
SUBJECT: **CORPORATE COMPLIANCE** SECTION: **I. Personal Conduct**

EFFECTIVE: TBD

REVISED: None

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CROSS REFERENCES: **Conflict of Interest, Employee Ethics, Prohibited Conduct Policies.**

CORPORATE COMPLIANCE POLICY

Purpose:

Spectrum is committed to maintaining the highest level of professional and ethical standards in the conduct of its business. The Agency places the highest importance upon its reputation for honesty, integrity and high ethical standards. This Policy Statement is a reaffirmation of the importance of the highest level of ethical conduct and standards as well as the Agency's ongoing commitment to educating its employees and other stakeholders on ethical codes of conduct. All Spectrum employees are required to complete a company sponsored training session designed to familiarize each employee of Spectrum's Corporate Compliance Plan.

Standards of Conduct:

This policy prohibits the Agency and each of its employees from directly or indirectly engaging or participating in any of the following:

A. **Improper Claims.**

Presenting or causing to be presented to the United States government, state or any other health care payer a claim:

1. **Item or Service Not Provided As Claimed.**

For any item or service that such person knows or should know was not provided as claimed, including a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a code that such person knows or should know will result in a greater payment to the claimant than the code such person knows or should know is applicable to the item or service actually provided;

2. **False Claim.**

For any item or service and such person knows or should know the claim is false or fraudulent;

3. **Not Clinically Necessary.**

For a pattern of services that such person knows or should know are not clinically necessary;

B. **False Statement in Determining Rights to Benefits.**

Making, using or causing to be made or used any false record, statement or representation of a material fact for use in determining rights to any benefit or payment under any health care program;

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- C. **Conspiracy to Defraud.**
Conspiring to defraud the United States government, state or any other health care payer by getting a false claim allowed or paid;
- D. **Health Care Fraud/False Statements Relating to Health Care Matters.**
Executing or attempting to execute a scheme or artifice to defraud any health care benefit program, or to obtain, by means of false, fictitious or fraudulent pretenses, representations or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program;
- E. **Anti-Referral.**
Presenting or causing to be presented a claim for reimbursement to any individual, third party payer, or other entity for designated health services which were furnished pursuant to a referral by a physician who has a financial relationship with the Agency, as such is defined in 42 U.S.C. § 1395nn;
- F. **Anti-Kickback.**
Except as otherwise provided in 42 U.S.C. § 1320a-7(b), knowingly and willfully:
1. Soliciting or receiving any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind either:
 - a. In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program; or
 - b. In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a Federal health care program; or
 2. Offering or paying any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person either:
 - a. To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program; or
 - b. To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a Federal health care program;

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- G. **Antitrust.**
Engaging in any activity, including without limitation being a member of a multi-provider network or other joint venture or affiliation, which is in restraint of trade or which monopolizes, or attempts to monopolize, any part of interstate trade or commerce;
- H. **Waste, abuse or other wrongdoing**
Any activity which is wasteful or abusive of the limited resources of the Agency or its funding sources, abusive to stakeholders or fellow employees, or would be consider as wrongful by a reasonable person;
- I. **Failure to Report Violations to Compliance Officer.**
Failing to promptly report to the Compliance Officer(as defined below) any instance described in subparagraphs 1 - 8 above with respect to the Agency or any of its employees which is known to such person.

Employee Obligations:

- A. ***Reporting Obligation.*** Employees must immediately report to the Compliance Officer any suspected or actual violations (whether or not based on personal knowledge) of applicable law or regulations by the Agency or any of its employees. Any employee making a report may do so anonymously if he/she so chooses.
 - a. Once an employee has made a report, the employee has a continuing obligation to update the report as new information comes into his/her possession.
 - b. All information reported to the Compliance Officer by any employee in accordance with the Compliance Policy shall be kept confidential by the Agency to the extent that confidentiality is possible throughout any resulting investigation; however, there may be a point where an employee's identity may become known or may have to be revealed in certain instances when governmental authorities become involved.
 - c. Under no circumstances shall the reporting of any such information or possible impropriety serve as a basis for any retaliatory actions to be taken against any employee making the report.
- B. ***Acknowledgment Statement.*** Each employee must complete and sign from time to time an Acknowledgment Statement to the effect that the employee fully understands the Compliance Program, and acknowledges his/her commitment to

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comply with the Program as an employee of the Agency. Each acknowledgment statement shall form a part of the personnel file of each employee. It shall be the responsibility of each manager to ensure that all employees under his/her supervision who are materially involved in any of the Agency's documentation, coding, billing and competitive practices have executed such an acknowledgment.