

SAN MATEO COUNTY HEALTH SYSTEM  
BEHAVIORAL HEALTH & RECOVERY SERVICES

DATE: August 29, 2016

BHRS Policy: 16-02

SUBJECT: Standards and Code of Conduct

AUTHORITY: 42 CFR (438.608) Managed Care Regulations, Program Integrity. Contracts with Department of Health Care Services for: Behavioral Health, Substance Use Disorders Services (SUDS) and Drug Medi-Cal (DMC)  
Center for Medicaid & Medicare (Chapter 21 - Compliance Program Guidelines and Prescription Drug Benefit Manual Chapter 9 - Compliance Program Guidelines).  
BHRS Compliance Program.

SUPERSEDES: Previous BHRS Code of Conduct

SUBJECT AREAS

1. Privacy and Confidentiality
2. Electronic Information Security
3. Use of Social Media
4. Safety
5. Conflict of Interest
6. BHRS Asset Protection
7. BHRS Compliance Program
8. Billing and Claiming Practices
9. Billing and Coding Practices
10. Business Ethics
11. Audits and Monitoring
12. Reporting Compliance Issues
13. Non-compliance with Code of Conduct

**Introduction:**

This Code of Conduct is intended to help BHRS as a whole and all individual employees, contractors, trainees and volunteers in carrying out daily activities with extraordinary ethical behavior, integrity and a commitment to comply with all applicable Federal and State laws and standards.

## **Compliance with Applicable Laws**

The BHRS workforce will comply with applicable rules, laws and regulations and be knowledgeable about which of these apply to specific areas of responsibility. Staff will attend trainings as scheduled and seek out knowledge of relevant laws and policies.

## **Standards of Conduct:**

All BHRS employees and contracted business partners are responsible for adhering to the following guidelines. The code is not intended to be all-inclusive and we rely upon your sense of fairness, honesty and integrity to meet the challenges you may face in providing quality health care. The Code of Conduct is required by federal law and is a mandatory and critical component of our overall Compliance Program.

While all members of the workforce are obligated to follow the Code of Conduct, our managers and supervisors have a special responsibility to ensure that their team has sufficient information to comply with laws, regulations, and policies. Managers and Supervisors help to create a culture within BHRS that promotes the highest standards which specifically encourage everyone in the organization to ask questions and raise concerns openly.

The following is a summary of the conduct that is expected of all staff in the BHRS workforce and the mechanisms in place to support the effort. *Although the principles cannot cover every situation that may arise, they are intended to provide meaningful guidance and direction.* If you are unclear about how these principles apply to a specific activity, you should discuss this with your supervisor, manager, or the BHRS Compliance Officer.

### **1. Privacy and Confidentiality**

- a. Respect and safeguard the privacy of clients and co-workers in a protected manner
- b. Protect PHI according to state and federal requirements and use it only in performance of your job.
- c. When using/disclosing PHI limit the information to the minimum amount needed. Do not share or request more than is necessary. Release PHI only after obtaining a completed authorization.
- d. Ensure that confidential information such as salary or benefits and information on disciplinary matters is carefully maintained.
- e. Do not discuss confidential matters in any public area.

### **2. Electronic Information and Security**

- a. Practice good workstation security, including locking offices, file cabinets and disposing of all paperwork in appropriate shredding receptacles. Cover or lock up PHI when stepping away from the desk.
- b. Protect against the loss or theft of electronic media (e.g. laptops, flash drives, hard drives, CDs) and against unauthorized access to protected health information. Do not leave any BHRS or client materials in vehicles.

<http://www.smchealth.org/BHRSComplianceProgram>

<http://smchealth.org/bhrs-documents> 16-02

Standards and Code of Conduct, 8-29-16

Page 2 of 7

- c. Maintain passwords and access codes responsibly. Allow ONLY authorized personnel access to your electronic files.
- d. Transmit confidential information in a secure encrypted form.

3. **Use of Social Media**

- a. Use social media responsibly. Social media includes interactive websites, blogs, wikis, chat rooms, or other similar interactive sites.
- b. Do not post on behalf of BHRS. Only designated staff may post.
- c. Protect client confidentiality at all times. Do not post any information that could identify a client or client health condition.
- d. Maintain the confidentiality of BHRS business information and do not discuss this information on any social media sites.

4. **Safety**

- a. Individuals in the workforce will comply fully with facility practices and policies designed to eliminate environmental hazards and promote workplace health and safety for clients and staff.
- b. Wear your County of San Mateo badge at all times while in the office or when representing BHRS offsite.

5. **Conflict of Interest**

- a. All staff will follow county and departmental rules concerning Incompatible Activities and Outside Employment, Political Activities, and Accepting Gifts or Gratuities.
- b. Avoid actual, apparent or potential conflicts between one's own interests and the interests of BHRS. Act in the best interests of BHRS in dealing with contractors, providers, clients or government agencies.
- c. Do not engage in outside employment or self-employment that may conflict with the work of BHRS.
- d. Do not accept cash, cash equivalents, gifts or other benefits from individuals, businesses or organizations doing business with BHRS.
- e. Do not give or receive any payment, bribe or inducement to any client, contractor or other employee.

6. **BHRS Asset Protection**

- a. Protect BHRS assets against theft, loss or misuse including money, equipment, office supplies, data or reports.
- b. Adhere to policies regarding disposal of records and equipment.
- c. Ensure the accuracy of reported hours worked and expenses related to job responsibilities.
- d. Do not modify or move electronic communication resources (computers, phones, fax, and printers) without proper authorization
- e. Do not install any mobile or remote access device to any BHRS equipment without approval.
- f. Follow all laws regarding intellectual property and do not copy software.
- g. Do not conceal, destroy or alter any finalized documents.

## **7. BHRS Compliance Program**

- a. Employment Practices: Managers and supervisors will endeavor to ensure that the work environment is free from discrimination in hiring, promotion, termination and other conditions of employment and career development.
  1. Employment may not be based on race, color, religion, national origin, sex, gender identification, age, marital status, sexual orientation, weight, disability, citizenship or veteran status. Unlawful discrimination includes harassment of any individual based on any of these factors.
  2. Thorough background checks will be conducted for hiring and for verifying credentials when appropriate.
  3. Appropriate training and orientation will be provided to all employees so they may meet the needs of clients, co-workers and the communities we serve.
- b. Job-Specific Laws and Regulations: Depending on the scope of their responsibilities, all members of the workforce will adhere to federal, state and county laws and regulations, as well as departmental (Health), divisional (BHRS) and other organizational rules. If a staff member believes there is a conflict between different legal or organizational requirements, this should be brought to the attention of the supervisor or manager for clarification and, if necessary, resolution. Licensed professionals in the workforce are also expected to abide by all rules and ethical obligations defined by their licensing boards.
- c. Workforce members are required to abide by rules in the following areas, as well as others not listed in this document.
  1. Reporting requirements for federal, state and local regulatory agencies.
  2. Program, budgetary, and other fiscal requirements of federal, state or privately funded services.
  3. Copyright and patent laws with regard to duplication of information or sharing software beyond the terms of the licensing agreement.
  4. Cooperate fully with any investigational effort. Do not make false or misleading statements to any government agency, official or auditor.

## **8. Billing and Claiming Practices**

Only those services that are clearly documented, medically necessary, provided within scope of practice, and accurately coded may be accounted for as a provided service and/or billed. Billing and collections policies and procedures will be written and updated as regulations change, and all staff will adhere to their

directions. Failure to abide by regulations is not only ethically wrong, but can lead to criminal and civil liability for BHRS and the County.

9. **Billing and Coding Practices:**

All staff and contractors will understand and support the following guidelines as they relate to the performance of their duties, in order to assure compliance in billing and coding practices:

- a. Submit bills only for services actually rendered and medically necessary.
- b. Assure that medical records and other related documentation substantiate the billing of any service and are available for monitoring and audit.
- c. Document services clearly, accurately, and legibly and in a manner that meets the guidelines defined in the BHRS Documentation Manuals.
- d. Utilize the most up-to-date coding instructions, as appropriate for each individual program, when billing for Medicare, Medi-Cal and other government programs.
- e. Provide and/or receive training in coding and documentation practices.
- f. Make available and/or utilize written policies and procedures directing correct billing and coding practices.
- g. Bill for co-pay or deductible amounts demanded by payer agreements. Any waiver of these amounts will follow BHRS and/or other governmental policies and applicable federal and state rules and regulations.

10. **Business Ethics:**

All members of the workforce will demonstrate integrity in their business practices in order to instill and preserve trust on the part of our clients and business partners. Among these practices are:

- o Honesty and candor in communicating with other staff, clients and the public.
- o Compliance with county rules in regard to contracting, purchasing or payment transactions.
- o No claim, invoice or cost report for goods or services will be submitted for reimbursement if those goods or services were not delivered to or on behalf of BHRS, were previously reimbursed under a separate program, or were expended in violation of applicable rules.
- o No staff member will have personal possession and/or personal use goods or services that were purchased solely for BHRS use.

11. **Audits and Monitoring:**

In order to assure compliance with regulatory policies all members of the workforce will cooperate fully and honestly with internal audits and monitoring programs, and with state and federal program reviews.

12. **Reporting Compliance Issues:**

BHRS will document all reports of alleged noncompliance. Any employee who reports a concern in good faith is protected by BHRS policy and federal and state law from discrimination, harassment or retaliation. Workforce members will not be penalized as the result of making a good faith report, whether or not the alleged activity is confirmed. All usual methods and channels for reporting compliance issues will continue to be used (i.e., Critical Incident Reporting, reports to the Compliance Officer, reports to supervisors or managers, etc.).

o **Compliance Improvement Hotline:**

The Compliance Improvement Hotline provides a mechanism, outside of the chain of command, for times when a member of the workforce prefers not to, or is unable to approach a supervisor with a concern. A caller may use the hotline anonymously. Callers are protected from harassment or any other retribution by BHRS as a result of a good-faith report to the hotline. The hotline is available to report activity/conduct that may be in violation of the Code of Conduct, including, but not limited to:

- Billing or reimbursement regulations; fraudulent transactions
- Conflict of Interest
- Falsification of documents
- Documentation irregularities

**Suspected Violations:** Any allegation will be thoroughly investigated and verified before action or response. Measures may be taken to identify operational vulnerabilities and to detect, prevent and control waste, fraud and abuse. Actual or suspected violations of law or policy are reported as appropriate to state, federal or other oversight agency or law enforcement.

MH Policy 04-05 (Compliance Improvement Hotline) describes how to use the hotline and how complaints to the hotline will be handled.

Compliance Improvement Hotline Telephone Number - (650) 573-2695.

13. **Non-Compliance with the Code of Conduct:** Members of the workforce are expected to adhere to the principles of the Code of Conduct. Efforts are made to train staff in the policies, procedures and laws that provides the basic elements of the Code. When a workforce member does not adhere to the Code of Conduct, and depending on the circumstances, sanctions and progressive discipline, up to and including loss of job or termination of contract, will be applied.

Approved Signature on File  
Stephen Kaplan, LCSW BHRS Director

Date Reviewed By Compliance Officer 8/29/2016

Reviewed Signature on File  
Scott Gruendl, MPA Compliance Officer

Next Review Due Sept 2017