

What You Should Know About Health Care Fraud, Waste & Abuse (FWA), Privacy & HIPAA

Your Role

Every year billions of dollars are improperly spent because of health care fraud, waste & abuse (FWA). It affects everyone – including you. This document will help you detect, correct, and prevent FWA. You are part of the solution.

Your Responsibility as a Non-Employee

If you are a non-employee (i.e., Traveler, agency temp., unpaid student, independent contractor, consultant, etc) performing services at or for UW Health, you are required to review this information. Please indicate that you understand the information by signing and dating the document.

Overview of Fraud, Waste & Abuse (FWA)

An effective Health Care Compliance Program is essential to safe, responsible and patient-focused care. One goal of a Compliance program is to prevent, detect, and correct health care Fraud, Waste, and Abuse (FWA). Combating FWA is everyone's responsibility! As an individual who provides services to UW Health, or volunteers in a Health Care facility, every action you take potentially affects our patients, their families, and government programs (e.g. Medicare Program).

Definition	Examples
Fraud: Intentionally submitting false information to the Government or a Government contractor to get money or a benefit.	<ul style="list-style-type: none"> • Patient using someone else's insurance card or coverage; • Health Care organization knowingly submits a claim to Medicare for medical supplies (e.g. crutches or wheelchair) that were not actually provided (False Claims Act) • Health Care organization submits a bill to Medicare for a cancelled appointment (the patient never received any medical care).
Waste: Overutilization of medical services or other practices that, directly or indirectly, result in unnecessary costs to the health care system.	<ul style="list-style-type: none"> • Conducting excessive office visits or writing excessive prescriptions; • Prescribing more medications than necessary for the treatment of a specific condition; and • Ordering excessive laboratory tests.
Abuse: A <u>pattern</u> of billing or activities which are <u>inconsistent</u> with accepted sound medical, business or fiscal practices.	<ul style="list-style-type: none"> • Billing for unnecessary medical services; • Billing for brand name drugs when generics are dispensed; • Charging excessively for services or supplies; and • Misusing medical codes on a claim.

False Claim Act

Individuals and organizations, such as UW Health, may be held liable under the False Claims Act if it knew, should have known, or disregarded information, indicating that a claim submitted to the government for payment of health care services contained *false information*. The False Claims Act also permits lawsuits brought by individuals, typically employees or former employees, who have knowledge of fraudulent activities. These individuals are called "qui tam relators" or "whistleblowers."

What are your responsibilities?

1. First, you must comply with all Medicare requirements, including using an effective compliance program.
2. You have a duty to report any compliance concerns and suspected or actual violations that you may be aware of. See Compliance Contact information below.

3. You have a duty to follow UW Health's Code of Conduct that defines you and your organization's commitment to standards of conduct and ethical rules of behavior. A copy of the UW Health Code of Conduct has been provided with this training piece.

What can I do today to prevent Fraud, Waste & Abuse?

- Look for suspicious activity – If you see something, say something and call **(608) 821-4130** or contact us by filling out the on-line [Compliance Issue Report](#)
- Conduct yourself in an ethical manner. Here are some examples
 - Connect with Others: Honesty, trustworthiness & integrity
 - Appreciate & Listen to Understand: Respect for our patients and colleagues
 - Be Accountable: Respect for property & adherence to the law
 - Engage & Own It: Personal responsibility and accountability for actions
 - Commitment to continuous improvement
- Keep up to date with FWA policies and procedures, standards of conduct, laws, and regulations.

What You Should Know About Health Care Privacy & HIPAA

What is HIPAA?

- Health Insurance Portability and Accountability Act.
- Federal law designed to protect the privacy and security of patient information.
- Includes the following:
 - Privacy Rule
 - Prohibits the use/disclosure of patient information without patient authorization except in certain limited instances; sets forth certain patient rights.
 - Security Rule
 - Identifies a set of security safeguards (physical, technical, and administrative) that must be implemented to safeguard electronic patient information.
 - Breach Notification Rule
 - Addresses steps that must be taken when the privacy of patient information is breached.

Protected Health Information:

- Information:
 - Written, Verbal, or Electronic and
- Related to:
 - Past, present or future physical or mental health condition; or
 - Provision of health care to an individual; or
 - Past, present or future payment for the provision of health care to an individual; and
 - Includes individually identifiable information:
 - Identifies the individual or could reasonably be used to identify the individual, e.g. name, address, birthdate, social security number, medical record number

Treatment, Payment & Operations:

- Covered entities can use Protected Health Information (PHI) for treatment, payment, and health care operations.
- Consent is not needed to use PHI for:
 - Treatment
 - Payment
 - Operations
 - Certain other uses and disclosures permitted by regulations and law
- For all other uses and disclosures of PHI, patient must provide consent, or the information cannot be used or disclosed.

Minimum Necessary:

- Use only the minimum amount of PHI necessary to complete your job. This standard applies:
 - When using PHI internally;
 - When disclosing PHI to an external party in response to a request (except for treatment-related disclosures); and
 - When requesting PHI from another covered entity
 - Access to the electronic medical record (EMR) is role-based

Valuable Privacy Pointers:

- You should only access patient medical records for two reasons:
 - To do your job.
 - To view your own personal medical record.
- Review all Quality Assurance follow up projects with management prior to starting work.
- Please remember that even the patient demographic screen is considered part of the medical record and that every click within Health Link is subject to audit, so only access what information is minimally necessary for work.
- You should not print from or change your medical record.
- A written or verbal authorization does not permit access to the Electronic Medical Record without a work-related reason (this includes Power of Attorney and other advance directive forms).
- Do not share your user ID and password or leave your workstation unlocked as you are responsible for all actions under your logon.
- Accessing the record of any patient without a business reason is a policy violation and may potentially be a regulatory violation (including minor children, spouses, friends and coworkers).
- UW Health may have to notify the patient, as well as the Office for Civil Rights, if an access is deemed to have been inappropriate.
- Discipline, including termination, may result from inappropriate accesses. If you are ever unsure, please ask a UWH Health leader.
- All volunteers, unpaid students, independent contractors or other type of non-employees are encouraged to use MyChart. Proxy access can be granted to allow access of family members (like a child).

Compliance Contact Information

Who to contact with questions or concerns or to report known or suspected non-compliance to:

- Your manager or supervisor
- UW Health Compliance Hotline **(608) 821-4130** or (888) 225-8282 (toll-free)
- On-line via U-connect [Compliance Issue Report](#)
- UW Health Compliance Offices:
 - Troy Lepien, Chief Compliance Officer (608) 203-4631
 - Gabrielle Jensen, Hospital & Privacy (608) 836-2518
 - Mary Waldo, Professional Services (608) 821-4137

I hereby acknowledge my understanding of my role in preventing Fraud, Waste & Abuse, Privacy & HIPAA violations at UW Health. I understand UW Health's Policies applicable to my appointment.

Signature

Printed Name

Date

2.27.2020



UW HEALTH CODE OF CONDUCT

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A MESSAGE FROM THE CHIEF EXECUTIVE OFFICER

Friends & Colleagues:

UW Health has a long history as a leader in providing quality healthcare and service to its patients. As part of our vision to deliver remarkable care to our patients, UW Health is committed to maintaining a working environment that assures our medical staff, employees, and agents can perform their daily tasks with high ethical standards, honesty, integrity, and in compliance with applicable laws and regulations. We can continue this tradition and our commitment to remarkable care only through the efforts of our highly-skilled caregivers and dedicated support staff.

While the patient remains the focal point for all UW Health services, healthcare has evolved into a complex and highly regulated industry. In order to assist employees in maneuvering their way through this sometimes confusing environment, UW Health has adopted a formal Compliance Program (Program) to ensure compliance with all applicable state and federal laws and regulations. The day to day operations of the Program are administered by the Chief Compliance Officer and the Business Integrity Department staff. An important component of the Program is the Code of Conduct (Code), which sets a cultural compass of how to conduct ourselves every day as we go about our work. The Code provides the basic principles which all UW Health and its subsidiaries, directors, officers, medical staff, employees and agents must follow.

The Code of Conduct is a vital part of how we achieve our mission and vision. It provides guidance to ensure that our work is accomplished in an ethical and legal manner. It emphasizes our common culture of integrity and our responsibility to operate with the highest principles of ethical business standards as we care for our patients. All employees are responsible for ensuring that their behavior and activity is consistent with the Code of Conduct.

As we continue to be innovative and responsive to the needs of our patients, each of us must be fully knowledgeable of and adhere to the Code of Conduct. If we are successful in this endeavor, we will preserve and promote organization-wide integrity and achieve our vision of providing remarkable care to our patients.

Sincerely,

Alan Kaplan, MD
CEO UW Health

I. PURPOSE - PRINCIPLES AND STANDARDS

UW Health has a tradition of ethical standards in the provision of health care services as well as in the management of its business affairs. The Code of Conduct supplements the mission, vision and values of UW Health and applies to all who provide services under the auspices of UW Health and its affiliates.

Our Code of Conduct, which has been adopted by the highest level of leadership, provides guidance to all working for and with us in carrying out daily activities within appropriate ethical and legal standards. The Code of Conduct provides ideals (or Principles) and policies (or Standards) to which UW Health medical staff, employees, agents, joint ventures, wholly owned subsidiaries, and affiliates are expected to adhere. The purpose of the Code of Conduct is to articulate the ethical framework within which the organization operates and communicate expectations of the Principles and Standards. UW Health expects each medical staff, employee, and agent to abide by the Principles and Standards set forth herein and to conduct the business and affairs of UW Health in a manner consistent with the Code of Conduct. Failure to abide by the Principles and Standards or the guidelines for behavior which the Code of Conduct represents shall lead to appropriate employment action.

UW Health's Code of Conduct has been adopted to maintain corporate compliance and enhance its ability to achieve its vision of providing remarkable healthcare.

II. OUR DUTY TO REPORT & COOPERATE WITH INVESTIGATIONS

The Code of Conduct is to be used as a guide if you are confronted with situations that raise questions about ethical conduct. If you believe a law, policy or our Code of Conduct is not being followed, **you must report it** to your supervisor and/or the Business Integrity Department. If you do not feel comfortable talking to your supervisor about the issue, voice your concern to the next supervisory level up or again report it to the Business Integrity Department.

The Business Integrity Department can be contacted at:

- UW Health Administrative Office Building
7974 UW Health Court, Middleton, Wisconsin, 53562.
- The UW Health Reporting Line
(888) 225-8282 (toll-free)
(608) 821-4130
- Internet at [Compliance Issue Report](https://uconnect.wisc.edu/applications3/emailforms/form.jsp?ef=99) i.e.
<https://uconnect.wisc.edu/applications3/emailforms/form.jsp?ef=99>.

UW Health is committed to providing an environment that allows reporting in good faith without fear of retaliation. Anyone making such a report is assured that it will be treated as confidential and will be shared with others only on a need-to-know basis. The findings of a compliance investigation are confidential to protect all involved in the investigation process. No adverse action will be taken against someone for making a report in good faith. UW Health has a policy that protects against retaliation or retribution for reporting a compliance concern in good faith or cooperating with a compliance investigation with good intentions. Although we have this policy it is important to understand that no policy can protect you from applicable consequences if you have broken the law or violated our policies. In addition, if someone purposely falsifies or misrepresents a report or makes false statements during an investigation, that person will not be protected under the non-retaliation policy. False accusation or statements made in a report or during an investigation may result in appropriate employment action.

III. SEVEN PRINCIPLES OF CONDUCT

The UW Health Code of Conduct can be categorized into Seven Principles of Conduct:

- Patient Rights & Responsibilities
- Business Ethics & Legal/Regulatory Compliance
- Confidentiality
- Conflicts of Interest
- Professional Conduct
- Resource Management
- Workplace Responsibility

Each of these principles is explained in greater detail below.

IV. PRINCIPLE OF PATIENT'S RIGHTS AND RESPONSIBILITIES

UW Health is committed to treating patients and their families with dignity and respect. We drafted the UW Health Patient Rights and Responsibilities to establish our expectation for our medical staff, employees, agents and patients. This guideline includes the patient's right to:

- Treatment without discrimination
- Respect, confidentiality and personal dignity
- Information you can understand
- Participation in decisions about your care
- Care that supports you and your family
- Access to your billing and medical records
- A method to file a complaint

UW Health medical staff, employees, and agents are held to these standards and should refer to this document for additional detail and guidance if needed.

V. PRINCIPLE OF BUSINESS ETHICS & LEGAL/REGULATORY COMPLIANCE

UW Health is committed to the highest standards of business ethics and integrity, and requires honesty when representing UW Health. UW Health is committed to ensuring that its activities are completed in a manner that complies with applicable federal and state laws regulations, guidelines and policies.

A. Accounting/Financial Reporting:

UW Health maintains a high standard of accuracy and completeness in the documentation and reporting of all financial records and insures that these records are completed within generally accepted accounting principles and established corporate policy. This serves as the basis for managing the business and is important to meeting the obligations to patient, suppliers, and others that we do business. It is against UW Health policy, and possibly illegal, for any person to knowingly cause UW Health's financial records to inaccurately describe the true nature of a business transaction. We cooperate fully with internal and external auditors and any regulatory agencies that examine our financial records.

B. Anti-Kickback/Bribes:

UW Health prohibits its medical staff, employees, and agents from offering, paying, asking for, or accepting any money or other benefits in exchange for patient referrals, purchases, leases, or orders. All contracts and other referral sources are to follow all applicable laws.

C. Antitrust:

UW Health competes fairly and complies with Anti-Trust Laws. Our medical staff, employees, and agents do not engage in activities or negotiate agreements that restrain or obstruct competition or illegally share proprietary information with competitors. The illegal obtainment or use of proprietary information from competitors is also strictly prohibited.

D. Coding, Billing & False Claims Act:

Coding is the way UW Health identifies and classifies health information, such as diseases and services, which are documented in the patient medical record. Billing is the way we submit charges for the services we have provided. UW Health takes great care to ensure that billings to the government, third-party payers and patients are accurate and conform to all applicable federal and state laws and regulations. We are committed to timely, complete and accurate coding and billing. We bill only for services that we provide and believe to be medically necessary.

The Federal False Claims Acts and the Federal Deficit Reduction Act protect government programs such as Medicare, Medicaid and Tricare from fraud, waste and abuse. It is a violation of the Federal False Claims Act to knowingly submit a false claim for payment of government funds. UW Health prohibits its medical staff, employees or agents from knowingly presenting, or causing to be presented, claims for payment or approval, which are false, fictitious or fraudulent. Medical staff, employees, and agents can be prosecuted for filing inaccurate claims for reimbursement, and can be subject to civil fines, criminal penalties or both.

UW Health expects employees to report known or suspected activity of this type to the Business Integrity Office. Employees who lawfully and in good faith report known or suspected activity of this type are protected from retaliation to the furthest extent possible under both federal and state law. UW Health performs routine auditing and monitoring, with internal controls, to prevent and detect fraud, waste, and abuse. We cooperate fully with internal and external auditors and any regulatory agencies that examine our financial records.

E. Contracts:

UW Health negotiates and enters into fair and equitable contractual arrangements with reputable vendors and individuals that meet the needs of our organizations. We fairly and accurately bid and negotiate outside contracts at an arm's length and at fair market value. All arrangements must comply with applicable federal and state laws. Prior to executing arrangement for items and services, we verify that all contracted parties are eligible to participate in federal and state-funded healthcare programs.

F. Marketing:

UW Health utilizes marketing and advertising activities to educate the public, provide information to the community, to increase awareness of our services, and to recruit medical staff and employees. Marketing materials and media announcements are to be presented in a truthful, fully informative and non-deceptive manner.

G. Non-For Profit Status:

UW Health is a tax-exempt entity because of its charitable mission. UW Health provides community benefits that include healthcare services, medical training, education, research and community outreach activities. UW Health must use its resources in a manner that furthers the public good rather than the private or personal interest of any individual or entity.

H. Research:

UW Health is committed to following ethical standards in full compliance with federal and state laws and regulations in any research, investigations and clinical trials conducted. UW Health is

committed to integrity in disseminating appropriate, valid scientific results in accordance with applicable regulations and guidelines. It is UW Health's priority to protect the rights of its subjects. As in all financial accounting and recordkeeping, UW Health's policy is to submit accurate and complete costs related to research grants.

VI. PRINCIPLE OF CONFIDENTIALITY

Medical Staff, employees, and agents of UW Health are obligated to maintain the confidentiality of patients, personnel, and other proprietary information, as well as with those who enter into business or professional relationships with UW Health. We are trusted with a wide spectrum of confidential information. Sharing of confidential information with other employees or others outside the organization is strictly forbidden, unless the person requesting the information has a legitimate reason to know and has been properly approved by appropriate leadership.

A. Patient Information

UW Health collects information about patients' medical conditions, histories, medications, and family illnesses in order to provide quality care. We realize the sensitive nature of this information and are committed to protecting patient privacy. We do not access patient information internally use patient information, or disclose patient information outside the organization except as necessary to perform our jobs. We are committed to complying with state and federal privacy laws, and to assisting patients with exercising their patient privacy rights.

B. Proprietary Information

UW Health closely controls the dissemination of proprietary information. Except as specifically authorized by managements pursuant to established policy and procedures, medical staff, employees, or agents should not disclose to any outside party any non-public business, whether financial, personnel, commercial or technological information, plans or data acquired during their time with UW Health.

C. Personnel Actions and Decisions

Salary, benefits, 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 and regulations. Employees shall prevent the release or sharing of information beyond those persons who may need such information to fulfill their job function.

D. Media Relations

All requests from reporters or the general public for information should be referred to the Media Relations Office. Employee should never release information without the permission of Media Relations.

VII. PRINCIPLE OF CONFLICT OF INTERESTS

A conflict of interest involves any circumstances where your personal activities or interest are advanced at the expense of UW Health. These circumstances may be financial or involve some other type of personal interest that conflicts with your professional responsibilities. UW Health medical staff, employees, and agents avoid any situation in which our participation is or may appear to be, in conflict with the mission, vision, values, and interest of UW Health. We avoid any position or financial interest in any outside organization when such a relationship would improperly influence our professional objectivity or the performance of our duties. Should a conflict of interest arise, we will immediately disclose the situation to our immediate supervisor, the Business Integrity Department or the Legal Department.

A. Gifts

UW Health maintains high ethical standards regarding the offering and acceptance of gifts. Offering or accepting personal gifts may influence our decisions or the decisions of others and may constitute a conflict of interest. UW Health Policy prohibits medical staff, employees and agents from accepting any gifts from industry. UW Health recognizes that patients or other outside parties may wish to present employees with gifts or money. In order to avoid conflicts of interest, gratuities in any dollar amount and gifts of any value may not be accepted. However, if perishable goods are delivered to a unit or employee (e.g. cookies from a family member, fruit basket), it should be handled consistent with guidelines established by the Employee Gift Policy.

B. Outside Activities and Employment

UW Health medical staff, employees, and agents who hold positions of trust and stewardship should refrain from directly or indirectly performing duties, incurring obligations, or engaging in business or professional relationships where there would appear to be a conflict of interest. No outside activity may interfere with job performance.

C. Political Activities

UW Health encourages medical staff, employees, and agents to vote and participate in the political process. However, the use of UW Health property or funds to support a political cause, party or candidate for public office is prohibited. UW Health assets, such as telephones, copiers, and our work time should not be used to support political activity. All medical staff, employees, and agents clearly indicate that the political views they express as individuals are their own and not those of UW Health.

VIII. PRINCIPLE OF PROFESSIONAL CONDUCT

UW Health expects all medical staff, employees, and agents to work in a professional manner. Due to the high expectations of our health care providers UW Health has adopted Guidelines for Professional Conduct of Physician Faculty in the Clinical Setting. Please refer to this document for additional guidelines if necessary.

IX. PRINCIPLE OF RESOURCE MANAGEMENT

UW Health understands the community has entrusted us with assets to be used and protected for our patients' health. Medical Staff, employees, and agents are expected to safeguard, invest and use these assets to achieve our mission. Proper use of UW Health property and equipment is everyone's responsibility. Theft, carelessness, and waste have a direct impact on the organization's success. We report any possible loss or theft to the appropriate supervisor. It is UW Health's policy to manage and operate its business in the manner which respects our environment and conserves natural resources. We strive to utilize resources appropriately and efficiently, to recycle where possible, and otherwise dispose of all waste in accordance with applicable laws and regulations.

We handle any purchase, transfer or sale of assets in accordance with applicable policies and procedures. We do not use materials, equipment or other assets of UW Health for purposes not directly related to UW Health business. Medical staff, employees, and agents have no expectation of personal privacy in connection with personal or work use of UW Health electronic resources. We do not photocopy or distribute material from books periodicals, computer software or other sources if doing so would violate copyright laws.

X. PRINCIPLE OF THE WORKPLACE

UW Health works to ensure that all medical staff, employees, agents, and others have the best possible work environment. We follow all federal, state, and Equal Employment Opportunity Commission laws and regulations for recruiting and retaining qualified employees.

A. Workplace Health & Safety

In our continuing commitment to an environment of healing and good health, UW Health is smoke free. The use of illegal drugs and abuse of controlled substances in the workplace is prohibited. As a condition of employment, any involvement in the unlawful use, sale, manufacture, distribution or possession of controlled substances illicit drugs and/or unauthorized use of alcohol in the workplace or working under the influence of such substances is prohibited. UW Health has an extensive safety program for medical staff, employees, and agents to reduce the risk of injury for patients, staff and visitors.

B. Workplace Discrimination:

UW Health believes that the fair and equitable treatment of employees, patients, and other persons is critical to fulfilling its vision and goals. It is UW Health's policy to treat patients without regard to race, color, religion, sex, national origin, age, disability, sexual orientation or any other classification prohibited by law. It is also UW Health's policy to recruit, hire, train, and promote qualified persons in all job titles, and ensure that all other personnel actions are administered without regard to race, color, religion, sex, national origin, disability, sexual orientation or status as a special disabled veteran, Vietnam era veteran, or other covered veteran.

C. Workplace Harassment:

UW is committed to maintaining an environment that is free of unlawful harassment and intimidation. Harassment includes any behavior or conduct that is based on a protected characteristics and that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

D. Workplace Violence

UW Health has zero tolerance for threats or acts of violence in the workplace. Workplace violence includes physical assaults or action or statements that give UW Health reasonable cause to believe that the safety for our patients, visitors, medical staff, employees, or agents may be at risk. Medical staff, employees, or agents who engage in workplace violence shall be subject to disciplinary action up to and including removal from UW Health facilities, termination and/or referral to appropriate law enforcement agencies.

E. Screening of Excluded Individuals

UW Health will not knowingly employ or contract with individuals or entities that have been listed as debarred, excluded or otherwise ineligible for participation in Federal health care programs. As a condition of employment or eligibility to provide services, medical staff, employees, or agents are required to notify clinical leadership or Human Resources immediately if they are currently or know they will be in the future listed as a person excluded from participation in Federal health care programs.