Policy #3, Conflicts of Interest, Whistleblower and Document Retention and Destruction

Ascension System Policy #5, Corporate Responsibility Program



Attachment A

THE FALSE CLAIMS ACT

As recipients of federal healthcare program funds, including Medicare and Medicaid, Ministries are required by law to include in their policies and provide all associates and contractors with information about the Federal False Claims Act and applicable state laws intended to prevent and detect fraud, waste and abuse in federal healthcare programs.

The False Claims Act is a federal law that makes it a crime for any person or organization to knowingly make a false record or file a false claim with the government for payment. The False Claims Act similarly prohibits any person or organization from knowingly concealing, or knowingly and improperly avoiding or decreasing, an obligation to pay or transmit money to the government. “Knowingly” includes having actual knowledge that a claim is false, or acting in “deliberate ignorance” or “reckless disregard” as to whether a claim is false. Examples of possible false claims include, but are not limited to, billing Medicare for services that were not provided, billing for services that were provided but were not medically necessary, submitting inaccurate or misleading claims about the types of services provided, billing for a hospital service referred by a physician with whom the hospital has a compensation arrangement that violates the Stark or Anti-Kickback Statute, and failing to timely refund an identified known overpayment received from a federal healthcare program.

The False Claims Act contains provisions that allow individuals with original information (i.e., information not already the subject of legal proceedings or activities that have already been publicly disclosed) concerning fraud involving government programs to file a lawsuit on behalf of the government and, if the lawsuit results in a recovery, to receive a portion of recoveries received by the government.

Financial penalties to the organization for submitting a false claim can total as much as three times the amount of the claim plus a minimum per claim penalty. The current False Claims Act per claim penalty can be found in the Communities at the following URL: <https://communities.ascension.org/cm/corporateresponsibility/Training%20and%20Education/Forms/AllItems.aspx>

In addition to federal law, several states have adopted similar laws allowing individuals to file a lawsuit in state court for false claims that were filed with the State for payment, such as when claims are submitted to the Medicaid program.

For information on State False Claims Acts refer to the Communities at this URL: <https://communities.ascension.org/cm/corporateresponsibility/Training%20and%20Education/Forms/AllItems.aspx>

The Federal False Claims Act protects employees from being fired, demoted, threatened or harassed by their employer for filing a False Claims Act lawsuit or providing information in good faith about a False Claims Act investigation or lawsuit.



STANDARDS OF CONDUCT

The following Standards of Conduct clearly state expectations for how Ascension Associates should conduct themselves to promote and protect the integrity of the ministry. Each Associate is expected to act in a manner consistent with the following standards:

Relationships with Others: We will interact with others in a sincere and authentic manner. We will develop relationships with others based on honesty, fairness and mutual trust. We will act with dignity and mutual respect and will not discriminate against individuals on the basis of race, color, gender, religion, age, national origin, disability, marital status, or other legally protected status.

Compliance: We will operate in accordance with all laws and regulations applicable to our ministry. We encourage Associates to openly communicate concerns and report potential violations of applicable laws or regulations or these Standards without fear of retaliation.

Human Resources: We strive to cultivate a work environment where Associates are highly regarded; where they are treated honestly and respectfully; where their health and safety are protected; where they are motivated to reach their potential; where they are given the opportunity for personal and career learning and advancement; where they are provided with opportunities to participate in decisions that affect their working conditions; where they are provided with the tools necessary to do their jobs well; where there are safe and adequate procedures for resolving conflicts; and where Associates are recognized and rewarded for their achievements, without prejudice or discrimination.

Business and Ethical Practices: We are committed to ethical business conduct and integrity consistent with our Catholic tradition. Associates must represent the organization accurately and honestly and must not do anything that purposely defrauds anyone, including other companies or the government, of money, property, or services. Associates must take all reasonable steps to preserve and protect the organization's assets by making prudent and effective use of its resources, and properly and accurately reporting its financial condition.

Conflicts of Interest: Associates are expected to act in a manner that is in the best interest of the organization. Associates may not use their positions to profit personally or to assist others in profiting in any way at the expense of the organization. In any situation where an associate's outside interests conflict with those of the organization, the associate must disclose the conflict in accordance with organizational policy.

Confidentiality: Associates have access to a variety of confidential and proprietary records and data, including personally identifiable information, patient information and company trade secrets. Associates are expected to: maintain the confidentiality of all organization information; access, use and disclose confidential and proprietary information only for which they are authorized; keep confidential and proprietary information secure when not using the information; and refrain from discussing confidential and proprietary information with unauthorized personnel or outside sources. This expectation of confidentiality extends beyond the Associate's employment at Ascension, and any use or disclosure of Ascension confidential or proprietary information by a former employee is strictly prohibited.



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Intellectual Property: All work performed, and all ideas, names, concepts, creative materials, logos, brands, promotions, designs, products, deliverables, improvements, discoveries, inventions, concepts, designs, ideas, processes, methods, formulas, and/or any other related intellectual, tangible or intangible property, complete or incomplete, which are produced by Associates within the scope of employment shall be considered works made for hire, and the sole and exclusive property of Ascension (“Intellectual Property”), and may, at Ascension’s sole discretion and at any time, be used by Ascension or third parties designated by Ascension for any purpose and/or in any form that Ascension deems appropriate. Associates must understand and take all reasonable measures to ensure that any and all ideas, thoughts, concepts, programs, designs, inventions and any combination or expression thereof which are provided to Ascension, pursuant to Associates’ performance of their job, do not infringe on the proprietary rights of any other person or company. Unless authorized to do so, Associates shall not remove from the property or premises of Ascension any Intellectual Property or other documents or data relating to the business of Ascension, or copies thereof. All Intellectual Property or business information, and any copies thereof, whether made by Associates or by others, are the property of Ascension and are not to be used for the individual benefit of Associates or for any other person’s benefit unrelated to Ascension.