

# SUMMIT HEALTH CODE OF CONDUCT

## INTRODUCTION

Summit Medical Group, PA, City Medical of Upper East Side, PLLC, Westchester Medical Group, and New Jersey Urology (collectively, “Summit Health”) is committed to conducting its business lawfully and ethically. To assure that all SummitHealth personnel, including our physicians and our clinical, technical, administrative and support personnel adhere to the highest standards of legal and ethical conduct, to assure uniformity in standards of conduct, and to ensure we continue working towards our organizational vision of building healthier, kinder communities, Summit Health has established this Code of Conduct as part of our Compliance Manual. In addition, Summit Health’s Board of Directors has appointed a Compliance Officer, who is responsible for overseeing Summit Health’s compliance activities. The name and contact information for the Compliance Officer will be provided to all personnel.

This Code of Conduct establishes the general policies and procedures with which all Summit Health personnel must comply, even if they are only indirectly involved in the regulated activity. These policies and procedures are applicable to our relationships with government authorities and with private companies and individuals. These policies and procedures cannot cover all situations. Any doubts whatsoever as to the propriety of a particular situation, whether or not the situation is described within this Code of Conduct, should be submitted to our Compliance Officer.

Promotion of and adherence to this Code of Conduct and to our Compliance Manual are criteria used in evaluating the performance of Summit Health personnel. Violations of any of these policies and procedures will be addressed as specified in the Compliance Manual. This Code of Conduct may be revised from time to time, as Summit Health deems appropriate. Any questions regarding this Code of Conduct or the Compliance Manual should be directed to the Compliance Officer.

**COMPLIANCE WITH THIS CODE OF CONDUCT IS A CONDITION OF ANY EMPLOYMENT OR OTHER ENGAGEMENT WITH SUMMIT HEALTH. THIS CODE OF CONDUCT IS NOT A CONTRACT OF EMPLOYMENT NOR IS IT INTENDED TO GIVE ANY EXPRESS OR IMPLIED RIGHTS OF CONTINUED EMPLOYMENT OR ENGAGEMENT BY SUMMIT HEALTH.**

## QUALITY OF CARE

Summit Health is committed to providing patients with the care and services necessary to attain and maintain the patient's physical, mental, and psychosocial wellbeing. Summit Health will continuously monitor its performance against recognized standards. Any concerns discovered by or brought to the attention of Summit Health will be addressed. Changes will be made to policies and procedures, if appropriate, and will be reflected in Summit Health's training and educational programs.

## ETHICAL AND LEGAL COMPLIANCE

### COMPLIANCE

Summit Health personnel are expected to engage in ethical and legal conduct at all times. Summit Health personnel must comply with applicable federal, state, and local laws, government health care reimbursement program requirements, and private reimbursement program requirements to which Summit Health is bound under lawfully executed contracts. Summit Health personnel must comply with this Code of Conduct, the Compliance Manual and other policies, procedures, and protocols adopted by Summit Health. To ensure compliance, all Summit Health personnel are expected to attend compliance education and training sessions designated for their areas of responsibility and job titles. At minimum, all employees must complete the Annual Compliance Training ("ACT") by the deadline set forth by Compliance and the Learning and Development department.

### REPORTING

Summit Health strongly encourages open communication and direct access to the Compliance Officer. In such if Summit Health personnel become aware of, or suspect, illegal or unethical conduct or a violation of this Code of Conduct, the

#### Summit Health Compliance Officer

**MICHELLE O'NEILL**

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Compliance Manual or other compliance policies and procedures, they must report it immediately to their immediate supervisor, manager, Human Resources, and/or Summit Health's Compliance Officer. Summit Health takes all reports of non-compliance seriously, and all reports made in good faith may be made without fear of retribution, retaliation, or intimidation. Summit Health will make efforts to maintain the confidentiality of any individual reporting misconduct; however,

confidentiality cannot be guaranteed as requirements of applicable law and the circumstances associated with the misconduct may require or result in disclosure.

Reports may be made to the Compliance Officer in person, through our Compliance Hotline (online and telephone), by email, or anonymously by placing a typed letter in a sealed envelope addressed to the Compliance Office. The reporter is encouraged to provide as much information as possible to assist in the investigation of with the issue at hand. Contact information is as follows:

Company	Hotline Website	Hotline Number	Compliance Dept
Summit	<a href="http://www.hotline-services.com">www.hotline-services.com</a>	1-855-252-7606	<a href="mailto:compliance@summithealth.com">compliance@summithealth.com</a> 1-908-897-0370
CityMD	<a href="http://www.lighthouse-service.com">www.lighthouse-service.com</a>	1-833-862-6675	<a href="mailto:compliance@summithealth.com">compliance@summithealth.com</a> 1-212-913-0828 X10121
WestMed	<a href="http://www.hotline-services.com">www.hotline-services.com</a>	1-855-252-7606	<a href="mailto:compliance@westmedgroup.com">compliance@westmedgroup.com</a> 1-914-681-5291
NJU	<a href="http://www.mycompliancemanager.com">www.mycompliancemanager.com</a>	1-855-252-7606	<a href="mailto:compliance@njurology.com">compliance@njurology.com</a> 1-973-873-7000 X7

It is Summit Health’s policy that no personnel will be disciplined for reporting what is reasonably believed to be an act of wrongdoing or a violation of law, this Code of Conduct, or the Compliance Manual. However, personnel may be subject to disciplinary action if it is reasonably determined that the report of wrongdoing was knowingly fabricated, distorted, exaggerated, or minimized to either injure someone else or to protect others. An employee whose report of potential misconduct contains admissions of personal wrongdoing, will not be guaranteed protection from potential disciplinary action. The fact of an admission, however, as opposed to deliberate non-reporting, will be taken into consideration in connection with making a disciplinary decision, and depending on all the relevant circumstances, may result in a lesser disciplinary action than would result in the event of non-reporting.

While all Summit Health personnel are expected to comply with this Code of Conduct, those in a leadership position, such as those in management or other positions of authority, are expected to serve as role models. Such Summit Health personnel are expected to ensure that those under their direction have the required information and guidance to comply with applicable laws, regulations, and policies, and to resolve ethical dilemmas. Such Summit Health personnel must strive to promote an appropriate standard of ethical and legal performance.

## **INVESTIGATIONS**

It is the responsibility of the Compliance Officer to ensure that each report of potential violations, in whatever format, is appropriately documented and promptly investigated. It is the responsibility of the Compliance Officer to ensure that an objective and an informed version of the facts are uncovered during the investigation, and that each matter investigated is brought to a satisfactory conclusion. The Compliance Officer will keep Summit Health's Board of Directors informed of the reports received and the investigations conducted. If the compliance matter potentially involves the Compliance Officer in any way, other members of the Summit Health Corporate Compliance Committee will be responsible for ensuring the prompt investigation and satisfactory conclusion of the matter. Summit Health personnel are expected to cooperate fully in the investigative process.

## **CORRECTIVE ACTION**

Summit Health does not promote or condone unethical conduct or criminal activity in any context. Summit Health recognizes, however, that the laws, regulation, rules, and policies applicable to Summit Health personnel are complex and often subject to interpretation. Summit Health also understands that mistakes may occur. Accordingly, the Compliance Officer, with the assistance and support of Summit Health's Corporate Compliance Committee, is charged with the obligation to assess all relevant facts and circumstances surrounding reported misconduct and to recommend appropriate corrective actions. Such corrective actions may include further training and education, amendment or clarification of policies and procedures, and the creation of new policies and procedures. Corrective actions may also include, as deemed necessary or appropriate under the circumstances, disciplinary actions in respect to the individual(s) involved in the misconduct, including termination and, if appropriate, referral to government authorities for further action. Summit Health personnel are expected to cooperate fully with all corrective actions adopted by Summit Health.

## **WORKPLACE CONDUCT**

### **USE OF COMPANY PROPERTY**

As a rule, personnel are expected to use Summit Health's assets, including time, materials, supplies, equipment, information, and other resources in a prudent and effective manner for business related purposes only. The use of Summit Health assets for community or charitable purposes, or for personal uses, must be approved in advance by supervising Summit Health personnel. Any use of Summit Health assets for personal financial gain unrelated to Summit Health business is prohibited.

## **GIVING COURTESIES TO PATIENTS OR REFERRAL SOURCES**

Summit Health does not seek to gain an improper advantage by offering business courtesies such as entertainment, meals, transportation, free services or lodging to patients, referral sources or purchasers of our services. Summit Health personnel should never offer any type of business courtesy to a referral source or a patient for the purpose of obtaining favorable treatment or advantage. To avoid even the appearance of impropriety, Summit Health personnel must not provide gifts or promotional items of more than nominal value to any referral source or patient.

Summit Health may, from time to time, adopt policies concerning professional courtesies for shareholders, employees, and contractors of Summit Health, as well as other individuals. It is imperative that any such policy be carefully applied because the policy and the actual courtesies extended must comply with federal and state law regulations. Currently, no such policy applies or can apply to beneficiaries of any federal health care benefit program, such as Medicare and Medicaid, unless there has been a good faith showing of financial need. Any employee who may have a concern or question concerning such policies should contact the Compliance Officer.

## **AVOIDING ABUSES OF TRUST**

### **CONFLICTS OF INTERESTS and DISCLOSURE**

All Summit Health personnel are expected to avoid engaging in any activity that might interfere or appear to interfere with the independent exercise of professional judgment, such as when a staff member's personal interests conflict with the best interests of Summit Health, its patients, or its business partners.

A conflict of interest may arise if personal interests or outside activities influence, or appear to influence, the ability to make objective decisions related to job responsibilities. Summit Health personnel with decision making authority, including management, shareholders, physicians, managers, and supervisors must disclose actual and potential conflicts of interest to the Compliance Officer, who will bring such disclosures to the Board of Directors. Failure to disclose a conflict of interest may lead to disciplinary action, up to and including termination. All actual and potential conflicts will be reviewed, and appropriate actions taken.

### **GIFTS FROM PATIENTS**

Patients and their families may occasionally wish to make gifts to Summit Health personnel as a token of appreciation. By accepting such gifts, however, Summit Health personnel may give rise to expectations of favored status or preferential treatment. Summit Health personnel also may give the impression that the organization favors a patient or is taking advantage of a patient. Accordingly, Summit Health personnel must consider the circumstances before accepting any gift and must consult with the Compliance Officer or the officer's designee before accepting any gift

that could be considered extraordinary or otherwise unreasonable under the circumstances. Summit Health personnel may not accept any gift offered in exchange for any type of favorable treatment or advantage, or any gift that may have been solicited or encouraged, or any monetary gift, or any gift that is extraordinary or otherwise unreasonable under the circumstances. Summit Health may, from time to time, adopt policies and procedures concerning gifts from patients, or rule on any specific gift of which it becomes aware.

## **BUSINESS COURTESIES**

Summit Health personnel may not accept anything of value from someone doing business with Summit Health if the business courtesy is offered or appears to be offered in exchange for any type of favorable treatment or advantage. To avoid even the appearance of impropriety, Summit Health personnel are not to accept any gifts or promotional items of more than nominal value without the express approval of the Compliance Officer. Gifts received that are valued in excess of \$10 per item or \$50 in the annual aggregate must be reported to the Compliance Officer.

Business courtesies may not be solicited under any circumstances. No business courtesies, not even gifts of nominal value, may be accepted from or offered to anyone in exchange for or to influence the referral of patients or other reimbursable business from or to Summit Health. All business dealings must be the result of usual and proper business considerations. Business dealings must never be the result of undue influence exerted by, or special favors bestowed by, vendors or potential vendors. Summit Health personnel must never give to or receive from any vendor or potential vendor any bribe, kickback, or other unusual payment. Federal and state laws and regulations specifically prohibit the offer or acceptance of a bribe, kickback, or other thing of value in exchange for or to induce a referral or other business.

## **BUSINESS PRACTICES**

### **RELATIONSHIPS WITH VENDORS**

Summit Health will manage its vendor relationships in a fair and reasonable manner, consistent with all applicable laws and regulations. Summit Health's selection of vendors will be based on objective criteria including quality, technical excellence, price, delivery, adherence to schedules, service, and maintenance. Selection will not be based exclusively on personal relationships and friendships. Summit Health expects its personnel to maintain ethical conduct when engaging in business practices such as source selection, negotiation, determination of contract awards, and administration of purchasing activities.

### **GOVERNMENT CUSTOMERS**

Summit Health, on a regular basis, is a party to numerous contracts and subcontracts with various government agencies. Examples are provider contracts wherein Summit Health supplies

services to or on behalf of the Medicare program. It is essential that all Summit Health personnel are knowledgeable of, and comply with, all applicable laws, rules, and regulations of all such government agencies. Billing personnel must also comply with Summit Health's policies and procedures regarding billing and reimbursement. Any personnel who may have a concern or question concerning compliance with any government contract or subcontract should report the concern to the Compliance Officer.

## **KICKBACKS AND OTHER INDUCEMENTS**

Summit Health personnel shall not solicit, offer, receive, or pay any financial inducement, gift, payoff, kickback, or bribe to induce, influence or reward favorable decisions of any government personnel or representative, any customer, contractor, or vendor in a commercial transaction, or any person in a position to benefit Summit Health or its' personnel in any way. Summit Health personnel are prohibited from engaging in any such unlawful business practices, either directly or indirectly. Summit Health personnel shall not make or offer payment or provide any other thing of value to another person with the understanding or intention that such payment or other thing of value is to be used for an unlawful purpose.

## **BILLING AND FINANCIAL REPORTING**

Summit Health is committed to ensuring that our billing and reimbursement practices comply with all federal and state laws, regulations, guidelines, and policies, and that all bills and claims are accurate and reflect current payment methodologies. Summit Health is committed to ensuring that all patients receive timely bills and that all questions regarding billing are answered. Summit Health personnel must use their best efforts to prevent, and if appropriate, to report errors, improprieties, or suspicious circumstances in billing that could violate applicable laws, regulations, or any of Summit Health's policies or procedures.

Summit Health personnel shall be honest and accurate in coding for services rendered, filing claims for reimbursement, seeking payment for services rendered and maintaining financial records. Summit Health personnel shall not submit false, fraudulent, or misleading bills or claims to any patient, any government entity or third party payor (including bills or claims for services not provided or that characterize the service differently from the actual service, or that do not otherwise comply with applicable program or contractual requirements), or make false representations to any person or entity in order to gain or retain participation in a program or to obtain payment for any service.

Summit Health does not knowingly contract with, employ, or bill for services rendered by an individual or entity that is excluded or ineligible to participate in federal or state healthcare programs, or that is suspended or debarred from federal or state government contracts, or that has been convicted of a criminal offense related to the provision of healthcare items or services and has not been reinstated in a federal or state healthcare program after a period of exclusion,

suspension, debarment, or ineligibility. Summit Health personnel shall immediately report to the Compliance Officer any information they may possess concerning the exclusion, suspension, debarment, or other ineligibility of other Summit Health personnel or other individuals or entities with which Summit Health has or is considering a business relationship.

## **MARKETING AND ADVERTISING**

Summit Health may engage in marketing and advertising activities to educate the public, increase awareness regarding services, and to recruit staff. Summit Health will present only truthful, non-deceptive information in marketing materials. Summit Health personnel shall be honest in communications with patients and their families, attorneys, auditors, and with all those with whom Summit Health does business. Summit Health personnel shall not make any misleading statements about our services or products or those of its competitors.

## **MEDICAL RECORDS & BUSINESS INFORMATION**

### **CONFIDENTIALITY AND PRIVACY**

Confidential information includes, but is not limited to, medical records, patient lists, clinical information, pricing and cost data, other financial data, research data, strategic plans, business methods, marketing strategies, employee lists and data, supplier and subcontractor information, and computer software and the like. Summit Health personnel may access confidential information, including information concerning patients, but only as necessary to conduct job related activities. Summit Health personnel are expected to keep all such information confidential. Summit Health personnel shall abide by all policies and procedures concerning confidential information and all applicable laws and regulations regulating the privacy and security of such information, including but not limited to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the Health Information Technology for Economic and Clinical Health Act of 2009 (“HITECH”).

### **MAINTENANCE**

Summit Health personnel shall ensure the integrity and accuracy of Summit Health’s documents and records. Medical records and business information will be created, maintained, retained, and destroyed only in accordance with applicable laws and regulations and Summit Health’s policies and procedures.

## ACKNOWLEDGMENT PROCESS

Summit Health personnel are expected to read and comply with this Code of Conduct. All employees are expected to seek answers to their questions about any of the provisions of this Code of Conduct so that their compliance may be assured. Questions concerning this Code of Conduct should be directed to the Compliance Officer.