



EFFECTIVE JANUARY 2020

REVIEWED 1/4/2021

# U.S. Digestive Health Code of Conduct and Ethics

Dear U.S. Digestive Health Staff and Providers:

U.S. Digestive Health (USDH) is committed to conducting our business with integrity through honest and ethical behavior. Our mission is to be the premier provider of digestive health services in the communities that we serve.

To assist in facilitating an influential compliance culture within our organization, USDH has adopted this Code of Conduct to serve as the guiding principles for our organization. The Code of Conduct is the foundation of our Compliance Program. These basic principles provide a framework for our business decisions and should be used as a guide to support our values and fundamental commitment to fostering an ethical work environment.

Compliance is an individual responsibility. Staff and providers are required to be familiar with and understand the Code of Conduct. Violations of the Code of Conduct may result in disciplinary action up to and including termination. For questions regarding this Code of Conduct or to report questionable activity, please contact your supervisor, the Compliance Department through our corporate office at 610-234-7000. To report a concern anonymously, contact the Compliance Hotline online at <http://www.hotline-services.com> or by phone toll free at 1-855-252-7606

Thank you for your support and commitment to our organization.

Sincerely,

Jerry Tillinger  
Chief Executive Officer

# U.S. Digestive Health Code of Conduct and Ethics

GI MSO, Inc., does business as U.S. Digestive Health. The US Digestive Health (USDH) Compliance program applies to all staff and providers of GI MSO, Inc., Regional Gastroenterology Associates of Lancaster, our subsidiaries, affiliates, trade names and “doing business as” entities.

## Overview

The goal of U.S. Digestive Health (“USDH”) is to promote ethical and legal behavior within the organization that encourages prevention, detection and mitigation of conduct that does not conform to our standards, federal and state law or federal healthcare program requirements. To accomplish this goal, USDH has voluntarily developed a Compliance Program based on guidance provided by the Department of Health and Human Services’ Office of the Inspector General Compliance Program Guide for Physician Practices.

This Code of Conduct and Ethics is intended to guide all staff and providers<sup>1</sup> on USDH's ethical and legal standards. However, individuals directly involved in more complex matters may require additional guidance through training and education, policies and procedures and direction from managers, supervisors, and legal counsel. If you have any questions about a compliance-related issue not fully covered within this Code of Conduct, you should:

- Speak to your Supervisor
- Contact the Compliance Department at 610-234-7900
- Contact the Compliance Hotline
  - Online at <http://www.hotline-services.com>
  - Toll-free at 1-855-252-7606

Compliance is a shared activity. All staff and providers are expected to observe high standards of business and personal ethics in performing their work. Adherence to USDH’s Compliance Program is a condition of employment. Disciplinary action for violations of the Compliance Program, including this Code of Conduct, compliance policies and procedures, acts of noncompliance with state and federal laws and regulations and federal healthcare program requirements will be enforced according to USDH’s policies and procedures up to and including termination of employment.

Thank you for your commitment to USDH’s Compliance Program.

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<sup>1</sup>. For this Code of Conduct, “staff and providers” mean all active US Digestive Health and related entity personnel, including, temporary, part-time and full-time staff and providers, independent contractors, clinicians, officers, and directors

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# U.S. Digestive Health Code of Conduct and Ethics

## **Mission and Vision**

Our Mission is to deliver high value, patient-centric digestive health care through an integrated network of accessible providers.

U.S. Digestive Health's vision is to be the premier provider of digestive health services in the communities that we serve.

## **Core Values**

Our core values provide the foundation for how we do business and dictate our behavior.

- Integrity
- Honesty
- Accountability
- Compassion
- Excellence

## **Compliance Program**

Compliance programs are intended to establish a culture within our organization that promotes the prevention, detection, and resolution of conduct that is inconsistent with federal and state law, healthcare program requirements, our business ethics, or our standards of practice. U.S. Digestive Health has appointed a Compliance Officer to design and oversee efforts to ensure an effective and comprehensive Compliance Program is in place.

The Compliance Officer works with our Senior Leadership and has direct reporting responsibility to the Board of Directors. The Compliance Officer is responsible for the development, implementation, training, monitoring, and enforcement activities related to the overall compliance program. U.S. Digestive Health Leadership will designate a compliance committee to advise the Compliance Officer and assist in the implementation of the compliance program as needed.

The Compliance program encompasses all service lines of GI MSO, Inc., Regional Gastroenterology Associates of Lancaster, our subsidiaries, trade names and "doing business as" entities.

The Compliance Officer is reachable reached through the corporate office, the Compliance Hotline, or email at [Compliance@USDHealth.com](mailto:Compliance@USDHealth.com).

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## Our Conduct in the Workplace

We treat fellow staff, providers, customers, suppliers, and other stakeholders with fairness, honesty, and respect which includes refraining from gender or racial bias, or sexual or other harassment. We treat each other in the way we would wish to be treated.

We will comply with federal, state, and local Equal Employment Opportunity laws, hiring the best-qualified individuals regardless of national origin, race, color, religion, sexual orientation, age, pregnancy-related disability, physical, or mental disability, genetic information, genetic status, marital status, creed, citizenship, veteran or military status, family and medical leave status, and gender identity or expression. All promotions, transfer evaluations, compensation, and disciplinary actions also follow this policy.

We conduct required pre-employment and ongoing screenings related to employment eligibility, including both criminal background history review and excluded provider screening. Due care will be used in the recruitment and hiring process to prevent the employment of persons whose record (professional licensure, credentials, prior work, relevant criminal record) gives reasonable cause to believe the individual is predisposed to violation of applicable standards of conduct.

We also require and validate the integrity of our workforce by requiring all staff and providers who need licenses or certifications to maintain their credentials in compliance with state and federal laws. All applicable staff and providers will provide documentation of licenses or certifications.

Staff and Providers are bound to comply, in all official acts and duties, with applicable laws, rules, regulations, standards of conduct, including, but not limited to laws, rules, regulations, and directives of the federal government and the Commonwealth of Pennsylvania, and rules policies and procedures of U.S. Digestive Health.

All new staff and providers will receive orientation and training in compliance policies and procedures. Participation in required training is a condition of employment. Failure to participate in required training may result in disciplinary actions, up to and including, suspension of privileges and/or termination of employment.

Every staff member and provider are asked to sign a statement certifying they have received, read, and understood the Code of Conduct and will follow it throughout their relationship with U.S. Digestive Health.

Every staff and provider will receive periodic training updates in compliance protocols as they relate to their specific duties.

# U.S. Digestive Health Code of Conduct and Ethics

Non-compliance with the plan or violations will result in sanctioning of the involved staff and provider(s) up to and including, termination of employment.

We will explicitly comply with the following requirements:

## A. Equal Employment

U.S. Digestive Health believes in hiring, promoting and compensating staff and providers without regard to race, color, national origin, age, gender, religious preference, marital status, sexual orientation, handicap, or disability. We are committed to fair employment practices and comply with all laws, regulations, and policies related to non-discrimination.

## B. Freedom from Harassment

U.S. Digestive Health does not condone any form of harassment which includes harassment based on race, color, religion, gender, national origin, age, sexual orientation, disability, or any other basis protected by law. We fully expect staff and providers to report violations to their supervisor, Human Resources representative, the Compliance Officer, or Compliance Hotline.

Remember, harassment means different things to different people, so we should all refrain from any offensive or inappropriate perceived behavior. Examples of inappropriate behavior may include degrading jokes, intimidation, slurs, and verbal or physical sexual harassment. Reports of harassment will be promptly investigated, and staff and providers engaging in this behavior will receive disciplinary action up to and including termination.

## C. A Safe Environment

We are all responsible for creating a safe working environment. Please use safety devices and report any potential or actual hazards to your supervisor. Hazards include security violations or criminal activity that take place on company premises. Also, please report any injuries or illnesses to your supervisor.

Violence has no place at the worksite, and USDH has a zero-tolerance for acts of violence, including intimidation, violent acts, and threats of violence.

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## **Commitment to Quality Care**

Our primary commitment is to provide the highest possible quality of care to our patients. Our care standards include:

- Providing only medically necessary, provider prescribed services
- Confirming that services are within accepted standards of practice for the patient's clinical condition
- Measuring clinical outcomes and patient satisfaction to meet quality of care goals
- Providing accurate and timely clinical and financial documentation and record-keeping
- Ensuring that care is provided only by appropriately licensed and credentialed providers
- Reviewing patient care policies and procedures and clinical protocols to ensure that they meet current standards of practice
- Monitoring and improving clinical outcomes through a Quality Assurance Program

## **Medical Necessity and Billing**

We will take reasonable measures to ensure that only claims for services that are reasonable and necessary, given the patient's condition, are billed. Documentation will support the determinations of medical necessity for provided and billed services.

All claims for services submitted to Medicare or other health benefits programs will correctly identify the services ordered. Only those services ordered and performed by an authorized provider that meet Medicare's or the health benefits program's criteria will be billed.

Intentionally or knowingly upcoding (the selection of a code to maximize reimbursement when such code is not the most appropriate descriptor of the service offered) may result in immediate termination. Staff and Providers must provide documentation to support billing codes in the patient's medical record based on medical findings and diagnoses.

## **Maintaining Confidentiality**

We honor the privacy of patients, staff, and providers' personal information, whether medical or otherwise, just as we expect our privacy to be protected. Also, we promise to protect trade secrets and the confidential information that belongs to U.S. Digestive Health, otherwise known as "intellectual property", and refrain from divulging information that could be harmful to U.S. Digestive Health or that could provide an advantage to our competitors.

# U.S. Digestive Health Code of Conduct and Ethics

## A. Company Confidentiality

We are committed to preserving the right of privacy/confidentiality of our staff and providers and protecting U.S. Digestive Health's interests. The following information is confidential. Be sure to follow all applicable laws and company policies when using or sharing such information:

- Staff and provider information, including personnel files, evaluations, and disciplinary matters.
- Business information such as financial, marketing, and statistical data, competitive intelligence, budgets, processes, techniques, mergers, acquisitions or significant reorganizations, bid proposals and contract negotiations, layoffs, research and development, and business reports and summaries. This company-specific information is "intellectual property."

## B. Patient Privacy

We are also committed to preserving the privacy for all our patients who have been treated by an affiliate of US Digestive Health in accordance with the Health Insurance Portability and Accountability Act (HIPAA) and HITECH Privacy Laws. As these laws are extensive, we have developed numerous policies and procedures surrounding patient privacy which is available to all staff and providers. The following information are examples of information that could be deemed Protected Health Information and considered confidential when combined with identifying information under the privacy laws:

- Patients' diagnoses and treatments.
- Personal demographic data including address, date of birth, and social security numbers.
- Billing information, including insurance identification numbers and payor information.

All staff and providers should ensure compliance with company confidentiality and privacy policies. If any staff or provider has a question or identifies a potential violation of these policies, contact your supervisor, the Privacy Officer, or the Compliance Officer as soon as possible.

### **Respecting Company Property**

We protect and preserve company property and refrain from using it for personal gain.

# U.S. Digestive Health Code of Conduct and Ethics

## A. Use of Resources

U.S. Digestive Health discourages *inappropriate* use of company property. Staff and providers are trusted to act responsibly, reasonably, and maturely, and to use good judgment in the use of all company-provided communications and computing devices, including but not limited to:

- The Internet.
- All forms of printed and electronic media.
- Copying devices (scanners and copy machines).
- Telephones.
- Cell phones.
- Portable/wireless PDAs.
- Desktop and laptop computers; and
- Remote access hardware and software devices.

## B. Business Purposes

Staff and providers should not use the computer to transmit, store, or download materials that are threatening, maliciously false or obscene. Facilities, equipment, technology, and resources are for business purposes in connection with your job responsibilities.

## **Avoiding Conflicts of Interest**

While employed at U.S. Digestive Health, we refrain from any associations or activities that might conflict with U.S. Digestive Health's interests. We also avoid doing business with competitors and accepting or giving gifts to contractors or customers. We do not take advantage of our association with U.S. Digestive Health for personal gain.

## A. Activities and Relationships Beyond U.S. Digestive Health

It is essential to ensure that our outside activities do not in any way, conflict with or pose a hazard to USDH. There are some simple guidelines you should follow when determining whether a conflict of interest exists. First, avoid personal outside activities or associations that might influence your business decisions or your ability to do your job objectively. Also, avoid doing business with competitors or making significant personal financial investments in competitors, suppliers, or customers.

As an associate of US Digestive Health, you are required to disclose all potential conflicts of interest to your immediate supervisor or the Compliance Officer. If you are not sure whether an outside activity represents a conflict of interest, contact your supervisor, Compliance Department, or Compliance Hotline.

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## B. Entertainment, Gifts and Gratuities

Some business entertaining – including meals, social events or training, and educational activities – is an accepted practice. However, the cost and scope of these activities should be reasonable and appropriate. Before accepting or extending such invitations, you should first check with your supervisor.

Similarly, you should refrain from giving or accepting excessive gifts to or from vendors, customers, or other business staff and providers. The value of gifts received or given should not exceed an aggregate amount of \$100.00 per year, unless you have received prior approval from the Practice Administrator, Corporate Supervisor, or the Compliance Department. Staff and providers should never accept cash gifts from vendors, contractors, patients, or patient representatives.

## **Compliance with Laws and Regulations**

### A. Regulatory Obligations

U.S. Digestive Health operates in a heavily regulated industry, subjecting USDH and its staff and providers to many federal and state, civil and criminal laws and regulations and health plan requirements. The penalties for violation of these laws, regulations, and requirements are severe and can apply to both USDH and any involved staff and providers. Penalties include fines or other financial penalties, exclusion from participation in federally funded programs such as Medicare, loss of licensure, and in some cases, imprisonment. The Compliance Program is designed to prevent such violations. All staff and providers must be aware of and comply with the regulatory requirements applicable to their respective positions and duties. Please refer to the compliance policy related to relevant laws for more information on the regulations applicable to US Digestive Health.

### B. Illegal Activities

U.S. Digestive Health and its staff and providers will not engage, directly or indirectly, in any corrupt business practices or other illegal activities. Such activities include, but are not limited to, fraud, embezzlement, kickback arrangements, and drug use.

Fraud includes such things as falsifying timecards and expense reports and overbilling for services. Health care fraud occurs when someone schemes to defraud any health benefit program which includes using pretenses, representations or promises to get money or property owned by any health care program with the delivery of, or payment for, benefits, goods or services.

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A kickback arrangement involves accepting or offering bribes or payoffs intended to induce, influence, or reward favorable decisions of any person or entity in a position to benefit USDH. Such persons or entities include customers, contractors, vendors, and government personnel.

### C. Antitrust and Unfair Competition

Antitrust laws make sure competition between companies is fair. These laws also protect the public against business competitors who band together or "collude" to unfairly set prices. You could be breaking these laws if you do things as simple as discuss with competitors pricing; terms and conditions of sales; or dealings with customers, suppliers, or other competitors. Our competitors include other managed care organizations, health care delivery companies, and insurance companies that operate in our markets.

You should be particularly sensitive to antitrust rules if you participate in trade associations or other meetings where competitors are likely to be present.

### D. Political Contributions

USDH may contribute to various political candidates and campaigns through various political action committees (PAC). Federal and state laws dictate the amount and frequency of political contributions, and USDH strictly adheres to those guidelines. Any other use of company assets for political reasons is prohibited.

### E. Sales, Marketing and Advertising Standards

We are committed to growing our business through a well-trained, highly professional marketing staff. All marketing staff are dedicated to fair, forthright, and legally compliant sales and marketing practices. We adhere to any state regulations that require marketing or sales representatives to be licensed.

We do not engage in corrupt marketing practices, including misrepresentation of our covered services and "redlining," which refers to the practice of avoiding sales in specific geographic areas or neighborhoods.

When advertising our products and services, we will present only truthful, non-deceptive information. In many cases, advertising and marketing materials require approval from regulatory agencies before distribution. When required, USDH will submit documents to agencies and ensure they are in full compliance with applicable regulations.

# **U.S. Digestive Health Code of Conduct and Ethics**

## **F. Copyright Law**

We follow state, federal, and foreign laws about copyright protection which includes laws that prohibit duplication of print materials, licensed computer software, and other copyright-protected works.

## **G. Relationships with Foreign Businesses and Governments**

If we take advantage of global business opportunities, USDH will comply with all applicable laws and regulations governing relationships with businesses on foreign soil and their respective governments.

### **Auditing and Monitoring**

U.S. Digestive Health will develop an annual audit program based on identified risks. The audits will be designed to address compliance with laws governing kickback arrangements, physician self-referral prohibition, coding, and billing, claim development and submission, reimbursement, marketing, reporting, and HIPAA. Audits may be internal or external and will be conducted on an ongoing basis. The Compliance Committee or designee will determine the frequency of each audit type. Focus areas will be consistent with Medicare Fraud Alerts, Office of Inspector General audits and other high-risk areas related explicitly to gastroenterology services.

### **Lines of Communication**

Each manager is expected to have an open-door policy to support communication between Leadership, staff, and providers. Staff and providers are encouraged to discuss concerns directly with their supervisor when possible. This method offers the quickest resolution to a concern. Should an alternate means of communication be preferred, we have established a procedure so that staff and providers may seek clarification from the compliance officer in the event of any confusion or questions regarding a policy or procedure.

Any staff member or provider may contact the Compliance Officer directly by phone or email. Additionally, a Compliance Hotline has been established so that staff and providers may anonymously consult with the Compliance Department or designee with questions or to report actual or suspected violations.

Any potential problem or questionable practice which is, or is reasonably likely to be, in violation of, or inconsistent with, federal or state laws, rules, regulations, or directives or our rules or policies relative to the delivery of healthcare services, or the billing and collection of revenue derived from the services, and any requirements related to documentation, coding,

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or other professional or business practices must be reported to the Compliance Officer. Reports can be made verbally or in writing and may be anonymous.

The Compliance Department will promptly document and investigate reported matters that may indicate variance from regulations or standards to determine if the concern is valid. Corrective action will be implemented as appropriate based on any substantiated findings.

U.S. Digestive Health will protect whistle-blowers from retaliation.

## **Staff and Provider Responsibilities**

Violations of our compliance program, failure to comply with applicable state or federal law, and other requirements of government and private health plans, and other types of misconduct may threaten our reputation and status as a reliable, honest, and trustworthy provider, capable of participating in federal healthcare programs. Detected, but uncorrected, misconduct may seriously endanger the mission, reputation, and legal status of the practices. As such, each staff and provider are obligated to report compliance concerns as soon as they arise.

### A. Staff and Provider Responsibilities

U.S. Digestive Health will provide you with the training and education you need to be knowledgeable about our ethics and compliance initiatives. In return, USDH relies on you to help ensure that those initiatives remain a priority which involves upholding all the standards outlined in this Code of Conduct, as well as reporting any suspected violations of those standards.

If you observe potential violations of law or the Code of Conduct, you should not hesitate to report such issues. Failure to do so could pose a risk to USDH or, in the case of illegal activities or regulatory violations, a risk to you or co-workers.

### B. Reporting Suspected Violations

If you have a compliance concern to report, talk to your supervisor. If he/she is not available or is unable to assist you, contact the Compliance Department through the Corporate office at 610-234-7900.

You may also report issues through the Compliance Hotline – a service that allows anonymous reporting of violations or concerns. The Hotline is operated offsite by a third-party administrator and is available toll-free 24 hours a day, seven days a week:

- Online at <http://www.hotline-services.com>
- Toll-free at 1-855-252-7606

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## C. Resolution, Communication and Non-Retaliation

Staff and providers have an obligation to report known or suspected violations as soon as a Good Faith belief in the compliance violation exists. Staff and providers are prohibited from engaging in any act, behavior, or conduct that is intended to intimidate or retaliate against any individual reporting a concern or potential noncompliance. Upon receiving a report of suspected violation, USDH pledges to investigate and resolve the problem efficiently. USDH will not retaliate against you for reporting compliance violations in good faith. Please be aware that USDH may be restricted by law or regulation from providing you with updates to any investigation or resolution of a compliance matter about a concern.

### **Consequences of Violations**

USDH will be thorough and fair when investigating potential compliance violations. Staff or providers who are deemed to have committed violations will be subject to disciplinary action up to and including termination. Disciplinary actions will be fair, equitable, and consistent.

This Policy shall not permit staff or providers to escape liability for their own misconduct by reporting such wrongdoing. Self-reporting may, however, be considered in determining the appropriate disciplinary action.

### **Where to Find Answers to Your Questions**

The Code of Conduct and Ethics is meant to provide an overview of USDH's policies on ethics, compliance, and conduct-related issues. This publication is a living document and is subject to change as we refine our policies and procedures, and as government agencies and regulators modify their rules.

If you need additional information, or if you have a compliance-related question or concern, the best thing to do is talk with your supervisor or the Compliance Department. These are the best sources when you need help understanding the laws, regulations, and practices that affect your work. Calling the Compliance Hotline is also an option if you wish to seek information on a specific company policy or standard.

## **U.S. Digestive Health Code of Conduct and Ethics**

In addition, staff and providers are encouraged to explore the following resources:

- **U.S. Digestive Health's Staff and provider Handbook:** The handbook covers various topics, including employment, benefits, performance reviews, wage and salary, and staff and provider relations subjects such as dress code, workplace conduct, counseling, and health and safety issues.
- **U.S. Digestive Health's Intranet Site:** This site contains information on company policies and procedures and other company standards that affect your work activities.