

Statement of Compliance and Ethics for Business Partners

St. Francis Medical Center is committed to operating ethically and in a compliant manner with all pertinent federal, state, and local laws. St. Francis Medical Center will only maintain association with Business Partners that conduct themselves in an ethical and compliant manner.

St. Francis Medical Center is required by the Deficit Reduction Act of 2005 to maintain a viable compliance program. The purpose of a compliance program is to provide structure needed to assure that compliance with applicable laws is maintained.

General Structure

St. Francis Medical Center's Compliance and Ethics program includes the following general elements as recommended by the Office of Inspector General Guidance for Compliance Programs and the Federal Sentencing Guidelines:

1. Designation of a Compliance Officer – Corby Reeves, 318-327-4878
2. Written policies and procedures – The hospital maintains a hospital wide Compliance Manual, a Privacy Manual as well as hospital wide, departmental and medical staff policy and procedures. The hospital maintains a set of business ethics called the Code of Conduct that all employees as well as business partners are expected to abide by. Pertinent policies and procedures will be made available to business partners.
3. Education and training – St. Francis Medical Center provides orientation to all new employees, medical staff, and students. Departmental education is provided as needed.
4. Reporting system that protects against retaliatory acts – St. Francis provides various means for reporting internally. (See reporting section below)
5. Mechanism for investigation and remediation of suspected noncompliant activity --Investigations of Compliance Issues should be routed to the Risk Management Department Corporate Compliance Office for coordination and documentation. The Compliance Officer either performs investigations personally or delegates to appropriate Administrative or Department Director level.
6. Development of corrective action in response to identification of noncompliant activity – The involved departments work with the Compliance Officer to develop and implement corrective action plans. Corrective action may include education, revision or implementation of processes, or disciplinary action including verbal and written warnings, suspension, and termination.
7. Auditing and monitoring programs – Departments are responsible for implementing preventative monitoring programs. Auditing is considered a formal process that must be coordinated and reported to the Compliance Office. High risk areas are regularly scheduled for auditing with emphasis on prevention of billing fraud.
8. Monitoring for incidence of exclusion from governmental programs – All prospective employees, medical staff members, and business partners are screened to assure they have not been excluded from participation in any governmental programs.

Substantive Areas

The Compliance Program includes all pertinent and relevant federal, state, and local laws with emphasis on the following areas:

1. False Claims Act – St. Francis Medical Center is committed to billing accurately and honestly for patients and our business partners. We will abide by Federal and state laws concerning submission of accurate claims.

- a. Federal False Claims Act: 31 U.S.C. 3729. The Federal False Claims Act applies to any federally funded contract or program and establishes liability for any person who knowingly presents or causes to be presented a false or fraudulent claim to the United States government for payment including Medicare and Medicaid programs.
- b. ACT No. 1373 S.B. No. 1559 “Medical Assistance Programs Integrity Law – Claims Review and Administrative Sanctions; Civil Actions: “Qui Tam” Actions”. This is the state of Louisiana’s False Claim Act. This act provides for the protection of the integrity of the Federal medical assistance programs from fraud, misrepresentation and abuse.
- c. Federal Program Fraud Civil Remedies Act 31 U.S.C. 3801-3812. This act provides administrative remedies for making false claims to certain federal agencies, including the Department of Health and Human Services (HHS) separate from and in addition to the judicial or court remedy for false claims provided by the Civil False Claims Act. The Act deals with submission of improper “claims” or “written statements” to a federal agency. It was enacted as a means to address lower dollar fraud, and generally applies to claims of \$150,000 or less.
- d. Federal Civil False Claims Act. This act provides for the prohibition of any individual or company from knowingly submitting false or fraudulent claims, causing such claims to be submitted, making a false record or statement in order to secure payment from the federal government for such a claim, or conspiring to get a claim allowed or paid.

It is acknowledged that certain areas of billing are problem prone or otherwise high risk areas and effort such as specialized training and regular auditing and monitoring activity will be directed to these areas for prevention of this activity. Examples include:

- Duplication of billing
- Upcoding to higher reimbursable codes
- Unbundling of codes to achieve higher reimbursement
- Lack of medical necessity
- Billing for services performed by individuals not licensed to provide the service.
- Billing for substandard care
- Filing fraudulent cost reports
- Filing of claims associated with kickbacks or inappropriate referrals
- Billing for unapproved drugs or devices

2. Anti-Kickback – St. Francis Medical Center does not condone the receipt of cash or gifts by employees from patients or businesses for services rendered or for any future services.

3. Ethics in Referral Act – St. Francis Medical Center recognizes a patient’s right to choose and does not participate in nor condone the development of business relationships that direct patient services to any entity of which there is personal or family ownership or for which their would be a personal financial gain under which they do not fit into any allowable safe harbor.

4. Emergency Medical Treatment and Labor Act – St. Francis Medical Center accepts all patients that present to the hospital for emergency treatment and will provide the appropriate screening to determine the need for further medical care. An on-call physician roster will be maintained by our Emergency and Women’s Center Departments and physicians are required to respond to requests by qualified screeners for further assessment. Patients will be transferred to another medical facility only after being administratively and medically accepted by that facility and all consents have been received and documented in accordance with the hospital policy. All patients are logged into a central log for tracking purposes.

5. Safe Haven Law – St. Francis Medical Center is designated as a Safe Haven site and maintains processes for handling the relinquishment of infants by their parent to the State of Louisiana. The hospital will take care of medical needs of the infant and the Social Services Department will work with the Office of Community Services for awarding of custody.

6. Health Insurance Portability and Accountability Act (HIPAA) – St. Francis Medical Center maintains a privacy program and is committed to the protection of patient confidentiality for all patients. In the event a patient requests extra precaution in the form of restrictions on the use and disclosure of their health information, St. Francis will work with the patient and their family as is reasonable in order to meet these restrictions. Security measures are in place for the prevention of unauthorized access to electronic patient information. St. Francis maintains business associate agreements with all business partners that use, disclose, maintain or when authorized, are responsible for the destruction of our patient’s protected information.

Reporting and Prohibition Against Retaliation of Whistleblowers

St. Francis Medical Center maintains structure for internal reporting of suspected noncompliant behavior. Employees may report to their immediate supervisor, any member of the Compliance Committee, or the Compliance Officer. Employees may submit reports by e-mail, in written form via the hospital mail system, by telephone (hotline number is 318-327-4767) or in person.

Governmental entities as well as private payers strive to maintain Integrity Programs for the prevention and detection of noncompliant activity including fraud, waste, and abuse. As part of their Integrity Programs, they provide communication systems for receiving reports of suspected noncompliant activity. Reports of suspected noncompliant activity are reviewed and acted upon based upon investigation results. Employees as well as other individuals have the right to report directly to the entity any suspicion of noncompliant activity. Employees and individuals acting as Whistleblowers, who in good faith report any suspicion of noncompliant activity relative to federal law are protected from retaliation by law. The Qui Tam “Whistleblower” provisions protect against retaliation under the Federal False Claims Act. Whistleblowers reporting suspicion of noncompliant activity relative to state law or to oversight agencies of the State of Louisiana are required to first advise the employer of the violation of the law in order to be protected against retaliation by the Louisiana Whistleblower laws. The State of Louisiana Whistleblower Protection statutes qualify an individual for whistleblower protection if the employee in good faith:

1. discloses or threatens to disclose a workplace act or practice in violation of state law
2. provides information or testifies before a public body investigating a violation of law
3. objects or refuses to participate in an employment act or practice that is in violation of the law.

Penalties

Penalties for noncompliant activity by external oversight entities may include civil penalties of fines, criminal penalties of incarceration or jail time, and possible exclusion from participation in government programs.

Additional Information

For further information concerning St. Francis Medical Center’s Compliance Program, you may access the Compliance Resource Center maintained on the hospital website or you may contact the Risk Management Office of St. Francis Medical Center.

Risk Management Department/
Corporate Compliance Office
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