

ASPIRE OF WNY POLICY AND PROCEDURE

ASPIRE POLICY MANUAL

Agency

TOPIC: Standards of Conduct/Business Ethics

Original By: Corporate Compliance e Committee

Date Approved: 10/08

SECTION: QA/QI & Compliance

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Revision Dates: 8/00, 8/02, 6/03, 10/05, 5/06, 8/07, 10/08, 10/18

Regulatory Reference: HIPAA, DRA False Claims Act

POLICY STATEMENT: All Aspire of WNY staff should be familiar with the legal and regulatory requirements applicable to their job function and level of responsibility and to operate and manage resources prudently, ethically and legally. As representatives of the Agency, it is critical that all Aspire personnel understand their individual responsibility to adhere to these standards and actively participate in and promote compliance as representatives of the Agency. Employees are not expected to become an expert in every legal and regulatory requirement and should consult with their supervisor, division director, or the Compliance Officer for advice whenever they face an issue raising possible legal or regulatory concerns. Aspire of WNY requires that any and all compliance issues be raised and promptly resolved. This policy is to include all employees providing administrative, professional and/or management services on a contracted basis i.e. Individual Contractors; all shall be considered "Covered Persons" for the purposes of this policy.

The purpose of this policy is to establish standards of ethical behavior and related monitoring and enforcement processes for Covered Persons to use in conducting business. Aspire of WNY has a reputation, achieved and maintained through the integrity and ethical standards of our officers, directors and employees, for conducting business in accordance with the highest levels of business ethics and in compliance with applicable mandates. Aspire will continually strive to provide the highest level of care and service and will utilize the Corporate Compliance Program to achieve these goals. Failure to abide by the Code of Business Ethics may lead to disciplinary action up to and including termination in accordance with Aspire's policies. If warranted in a particular situation, civil or criminal prosecution may be pursued.

Fraud and Abuse are strictly prohibited by Aspire as per the DRA False Claims Act. Aspire prohibits knowingly presenting or causing a false or fraudulent claim for payment to be made; knowingly making or using a false record or statement to obtain payment on a false or fraudulent claim; conspiring to defraud the government by getting a false or fraudulent claim to be allowed or paid; and knowingly making or using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the government.

RESPONSIBILITY:**PROCEDURE:****Principle 1 – Program Customer Rights and Responsibilities**

Covered Persons

1. Shall treat all individuals with dignity and respect and inform every participant with the rights and responsibilities provided by law.

Covered Persons

2. Inform individuals, patients and/or their legal representatives of the individuals' and patients' rights and responsibilities as set forth in Aspire's policies and applicable law and regulations. Open and honest

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communication will occur with all participants, patients and/or their legal representatives with regard to the medical care and services provided to the extent reasonably possible. Aspire will involve customers, patients, and/or their legal representative to the extent possible in the decision-making process regarding the care and services that are provided to them.

Principle 2 - Confidentiality

Covered Persons

3. Maintain the confidentiality of customer, patient, and other confidential information in accordance with applicable legal and ethical standards.

Aspire and its Covered Persons possess, and have access to, a broad variety of confidential, sensitive and proprietary information, the inappropriate release of which would be injurious to customers, patients, and Aspire. Each Covered Person has an obligation actively to protect and safeguard confidential, sensitive, and proprietary information in a manner designed to prevent the unauthorized disclosure of information.

4. Maintain the confidentiality of customer and patient information in accordance with applicable laws, regulations and Aspire’s policies.

5. Refrain from revealing any personal or confidential information concerning individuals or patients unless supported by legitimate business or individual/patient care purposes or required or permitted by law. If questions arise regarding an obligation to maintain the confidentiality of information or the appropriateness of releasing information, Covered Persons should seek guidance from Aspire’s Compliance Officer.

6. Exercise care to ensure that intellectual property rights, including patents, trademarks, copyrights and software are carefully maintained and managed to preserve and protect their value. Information, ideas, and intellectual property of Aspire are important to the success of the organization. Information pertaining to Aspire’s competitive position, business strategies, payment, reimbursement information, and information relating to negotiations with employees or

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third parties should be protected and shared only with Covered Persons who have a need to know such information in order to perform their job responsibilities

7. Exercise due care to prevent the release or sharing of information beyond those individuals who need such information to fulfill their job function. Salary, benefit and other personal information relating to employees shall be treated as confidential. Personnel files, payroll information, disciplinary matters and similar information shall be maintained in a manner designed to ensure confidentiality in accordance with applicable laws.

Principle 3 - Legal Compliance

Aspire’s Staff

8. Strive to ensure all activity by or on behalf of Aspire is conducted in compliance with applicable laws and regulations and in compliance with the False Claims Act.

Covered Persons

9. Are required to comply with all applicable laws and regulations, whether or not specifically addressed in this Code of Ethics. A more complete review of applicable laws and regulations is appended to Aspire’s Compliance Plan. If questions regarding the existence of, interpretation or application of any law or regulation arise, they should be directed to Aspire’s Compliance Officer.

Covered Persons

10. Must comply with applicable antitrust and similar laws, which regulate competition. Examples of prohibited conduct include: (1) agreements to fix prices, bid rigging, market allocation, collusion (including price sharing) with competitors; (2) boycotts, certain exclusive dealing and price discrimination agreements; and (3) unfair trade practices including bribery, misappropriation of trade secrets, deception, intimidation and similar unfair practices. Covered Persons are encouraged to seek advice from the Compliance Officer when confronted with business decisions involving risk of violation of the antitrust laws.

11. Refrain from conduct which may violate federal and state health care laws. Covered Persons recognize that the Medicaid and Medicare programs provide reimbursement for a significant number of individuals served by Aspire.

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Consequently, Aspire must transact its business with these programs in compliance with the Medicaid and Medicare laws, regulations and rules. While this Code of Business Ethics does not list all such laws, the more significant health care laws prohibit the following conduct:

- a. the submission of false, fraudulent or misleading claims to Medicaid, Medicare or other payors, including claims for services not rendered (ex. duplicate billing);
- b. the submission of claims to payors which characterize the service differently than the service actually rendered (ex. upcoding or using obsolete or inappropriate coding);
- c. the submission of claims to payors which do not otherwise comply with applicable program or contractual requirements (ex.. non-approved/treatment or equipment usage);
- d. the submission of claims to payors that are not supported by proper documentation (ex. missing physician orders);
- e. making false representations to any person or entity in order to gain or retain participation in a program or to obtain payment for any service;
- f. the solicitation, receipt, offer to pay, or payment of any remuneration (including rebates, kickbacks, or bribes) in exchange for the referral of, or the recommending the referral of any individual to Aspire for any services or in return for purchase of goods or services to be paid for by Medicaid or Medicare; and
- g. the offering or granting of any benefit to a referring physician or other referral source on the condition that such physician or referral source refer or agree to refer any individuals to Aspire. No physician shall bill for services rendered as a result of an improper referral .

Aspire WNY

12. Manages and operates its business in the manner which respects our environment and conserves natural resources. Providers will strive to utilize resources appropriately and efficiently, to recycle where possible, and otherwise dispose of all waste in accordance with applicable laws and regulations, and to work cooperatively with the appropriate authorities to remedy any environmental contamination for

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which Aspire may be responsible.

13. Believes that the fair and equitable treatment of employees, participants, suppliers, and other persons is critical to fulfilling its vision and goals. It is Aspire’s policy to treat all individuals and patients without regard to the race, color, religion, gender, sexual orientation, ethnic or national origin, age, developmental disability or other handicap, health condition such as HIV infection, veteran status or any other classification prohibited by law. Aspire will not tolerate harassment or discrimination against anyone, and each allegation of harassment or discrimination will be promptly investigated in accordance with applicable human resource policies.

It is Aspire’s policy to recruit, hire, train, promote, compensate, assign, transfer, layoff, recall, discipline and terminate employees based on their own ability, achievement, experience and conduct without regard to race, color, religion, sex, sexual orientation, ethnic or national origin, age, disability, veteran status or any other classification prohibited by law and per Aspire’s Collective Bargaining Agreement. Aspire is an Equal Opportunity Employer.

Aspire

14. Conduct business in compliance with all federal and state tax laws, regulations, and guidelines governing tax-exempt organizations. Aspire must ensure that its funds are expended solely for its exempt purposes, and that no net earnings inure to the benefit of a private individual or shareholder. Finally, Aspire must comply with the applicable legal restrictions on lobbying and political activities.

Covered Persons

15. Accurately and honestly represent Aspire and will not engage in any activity or scheme intended to defraud anyone of money, property or services.

Aspire

16. Requires honesty from Covered Persons at all times in the performance of their responsibilities and in communication with its attorneys and auditors.

Covered Persons

17. Shall not make false or misleading statements to any individual, person, or entity doing business with Aspire about other individuals, providers, persons, prospective

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partners and suppliers, or entities doing business or competing with Aspire, or about the products or services of Aspire or its competitors.

Aspire and its Covered Persons

18. Shall protect the integrity of medical decision-making, regardless of how Aspire is compensated or how Aspire compensates or shares financial risk with its providers, suppliers, employees or partners.

Aspire and its Covered Persons

19. Will invoice participants, patients, and/or third party payors only for services provided. Bills will be disbursed in a timely manner and Covered Persons will assist participants and patients in the interpretation of such bills as needed.

Covered Persons

20. Shall not misappropriate confidential or proprietary information belonging to another person or entity. All Covered Persons must not improperly copy for their own use documents or computer programs in violation of applicable copyright laws or licensing agreements. Covered Persons shall not utilize confidential business information obtained from competitors, including customers lists, price lists, contracts or other information in violation of a valid covenant not to compete, prior employment agreement(s), or in any other manner likely to provide an unfair competitive advantage to Aspire.

All Licensed Professionals

21. Will have a current, valid license in order to be employed in the given job category. Any employee who misrepresents his/her licensure will be subject to immediate termination. All licensed professionals are expected to know and follow the prescribed scope of practice as defined by their license. Any employee who is found to be working out of his/her scope of practice will be subject to disciplinary action up to and including termination. Additionally, if required by law, Aspire will report any violations of licensure to the appropriate state licensing authorities by Aspire.

Aspire

22. Is committed to ensuring that its marketing and advertising practices are consistent with its mission as a not-for-profit organization and with the values of honesty, integrity and

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accountability. Every effort will be made to avoid any statements that could lead to misinterpretation. All media contacts shall be coordinated through the Communications & Development Department, who will review public statements to ensure individual and patient confidentiality and adherence to ethical marketing practices and applicable laws.

23. Is committed to treating all suppliers uniformly and fairly and avoiding even the appearance of favoritism. Covered Persons must adhere to the organization’s Purchasing Policy and Procedures in the procurement of all goods and services.

Principle 5 – Conflicts of Interest

Covered Persons

24. May not use their positions to profit personally or to assist others in profiting in any way at the expense of Aspire.

Covered Persons

25. Are expected to avoid any significant direct or indirect conflict or appearance of conflict of interest between their official responsibilities and the interests of Aspire. As a general rule, a conflict arises in situations where an outside interest or affiliation may influence or appear to influence a decision of Aspire; or where any Covered Person might benefit, directly or through other individuals or organizations, by virtue of a position with Aspire, or by using the authority or benefits of that position to compete with Aspire.

While not all inclusive, the following will serve as a guide to the types of activities by a Covered Person, or household member of such person, which might cause a conflict of interest:

- a. Ownership in or employment by any outside concern which does business with Aspire. Aspire may, following a review of the relevant facts, permit ownership interests, if Aspire’s management concludes such ownership interests will not violate applicable laws or adversely impact Aspire’s business interest or the judgment of the Covered Person.
- b. Conducting business, not on behalf of Aspire, with any Aspire vendor, supplier,

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contractor, agency, or any of their officers or employees.

- c. Representation of Aspire by a Covered Person in any transaction in which he or she, or a household member, has a substantial personal interest.
- d. Disclosure or use of confidential, special or inside information of or about Aspire, particularly for personal profit or advantage of the Covered Person or a household member.
- e. Competition with Aspire by a Covered Person, directly or indirectly, in the purchase, sale or ownership or property or property rights or interests, or business investment opportunities or services.

Covered Persons

26. Shall not perform work or render services for any competitor of Aspire or for any organization with which Aspire does business or which seeks to do business with Aspire, outside of the normal course of his/her employment with Aspire, without the approval of the Chief Executive Officer or his/her designee. No health care provider shall be a director, officer, or consultant of such an organization, nor permit his/her name to be used in any fashion that would tend to indicate a business connection with such organization without the prior written approval of Aspire.

Covered Persons

27. Must obtain approval from the Chief Executive Officer or his/her designee, upon recommendation from the Compliance Officer, prior to serving as a member of the Board of Directors/Trustees of any organization whose interests may conflict with those of Aspire. Aspire retains the right to prohibit membership on any Board of Directors/Trustees where, such membership might conflict with the best interests of Aspire.

28. A Covered Person who is asked, or seeks to serve on a Board of Directors/Trustees of any organization whose interest would not impact Aspire (for example, civic [non-governmental], charitable, fraternal and so forth) is not required to obtain such approval.

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29. Covered Persons must disclose all Board of Directors/Trustees activities in the annual Conflict of Interest disclosure statement if required.

30. Discusses questions regarding whether or not Board participation might present a conflict of interest with the Compliance Officer who will determine if the question should be posed to the Chief Executive Officer or his/her designee.

ATTACHMENT: Standards of Conduct/Business Ethics & Conflict of Interest Statement for Employees who Make Purchasing Decisions
[Conflict of Interest Form](#)

Principle 6 – Business Relationships

Covered Persons

31. Ensure that business transactions with vendors, contractors and other third parties shall be transacted free from offers or solicitation of gifts and favors or other improper inducements in exchange for influence or assistance in a transaction.

It is the intent of Aspire that this policy be construed broadly to avoid even the appearance of improper activity. If there is any doubt or concern about whether specific conduct or activities are ethical or otherwise appropriate, you should contact the Compliance Officer.

Aspire

32. Desires to at all times preserve and protect its reputation and to avoid the appearance of impropriety.

a. Gifts from Participants. Covered Persons are prohibited from soliciting or accepting tips, personal gratuities or gifts from participants, except those of a nominal value.

b. Gifts Influencing Decision-Making. Covered Persons shall not accept gifts, favors, services, entertainment or other things of value to the extent that decision-making or actions affecting Aspire might be influenced. The analysis should be based on the view of a disinterested third-party and whether such third party would believe the thing of value would induce the referral of business. Similarly, the offer or giving of money, services or other things of value with the expectation of influencing the judgment or

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decision-making process of any purchaser, supplier, customer, government official or other person by Aspire is absolutely prohibited. Any such conduct must be reported immediately either to the Compliance Officer or the Chief Executive Officer or his/her designee.

c. Gifts From Existing Vendors. Covered persons may accept gifts, which are primarily for the benefit of participants as long as they are of a nominal value. Covered Persons should not be offered nor should they accept items of personal benefit. Payments in cash or cash equivalents

should not be offered or accepted. If a Covered Person has any concern whether a gift should be accepted, they should consult with the Compliance Officer or Chief Executive Officer or his/her designee.

d. Vendor Sponsored Entertainment. At a vendor’s invitation, an individual may accept meals or refreshments at the vendor’s expense. Occasional attendance at a local theater or sporting event, or similar entertainment of modest value at vendor expense may also be accepted. Overnight entertainment, all expense paid vacations and regular entertainment that does not have any educational value may not be accepted.

e. Attendance at local, vendor-sponsored workshops, seminars and training sessions is permitted. Attendance, at vendor expense, at out-of-town seminars, workshops and training sessions should be approved by the Compliance Officer or the Chief Executive Officer or his/her designee.

Covered Persons

33. May not utilize “insider” information for any business activity conducted by or on behalf of Aspire. All business relations with contractors must be conducted at arms’ length both in fact and in appearance. Covered Persons must disclose relationships and business activities with contractor personnel that may be construed by an impartial observer as influencing the individual’s performance or duties.

34. Shall not seek to gain any advantage through the improper use of payments, business courtesies or other inducements. Offering, giving, soliciting or receiving any form of inducement or other improper payment is prohibited. Covered Persons may provide gifts, entertainment and meals of nominal value to Aspire

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customers, current and prospective business partners and other persons when such activities have a legitimate business purpose are reasonable and consistent with all applicable laws.

Principle 7 – Protection of Assets

All Covered Persons

35. Will preserve and protect Aspire’s assets by making prudent and effective use of Aspire’s resources and properly and accurately reporting its financial condition.

All Covered Persons

36. Will ensure that all funds, assets and transactions (including but not limited to, disbursements of funds, transfer of property, or furnishing of services) of Aspire are properly and accurately documented; promptly recorded in the appropriate record; and accounted for completely through established accounting/bookkeeping practices and procedures. If the disclosure of a transaction or funds is required by Aspire policy, legal requirements, or generally accepted accounting practices, the failure to disclose any such transaction or funds, is strictly prohibited. Additionally, no Covered Person shall intentionally allocate costs to contracts or other agreements contrary to Aspire policy, legal requirements or generally accepted accounting practices. Any inaccurate documentation of labor costs with regard to government or Aspire records is strictly prohibited. Moreover, no employee shall submit or direct or coerce any employee to submit charges which do not accurately reflect real time or costs spent on a particular service or contract. Improper or fraudulent accounting, documentation or financial reporting is contrary to the policy of Aspire and may be in violation of applicable laws.

37. Meals, travel, and entertainment expenses will be reimbursed that are appropriately incurred while conducting Aspire’s business and in accordance with Aspire’s policies.

38. Refrain from converting assets of Aspire to personal use. All property and business of Aspire shall be conducted in the manner designed to further Aspire’s interest rather than the personal interest of a Covered Person. Covered Persons are prohibited from the unauthorized use or taking of any equipment, supplies, materials, services or personal time. Prior to engaging in any activity on company time, which will result in remuneration to the Covered Person or

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the use of equipment, supplies, materials, or services, for personal or non-work related purposes, Covered Persons shall obtain the approval of the Compliance Officer or the Chief Executive Officer or his/her designee.

Administration of Code of Business Ethics

Aspire

39. Expects each Covered Person to conduct the business and affairs of Aspire in the manner consistent with this Code of Business of Ethics.

Covered Persons

40. Must immediately report to the Compliance Officer or Chief Executive Officer or his/her designee when he/she has a reasonable basis for believing fraudulent or wrongful acts have occurred. Covered Persons must not initiate investigations on their own or confront the individual(s) who may have committed the wrongful or fraudulent act(s) because such actions could compromise ensuing investigations. The failure of a Covered Person to abide by this Code, Aspire’s Policies and Procedures, laws, and/or regulations may lead to disciplinary action, up to and including termination, in accordance with Aspire’s policies. Aspire will not retaliate against individuals who report suspected wrongful or fraudulent acts to Aspire in good faith and/or who cooperate with any investigations undertaken by Aspire.

Nothing in the Code of Business Ethics is intended to nor shall be construed as providing any additional employment rights. While Aspire will generally attempt to communicate changes concurrent with or prior to the implementation of such changes, Aspire reserves the right to modify, amend or alter the Code of Business Ethics without notice.

Attachments: N/A

Thomas Sy 10/08
Executive Director Date