Our Code of Conduct

Standards for employees, vendors and volunteers
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>What Makes Franciscan Children’s Exceptional</td>
<td>2</td>
</tr>
<tr>
<td>We Care About the Children and Families We Serve</td>
<td>3</td>
</tr>
<tr>
<td>We Care About The Rights of Others</td>
<td>4</td>
</tr>
<tr>
<td>We Respect Our Colleagues and Our Workplace</td>
<td>9</td>
</tr>
<tr>
<td>We Respect Franciscan Children’s Property</td>
<td>13</td>
</tr>
<tr>
<td>We Abide by the Laws Governing Health Care</td>
<td>16</td>
</tr>
<tr>
<td>We Maintain Ethical, Transparent Relationships with Industry and Physicians</td>
<td>20</td>
</tr>
<tr>
<td>We Support the Franciscan Children’s Compliance, Privacy and Security Programs</td>
<td>23</td>
</tr>
<tr>
<td>Franciscan Children’s and Government Resources</td>
<td>28</td>
</tr>
</tbody>
</table>
Dear Colleagues,

Here at Franciscan Children’s we strive every day to do what is right “so every kid can.”

The Franciscan Children’s Code of Conduct and our Compliance Program are important parts of this effort. Our Code of Conduct describes our commitment to performing our work with honesty and integrity and with the greatest transparency possible. It also provides resources to help you perform your job the right way.

Compliance is everyone’s responsibility.

As a member of Franciscan Children’s workforce, you must:

• Read and understand the Code and our policies and procedures;
• Complete annual training programs;
• Perform your job with the highest standards of integrity;
• Adhere to the requirements of the federal and state health care laws;
• Speak up and Report potential problems to your manager, the Compliance Officer at 617-779-1111; and
• Help prevent retaliation against anyone who makes a good-faith report of a compliance or patient safety concern.

Our goal is to have Franciscan Children's work environment be one where everyone identifies and reports problems before they become bigger and more harmful problems that may put the children we serve, our staff or our institution at substantial risk. In this environment, everyone should be comfortable asking questions or identifying problems, without fear of retaliation. Any of us should be able to say, “I think we have a problem.” We work together to create and maintain a culture that continually reinforces our high ethical standards. Our shared efforts to maintain the highest clinical, professional and compliance standards are fundamental to our efforts to provide exceptional care at Franciscan Children's so every kid can.

Remember, it takes a lifetime to build a good reputation but only one unethical act to tarnish it.

Thank you for everything you do for our patients and our community.

John D. Nash
CEO & President
Franciscan Children’s
Our Vision
We envision a world in which all children can reach their fullest potential and live their best life.

Our Mission
We provide a compassionate and positive environment where children with complex medical, mental health and educational needs receive specialized care from people who are committed to excellence, innovation and family support... so that children can reach their fullest potential and live their best life.

Our Values
• Compassion
• Excellence
• Positivity

Ethical Standards Guide Our Charitable Work
Founded in 1949 by Cardinal Cushing, and sponsored by the Franciscan Children’s Missionaries of Mary, Franciscan Children’s has a long history of service for children without regard to race, religion, or ability to pay. Consistent with the values of Franciscan Children’s, and with the Ethical and Religious Directives for Catholic Health Care Services, all employees are responsible for maintaining a high standard of ethical conduct. You are responsible for acting ethically in your own conduct, and you are also responsible for reporting any conduct that you believe to be illegal or unethical to the proper persons within Franciscan Children’s so that any such conduct can be corrected.

Many of the standards of conduct stated below are also applicable to persons or companies who Franciscan Children’s has contracted with for various services. For example, Franciscan Children’s contracts with doctors to provide medical services, with equipment suppliers, and with waste disposal companies. Any person or company contracting with Franciscan Children’s is responsible for adhering to the standards of conduct set forth below to the same extent as Franciscan Children’s employees.

The Standards set forth below offer guidance for each employee as to ethical practices in certain circumstances. Any employee who has a question regarding a specific matter or policy should discuss the matter with their supervisor or with the Compliance Officer, as appropriate.
Franciscan Children’s mission is to provide high quality, effective, compassionate and appropriate care to every child, regardless of ability to pay. Our work is guided by always doing what is best for the child. We ensure quality through our many Franciscan Children’s programs that monitor all aspects of the care we provide and work to continuously improve it. Our commitment to quality of care is the responsibility of every Franciscan Children’s colleague. In any circumstance where you question whether we are providing the highest quality care possible, you have the right and responsibility to raise your concern through appropriate channels to help keep out commitment to quality.

We work to keep our children safe at all times. Safety is a top priority for Franciscan Children’s. We work to create an effective Safety Culture, and keep our children safe from preventable harm. A “culture of safety” is one where all employees are constantly mindful of the risks inherent in our work and continuously strive to eliminate them.

We do this by:

• asking for help or offering help in uncertain circumstances
• reporting adverse events including errors, near misses and unsafe situations
• seeking to understand the root causes of adverse events, and
• participating in problem-solving to prevent errors and increase patient safety.

We report any incident or unsafe situation we see that causes harm or could cause harm to patients, visitors, our staff or Franciscan Children’s. When mistakes or adverse events are reported, we determine the root causes of what happened and correct them.

For more information, please consult Franciscan Children’s policies ADM023 “Quality Improvement Plan,” ADM024 “Culture of Safety Plan,” and SAF003, “Management and Reporting of Incidents.”

Q: I almost gave a patient a wrong dose of medication. Do I need to report this “near miss?”

A: Yes. Reporting this incident allows Franciscan Children’s to investigate and make any changes in process needed to prevent this from happening again.
We respect the rights of the children and families we serve. The rights of our patients and students are guaranteed by federal and Massachusetts laws. These include the right to review and receive copies of records (for a fee in some cases), the right to privacy during medical treatment or care and the right to informed consent. We ensure that these rights are respected at all times. Franciscan Children’s provides a copy of the Patients’ Bills of Rights to every Franciscan Children’s patient. We also believe that all of our patients have the right to consistently excellent and accessible health care services regardless of status or ability to pay. We serve all children and their families with dignity and respect. We are culturally competent and sensitive to the ethnic, religious, language and cultural differences of the children and families we serve. We do not discriminate against any person in the provision of services based on race, ethnicity, religion, family status, national origin, sexual orientation, gender identity and expression. To assure our patients that we provide the best and most appropriate care for each individual, we do not accept personal gifts from the children and families we serve or otherwise allow personal bias or self-interest to affect the services we provide.

To protect the rights of the children we serve, we:

• involve children and their guardians in all material aspects of their care, including obtaining informed consent for treatment and making decisions;
• communicate effectively with children, families and caregivers and use Franciscan Children’s Interpreter Services as needed;
• treat children in a culturally-appropriate manner that preserves their dignity, autonomy and civil rights;
• inform each patient, parent or guardian of his or her rights in advance of providing or discontinuing care; and,
• respect decisions made by a patient, parent or guardian, even when we don’t agree with them.

For more information, please consult Franciscan Children’s policies PC025 “Patient Rights and Responsibilities,” PSY019 “Human Right Officer,” and PC003 “Informed Consent.”
We Advocate for Our Children and Their Families and Caregivers

Franciscan Children’s goal is to create a care environment in which every patient and every family receives exceptional care. One way we do this is by advocating for our children at the bedside, at school and in the community. Despite our best efforts, we may not always meet expectations. When this happens, we want to learn how we can remedy the family’s concerns. Our Patient Advocacy Program serves as the liaison between children, families and the Franciscan Children’s community. The advocate works collaboratively with staff to address and resolve expressions of commendation and concern. This Program is the mechanism by which we ensure a prompt and sensitive response to each patient or the patient’s representative.

The patient advocate assists patients and their families in the following areas: patients’ rights and responsibilities; patients’ rights to make a complaint; the Health Care Proxy; and, problems, concerns or unmet needs of patients and their families.

We advocate for patients and their families by:

• seeking solutions to the concerns and unmet needs of our patients and their families;
• empowering patients to become active participants in their own health care;
• educating the community about patients’ rights and responsibilities;
• facilitating effective communication among patients, families and staff;
• encouraging our patients and their families to share their concerns with Franciscan Children’s colleagues or the Franciscan Children’s Patient Advocacy Program; and,
• providing guidance regarding Advance Directives, including the availability of a Massachusetts Health Care Proxy.

**Q:** I need to obtain a copy of the Patients’ Bill of Rights. Where can I find it?

**A:** The Patients’ Bill of Rights can be found on Franciscan Children’s external website, www.FranciscanChildrens.org.

For more information, please contact the Patient Advocate at 617-779-7723.
We Protect the Confidentiality of Our Children’s Medical, Educational, Personal, and Financial Information

We maintain the privacy and security of our children’s protected health information, education records, and other personal and financial information at all times. The Health Insurance Portability and Accountability Act of 1996, known as HIPAA, and other federal and state laws, prohibit the use or disclosure of patient information unless it is for treatment, payment or health care operations or is otherwise allowed by law. These rules also apply to all patients, including Franciscan Children’s colleagues, family members and acquaintances who are receiving treatment or care at Franciscan Children’s.

We are also subject to, and comply with, other privacy rules including The Family Educational Rights and Privacy Act (FERPA), a Federal law, which requires schools to obtain written consent prior to the disclosure of personally identifiable information from a child’s education records except in certain situations.

Gaining access to or sharing a child’s personal information in violation of law or Franciscan Children’s policy or without proper consent is a serious matter that can result in significant individual criminal and civil liability, including but not limited to, fines and imprisonment. Colleagues who do so also may be subject to disciplinary action up to and including immediate termination of their employment or Franciscan Children’s affiliation.

To protect the confidentiality and security of patient information, we:

• never disclose or use patients’ confidential information except to complete Franciscan Children’s work (i.e., for treatment, payment or hospital operations), or as permitted by law and Franciscan Children’s policy;
• do not gain access to or obtain any patient information other than the minimum information necessary to do our jobs;
• never discuss confidential patient information in public areas or other locations where we may be overheard by others;
• release patient information only to persons who have the patient’s written authorization or who are authorized by law to receive it;
• never discuss Franciscan Children’s patients or post patient information or photos on social media websites not operated by Franciscan Children’s, even if the patient authorizes it;
recognize that Franciscan Children’s Communications and Marketing Departments are solely authorized and responsible for Franciscan Children’s social media sites and that they and the Advancement Department are the only ones who can develop content for Franciscan Children’s social media sites;

remember that only Franciscan Children’s Communications Department may answer health care questions posed by others on Franciscan Children’s social media sites;

never create a new Franciscan Children’s social media site without the express prior consent of the Franciscan Children’s Communications Department;

acknowledge our obligation to protect Franciscan Children’s confidential information, including patient and business information;

contact the Privacy Officer if we have a question about releasing patient information before we release the information; and,

report to your supervisor or manager or the Franciscan Children’s Privacy Officer any actual or suspected unauthorized use, access or disclosure of patient information.

Q: How can I protect patient privacy when I am caring for patients in shared rooms?

A: You can close the curtains around the patient’s bed, speak as quietly as possible to the patient and make sure the patient is willing to discuss treatment and care if visitors are present.
HIPAA also provides patients with certain rights regarding their protected health information. Patients can request an amendment or correction to the information contained in their medical records and an accounting of all disclosures of their protected health information. Patients also can choose to opt out of the hospital directory in order to maintain their privacy. All Franciscan Children’s patients are provided with a copy of our Notice of Privacy Practices which informs them of these and other rights. Identity theft is a growing problem for health care providers throughout the United States.

FERPA gives similar rights with respect to the student’s education records, including the right to inspect and review the student’s education records and the right to request an amendment of the student’s education records in some situations.

If you have any questions about the release of patient, student or other personal information, you should contact the Franciscan Children’s Privacy Officer at 617-779-1111. For more information, please consult the Franciscan Children’s Notice of Privacy Practices, and the following policies: CIS001 “Confidentiality Principals,” PC001 “Patient Confidentiality,” IS008 “Access Control to Network Systems, and ADM044 “Written Information Security Plan.”

**Q:** A colleague’s son has been admitted to Franciscan Children’s and our department is worried about him. Can I look at his medical record to see how he is doing?  
**A:** No. HIPAA protections apply to Franciscan Children’s employees and children who also are patients. You can only look at a medical record if your job responsibilities require you to do so.
We Follow the RESPECT Behavioral Attributes

Franciscan Children’s colleagues follow the RESPECT behavioral attributes in all of their workplace interactions. These attributes are:

• Responsibility – Take responsibility for your actions; treat patients and each other as you would want to be treated.
• Empathy – Demonstrate empathy and compassion in all interactions.
• Service Excellence – Be positive; show respect and dignity. Provide a memorable and consistent customer experience.
• Problem Solve/Take Action – Proactively identify issues; problem solve solutions and take action to improve the way we work.
• Efficiency – Respect all of our resources; act to eliminate waste from our systems and processes.
• Cultural Competency – Embrace the diversity of our patients and each other.
• Team Work – Work collaboratively with others across the organization; learn from others.

We Provide Equal Employment Opportunity for All Employees

Franciscan Children’s is proud to be an integral part of the diverse community of Boston. It is this community, comprised of people from a wide variety of cultures and backgrounds, that Franciscan Children’s draws upon as a resource for its employees and patients. Franciscan Children’s is committed to creating and sustaining a workplace where we respect and value our employees, not in spite of, but because of the differences in their backgrounds and cultures.

We believe there is strength in diversity, not only of race, gender, age, religion and disability, but also of education, family status, national origin, sexual orientation, gender identity and expression and all of the other factors that make people individuals. Honoring the diversity of our community will promote and ensure the mutual respect, collaboration and productivity that is necessary to provide the highest quality health care.

For more information, please consult Franciscan Children’s policy HR001 “Equal Employment Opportunity.”
We Do Not Engage in Discriminatory or Harassing Conduct

Franciscan Children’s complies with all laws and regulations governing all aspects of employment, including hiring, promotion and termination. We do not tolerate discriminatory or harassing conduct and we do not permit retaliation against or intimidation of anyone who makes a good-faith complaint of discrimination or harassment. Franciscan Children’s investigates and takes appropriate action on all complaints of harassment and discrimination that are made to employees’ supervisors, Human Resources 617-779-4900 or the Compliance Hotline 617-779-1111.

For more information, please consult Franciscan Children’s policy HR035 “Anti-Harassment.”

We Conduct Ourselves in a Professional Manner at All Times

In order to provide high quality patient care, we must be able to collaborate, communicate and cooperate at all times. We can achieve this only if we treat each other with respect, courtesy, dignity and understanding. Appropriate professional behavior is any reasonable conduct intended to advocate for patients, to recommend improvements in patient care and to participate in the operations, leadership or activities of the staff.

Behaviors that undermine the culture of safety include, but are not limited to:

- inappropriate physical contact or invasion of personal space;
- sexual, religious, racial or other unlawful harassment;
- bullying;
- using profanity or personal insults directed at colleagues;
- throwing objects and other unsafe conduct;
- destroying Franciscan Children’s property; and,
- refusing to speak to colleagues or refusing to respond to them.

If you are subjected to unprofessional behavior, you should report it to your supervisor or manager, Human Resources 617-779-4900 or the Compliance Hotline 617-779-1111.

For more information, please consult Franciscan Children’s policies HR032 “Rules of Conduct / Disciplinary Action,” and HR047 “Impaired Health Care Providers.”
We Work Together to Provide a Safe and Secure Workplace

Franciscan Children’s is concerned about the well-being and personal safety of its employees and anyone doing business with Franciscan Children’s. Acts of violence and threats of violence in the workplace are prohibited. Violent acts include physical violence, stalking, threats or similar acts. Workplace violence is any conduct that is offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. No firearms, weapons, explosive devices or other dangerous materials are permitted in Franciscan Children’s facilities.

Any Franciscan Children’s colleague, regardless of position, who commits or threatens to commit an act of workplace violence will be subject to disciplinary action up to and including termination of employment. Any threat or actual violence should be reported as soon as possible to your immediate supervisor or Franciscan Children’s Director of Safety and Security at 617-779-1106. Franciscan Children’s will promptly and thoroughly investigate all reports and will not tolerate retaliation against anyone who makes a good faith report.

For more information, please consult Franciscan Children’s policy HR050 “Workplace Violence Prevention.”

We Avoid Conflicts of Interest

Franciscan Children’s makes clinical and business decisions based solely on the best interests of our patients and best business practices. Your outside financial or other personal interests must not influence – or appear to influence – your professional decision-making on behalf of Franciscan Children’s. You also may not personally benefit from any actions that you take on behalf of Franciscan Children’s. You must put Franciscan Children’s interests ahead of your own at all times.

In order to identify and manage potential conflicts of interest, you are required to disclose any potential or actual conflict of interest to the Franciscan Children’s Compliance Officer. Certain Franciscan Children’s colleagues are required to file annual disclosure forms that describe any potential or actual conflicts of interest the individual may have. The Compliance Officer reviews the disclosures and determines how to resolve any conflicts of interest. Most conflicts can be resolved easily; however, in some instances, you may be required to refrain from participating in certain decision-making activities.

For more information, please consult Franciscan Children’s policy ADM008 “Conflict of Interest.”
We Do Not Tolerate Substance Abuse or Impairment in the Workplace

We prohibit the unsafe use of alcohol, drugs or medications in the workplace. Abusing substances or working while impaired can lessen your ability to perform your responsibilities and compromise the safety of colleagues, patients and the public. On-the-job use, possession, theft or sale of drugs and alcohol is strictly prohibited. Franciscan Children’s reserves the right to test employees for drugs or alcohol when there is a reasonable suspicion that an employee is under their influence in the workplace.

For more information, please consult Franciscan Children’s policy HR 037 “Drug Free Workplace.”

We Do Not Permit Excluded Providers to Work at Franciscan Children’s

Franciscan Children’s may not employ, credential or contract with any “ineligible person.” An “ineligible person” is any individual or entity that is currently excluded from participation in state and federally-funded health care programs such as Medicare or Medicaid or that has been convicted of a criminal offense related to the provision of health care items or services and has not yet been reinstated after a period of exclusion or ineligibility.

Franciscan Children’s routinely screens all colleagues against the Excluded Provider lists published by the federal government and the Commonwealth of Massachusetts. If you are excluded from participation in the federal or state health care programs, you must notify the Compliance Officer immediately. You also must notify the Compliance Officer if you become aware that a Franciscan Children’s colleague has been excluded.

Q: My husband just took a job with a vendor who sells medical supplies to Franciscan Children’s. What should I do?
A: Contact the Compliance Officer at 617-779-1111 to disclose this potential conflict. The Compliance Officer will determine any actions that should be taken to manage the potential conflict.
We Protect Franciscan Children’s Not-For-Profit Status

We do not use any Franciscan Children’s resources, including email, to engage in political activity either personally or on behalf of Franciscan Children’s. Franciscan Children’s is a 501(c)(3) tax-exempt, not-for-profit corporation, so Franciscan Children’s cannot take positions on political elections, campaigns or candidates. Franciscan Children’s also does not make contributions or expenditures, directly or indirectly (or through the use of intermediaries, consultants or otherwise), on behalf of any candidate for political office, political party or political committee. This prohibition includes monetary contributions and non-monetary contributions, such as colleagues’ work time or Franciscan Children’s telephones, vehicles or premises.

Franciscan Children’s may, however, engage in public policy debates by making independent expenditures related to political speech. For example, Franciscan Children’s may provide relevant, factual information about the impact of public policy decisions on health care operations.

We can participate as individuals in political activities during our non-working time. However, we must be sure that we keep our personal political activities separate from our job duties and responsibilities and we can never suggest or imply that we are representing Franciscan Children’s when we participate in these activities.

For more information, please consult Franciscan Children’s policies COR003 “Charitable Nature,” and HR045 “Political Activity.”

Franciscan Children’s Resources are Not for Personal Use

We do not use Franciscan Children’s resources, such as materials, supplies and equipment, for personal use. Generally, you should not conduct personal business during working time and you should not use Franciscan Children’s assets for personal financial gain. Occasional use of certain assets is permissible if the cost to Franciscan Children’s is negligible, such as making a personal telephone call. However, you should not expect that any such activities are private, as Franciscan Children’s reserves the right to monitor and obtain your communication usage and content and to impose discipline when your usage violates Franciscan Children’s policies.

For more information, please consult Franciscan Children’s policies ADM028 “Use of Hospital Property, IS001 “Computer Network and Internet Access” and ADM007 “Management Information System – Internet and Email.”
Confidential Business Information

We expect colleagues to protect Franciscan Children’s confidential business information, such as pricing, our services in the market, key costs, employee compensation and marketing plans. We exercise caution when we share the information with competitors and at trade association meetings. Our competitors include other health systems and facilities in markets where we operate. We also respect our competitors’ confidential information. We gather information about competitors ethically and do not accept information if we suspect it was obtained inappropriately. We must take care to protect Franciscan Children’s confidential business information.

The following examples of information are considered confidential:

• information that is not publicly known;
• organizational strategies;
• patient information;
• pricing and cost data;
• marketing plans;
• salary and wage information;
• business partnerships;
• affiliations and mergers; and,
• other financial data.

Confidential business information cannot be shared. Many members of the Franciscan Children’s workforce have access to confidential Franciscan Children’s information. We must exercise care and diligence to maintain the confidentiality of the information and use that information only as needed to perform our jobs. We must also protect the confidential information that our business partners share with us.

For more information, please consult Franciscan Children’s Notice of Privacy Practices, and the following policies: CIS001 “Confidentiality Principals,” and PC001 “Patient Confidentiality.”
Intellectual Property
We comply with all applicable intellectual property laws. We respect these laws as they apply to publications, media and other forms of expression and communication. We only use software that has been properly licensed and we use it in conformity with the terms of the license.

Franciscan Children’s intellectual property rights are valuable business assets. Any work of authorship, invention or creation by a Franciscan Children’s colleague during the scope of his or her employment is Franciscan Children’s property. This includes, for example, patents, trademarks and trade secrets. We have a shared responsibility to protect Franciscan Children’s property rights while we are employed at Franciscan Children’s and after the termination of our employment. We should notify the Compliance Officer if we become aware of any new work that could benefit from intellectual property protection. We also respect the intellectual property rights of others and do not knowingly infringe on any valid third party rights.

Advertising and Marketing
Advertising and marketing are useful ways to inform the community, educate patients and their families, and attract clients, business partners and employees. We engage in truthful, informative and non-deceptive marketing and advertising. If you have questions about Franciscan Children’s advertising and marketing initiatives, please contact the Marketing Office at 617-779-1171.

We allow Franciscan Children’s Marketing Office to handle all media relations and external communications on behalf of Franciscan Children’s. The Franciscan Children’s Marketing Office is responsible for our media and public relations. All news and other information that is released to the media by Franciscan Children’s must be approved by and coordinated through the Marketing Office. If you believe that non-public information from or about Franciscan Children’s has been or is about to be released inappropriately without the consent of the Marketing Office, please notify your supervisor immediately.

For more information, please consult Franciscan Children’s policies SAF051 “Handling of Situations involving Media,” and ADM035 “Photo and Media Consent.”

Q: I was asked by a Boston Globe reporter for a comment on a new Franciscan Children’s initiative. Can I talk with the reporter?
A: No. You need to contact the Marketing Office first and describe the inquiry. Marketing will decide how to handle it.
We Comply with all Federal and State Legal Requirements for the Provision of Health Care

At Franciscan Children’s, we comply with all applicable federal and state laws and regulations and professional standards governing our operations and the delivery of health care services and products. These laws, regulations and standards are numerous, complex and technical in nature.

Franciscan Children’s colleagues whose positions may affect Franciscan Children’s compliance with those laws, regulations and standards are expected to attend educational or training programs offered by Franciscan Children’s for the purpose of knowing and understanding those laws, regulations and standards and to certify their intent to comply with them.

It is important to remember that violation of any of these laws may result in personal criminal and civil sanctions and penalties. For example, some of the laws, such as fraud and abuse and licensure laws, subject violators to imprisonment. Other laws subject violators to fines of up to $100,000 per occurrence, loss of licensure or exclusion from participation in the Medicare and Medicaid programs for a specified number of years or permanently.

Because the sanctions and penalties can be so severe, Franciscan Children’s cautions and advises all colleagues to act wisely, intelligently, professionally and at all times in strict accordance with all applicable laws, regulations and professional standards. We document, code and bill appropriately for all treatments and services rendered. Franciscan Children’s is committed to complying with all federal and state regulations governing health care documentation and the coding and billing of claims submitted for payment. Complete, factual and legible documentation in medical records is essential for accurate coding and billing. Accurate records also demonstrate our credibility as a health care provider and allow us to make the best decisions possible for our patients.

Colleagues who make good-faith reports regarding actual or potential violations of the legal requirements for billing and coding may not be subjected to retaliation or intimidation. All contractors or agents of Franciscan Children’s retained to perform billing or coding services must comply with this Code and Franciscan Children’s billing, coding and documentation policies.
In order to avoid liability for false claims, you should:

• carefully follow departmental procedures for documenting in the medical record;
• never alter, falsify or destroy any information in a medical record; and,
• ensure that any contractors or agents who perform billing or coding work for Franciscan Children’s comply with our policies and all applicable laws.

Under federal law, all identified over payments must be refunded to the government payer within 60 days of identification. Failure to do so can result in fines and other penalties.

For more information, please consult Franciscan Children's policies CIS011 “Completion of Medical Records,” and FIS002 “Credit and Collections.”

Q: What are some examples of false claims?
A: Examples include billing for services not provided; billing for a higher level of service than was actually provided; billing under one provider’s name/NPI for a service provided by another provider; and, billing for services not documented in the medical record.

We retain records as required by law. Federal and state laws require that we retain medical and other records for specified periods of time. We carefully follow the rules for each type of record. All Franciscan Children's colleagues are responsible for ensuring that our records are accurate, up-to-date and maintained in compliance with the law and Franciscan Children’s policies. Franciscan Children’s may suffer serious consequences up to and including sanctions, fines and loss of accreditation if we fail to comply with the legal requirements.

For more information, please consult Franciscan Children’s policy MR602, “Retention and Location of Medical Records.”
We Respond Appropriately to Government Inquiries

We fully cooperate with all appropriate government requests for information, site visits, audits and investigations. These interactions with government authorities may have significant legal and financial impacts on Franciscan Children’s and you.

It is vitally important that you notify your supervisor and the Franciscan Children’s Compliance Officer immediately if you are contacted by a government agent for information or if any government agency initiates a non-routine site visit. In this situation, you should ask for the government representative’s official identification, the reason for the visit and whether he/she has a subpoena or warrant. You should then notify your supervisor and the Compliance Officer and ask the government agent to wait while you do so.

• If you are approached by a government agent regarding your relationship with Franciscan Children’s, you have the right to:
  • speak with the agent;
  • schedule the interview at a time and place that is convenient for you;
  • have counsel present;
  • end the discussion at any time for any reason; or,
  • decline to talk with the agent.

For more information, please contact the Franciscan Children’s General Counsel.

We Participate Fully in all Accreditation Efforts and Surveys

Franciscan Children’s holds a number of accreditations and certifications which are vitally important to our continued successful operation. We maintain these accreditations and certifications by participating in surveys and audits. We must always be direct, open and honest when we interact with accrediting bodies and surveyors. We can never mislead these agency representatives or conceal or alter any documents in preparation for or during a survey or urge our colleagues to do so.
We Abide by all Legal Requirements Governing the Conduct of Research

Franciscan Children’s conducts research that will lead to improvements in health care and health status for all people, and to further scientific advances in medicine. All research must be conducted according to the highest ethical standards and in compliance with all applicable policies, federal and state laws and regulations. We protect the rights and well-being of our patients who choose to participate in research studies. Refusal of a patient to participate in research will not compromise their access to our services or the care that they receive at Franciscan Children’s.

We require our Institutional Review Board (IRB) to review and approve all research that involves human subjects. We engage human research participants in a meaningful, informed consent process. We also maintain an environment that fosters privacy and security.

Franciscan Children’s will not tolerate acts of plagiarism, falsification or fabrication of data, or other research misconduct. We are committed to full compliance with our policy for responding to allegations of research misconduct. Our investigators are expected to be accountable for the funds received from sponsors of research and to comply with the terms and conditions of research grants and contracts.

For more information, please consult Franciscan Children’s policy ADM003, “Research.”

We Protect the Marketplace

Franciscan Children’s strives to win business by providing high quality and cost effective services. We comply with the antitrust laws, which prohibit agreements between competitors that undermine the principles of fair competition. We do not tolerate behavior that fixes prices, divides markets, manipulates competitive bidding processes, causes boycotts of competitors or places unreasonable restraints on competition.

For more information, please consult Franciscan Children’s policy FIS006, “Compliance with Antitrust Laws.”
We Do Not Accept Gifts or Anything of Value from Health Care Vendors

Franciscan Children’s recognizes that relationships between providers and vendors can further a mutually beneficial exchange of information about products or services relevant to patient care, but also recognizes that those same relationships may create potential for conflicts of interest or abuse. For this reason, we have adopted a policy that prohibits Franciscan Children’s colleagues from accepting any form of personal gift, regardless of value, from health care vendors or their representatives.

The policy also sets forth the basic requirements for consulting arrangements between providers and vendors, attendance by providers at educational conferences and other activities sponsored by vendors, vendor access to Franciscan Children’s facilities, educational grants and scholarships funded by vendors and the disclosure of provider/vendor financial relationships.

We also require vendor representatives to adhere to the requirements of this policy.

All of the policy requirements must be followed by Franciscan Children’s colleagues in order to ensure the integrity and transparency of our industry relationships and to assure our patients that we provide the best and most appropriate care for each individual, free from the influence of industry or personal self-interest.

For more information, please consult Franciscan Children’s policies: ADM 008 “Conflict of Interest Policy,” and HR044 “Employee Gifts.”
We Do Not Pay for Referrals or Accept Payment for Referrals We Make

The federal Anti-Kickback Statute and other laws prohibit the receipt of anything of value in return for making referrals of patients who are beneficiaries of federal or state health care programs. These laws also bar the payment or receipt of anything of value in return for directly purchasing, leasing or ordering (or for recommendations to purchase, lease or order) any goods, facilities, services or items covered under the benefits of the Medicare or Medicaid programs. In Massachusetts, state law applies these prohibitions to all patients, regardless of payer source.

Franciscan Children’s is committed to complying with these federal and state laws. All Franciscan Children’s colleagues are expected to be vigilant in identifying potential anti-kickback violations and reporting them to the Compliance Officer or to the Compliance Hotline as soon as they are discovered.

For more information, please consult Franciscan Children’s policy FIS004 “Anti-Kickback and Stark Law.”

We Comply with the Requirements of the Stark Law

Franciscan Children’s is committed to compliance with the Stark Law. This law generally prohibits a physician from referring a patient for designated health services to an entity in which the physician (or his/her immediate family) has a financial interest. There are certain specific exceptions to this rule, such as contracts for professional services and fair market value leases.

Patient referrals are important to the delivery of appropriate health care services. It is our policy that patients, or their legal representatives, are free to select their health care providers and suppliers subject to the requirements of their health insurance plans. The choice of hospital, diagnostic facility or supplier should be made by the patient with guidance from his/her physician as to which providers are qualified and medically-appropriate.

For more information, please consult Franciscan Children’s policy FIS004 “Anti-Kickback and Stark Law.”
We Require all Physicians and Other Providers to be Appropriately Credentialed and Licensed

Franciscan Children’s employs only those individuals who are properly licensed and credentialed for the position for which they are hired. Proper credentialing and licensing are important ingredients of high quality patient care and are required by federal and state laws. We conduct credentialing reviews before providers commence their work with Franciscan Children’s and we re-credential them at regular intervals in accordance with regulatory requirements. We also conduct criminal background checks on all colleagues before they are employed or affiliated with Franciscan Children’s.

For more information, please consult Franciscan Children’s policies HR 057 “Background Checking Policy” and MS0003 “Medical Staff Credentialing Procedures.”
The mission of the Franciscan Children’s Compliance Program is to protect public confidence in Franciscan Children’s clinical and business practices through:

- education;
- the establishment and enforcement of standards that comply with applicable laws and regulations; and,
- the identification and prompt resolution of instances of non-compliance.

The Program partners with Franciscan Children’s leadership and operational departments to promote an ethical workplace through adherence to this Code of Conduct and Franciscan Children’s policies and procedures. The Compliance Program is designed to detect and prevent fraud, waste and abuse and to ensure our adherence to the many laws and regulations that govern the provision of health care. The Program is a vehicle for preventing violations of the law and enabling Franciscan Children’s to rectify any situation before it becomes a problem or legal violation. Since the Program benefits both Franciscan Children’s and its colleagues, Franciscan Children’s expects good-faith cooperation from all colleagues in making the Program effective.

The Franciscan Children’s Compliance Program also promotes ethical decision making. When you are confronted with a difficult decision, ask yourself these questions:

- Is it legal?
- Does it comply with our Code of Conduct and policies?
- Is it the fair and honest thing to do?
- Is it in the best interests of our patients and Franciscan Children’s?
- Would it be OK to see my decision on the front page of the newspaper?

If your answer to all of the above questions is “yes,” you are making the right decision.
Our Privacy and Security Programs

Franciscan Children’s Privacy and Security Programs are designed to implement the requirements of HIPAA and other federal and state laws that govern the use and disclosure of patient medical, financial and personal information.

The Franciscan Children’s Privacy and Security Program, which is led by our IT Department, ensures the security of our electronic systems, communications and confidential patient information. The IT Security Officer can be reached at 617-254-3800, extension 1206.

The Franciscan Children’s Privacy Program provides education and training on patient privacy issues. The Privacy Program also receives reports of potential and actual privacy violations and investigates and resolves them appropriately. Franciscan Children’s colleagues always respect patient privacy. If you do not know whether patient information should be released, or if you have questions about HIPAA, please consult the Franciscan Children’s Privacy Officer at 617-779-1111.

Our Duty to Comply, Report and Cooperate

All Franciscan Children’s colleagues have a duty to comply with this Code of Conduct, Franciscan Children’s policies and procedures and all applicable state and federal laws. If you become aware of any actual or threatened violation of these requirements, you must report the situation to the Compliance Officer immediately by calling 617-779-1111.

Franciscan Children’s will not take any adverse action against any staff member who reports, in good faith, any violation, actual or threatened, regardless of whether the situation giving rise to the report is ultimately determined not to have any factual basis. If you know of any actual or threatened violation of any applicable law, regulation or standard and fail to report the situation, you may be subject to disciplinary action.
The Franciscan Children’s Compliance Hotline

Franciscan Children’s has established a Compliance Hotline 617-779-1111 to encourage all staff members to report questions and concerns about compliance with the Code of Conduct, Franciscan Children’s policies and procedures and applicable laws and regulations governing health care. The Hotline is available 24 hours a day, seven days a week. You can make a complaint anonymously if it is more comfortable for you from a Franciscan Children’s phone by dialing 9-1-617-779-1111.

You are encouraged to report any concerns or ask questions of your supervisor or the Compliance Officer directly. However, the Compliance Hotline is available for reporting concerns and you do not need to raise an issue with your supervisor first before calling the Compliance Hotline. You also can contact the Compliance Officer by sending an email to compliance@FranciscanChildrens.org.

Franciscan Children’s will not retaliate against anyone who brings a compliance matter to the attention of our organization. All reports will be investigated and appropriately resolved under the direction of the Compliance Officer.

For more information, please consult Franciscan Children’s policy ADM029 “Compliance Policy Against Retaliation.”

We Do Not Permit Retaliation or Intimidation

Franciscan Children’s does not permit retaliation against, or intimidation of, any Franciscan Children’s colleague who makes a good faith report of a compliance related concern internally or to an outside government entity. Retaliation is prohibited by both state and federal laws and will not be tolerated at Franciscan Children’s.

We seek to have an open and supportive environment where colleagues feel comfortable raising issues and everyone works to resolve them as quickly as possible. Franciscan Children’s colleagues are protected against retaliation and intimidation whether or not the situation giving rise to the report is ultimately determined not to have any factual basis. However, false reports made for malicious reasons may subject the reporter to discipline. If you believe you are being retaliated against for making a report of a Compliance-related issue or for participating in a Compliance or Security/Privacy investigation, please contact the Compliance Officer at 617-779-1111.
Q: I want to make a report of a problem but I’m afraid my supervisor will find out I made the report. What can I do?

A: You can call the Compliance Hotline anytime and make an anonymous report.

Q: I was told by my supervisor that I am going to be interviewed by Compliance about a report made by one of my co-workers. I am worried that I will be retaliated against if I tell the truth. What can I do?

A: You are required to participate in Compliance investigations but you cannot be retaliated against for doing so. If you believe you have been subject to retaliation, please contact the Compliance Officer.

For more information, please consult Franciscan Children’s policy ADM029, “Compliance Policy Against Retaliation.”

Our Managers and Supervisors are Compliance, Privacy and Security Champions

Within their work units, Franciscan Children’s supervisors and managers have special responsibilities to educate others about the Franciscan Children’s Compliance, Privacy and Security programs and to implement each program’s policies on an ongoing basis. Managerial staff members also serve as role models for our colleagues, so we expect them to treat everyone affiliated with Franciscan Children’s with respect and to act with compassion, honesty and integrity at all times.

It is the duty of Franciscan Children’s supervisors and managers to create an environment where Franciscan Children’s colleagues feel comfortable expressing concerns or raising issues without fear of reprisal. For this reason, managers and supervisors are required to have a thorough knowledge of the Franciscan Children’s Compliance, Privacy and Security programs and must act to support program policies at every opportunity.
We Impose Discipline Firmly and Fairly

Franciscan Children’s enforces its standards of conduct through appropriate disciplinary action taken on a fair, equitable and consistent basis for every employee, regardless of position. Any Franciscan Children’s colleague who violates the provisions of this Code of Conduct or Franciscan Children’s policies and procedures will be subject to disciplinary action. The appropriate disciplinary action will be determined on a case-by-case basis. Franciscan Children’s policy provides for a range of possible disciplinary actions, from a verbal warning to discharge from Franciscan Children’s employment.

Regardless of the violation, Franciscan Children’s reserves the right to impose any level of discipline, including immediate discharge from Franciscan Children’s employment, based on our assessment of all of the circumstances of the violation, including, but not limited to, the seriousness of the violation, the frequency of the violation, the actual or potential consequences of it and the employee’s prior disciplinary and performance record.

For more information, please consult Franciscan Children’s policy HR 032 “Rules of Conduct/Disciplinary Action.”

We Respond to Compliance and Privacy Issues in a Timely and Appropriate Manner

All reports of Compliance or Privacy violations will normally be investigated within 10 days of receipt. Investigations of reports will be conducted by, or at the direction of, the Compliance Officer. The Compliance Officer, or his/her designee, may enlist the assistance of persons with relevant expertise or experience while conducting the investigation.

Once an investigation is complete, the Compliance Officer will inform the individual who made the report as to whether the report was substantiated and, to the extent appropriate, the corrective actions being taken to remedy the problem. All Franciscan Children’s colleagues have a duty to cooperate with investigations conducted by the Compliance Officer and with the implementation of any corrective action plans.
Franciscan Children’s Compliance Officer
30 Warren Street
Brighton, MA 02135
Phone: 617-779-1111
Email: compliance@FranciscanChildrens.org
Compliance Hotline: 617-779-1111

(For anonymous messages from a Franciscan Children’s phone dial 9-1-617-779-1111)

Franciscan Children’s Privacy Officer
Phone: 617-779-1111
Email: Privacy@FranciscanChildrens.org

Franciscan Children’s Human Resources Division
Phone: 617-254-3800 X4900

Franciscan Children’s Interpreter Services Department
Phone: 617-254-3800 X4701 | Beeper number: 6042

Franciscan Children’s General Counsel
Phone: 617-779-1155

Franciscan Children’s Patient Advocate/ Human Rights Officer
Phone: 617-254-3800 X7723

Franciscan Children’s Director of Security
Phone: 617-779-1106

Franciscan Children’s Marketing Office
Phone: 617-779-1171
Federal Government Resources

Centers for Medicare and Medicaid Services
www.cms.hhs.gov

US Department of Health and Human Services, Office of Inspector General (OIG)
www.oig.hhs.gov
Phone: 1-800-447-8477

US Department of Health and Human Services, Office of Civil Rights (HIPAA)
www.hhs.gov/ocr/privacy

Massachusetts Resources

Massachusetts Department of Public Health
www.mass.gov/eohhs/gov/departments/dph

Board of Registration in Medicine (BORIM)
www.mass.gov/eohhs/gov/departments/borim