



## POLICY AND PROCEDURE MANUAL

SUBJECT Standards of Conduct	ACCOUNTABILITY NMRE Staff	Effective Date: April 25, 2018	Pages: 7
REQUIRED BY	BBA Section: 42 CFR 438.602 "standards of conduct" PIHP Contract Section: 29.0, 7.11 Other:	Last Review Date:	Past Review Date:
Policy: <input checked="" type="checkbox"/>	Review Cycle: Annually	Responsible Department:	Reviewers:
Procedure: <input type="checkbox"/>	Author: NMRE Compliance Officer	Compliance	NMRE Board

### Definitions

**Beneficiary:** A person served by the publicly funded behavioral health and substance use disorder system or his/her representative.

**Network Provider:** Any provider that receives Medicaid funding directly or indirectly to order, refer, or render covered services as a result of the state's contract with the NMRE, its member CMHSPs, and the Substance Use Disorder provider panel.

**Personnel:** Anyone working for the Northern Michigan Regional Entity (NMRE) and whose salary is paid by the NMRE and members of the NMRE Board of Directors and NMRE Substance Use Disorder Oversight Policy Board.

### Purpose

The purpose of this policy is to articulate NMRE's expectations and procedures related to its Standards of Conduct. The Standards of Conduct will be distributed pursuant to this policy. Training will be required to ensure it is understood by personnel. The NMRE is a governmental entity funded by federal dollars; primarily through the Medicaid program. NMRE personnel is expected to protect and preserve these resources and ensure they are used efficiently and only for lawful and proper purposes.

### Policy

It is the policy of NMRE that all personnel receive a copy of the Standards of Conduct setting forth general ethical standards applicable to NMRE and its Provider Network. It is the responsibility of each supervisor to ensure that the personnel within his/her supervision are aware of and are acting ethically and in compliance with applicable laws and the Standard of Conduct. Accordingly, all personnel are required to familiarize themselves with the Standards of Conduct and Compliance Program and to return a signed acknowledgement statement within thirty (30) days of employment.

The Standard of Conduct applies to all NMRE operational activities and administrative actions and includes those activities that come within federal and state regulations relating to health care providers. Of importance is the expectation that NMRE maintains a health care and business environment that is committed to integrity and ethical conduct, particularly in the areas of legal compliance, business ethics, confidentiality/privacy, conflict of interest, business and beneficiary relationships, documentation and billing practices, personal and confidential employee information, investigation and response, discipline and evaluation, and professional ethics. This Standard of Conduct, therefore, applies to NMRE personnel in the performance of work that is under the direct control of the NMRE.

The Standards of Conduct policy is intended to establish ethical standards of health care and ethical business practices as a framework for NMRE personnel in the performance of work. It is not intended to set forth all the substantive practices that are an intricate fiber of high quality care. NMRE personnel is expected to be familiar with, and are obligated to adhere to, the standards set forth in the Standards of Conduct or incorporated by reference herein, and in NMRE policies.

Integrating the mission and vision of the NMRE to create a combined effort with the strategic plan will allow for clear guidelines for all parties involved.

- The Mission of the NMRE: Develop managed care structures to support publicly funded behavioral health services.
- The Vision of the NMRE: A healthier regional community living and working together.

### **OBLIGATION OF NMRE PERSONNEL**

Individuals are obligated to conduct themselves in accordance with:

- Standards set forth in the Standards of Conduct;
- Applicable federal and state laws and regulations;
- NMRE policies, including general policies, Compliance Program Plan and policies, and those applicable to specific job, position, or function;
- Standards of conduct incumbent upon an individual by state licensure or registration; and
- Ethical standards binding an individual as a practitioner of a profession.

**Professional ethics:** Personnel who are members of a health care profession required to be licensed or registered under the Michigan Public Health Standard are responsible for obtaining their licenses or registrations and renewals thereof on a timely basis. Health care professionals will render professional services only within the scope of their licenses or registrations and in manners that conform to applicable standards of care and to the ethics of their profession. No personnel that is a health care professional is permitted to render professional services unless he/she possess all valid, current, and unrestricted state and federal licenses, registrations and certifications necessary to legally practice his/her profession and has been credentialed and privileged as set forth in NMRE policies.

**Responsibility to Beneficiaries:** NMRE personnel has an affirmative obligation to:

- Treat beneficiaries and their family members with dignity and respect.
- Provide services that meet the beneficiary's medical necessity, as identified through clinical assessment; when the beneficiary meets the requirements for the service, the service will be included in the person-centered individualized plan of services.

- Not discriminate based on race, color, national origin, ancestry, religion, age, sex, weight, marital status, physical or mental impairment in the provision of services, including admission to, and discharge from, services.
- Provide beneficiaries and their families with all information concerning services and treatment when and to the extent required by applicable Federal and State laws and regulations and/or by sound clinical practice.
- Document in a timely manner to ensure an accurate accounting of services provided.
- Protect health information from unauthorized use or disclosure except as required or permitted by law.
- Report suspected abuse and neglect as required by law.
- Protect beneficiaries' rights and furnish services to beneficiaries in a manner that does not violate their legal rights as defined in the Michigan Administrative Rules, Public Health Standard, and Mental Health Standard.
- Not have relationships of a sexual nature of any kind with beneficiaries. Relationships of a sexual nature with beneficiaries are prohibited.
- Not engage in, or permit any third party to engage in studies, surveys, or clinical investigations involving beneficiaries or their personally identifying information (collectively, "research") without the prior written approval of the MDHHS Institutional Review Board. All research must be conducted in compliance with all applicable Federal and State laws and regulations, in accordance with applicable professional ethics, and with due respect for the legal rights of beneficiaries.

**Conflict of Interest:** NMRE personnel will avoid any action that conflicts with the interest of the organization. All NMRE personnel must disclose any potential conflict of interest situations that arise or exist. NMRE will establish clear separation of any supplemental employment by means of private practice or outside employment from activities performed for NMRE. Conflicts of interest disclosed by providers must be considered. If a provider with a disclosed conflict of interest is used, the conflict must be addressed in the relevant agreements.

### **BUSINESS ETHICS**

**Financial Standards:** NMRE will ensure integrity of all financial transactions. Transactions will be executed in accordance with established policies and procedures and with federal and state law and recorded in conformity with generally accepted accounting principles or any other applicable criteria. All financial reports, accounting records, research reports, expense accounts, timesheets, and other documents will accurately and clearly represent the relevant facts or the true nature of a transaction. No undisclosed or unrecorded funds or assets will be established for any purpose. NMRE will not tolerate improper or fraudulent accounting, documentation, or financial reporting.

**Kickbacks:** NMRE personnel is prohibited from offering, soliciting, or accepting money or anything else of value from an NMRE vendor or provider, except as provided herein. Personnel may share in a gift of goods or services from a vendor or provider if, and only if:

- The gift consists of goods delivered to NMRE premises;
- The gift is used or consumed on the premises;
- The gift is not intended for the personal use or benefit of specific individuals;

- The gift does not violate federal and state laws and regulations that prohibit soliciting or accepting anything of value in exchange for influencing a purchase of goods or services or the referral of individuals for services.

**Marketing and Media:** NMRE news releases, marketing campaigns, and advertising materials will not be deceptive or misleading by omission or commission. All marketing materials and advertising aimed at Medicaid eligible beneficiaries are subject to prior approval of Michigan Department of Health and Human Services (MDHHS).

**Market Competition:** NMRE policies and business practices will prohibit setting charges in collusion with competitors and entering into certain exclusive arrangements with vendors. Additional information concerning antitrust issues can be obtained from the NMRE Compliance Officer.

**Outside Employment:** NMRE personnel will not represent or act as an agent, compensated or uncompensated, for any outside interest in any transaction in which NMRE has a direct or substantial interest, financial or otherwise. Nor will NMRE personnel accept any outside engagement or employment the pursuit of which conflicts with the ability of personnel to discharge properly their duties to NMRE. Outside employment will be disclosed to and approved by the NMRE Chief Executive Officer.

**Procurement:** Vendors of goods and services will be selected based on objective criteria including quality, technical excellence, price, delivery, and adherence to schedules, service, and maintenance of adequate sources of supply. Where required by law or contract, procurement will be by competitive bid. Where procurement is by secret bid, NMRE personnel will not directly or indirectly disclose any information to any bidder or potential bidder if such disclosure would confer or tend to confer any competitive advantage.

**Trading on Inside Information:** NMRE personnel may not engage in, or retain the profits of, any private activity, business, or transaction arising out of or in any way related to information acquired in the course and scope of their employment with NMRE.

**Improper Referrals:** Referrals of individuals to services outside NMRE are important to the delivery of proper care. If a referring health care professional, or a member of his/her immediate family, has an ownership or financial interest in an entity to which an individual is referred, and payment for the referred services will be made by any federally-funded health care program (e.g., Medicare, Medicaid), federal and state laws may forbid the referral. Personnel may not make a referral in violation of such laws. Additional information concerning referral restrictions can be obtained from the NMRE Compliance Officer.

**Gifts Influencing Decision-Making:** NMRE personnel will not accept from anyone gifts, favors, services, entertainment, or other things of value to the extent that decision-making or actions affecting NMRE might be influenced. Similarly, the offer or giving of money, services, or other things of value with the expectation of influencing the judgment or decision-making process of any purchaser, supplier, beneficiary, government official, or other person by NMRE personnel is absolutely prohibited. Any such conduct should be reported immediately to the NMRE Chief Executive Officer, the NMRE Compliance Officer, or through the NMRE Compliance Helpline at 866.789.5774.

**Billing and Claims:** NMRE is committed to charging, billing, and submitting claims for reimbursement only when the services have been provided and documented in the manner required by laws, regulations, policies, and applicable standards of care. NMRE personnel should know and carefully follow

the applicable rules for the submission of bills and claims for reimbursement, whether those claims are submitted to NMRE for payment, or to a third party for payment by NMRE. NMRE personnel that knows or suspects that a bill or claim for reimbursement is incorrect is required to report the matter immediately to a supervisor, the NMRE Chief Executive Officer, or the NMRE Compliance Officer.

## **CONFIDENTIALITY**

**Consumer Identifying and Confidential Information:** Except as otherwise required by law (e.g. Mental Health Standard, 42 CFR, Part 2, HIPAA), personal identifying, and confidential information will not be released without an appropriately signed consent/authorization or official judge's court order.

**Disclosure of Business and Personnel Information:** Except as otherwise required by law (e.g. the Freedom of Information Act), personal information, and information about NMRE operations acquired by personnel from any source, will be disclosed within the NMRE only on a minimum necessary, need to know basis and solely for purposes related to the performance of job duties. Such information may be disclosed outside the NMRE only as permitted or required by law and NMRE policy.

## **WORKPLACE CONDUCT AND EMPLOYMENT PRACTICES**

**Employment Discrimination:** NMRE and its personnel will abide by any and all applicable federal and/or state equal opportunity statutes, rules, and regulations including and without limitation, Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination in Employment Act, the Fair Labor Standards Act, the Americans with Disability Act, the Rehabilitation Act of 1973, and the Occupational Health and Safety Act of 1970, all as may from time to time be modified or amended.

**Controlled Substances:** NMRE prohibits the consumption of alcohol and the unlawful possession, use, manufacture, or distribution of illicit drugs or alcohol on or in its property, including NMRE owned or leased vehicles. In addition, personnel will not consume alcohol or be under the influence of illicit drugs or alcohol while acting in the course and scope of his/her employment, or while operating a vehicle in the course and scope of his/her employment. All health care professionals, including those who maintain DEA registration, must comply with all Federal and State laws regulating controlled substances. Personnel who knows or suspects the consumption, unlawful or unauthorized possession, use, manufacture or distribution of illicit drugs or alcohol by other personnel in violation of this paragraph will promptly notify his/her supervisor, the NMRE Chief Executive Officer, or NMRE Compliance Officer.

**Harassment:** Unlawful harassment is any unwelcome conduct, whether verbal, physical, or visual, that is based on a person's race, color, religion, sex, age, national origin, height, weight, marital status, veteran status or disability, or any other legally protected characteristic. NMRE is committed to an environment free of harassment from its personnel. NMRE will not tolerate harassment based on race, color, religion, sex, age, national origin, height, weight, marital status, veteran status, disability, sexual orientation, or any other condition, which adversely affects the work environment. NMRE has a strict non-retaliation policy prohibiting retaliation against anyone reporting suspected or known compliance violations.

**Sexual Harassment:** Sexual harassment is prohibited. Sexual harassment consists of unwelcome sexual

advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct explicitly or implicitly affects an individual's employment, interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

**Weapons:** NMRE personnel will not possess, maintain, keep, or bear any rifle, pistol or other firearm, whether licensed or unlicensed, registered or unregistered, concealed or not concealed, holstered or not holstered, cased or uncased in or on any building, grounds, property, or vehicle owned, rented or operated by NMRE, or on which beneficiaries receive services for which payment is made in whole or in part with NMRE funds. Personnel will not possess, maintain, keep, or bear any explosive or other weapon in or on any building, grounds, property or vehicle owned, rented, or operated by NMRE or on which beneficiaries receive services for which payment is made in whole or in part with NMRE funds.

**Personal Use of NMRE Resources:** Except as provided herein, use of NMRE property, equipment, or other tangible assets for personal purposes without the prior written approval by a supervisor is prohibited. The occasional personal use of NMRE property, equipment, and tangible assets (e.g., making local phone calls and sending personal e-mail over company communications equipment) is acceptable where NMRE incurs no direct expense in connection with such personal use. Personnel may not contribute NMRE funds or property to any charity without prior written authorization of the NMRE Chief Executive Officer or his/her designee.

**Nepotism:** Personnel will not advocate a relative for appointment, employment, promotion, or advancement. No personnel, volunteer, trainee, or intern will appoint, employ, promote, or advance a relative to any position over which he/she has supervisory responsibility. For the purposes of this section:

**Relative:** Means an individual related to NMRE personnel by blood or marriage.

**Advocate:** Means the referral or recommendation of a relative to NMRE personnel standing lower in the same chain of command for appointment, employment, promotion, or advancement.

**Political Activities and Contributions:** Personnel may not directly or indirectly contribute NMRE property, equipment, funds, resources, or other tangible or intangible assets or the use thereof to political campaigns, candidates, political parties, or any agent or affiliate thereof. Prohibited conduct includes, but is not limited to, the use of work time and/or NMRE equipment to solicit or canvas on behalf of a political cause or candidate. No personnel will publicly or privately represent his/her political views as those of the NMRE.

**Reporting:** All NMRE personnel are obligated to report violations and suspected violations of fraud, waste, and abuse. NMRE personnel that becomes aware of or has reasonable grounds to suspect a violation of any of the standards within the Standard of Conduct by any NMRE personnel is obligated to report the violation or suspected violation by one of the following methods:

- Directly to any supervisor
- Directly to the NMRE Compliance Officer-Anonymously at the following address:

NMRE Compliance Officer  
1999 Walden Drive, Gaylord, MI 49735  
Phone: 866.789.5774  
NMRE email: [compliancesupport@nmre.org](mailto:compliancesupport@nmre.org)

- Directly to the Office of the Inspector General (OIG):  
Office Hours: Monday - Friday, 8:00am to 5:00pm  
Phone: 855-MI-FRAUD (643-7283) (voicemail available for after hours)  
or send a letter to:  
Office of Inspector General  
PO Box 30062  
Lansing, MI 48909

All reports will be treated as confidential to the extent allowed by law and will only be shared with others on a bona-fide need-to-know basis. Under no circumstances will NMRE tolerate retribution against its personnel for making a “good faith” report to the NMRE Compliance Officer.

Obligations are also identified and defined in the Regional Compliance Plan, available at [www.nmre.org](http://www.nmre.org). Commitment to the goals of the Regional Compliance Plans, is required by NMRE personnel, agents, providers, and subcontractors. NMRE personnel, affiliates, agents, contract providers, and subcontractors bear the responsibility for compliance.

Other Related Policies

NMRE Compliance Plan

NMRE Conflict of Interest Policy

Approval Signature



NMRE Chief Executive Officer

4/25/18

\_\_\_\_\_  
Date

Attestation Signature

I have read and will abide by the NMRE Standards of Contact.

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Copy to Human Resources