



Business Practice Guide

Achieving excellence in ethics and compliance

Nemours

Dear Nemours Affiliate or Vendor:

At Nemours it is vitally important to ensure our services are carried out with honesty and integrity, and that our professional and personal behaviors reflect our commitment to high ethical standards. All Nemours Associates understand their obligation to adhere to the policies, procedures and values of Nemours as set forth in Nemours' Business Practice Guide and Code of Business Practices.

Nemours carefully selects its affiliates and vendors to ensure all who are providing services on behalf of Nemours are aligned with Nemours' values and ethical standards. Nemours expects its affiliates and vendors to follow Nemours' Code of Business Practices and other related policies when conducting business with or on behalf of Nemours. We are committed to open discussion regarding opportunities for improvement and seek input from our affiliates and vendors about any concerns or questions they have related to Nemours' professional and business practices. Nemours management is committed to its duty to ensure there is no adverse action or retaliation against anyone for raising a concern in good faith. We encourage our affiliates and vendors to review applicable policies, as well as Nemours' unabridged Business Practice Guide—available on the Nemours internet site at www.nemours.org.

This abridged version of the Nemours Business Practice Guide is intended to serve as a reference source and educational supplement to the Nemours compliance training program in which affiliates or vendors may be required to participate. If a training session is necessary, one will be scheduled through the contracted parent company and local affiliate/vendor office.

You will note references to Nemours policies throughout this Guide. As an affiliate or vendor, if you have a question regarding a particular policy, please request a copy from management, Human Resources or Corporate Ethics and Responsibility.

If you have any questions regarding the Business Practice Guide or training opportunities—or should you encounter any situation that you believe violates ethical or legal standards—please do not hesitate to speak with management, Human Resources, Corporate Ethics and Responsibility or call the confidential Compliance Hotline at 1-866-NEM-HOTL (1-866-636-4685).

Sincerely,



David J. Bailey, MD, MBA
President and CEO



Teresa DuPree
VP, Corporate Ethics and Responsibility

Nemours Compliance Program

Nemours is committed to maintaining an effective Compliance Program in accordance with the guidance published by the Office of Inspector General, U.S. Department of Health and Human Services (the “HHS-OIG Guidance”). Our Compliance Program is one of the key components of our commitment to the highest standards of corporate conduct.

The primary goal of the Nemours Compliance Program is to promote a culture of ethics that goes beyond conforming to the law. The program also seeks to prevent and detect violations of law and Nemours policy.

Nemours expects that everyone working for or providing services to Nemours shall comply with the Code of Business Practices adopted by our Board of Directors and the policies established in support of its Compliance Program. Under the direction of the Board of Directors, we have married legal compliance with ethics compliance in our *Drive to Excellence* to produce honesty, integrity and transparency for the benefit of our patients and their families.

In the event that Nemours becomes aware of unethical behaviors or violations of law or policy, Nemours is obligated to ensure appropriate organizational response. The Compliance Program is empowered to investigate concerns and, when appropriate, to ensure design and implementation of corrective measures to prevent future occurrences.

The fundamental elements of our Compliance Program are based on our high standards and values. The Compliance Program is dynamic; involving multiple policies, procedures and activities. Everyone working for, or providing services to Nemours (including affiliates and vendors) must commit to and support the Compliance Program to make it truly effective.

Business Practice Introduction

The core activities of the Nemours Compliance Program include:

- **Articulating standards** of compliance and ethical conduct through a Code of Business Practices and a series of policies and procedures;
- **Creating awareness** of these standards throughout Nemours via compliance training and other ongoing communications;
- Providing an anonymous means for **reporting possible violations of law or policy, and asking questions.** We maintain a Compliance Hotline (1-866-636-4685) to receive reports from anyone who is aware of a violation of our Code of Business Practices or Nemours Policies and Procedures;
- **Monitoring, auditing and assessing performance** in areas of compliance risk to ensure that established policies and procedures are being followed and are effective;
- Where risks are identified, **assisting** operational units in **developing corrective action** plans;
- **Recommending and reviewing disciplinary actions** for violations of the Code of Business Practices; and
- **Informing** Executive Management and the Board of Directors of compliance activities.

What is the Nemours Business Practice Guide?

The Code of Business Practices establishes the general policies and procedures with which everyone

working for, or providing services to Nemours must comply. This Business Practice Guide provides guidance to assist with understanding the Code of Business Practices. (see Nemours Policy #1.5.4.1)

To whom does the Nemours Business Practice Guide apply?

The Business Practice Guide applies to everyone working for, **or providing services to** Nemours. This includes all board members, corporate officers, physicians, Associates and others, such as affiliates or vendors, who provide services either within or to Nemours. These individuals are responsible for knowing and following the Business Practice Guide. (For purposes of this Business Practice Guide, those listed above will be referred to as “individuals or you/your” and Nemours will be referred to as “we/our.”)

What if I have a question or concern?

The opportunity for you to ask questions and raise concerns is a cornerstone of a successful corporate compliance program. We support the open discussion of ethical and legal questions and concerns regarding compliance issues and will not tolerate retaliation against any individual who, **in good faith**, raises questions or reports suspected violations.

You have a personal responsibility to report to Nemours any circumstance that appears to violate the Code of Business Practices or any applicable laws or regulations.

In general, if you are aware of a compliance violation and fail to inform us, this could affect future business interactions.

If you have a question or concern regarding the appropriateness of a decision or action you should take the following steps:

- **Communicate** with a supervisor, manager, medical education office/department chair or administrator at the location where you provide products or services to Nemours.
- **Talk with higher-level Nemours management**, if this is available, up to and including an Executive Vice President and/or the CEO.
- **Contact** any representative of the Office of Corporate Ethics and Responsibility.
- **Obtain help** from other Nemours resources.

You can contact any other manager or contact person with whom you are comfortable. There are a number of resources at Nemours that are available to help including the Office of Corporate Ethics and Responsibility, Human Resources, Audit Services, Risk Management and the Legal Department.

- **Call the Compliance Hotline.**

You can contact the Compliance Hotline to raise questions and clarify issues or to report suspected violations. All reports will be investigated or referred to appropriate personnel for resolution. If you contact the Compliance Hotline you may choose to remain anonymous. Should you choose to identify yourself, your identity will be protected to the limit of the law. Concerns brought to Nemours'

attention through the Compliance Hotline will be promptly and thoroughly evaluated and investigated for proper resolution.

The Compliance Hotline can be reached at the following telephone number: **1-866-NEM-HOTLine** (1-866-636-4685), Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m. EST.

Non-Retaliation. In accordance with requirements outlined in a variety of laws, such as the federal and state False Claims Acts, and in the non-retaliation section of the Nemours Code of Business Practices policy, Nemours will not permit any adverse action or retaliation against an individual for reporting, **in good faith**, suspected non-compliance with the Code of Business Practices. However, individuals who file false and/or malicious reports will not be afforded such protection and will be subject to disciplinary action in accordance with Nemours policies. (See Nemours Policy #1.5.4.1.)



Business Practice Standards

Provide High Quality Services

Nemours is committed to providing high-quality services to our patients, their families, visitors and the community, whether those services are provided through patient care, research or health and prevention.

Rights of Patients. We will comply with the rights of patients, as outlined in the Nemours Patient Rights and Responsibility statements.

Right to Choose. We will respect a patient's/guardian's right to make choices about care options.

Non-discrimination. We will provide treatment to our patients in a non-discriminatory fashion consistent with applicable laws and regulations.

Medical Screening. We will provide, at a minimum, a medical screening examination and necessary stabilizing treatment to children who come to a Nemours emergency room.

Advance Directives. We will comply with all Nemours policies and procedures and federal and state laws and regulations regarding advance directives. (See AIDHC Policy #60.18 Advanced Healthcare Directives.)

Communication. We will follow current medical and ethical standards regarding physician's and other health care provider's communication with patients and where appropriate, their representative, regarding the care delivered.

Informed Consent. We require an informed communication between a patient/guardian and physician/investigator that results in the patient's and/or legal guardian's authorization or agreement to undergo a specific medical or research

intervention. The process follows American Medical Association (AMA) Guidelines and applicable state laws regarding the documentation of informed consent including, at a minimum, informing patients about the risks, benefits and alternatives associated with the care they are seeking.

Qualified Individuals. Nemours is required to ensure clinical duties are performed by individuals who are licensed and certified as required by law.

- **Background Check:** We will require appropriate background checks be conducted on potential Associates, medical staff members and others providing services within Nemours.
- **Sanction Screening:** We will also conduct on-going monitoring of individuals, vendors or entities sanctioned by appropriate state and federal agencies to ensure that Nemours does not receive services from sanctioned persons or entities.

Promote an Employment Philosophy of Respect

We are committed to providing a work environment throughout the organization where everyone working for, or providing services to Nemours is regarded with respect and as valuable contributors.

Respectful Behavior. We must show respect to and consideration for one another. Nemours encourages an open expression of concerns with focus on resolution of problems, rather than assignment of blame.

Compliance with Nemours Human Resources Policies and Procedures. Nemours Associates must comply with state and federal laws governing human resources management, as well as Nemours Human Resources Policies.

Equitable Application of Policy. We will apply Nemours Policies and Procedures fairly, equitably and consistently.

Non-discrimination. We will hire, train, promote and compensate solely on the basis of qualifications and competency without regard to race, color, religion, gender, national origin, age, veterans' status or disability, or other classification of personnel protected by law. We will make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities.

Freedom from Harassment. We will promote an environment that does not tolerate harassment, disruption, intimidation or hostility.

Comply with Applicable Laws and Regulations

Nemours will conduct our business in compliance with laws, regulations and standards that apply to the services provided by Nemours.

Anti-trust Law. Nemours Associates, affiliates and vendors shall follow federal and state anti-trust laws and Nemours policies regarding these activities.

Anti-kickback Law. Nemours Associates, affiliates and vendors will not accept for ourselves, our family members or Nemours anything of value in exchange for referral of business or referral of patients.

Nemours Associates or any individuals representing Nemours should not offer any service of value as an inducement for the referral of business or patients to Nemours. Examples of types of actions that could violate anti-kickback laws include:

- Offering or paying for anything of value to induce a physician to refer a patient to Nemours;

- Offering or paying for anything of value to patients or referral sources in marketing Nemours;
- Soliciting or receiving anything of value for the referral of Nemours patients to others; or
- Providing items or services at either less than or greater than fair market value to a referral source.

Stark Regulations. Nemours physicians will comply with Stark Regulations prohibiting the referral of patients to any entity for "designated health services" when the physician or an immediate family member has a financial relationship with the entity (unless the arrangement complies with applicable legal exceptions).

Contracts with Affiliated Providers.

Management should consult with Nemours Legal Department or Corporate Ethics and Responsibility to ensure that the appropriate reviews and approvals are obtained for any business relationship with those who may be sources of patients. (Contracts for relationships with other providers of patient care must be generated in accordance with Policy #5.4.2 Contract Development and Approval Process.)

Marketing Activities. Our success in the marketplace results from providing quality services at competitive prices.

- Nemours should never offer any type of business courtesy to a referral source or a purchaser for the purpose of gaining favorable treatment or advantage. To avoid the appearance of impropriety, we must not provide any referral source or purchaser with gifts or promotional items of more than nominal value.

- Nemours Associates may provide or pay for travel or lodging expenses of a customer or source of customers only with the advance approval of the Vice President responsible for the business unit.
- All direct-to-consumer marketing activities, including discounting of facility fees charged to the consumer, require review by the Nemours Legal Department in advance if such activities involve giving anything of more than nominal value.
- Marketing Communications must also comply with HIPAA privacy regulations. Refer questions or concerns to the Privacy Office.

Copyrights. We will comply with federal laws regarding reproduction of copyrighted material. Copyrighted works include, but are not limited to:

- Printed articles from publications, magazines, books, television and radio programs, videotapes, digital video disks (DVDs), musical performances, photographs, training materials, manuals, documentation, software programs, databases, visual and electronic media including diskettes, CD-ROMs and World Wide Web pages.

Organ/Tissue Donation. We will comply with all federal and state laws with regard to organ/tissue donations. (See AIDHC Policy #60.13 Anatomical Gifts.)

Continuing Medical Education. All Nemours-sponsored continuing medical education activities will be coordinated solely through the Nemours Continuing Education Program Offices. Nemours' continuing education programs will adhere to the standards of program development, implementation and funding established by the Accreditation Council for Continuing Medical Education (ACCME).

Graduate Medical Education. We will comply with all applicable laws and regulations in the conduct of graduate medical education training programs, including the Accreditation Council for Graduate Medical Education (ACGME) 80-hour work rule for residents.

Deficit Reduction Act. Nemours will comply with the Deficit Reduction Act by providing an explanation in this resource and through others, of the federal False Claims Act; any state laws pertaining to false claims; whistleblower protection; Nemours policies governing detection and prevention of fraud, waste and abuse; and administrative remedies for false claims and statements. (See Business Practice Standard - Coding, Billing and Collecting on the False Claims Act.)

Respect and Protect Confidential Information

We will make all efforts to protect personal and confidential information concerning Nemours patients, visitors, Associates, business operations or other confidential information.

Safeguard Confidential Information. You must strictly safeguard all confidential information with which you are entrusted and must never discuss such information outside the normal and necessary course of Nemours business.

- Confidential patient information should not be discussed with, or disclosed to non-Nemours individuals unless requested and authorized by that patient.
- You may receive requests for confidential information that cite federal/state/regulatory guidelines or other statutes requiring the release of information. You should review any such information request with Health Information Management or the Nemours Legal Department prior to releasing any information.

HIPAA Privacy and Security. In particular, you must protect the confidentiality, security, integrity and availability of all patient records, and the information contained in such records in compliance with the federal HIPAA Privacy and Security regulations, as well as applicable state laws. (See HIPAA Privacy and Security Policies.)

Privacy of Special Circumstances. You also have an obligation to respect and protect the confidential nature of records regarding drug and alcohol abuse, mental health, HIV or other personal information of patients and Associates.

Code, Bill and Collect in Accordance with Applicable Guidelines

We are committed to integrity in our coding, billing and collection practices. All services must be accurately documented and coded. Individuals involved in documenting, coding, billing and collecting for services are responsible for following federal and state regulations and Nemours policies regarding these activities.

Billing, Reimbursement and False Claims. We are committed to ensuring that our billing and reimbursement practices comply with applicable federal and state laws, regulations, guidelines and policies, and that all bills are accurate.

The False Claims Act (FCA) is a federal statute that covers fraud involving any federally funded contract or program, such as Medicare/Medicaid. This act establishes liability for any person who knowingly submits, or causes to be submitted, a false or fraudulent claim to the government for payment. It also prohibits anyone from conspiring to

defraud the government or using false records/statements to conceal, avoid or decrease obligations to pay money or property to the government. The FCA carries both criminal penalties of imprisonment and civil penalties, which can include triple damages of fines per false claim. States can also have their own FCA with which we must comply if applicable at our location.

The federal FCA does not require proof of a specific intent to defraud the government. Instead, health care providers can be prosecuted for a wide variety of conduct that leads to the submission of fraudulent claims to the government whether intentional or accidental.

Examples of the types of practices that are **not acceptable** are as follows:

- Billing for services not documented as rendered involves submitting a claim representing the provider performed a service in which all or part was not performed.
- Providing medically unnecessary services involves submitting a claim requesting reimbursement for a service that is not warranted by the patient's current complaint or documented medical condition.
- Upcoding involves the practice of using alternative billing codes which provide a higher payment rate than the billing code that actually reflects the service provided to the patient.
- Duplicate billing occurs when a claim for the same service is submitted more than once. Although duplicate billing can occur due to a simple error, systematic or repeated double billing may be viewed as a false claim, particularly if any overpayment is not promptly refunded.

- Unbundling is the practice of submitting bills in fragmented fashion to maximize the reimbursement for various tests or procedures that are required to be billed together and therefore at a reduced cost. Submitting separate claims for outpatient services when there is a related inpatient admission may also be an example of unbundling.
- False cost reporting involves the inclusion of costs unallowable for reimbursement in the cost report. Costs claimed should be based on appropriate and accurate documentation, properly classified and accurately allocated to various cost centers.

All costs claimed on the cost report should be supported by verifiable and auditable data.

Credit balances. We will promptly and accurately refund overpayments in accordance with Nemours policy.

Billing for Teaching Physician Services. We will ensure that services provided in the course of Nemours' participation in graduate medical education programs will be documented, coded and billed in compliance with all applicable federal and state regulations. All medical students, residents and fellows will be properly supervised during all clinical interactions with patients.

Billing for Charges Incurred as Part of a Research Protocol. We are required to provide systems to assure that patient care charges incurred solely as a function of a research trial are appropriately charged to the research project and only submitted for reimbursement when appropriate.

Collection Practices. We will comply with the Fair Debt Collection Practices Act and the Fair Credit Reporting Act with respect to collection procedures and methodology.

Charge Description Master. We will maintain a complete, updated and accurate Charge Description Master (CDM) to ensure accurate coding, billing and reimbursement.

Conflicts of Interest

We will conduct ourselves with integrity, honesty and fairness to avoid any conflict between personal interests and the interests of Nemours. (See Conflicts of Interest Policies.)

- You shall not use your position or relationship with Nemours to influence decisions in which you know, or have reason to know, that you have a financial interest.
- Nemours Associates are required to file a Conflict of Interest disclosure and consult with the Conflict of Interest Coordinator in circumstances that may lead to a conflict of interest, if engaged in any activity that could raise conflict.
- Board members, management, and others who occupy positions of trust will file annual Conflict of Interest disclosure forms.

Political Contributions. Nemours Associates may not contribute or donate Nemours funds, products, services or other resources to any political cause, party or candidate.

Charitable Contributions. All Charitable receipts must be directed to the Nemours Partnership for Children's Health office in accordance with Nemours policy. All charitable contributions from vendors must directly benefit Nemours. Under no circumstances may a charitable contribution or other check be made payable to an Associate of Nemours. Under no circumstances shall donations be accepted that require Nemours to use or purchase supplies from the vendor making the contribution.

Educational Activities Grants.

Management, physicians or those otherwise in a position to represent Nemours should not receive any educational activities grants that create even the appearance of impropriety or conflict with the "Gifts to Physicians from Industry" Guidelines, which were adopted by the AMA's Council on Ethical and Judicial Affairs and the Pharmaceutical Manufacturers Association in December 1990.

Provide Accurate Information and Safeguard Assets, Property and Information

We will use our resources wisely and will be accountable for their proper use.

Safeguarding Nemours Proprietary Information. You should not disclose any of Nemours proprietary information to any outside party, except as specifically authorized by management, pursuant to established policy and procedure, or as required by law. Proprietary information includes non-public business, financial, personnel, commercial or technological information, plans or data acquired during association with Nemours.

Need to Know Dissemination. If authorized to disclose proprietary information, you should disseminate these types of information only to individuals having a "need to know" and should

protect these types of information from access by unauthorized personnel.

Confidentiality. You may not, upon termination of association with Nemours, copy, take or retain any documents containing Nemours restricted information. The prohibition against disclosing Nemours restricted information extends beyond the period of association as long as the information is not in the public domain. Your agreement to continue to protect the confidentiality of such information after the term of association ends is considered an important part of your continued obligation to Nemours.

Creation and Retention of Accurate Patient and Business Records. We are responsible for the accurate preparation of records. We shall ensure that those records are maintained in a manner and location as prescribed by law and Nemours Policy #1.5.4.4 Corporate Record Retention Management.

You will not knowingly create or alter records to contain any false, fraudulent, fictitious, deceptive or misleading information.

You shall not destroy or remove any Nemours records from the premises of a Nemours facility, unless specifically authorized by Nemours policy.

Costs and Timecard Reporting. Nemours Associates must report time worked in a complete, accurate and timely manner according to Nemours Policy. We are required to follow Fair Labor Standards Act guidelines and state requirements.

Accurate Grant Accounting. We shall accurately utilize funds received from contracts and grants. Federal funds received from contracts and grants shall be accounted for in accordance with compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement.

Contracting Authority. Only authorized individuals will sign contracts and agreements binding Nemours, after appropriate administrative and legal review, as established in Nemours Policy #1.3.3 Financial Approvals.

Electronic Communication. You should use Nemours e-mail, voicemail, intranet, internet and other present and future electronic communications responsibly and for approved business purposes, limiting personal use. Such communications are the property of Nemours.

Maintain a Safe Environment

We are committed to providing a safe environment for our patients, staff and visitors.

Occupational Safety and Health Administration (OSHA). We will comply with applicable OSHA requirements regarding Associate safety and health issues.

Refraining from Substance Abuse. We will provide all Associates and our patients with an environment that is free of the issues associated with the abuse of alcohol and controlled substances. We have an obligation to follow all policies regarding alcohol and substance abuse while working for Nemours. (Refer to Nemours Human Resources Policies.)

Hazardous and Medical Waste Disposal. We require that all hazardous and infectious waste generated is stored, handled and disposed of in accordance with federal and state laws and regulations and Nemours Policies.

Incident Reporting. You have a duty to report suspected or actual unsafe conditions involving patients, Associates and visitors as outlined in Nemours Policy #12.1.1 Incident Reporting, or Policy #5.7.17 Information Systems Security.

Research

We will conduct all research in accordance with federal, state and local laws and regulations and the ethical principles. If you participate in Nemours research or are designated as a Principal Investigator, you are required to follow the guidelines established by law, federal regulation and Nemours policies, and Federal-Wide Assurance filed by Nemours.

Human Subjects Protection. The primary focus of Nemours research is children. We established Nemours Office of Human Subjects Protection (NOHSP) to ensure specific emphasis is placed on this area. You are required to follow guidelines established to ensure the rights of all individuals participating in our research are protected.

Investigational Drugs and Devices. Nemours Associates, affiliates and vendors are required to comply with all applicable federal law and FDA regulations when performing research involving medical devices and/or devices not approved for pediatric use.

Consent. Nemours Associates, affiliates and vendors are required to communicate with prospective research participants in a manner that ensures informed consent, parental permission and child/adolescent assent. Research is not permitted to occur prior to obtaining informed consent or assent, as appropriate.

Animal Care and Use. Nemours Associates, affiliates and vendors are required to follow the rules as described and abide by the Animal Care and Use Manual and the Animal Welfare Assurance Policy if you participate in animal research.

HIPAA. Nemours Associates, affiliates and vendors are required to comply with the requirements related to the privacy and confidentiality of research Protected Health Information set forth in the HIPAA Privacy and Security Regulation. (See HIPAA Privacy and Security Policies.)

Conflict of Interest. Principal Investigators are required to follow policies established to promote objectivity in research. Matters will be investigated, managed and mitigated as appropriate for each specific circumstance. (See Conflict of Interest Policy(-ies) on NemoursNet.)

Institutional Review Board (IRB).

Nemours Associates and affiliates are not permitted to initiate research activities until an appropriate IRB review has been completed and the Principal Investigator informed in writing that the study has been approved. The Nemours IRBs have the exclusive authority to determine that an activity is (or is not) research subject to IRB oversight.

- All research conducted within any Nemours entity is subject to the review and approval of a Nemours IRB unless such review has been lawfully assigned to another qualified IRB under the terms of an appropriately executed written agreement.
- All research conducted by a Nemours-employed investigator, or an investigation on behalf of Nemours, regardless of where the research is conducted, must be reviewed and approved by a duly constituted IRB operated under the terms of an appropriate Office of Human Research Protections (OHRP) assurance, and as applicable through an institutional agreement between Nemours and the site at which the research is conducted.

- Nemours researchers are subject to the terms of each institution's Federal-Wide Assurance, policies and procedures regarding the ethical conduct of research and to NOHSP oversight regardless of venue.

Integrity in Science. Integrity of research is a critical aspect of science. Falsification or forgery of results or data, as well as theft or deceptive uses of published information, is prohibited. (See Guidelines for Review of Alleged Research Misconduct established by Nemours Committee for Research Integrity.)

Billing for Charges Incurred as Part of a Research Protocol. Nemours is required to provide systems to assure that patient care charges incurred solely as a function of a research trial are appropriately charged to the research project and only submitted for reimbursement when appropriate.

Accurate Grant Accounting. We shall appropriately utilize funds received from contracts and grants. Federal funds received from contracts and grants shall be accounted for in accordance with compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement.

Costs/Effort Reporting. Your time and expense reports should accurately reflect the number of hours worked or expenses incurred for the specified period. You must report time worked in a complete, accurate and timely manner and must ensure that hours worked or expenses incurred are applied to the project for which the effort was required.

Miscellaneous

Cooperation with Government and/or Internal Investigations. It is Nemours policy to cooperate with appropriately authorized government inquiries, investigations or audits. Associates and affiliates should familiarize themselves with guidelines established in Nemours Policy #5.4.8. (Response to Federal and State Government Inquiries). If you are contacted by a representative from a federal, state or regulatory agency, you should immediately contact Nemours Legal Department or the Office of Corporate Ethics and Responsibility.

Violation of the Code of Business Practices. Violation of any portion of the Code of Business Practices or any federal or state regulations or laws such as the False Claims Act, will be handled in accordance with Nemours Disciplinary Matrix or as identified in Nemours policies, which may include

action up to and including termination of your relationship or association with Nemours. In accordance with the federal False Claims Act, individual and organizational civil and criminal penalties may apply if violations occur in coding and billing practices that result in fraud, waste or abuse.

Limitation on Effect of Code of Business Practices. Nothing contained in the Code of Business Practices is to be construed or interpreted to create a contract of employment, either expressed or implied, nor is anything contained in the Code of Business Practices intended to alter a person's status of "employment-at-will" with Nemours to any other status.

Amendments. Nemours reserves the right to amend the Code of Business Practices in whole or in part, at any time and solely at its discretion.



Important Terms to Know

Abusive/Abuse: Relates to payment for services or provision of services not medically necessary, inappropriate, inconsistent or incorrect practices that directly or indirectly lead to incorrect payment for services; abuse acts may be committed without certainty of knowledge, willfulness or intention.

Anti-trust Laws: Federal and state laws and regulations which prohibit agreements with outside parties to restrain or otherwise unlawfully impact market competition.

Billing for Services and Items Not Rendered: Submitting a claim which represents that the provider performed a service—all or part of—which was not performed.

Compliance Program: A process promoting ethical and honest practices in daily operations, and detecting and preventing illegal activities by Associates, physicians, vendors and all others providing services and/or doing business within Nemours.

Copyright Laws: Laws granting the legal right for exclusive publications, products, sales and/or distribution of material to the author or designated individual. Material cannot be reproduced without written permission of the copyright holder.

Credentialed/Credentialing: The process of assessing qualifications and granting privileges to licensed health care professionals to treat patients.

Duplicate Billing: Submission of more than one claim for the same service or submission of a bill to more than one primary payer at the same time.

Fraudulent/Fraud: False statements, representation or concealment of material facts to obtain a benefit or payment of which no entitlement exists; acts such as these that are committed knowingly, willfully and intentionally.

Good Faith Reporting: Reporting an act of known or suspected non-compliance based upon facts or observations that the individual making the report considers to be true to the best of their knowledge and belief. Employees filing good faith reports are protected from retaliation.

Harassment: An inappropriate or unwelcome act or series of acts that significantly impacts the ability of another individual to perform his/her duties.

HIPAA: The Health Insurance Portability and Accountability Act of 1996 that includes specific regulations regarding privacy of protected health information, security, and the use of standard code sets and electronic transactions.

Informed Consent: The process of informing an individual regarding medical treatment or participation in a research study about the purpose of the study or treatment, alternatives, risk vs. benefits, and the costs for which the individual is responsible.

Knowingly (*as identified in the False Claims Act*): As it relates to the submission of false claims, this means having actual knowledge of falsity of information in the claim; acting in deliberate ignorance of the truth or falsity of the information in a claim;

or acting in reckless disregard of the truth or falsity of the information in a claim.

Medically Unnecessary: Submitting a claim requesting reimbursement for a service unwarranted by the patient's current complaint and documented medical condition.

Non-Retaliation: Nemours does not permit any adverse action or retaliation against an Associate, affiliate or vendor for reporting, in good faith, suspected non-compliance with the Code of Business Practices. However, Associates, affiliates or vendors who file false and/or malicious reports will not be afforded such protection and will be subject to disciplinary action in accordance with Nemours policies.

Protected Health Information (PHI): Individually identifiable health information that is, or has been, electronically maintained or transmitted, is stored on paper, or has been communicated orally. PHI may be used for treatment, payment and operations (TPO), but requires an authorization for any other use or disclosure.

Restricted Information: Information that is accessible, relevant and appropriate to only selected individuals or groups of individuals.

Upcoding: The practice of using billing codes that provide a higher payment rate than the billing code that actually reflects the service furnished to the patient.

Key Phone Numbers

Office of Corporate Ethics
& Responsibility
(904) 232-4195

Compliance Hotline
1-866-636-4685

Compliance Office - DE
(302) 651-4887
(302) 651-6382

Compliance Office - FL
(904) 232-4187
(904) 232-4273

Conflict of Interest
Coordinator
(904) 232-4164

Other Contacts:

Office of Human
Subjects Protection
(904) 390-3687