

**Mississippi Baptist Health Systems
Code of Ethics
and
Business Conduct**

Dear Valued Baptist Associate

Throughout the Baptist system we are dedicated and proud to treat our patients and conduct our business in a manner consistent with our medical, legal and ethical obligations and our own high standards of integrity and quality.

From our beginning in 1911, Baptist has emphasized the importance of high quality care and respect for our patients, employees, physicians, business associates, competitors and community leaders. **Doing the right thing** has always been the expected way of going about our work at Baptist.

For over a decade, Baptist has had a Compliance Program to help each of us know what the **right thing** is in the many complex situations we face in the health care business. The Baptist Board of Trustees, executives, directors and managers are fully supportive of this Program which:

- *sets standards and guidelines for compliance with laws, regulations, and ethical considerations applying to our work;*
- *provides mandatory training and education about our standards and expectations;*
- *provides a means for each of us to confidentially report concerns or ask questions about compliance without fear of retaliation; and*
- *provides systems for monitoring compliance with our high legal and ethical standards and for disciplining those who do not comply.*

This updated *Code of Ethics and Business Conduct* summarizes the principles that guide us in our continuing efforts to provide outstanding patient care and to recognize outstanding employee performance. Please use this as a reference for any questions you have about the **right thing to do**.

Chris Anderson, FACHE

President and CEO

Baptist Health Systems

Table of Contents

- 1. Introduction**
- 2. Guiding Principle**
- 3. Our Patients**
 - a. Patient Care**
 - b. Patient Rights**
 - c. Patient Confidentiality**
 - d. Emergency Treatment**
 - e. Managing Controlled Substances**
- 4. Employment and Work Environment**
 - a. Employee Handbook**
 - b. Equal Opportunity**
 - c. Work Safety**
 - d. Drug Free Work Environment**
 - e. Harassment and Workplace Violence**
 - f. License and Certification Renewals**
 - g. Conflict of Interest**
 - h. Ineligible Persons**
 - i. Decline Inappropriate Gifts**
 - j. Electronic Communications**
- 5. Baptist Business Practices**
 - a. Compliance of Physicians, Agents, Consultants and Representatives**
 - b. Self-Referral Prohibitions**
 - c. Avoid Bribes, Kickbacks and Inappropriate Referrals**
 - d. Accurate Billing and Claims**
 - e. Compliance with Environmental Laws**
 - f. Carefully Bid, Negotiate and Perform Contracts**
 - g. Tax-Exempt Status and Antitrust Laws**
 - h. Confidentiality of Baptist Information**
 - i. Document and Record Retention**
- 6. Open Communication**
 - a. Quick Check List**
 - b. Reporting or Questions**
 - c. Contacting the Hotline; Compliance Officer**

1. Introduction

This *Code of Ethics and Business Conduct* was adopted to promote:

- Our adherence to appropriate ethical conduct, and
- Our compliance with all laws and regulations governing the delivery of health care.

To further this goal, Mississippi Baptist Health Systems, Inc. (“Baptist”) designated a Corporate Compliance Officer and formed a Corporate Compliance Committee composed of officers and employees named by Baptist’s Board of Trustees and Administration. The Corporate Compliance Officer and members of this Committee are charged with the responsibility for implementing the principles outlined in this *Code*. Names of committee members will be circulated to all employees and you are encouraged to approach the Corporate Compliance Officer, any member of the Compliance Committee as well as your supervisors and directors with questions, concerns and suggestions for improvement.

This *Code* is distributed to board members, officers, physicians and all employees of Baptist.

We all are expected to report any concerns, issues or questionable conduct. Free and open communications is the key to success in this effort. The responsibility each of us has to make the Compliance Program an ongoing success is summed up in this simple Compliance Pledge:

“As a member of the Mississippi Baptist team, I pledge to:

FOLLOW all laws, regulations and policies

ASK questions if the rules are unclear

ACT when my instincts say something is not quite right

REPORT potential violations

BE a part of the solution if a problem is found

EXPECT ethical conduct from myself and my co-workers”

Please complete your Healthstream review and accept the Acknowledgment to confirm that you have read and understand the terms of the Code, and have taken the Compliance Pledge.

Questions? Call the Baptist Compliance Hotline at (601) 973-1500.

1. Guiding Principle

We will conduct our business in accordance with all applicable laws and regulations. Compliance with the law does not comprise our total ethical responsibility. Rather, it provides minimum guidelines for performance of our duties.

While no single document can describe in detail the appropriate legal and ethical conduct in all circumstances, this *Code* provides general principles that should govern the performance of all services by or on behalf of Baptist.

2. Our Patients

a. Patient Care

Our mission is to provide quality health care to our patients that is necessary, appropriate and well documented. We must confirm physician's documentation of the medical necessity of the care provided, verify patient eligibility and accurately record the care we provide.

b. Patient Rights

In making our services available to patients (in admissions, transfers and discharges) we make no distinction based on age, gender, disability, race, color, religion, or national origin.

Each patient is given a statement of patient rights, including the patient's right to make informed health care decisions and to confidentiality of their health information.

c. Patient Confidentiality

In accordance with the Health Insurance Portability and Accountability Act (HIPAA) and HITECH provisions we protect the sensitive personal and medical information entrusted to us by patients. We access and share patient information with co-workers only when authorized to do so and only for the purpose of caring for the patient. We release information as required by law and upon request and consent of the patient or the patient's authorized decision maker. Further we have implemented polices and procedures to verify patient identity and detect Red Flags.

Baptist has appointed a Privacy Officer who can answer any questions about compliance with HIPAA. Contact (601) 973-1681.

d. Emergency Treatment

In accordance with the Emergency Medical Treatment and Active Labor Act (EMTALA), we provide a medical screening examination and necessary stabilizing treatment to all patients seeking emergency care, regardless of their ability to pay. Patients with emergency conditions are only transferred to another facility if Baptist cannot meet the patients' medical needs or if the patient requests transfer.

e. Managing Controlled Substances

Prescription drugs and controlled substances are governed and monitored by regulatory agencies and must be administered only by order of a physician or advanced practice practitioner as authorized by the medical staff. In addition, expired, adulterated or misbranded medicines must not be administered to patients, distributed, or diverted. To avoid harm to patients and employees, prescription and controlled medications and supplies must be handled only by authorized employees and in accordance with strict regulations. If we become aware of inappropriate handling, dispensing or distributing of prescription or controlled substances, we are expected to immediately make a report as instructed in Section 5.

3. Employment and Work Environment

a. Employee Handbook

Baptist has issued policies, procedures and instructions in the Employee Handbook regarding employment. In our work for Baptist, we are required to read the policies and the Employee Handbook for a more detailed explanation of employment expectations, and to meet those expectations. Failure to comply with Baptist policies and procedures concerning employment can result in disciplinary action.

b. Equal Opportunity

Baptist is committed to providing a work environment where everyone is recruited, employed, promoted and disciplined or terminated without regard for a person's race, color, religion, gender, national origin, age, disability, sexual orientation, veteran status, or any other characteristics protected by law. Baptist makes reasonable accommodations to known physical and mental limitations of qualified individuals with disabilities.

c. Work Safety

Providing a safe and healthy work environment is Baptist's goal and everyone's responsibility. Each of us is responsible to protect ourselves and our fellow employees, and to comply with environmental, health and safety laws and regulations. This includes following procedures for handling hazardous materials, observing posted warnings and regulations, and immediately reporting any workplace accident, injury or safety concerns.

d. Drug Free Work Environment

The use, possession, distribution, manufacture or consumption of alcohol or illegal drugs while working for Baptist is strictly prohibited and will result in discipline including termination.

Medications which could impair performance or judgment are sometimes prescribed for employees. If you are required to take such medication so that they may affect you while you are working, please consult with your supervisor.

e. Harassment and Workplace Violence

We all have a right to work in an environment free of harassment and other disruptive behavior. Harassment includes unwelcome sexual advances, verbal or physical conduct of a sexual nature, degrading or humiliating comments or jokes, slurs and intimidation.

Harassment also includes violence or threats of violence. Weapons, explosive devices or other dangerous materials are strictly prohibited on Baptist's property. Please immediately make a report as instructed in Section 5 if you experience or witness harassment or violence or become aware of dangerous weapons or materials.

f. License and Certification Renewals

We must each maintain any licenses and certifications required for our service to Baptist. Employees, contractors and practitioners with staff or clinical privileges which require professional licenses, certifications or other credentials are responsible for maintaining current status of their licenses and credentials, and for notifying Baptist if the license or certification is restricted, suspended or revoked. A search of the National Practitioner Data Bank is performed prior to hire for licensed personnel.

g. Conflict of Interest

We each must act in the best interest of Baptist at all times, and we may not profit as a result of our positions at Baptist except through the Baptist compensation and benefit programs.

To avoid conflicts of interest remember to:

- Be sure outside jobs or positions do not conflict or interfere with work at Baptist;
- Avoid buying from, contracting with, or making Baptist-related decisions that involve our family and friends;
- Not use Baptist property, information or position for personal gain. Baptist assets, such as equipment and office supplies, must not be taken out of Baptist facilities except with permission and for the purpose of performing our jobs;
- Not compete with Baptist;
- Discuss with supervisors any circumstance which might present a conflict.

h. Ineligible Persons

Consistent with Federal law, Baptist does not employ, contract with, or bill for services ordered or provided by individuals or entities excluded from Federal health care programs (such as Medicare, Medicaid and Tricare), those suspended or debarred from government contracts, or those convicted of a criminal offense related to the provision of healthcare items or services. In addition, special rules apply when hiring former employees of the government or federally contracted insurance companies.

Baptist routinely searches government databases listing excluded or Ineligible Persons, however, you should immediately inform your supervisor if you become aware that you may fall into any of the categories described above. Also, be aware that if you are excluded or debarred, reinstatement is not automatic at the end of the imposed period. You must ask the government to reinstate you.

i. Decline Inappropriate Gifts

Employees may not individually solicit or accept Gifts from patients or Vendors. If a patient, patient's family member or vendor brings in cookies or something of nominal value for the whole department, it is okay to accept on behalf of the department and share accordingly.

Generally, Baptist's employees may accept meals, refreshments or entertainment of reasonable value in connection with business discussions. We are not permitted to accept funds in any form or amount, or any gift that has retail or exchange value of \$75 or more from individuals, companies or representatives of companies having or seeking business relationships with Baptist. Any vendor or contractor sponsored travel requires prior approval from the Administrative Staff.

It is the responsibility of each employee to confirm that his or her acceptance of any meals, refreshments or entertainment is proper and could not reasonably be construed in any way as an attempt by the offering party to secure favorable treatment. We are expected to seek guidance if we have any questions about the propriety of a gift, gratuity or item of value.

j. Electronic Communications

All Baptist communication systems, including computers, electronic mail, Intranet, Internet access, telephones and voice mail, are the property of Baptist and are to be used primarily for business purposes. To ensure Security of patient electronic data, identifiable Patient Health Information (PHI) should not be downloaded to laptops or any external media (CDs, jump drives, etc.) for use outside of the work environment. Users of Baptist computer and telephone systems have no expectation of privacy. Baptist reserves the right to monitor and/or access content on all Baptist-owned communication systems.

4. Baptist Business Practices

a. Compliance of Physicians, Agents, Consultants and Representatives

Business integrity is a key principle for the selection and retention of those who represent Baptist. Physicians, agents, representatives or consultants are expected to comply with applicable federal and state rules and regulations and Baptist policies and procedures and must operate in a manner consistent with our values and principles.

b. Self-Referral Prohibitions

The Ethics in Patient Referral Act (the Stark Law) prohibits billing for business sent to Baptist by physicians (or their immediate family members) having certain financial arrangements with Baptist. The designated health services to which this law applies include most of the services provided by Baptist. Consequently, physicians who have a financial relationship with Baptist are prohibited from referring patients to Baptist for designated health services and Baptist is prohibited from billing Medicare for those services provided, unless the financial relationship fits within one of the Stark Law exceptions.

The provisions of the Stark Law are very complicated, but if you have any reason to believe that a relationship exists between Baptist and a physician giving rise to prohibited referrals, report the situation as instructed in Section 5.

c. Avoid Bribes, Kickbacks and Inappropriate Referrals

Baptist complies with a number of laws governing Medicare and Medicaid and other federal health programs, such as the Anti-Kickback Statute. These laws prohibit the payment of money or anything of value in return for the referral of Medicare or Medicaid patients or to induce the ordering or purchasing of goods or services to be paid for by the government. They also prohibit making false claims for government reimbursement.

We may not **solicit** or **receive**, anything of value (including kickbacks, bribes or rebates) in return for referring, ordering, purchasing or recommending items or services which may be paid for by the government.

Likewise, we may not **offer** or **grant** any benefit to a referring physician or other referral source on the condition that the physician or referral source send or agree to send any patients or business to Baptist.

Caution must be used when engaging in transactions that involve referral sources. Every agreement involving compensation or cross referrals with a physician or other referral source must be reviewed by Baptist's General Counsel prior to its execution.

d. Accurate Billing , Claims and Cost Reports

Baptist makes every effort to generate billing and claims that accurately reflect services provided. Billing and claims are required to be supported by relevant documentation and submitted for reimbursement only in compliance with applicable laws, rules, regulations and program requirements. Baptist prohibits the knowing submission of false, fictitious or fraudulent claims to any government or private healthcare program, employee, department or agency. It is Baptist's policy to monitor claims and correct errors as soon as reasonably possible after errors are detected.

Improper or fraudulent activity can include:

- Overcharging for a product or service;
- Billing for services not rendered or goods not provided;
- Underpaying money owed to the government;
- Charging for one thing while providing another;
- Falsifying records, treatment plans or medical records to maximize payments;
- Falsifying certificates of medical necessity and billing for services not medically necessary;
- Billing separately for services that should be a single service;
- Double-billing for items or services;
- Failing to report overpayments or credit balances
- Unlawfully giving health care providers, such as physicians, inducements in exchange for referrals for services.

The False Claims Act (FCA) is a federal statute that covers fraud involving any federally funded contract or reimbursement program, including the Medicaid and Medicare programs. It prohibits and has severe penalties for anyone knowingly presenting or causing false or fraudulent claims to be presented to the government. To encourage individuals to come forward and report misconduct involving false claims, the FCA includes a “whistleblower” provision allowing anyone with actual knowledge of allegedly false claims to file a lawsuit on behalf of the government.

However, if anyone at Baptist becomes aware of the submission of improper, false, fictitious, fraudulent or questionable claims, it is that individual’s duty to immediately report it as instructed in Section 5.

The federal FCA also contains a provision that protects whistleblowers from retaliation. It is Baptist’s policy not to discharge, demote, suspend, threaten, harass, or discriminate against employees who report concerns or participate in lawful acts relating to a false claims action.

We are required by federal and state laws to submit certain reports of our operating costs and statistics. Baptist complies with federal and state laws, regulations and guidelines relating to all cost reports.

e. Compliance with Environmental Laws

Baptist is committed to promoting sound environmental practices that will prevent damage to the environment, enhance human and community resources, and reduce or avoid exposure to environmental liabilities. Baptist is dedicated to minimizing any impact on the environment caused by Baptist operations, including proper disposal of infectious waste. We will comply with all state, local, and federal regulations regarding waste management. Compliance with these regulations requires ongoing monitoring; failure to comply could result in significant penalties.

Prompt disclosure of such events is critical to effective remedial action and to Baptist's efforts to prevent such events from recurring. Employees with responsibility for the proper handling and disposal of hazardous substances and infectious waste should monitor contractors hired to dispose of such materials properly. If you detect an existing or potential condition hazardous to human health or the environment, the condition must be reported immediately. (See Section 5).

f. Carefully Bid, Negotiate and Perform Contracts

Statements, communications and representations to prospective partners or suppliers of Baptist must be accurate and truthful. This applies to any promised performance in proposals, bids and contract negotiations, which also must comply with all applicable laws. The Baptist Purchasing Manual details policies and procedures for procurement and Vendor Donations. Vendor responsibilities such as registration, in-service presentation and salesperson guidelines are included in the Vendor Policy.

Anyone who buys goods or services for Baptist, or is involved in the procurement process, must treat all suppliers uniformly and fairly. In deciding among competing suppliers, all facts must be objectively and impartially weighed and even the appearance of favoritism must be avoided. Personal interests cannot be considered. Established routines and procedures are to be followed in the procurement of all goods and services.

g. Tax-Exempt Status and Antitrust Laws

As a charitable institution, Baptist must conduct itself in compliance with all rules and regulations governing tax exempt organizations. A key principle is to refrain from any transactions or practice that improperly benefits private individuals or discriminates against persons in the provision of services based on their ability to pay. Charity care has been and will continue to be central to the Baptist mission.

Federal and State antitrust laws protect the integrity of our free enterprise system. These laws address agreements and practices resulting in the restraint of competition including boycotting suppliers, discussing pricing or patients with competitors, implementing unfair or deceptive business practices and misrepresenting services. Paying bribes or kickbacks, obtaining the proprietary data of a third party, or gaining inside information or influence are just a few examples of what could give us an unfair competitive advantage and may result in violations of law.

Antitrust laws are vigorously enforced. Violations may result in severe penalties and significant fines for Baptist. The laws provide for sanctions against employees responsible for violating antitrust laws including substantial fines and prison sentences.

Anyone involved in any dealings with physician groups, suppliers or competitors, is expected to know the U.S. antitrust laws and the laws governing tax exempt organizations that apply to activities on behalf of Baptist and to consult with appropriate administrative and legal personnel prior to negotiating or entering into an arrangement.

h. Confidentiality of Baptist Information

Proprietary or confidential information developed or acquired by Baptist and not generally available to others is a valuable asset of Baptist and must be kept confidential and be protected against theft, loss or improper disclosure. We may not discuss, disclose or permit the disclosure of proprietary Baptist information, data, systems pricing, finances, plans, or policies to any competitor of Baptist or to any person who might be in a position to disclose such matters to Baptist's competitors.

Salary, benefit, and other personal information relating to employees are treated as confidential. Personnel files, disciplinary files, and payroll information are maintained in a manner designed for confidentiality. We must use appropriate discretion and judgment when disclosing any such information to other Baptist employees. Any proprietary Baptist information to which we may have access is to be used only for Baptist purposes, and to be disclosed only to those authorized employees who have a need to know it.

Documents, files or electronic media containing proprietary Baptist information are not to be taken from Baptist's premises, copied, or released to unauthorized individuals or entities. This obligation to maintain the confidentiality of proprietary Baptist information continues to apply after we no longer work for Baptist.

i. Document and Record Retention

Creation, distribution, preservation, retention, storage and destruction of vital records is an important business function. Baptist has implemented an Information Management System Policy to provide guidance in proper management of records. Care must be taken to ensure that procedures for vital records are followed.

5. Open Communication

a. Quick Check List

Compliance with all these rules of ethics and business conduct can become very confusing. Common sense and sound judgment are our best guides in determining the appropriateness of the behavior and necessary course of action. However, if we should find ourselves in a situation where we are unsure of the ethical implications, we should ask ourselves a few simple questions:

When in doubt, ask:

- Am I being fair and honest?
- Is this in the best interest of Baptist and the patients we serve?
- Is my action lawful and appropriate and will it stand the test of time?

b. Reporting or Questions

Reports about any activity, practice or behavior that may violate ethical, legal or other Baptist requirements may be made by any of the following methods:

- Report to your supervisor or director;
- Report to any member of the Corporate Compliance Committee or the Corporate Compliance Officer; or
- If you still have doubts or need clarification, there are numerous additional resources available to assist in meeting the challenges of performing our duties and responsibilities. You are expected to use these resources when you feel something is not right at Baptist. The (601) 973-1500 Hotline is available to assist with any questions, to provide direction to the appropriate resources, and to receive and respond to reports of concerns.

c. Contacting the Hotline; Compliance Officer

The Baptist Corporate Compliance Officer provides a confidential ethics and compliance help desk accessible via the (601) 973-1500 Hotline. This resource should be used whenever there are questions or concerns that cannot be readily addressed within our work group or through our supervisors. There is never a penalty for using the Hotline. People in a position of authority cannot stop a report; if they try, they are subject to serious disciplinary action, up to and including dismissal.

In addition to the Hotline, if information is needed on how to contact a member of the Compliance Committee, or you want to discuss a matter of concern with the Corporate Compliance Officer, one of the following confidential means of communication is available:

Write: Pat Herrington,
Corporate Compliance Officer
Mississippi Baptist Health System, Inc.
1225 North State Street
Jackson, MS 39202
pherrington@mbhs.org

Those contacting the Hotline or the Corporate Compliance Officer will be treated with dignity and respect. The communication and anonymity (if requested) will be protected to the greatest extent possible. Concerns will be seriously addressed and, if not resolved at the time of call, the Corporate Compliance office will inform the caller when the issue has been reviewed and resolved.

Statement of Understanding and Acknowledgment

Code of Ethics and Business Conduct

Corporate Compliance Program

I have read Baptist' s *Code of Ethics and Business Conduct* and understand all of the following:

1. I am expected to know and follow all hospital policies, legal and ethical requirements related to my position.
2. I am responsible for reporting any activities, practices or behavior that may violate ethical, legal or hospital requirements.
3. I may make a report or ask a question about suspect activities, practices or behavior at any time by any of the following methods:
 - Report to my supervisor;
 - Report to Corporate Compliance Officer, or
 - Report to any member of the Corporate Compliance Committee; and
 - Call the Hotline at 601-973-1500.

My report or question will be handled in confidence and without retaliation.

I hereby certify that I have read and understand Mississippi Baptist Health System's Code of Conduct and related policies.

I hereby certify my intention to act in complete compliance with Baptist' s Code of Conduct and related policies and when necessary, seek advice from the Compliance Officer concerning the appropriate activities that I may need to undertake in order to comply with the Code of Conduct and related policies.

Employee Signature: _____

Print Name: _____

Department: _____

Date: _____