

THE UNIQUE CARING NETWORK/FOUNDATION

POLICY NAME: CODE OF CONDUCT AND ETHICS	EFFECTIVE DATE: 01/01/19
ANNUAL REVIEWS: 01/01/019, 01/01/20, 01/01/021, 01/01/22 UPDATES/REVISIONS: n/a	APPROVED BY: Board of Directors

It is the policy of THE UNIQUE CARING NETWORK/FOUNDATION, INC. that all full and part-time staff/providers, contractors, providers, and members of the governing authority are expected to perform their designated functions in a manner that reflects the highest standards of ethical behavior. The ethical standards contained in this policy shape the culture and norms of the agency's administrative operations and clinical practices, and both staff/providers and members of the governing authority will be held fully accountable to these standards.

In addition to the specific guidelines contained in this policy, professionals are expected to follow the ethical standards required by their specific licensing and certification boards. The Code of Conduct Policy is to ensure that all staff/providers/providers actions reflect a competent, respectful, and professional approach when serving our clients, their families and/or representatives, working with other providers of services, and interacting within the communities we serve.

It is expected that staff/providers and members of the governing authority will perform their duties in compliance with all federal, state, and local regulations in accordance with guidelines set forth in this policy. A signed copy of the Code of Conduct will be filed in each staff/providers file. Violation of guidelines within the Code of Conduct Policy can lead to disciplinary actions, including termination of employment.

PROCEDURES:

A. Professional Conduct:

1. Staff/providers will respect the rights of our clients by demonstrating full integration of the guidelines contained in the Client Rights Policy. This includes the right of the consumer to make autonomous decisions and fully participate in every aspect of the service delivery process.
2. Staff/providers will provide services in a manner that fully respects the confidentiality of clients, by demonstrating a functional knowledge of confidentiality policies and guidelines.
3. Staff/providers will be fair and honest in their work. They will not exploit or mislead, and will be faithful to their contractual obligations and their word.
4. To prevent and avoid unethical conduct, staff/providers will consult with, refer to, and cooperate with Supervisors. Staff/providers will clarify their professional roles and obligations and be accountable for upholding professional standards of practice.

B. Personal/Professional Conduct:

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1. All prior personal relationships between staff/providers and persons entering the organization's programs shall be disclosed by the staff/providers member and subject to review by the appropriate supervisor.
2. Staff/providers will limit relationships with persons served to their defined professional roles.
3. Staff/providers will not establish ongoing personal or business relationships with clients receiving services.
4. Staff/providers will conduct themselves in a professional, ethical, and moral manner.
5. Sexual relationships between staff/providers and persons served are never appropriate. Sexual relationships include, but are not limited to the following: engaging in any type of sexual activity, flirting, advances and/or propositions of a sexual nature, comments of a sexual nature about an individual's body, clothing, or lewd sexually suggestive comments.
6. Staff/providers will not accept gifts, money or gratuities of value (\$50.00 or more) from a consumer, family member, or stakeholder, and cannot accept personal favors or benefits that may reasonably be construed as influencing their conduct.
7. Staff/providers will not conduct personal fundraising unless authorized by the Executive Director.
8. Staff/providers will be respectful to and safeguard personal property of the client, visitors and personal and property owned by THE UNIQUE CARING NETWORK/FOUNDATION, INC.
9. Staff/providers will notify the Executive Director in the event a relationship exists between staff/providers. The Executive Director will evaluate who is supervising the staff/providers in the relationship. The Executive Director will also train the staff/providers on setting boundaries.
10. Staff/providers will only witness documents related to their job duties (treatment plans). Witnessing of other documents (i.e. powers of attorney, guardianship and advance directives) is prohibited.

C. Business Practices:

1. The agency will utilize the Corporate Compliance Officer to ensure that it conducts business in an ethical manner and ensure that any business practices that are questionable are thoroughly investigated using the ethical investigation procedures that follow in this policy.
2. All financial, purchasing, personnel, facility development and information technology practices shall comply with local, state, and federal law and guidelines.
3. All staff/providers shall adhere to the agency's Personnel Policies and Procedures.

D. Marketing Practices:

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1. The agency will conduct marketing practices in an honest and factual manner. Marketing materials and practices will in no way mislead the public or misrepresent the agency's abilities to provide services. The agency will not claim any service outcomes unless represented by valid and reliable outcome data and/or research studies.
2. The agency will utilize clear and consistent methods of communicating information to clients, family members, third-party entities, referral sources, funding sources, and community members, and will exhibit sensitivity to the educational and reading levels of all persons when distributing information.
3. The agency will not utilize monetary rewards or gifts to any potential consumer of services in an attempt to entice them to enter programs.

E. Clinical Practices:

1. Staff/providers will adhere to all professional codes of conduct and ethical standards for his/her specified professional discipline.
2. As part of new employee orientation, staff/providers will read the organization's Code of Conduct and demonstrate knowledge of the guidelines.
3. As part of new care provider orientation, care providers will read the organization's Code of Conduct and demonstrate knowledge of the guidelines.
4. In addition, all staff/providers will be informed of client's rights and compliance requirements regarding confidentiality.

F. Potential Conflicts of Interest:

1. No client will be hired or placed in an employee/employer relationship with the agency during the duration of service hours.
2. Any programming that involves a work task, and remuneration for the task, will be therapeutic in nature and will be documented as such by programming guidelines based on theoretical constructs.
3. Staff/providers will not engage in outside professional mental health services that are incompatible or in conflict with job duties within the organization.
4. Private practice must be done on the staff/provider's own time and outside the organization, as long as such activities are not adverse to the interests and goals of the agency and have met the organization's guidelines on conducting a private practice.
5. Staff/providers will not recruit clients for their private practice within their professional roles as the agency staff/providers members.
6. If an employee leaves the agency and enters private practice, the client may choose to continue their service(s) with the former employee. However, the client's leaving must not be due to coercion by staff/providers.

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7. No staff/providers shall engage in any other employment or activity on the organization's premises or to an extent that affects, or is likely to affect, his or her usefulness as an employee of the organization.

G. Quality of Care:

1. The Unique Caring Network/Foundation provides quality Mental Retardation (Intellectual Developmental Delay) Developmental Disability, Mental Health, Substance Abuse (MR/IDD/DD/MH/SAS) care in a manner that is appropriate, determined to be necessary, efficient, and effective.
2. Healthcare professionals will follow current ethical standards regarding communication with clients and their representatives regarding services provided.
3. The Unique Caring Network/Foundation assures each client, or legally responsible person, shall be informed, in a manner that the client or legally responsible person can understand, about:
 - a. the alleged benefits, potential risks, and possible alternative methods of treatment/habilitation; and
 - b. the length of time for which all signed consent forms are valid and the procedures that are to be followed if he or she chooses to withdraw consent.

It is the policy of our agency to not utilize therapeutic holds or mechanical restraints. However, in the event a Behavioral Plan is required, the length of time for consent for shall not exceed six months.

4. Each voluntary client or legally responsible person has the right to consent or refuse treatment/habilitation. A voluntary client's refusal of consent shall not be used as the sole grounds for termination or threat of termination of service unless the procedure is the only viable treatment/habilitation option available at the facility.

H. Necessity of Care:

1. The Unique Caring Network/Foundation submits claims for payment to governmental, private, or individual payers for those services or items that are clinically necessary and appropriate.
2. When providing services, staff/providers shall only provide those services that are consistent with generally accepted standards for treatment and are determined by the professional to be clinically necessary and appropriate.
3. Service providers may determine that services are clinically necessary or appropriate; however, the clients funding source may not cover or approve those services. In such a case, the consumer may request the submission of a claim for the services to protect his/her rights with respect to those services or to determine the extent of coverage provided by the payer.

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4. Coding and documentation will be consistent with the standards and practices defined by the organization in its policy, procedures, and guidelines.

I. Coding, Billing, and Accounting:

1. Staff/providers involved in coding, billing, documentation and accounting for client care services for the purpose of governmental, private or individual payers will comply with all applicable state and federal regulations and organizational policies and procedures.
2. The Unique Caring Network/Foundation only bills for services rendered and shall seek the amount to which it is entitled.
3. Supporting clinical documentation will be prepared for all services rendered. If the appropriate and required documentation has not been provided, then the service has not been rendered.
4. All services must be accurately and completely coded and submitted to the appropriate payer in accordance with applicable regulations, laws, contracts, and organizational policies and procedures. Federal and state regulations take precedence, and organizational policies and procedures must reflect those regulations.
5. Clients shall be consistently and uniformly charged if they are privately paying for services.
6. Government payers shall not be charged in excess of the provider's usual charges.
7. Billing and collections will be recorded in the appropriated accounts.
8. An accurate and timely billing structure and medical records system ensures that the agency effectively implements and complies with required policies and procedures.

J. Cost Reports:

1. The Unique Caring Network/Foundation will ensure that all preparation and cost reports submitted to governmental and private organizations are properly prepared and documented according to all applicable federal and state laws.
2. All cost reports will be submitted and prepared with all costs properly classified, allocated to the correct cost centers, and supported by verifiable and auditable cost data.
3. All cost report preparation or submission errors and mistakes will be corrected in a timely manner and, if necessary, clarify procedures and educate staff/providers to prevent or minimize recurrence of those errors.

K. Personal and Confidential Information:

1. The Unique Caring Network/Foundation will protect personal and confidential information concerning the organization's systems, staff/providers, and clients.
2. Personnel, contractors, and/or volunteers shall not disclose confidential consumer information unless at the consumer's request and/or when authorized by law. When

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mandated by the authorizing entity or the state, appropriate use of client information for research purposes must be obtained with the full informed consent of participants in the research.

3. Confidential information will only be discussed with or disclosed to persons and entities outside the organization through the request of the client. Persons outside the organization include the family, business, or social acquaintances of the consumer.
4. Clients can request, and are entitled to receive copies or summaries of their records with the exception of minors and clients being treated for alcohol and drug abuse, who may be provided with copies of their record if it is judged appropriate by the provider charged with their care.

L. The Unique Caring Network/Foundation personnel and contractors will be familiar with all organizational policy and procedures regarding confidentiality

M. Creation and Retention of Client and Institutional Records:

1. Records are the property of the organization. Personnel responsible for the preparation and retention of records shall ensure that those records are accurately prepared and maintained in a manner and location as prescribed by law and organizational policy.
2. Staff/providers will not knowingly create records that contain any false, fraudulent, fictitious, deceptive, or misleading information.
3. Staff/providers will not delete any entry from a record. Records can be amended and material added to ensure the accuracy of a record in accordance with policy and procedures. If a record is amended, it must indicate that the notation is an addition or correction and record the actual date that the additional entry was made.
4. Staff/providers will not sign someone else's signature or initials on a record.
5. Records shall be maintained according to specific organizational policy and procedure.
6. Staff/providers shall not destroy or remove any record from the organization's premises.
7. The organization will maintain record retention and record destruction policies and procedures consistent with federal and state requirements regarding the appropriate time periods for maintenance and location of records. Premature destruction of records could be misinterpreted as an effort to destroy evidence or hide information.

N. Government Investigation:

1. Staff/providers shall cooperate fully with appropriately authorized governmental investigations and audits.
2. The Unique Caring Network/Foundation will respond in an orderly fashion to the government's request for information through employee interviews and documentation review.

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3. The organization will respond to the government's request for information in a manner that enables the organization to protect both the organization and consumer's interests, while cooperating fully with the investigation.
4. When a representative from a federal or state agency contacts the agency employee at home or at their office for information regarding the organization or any other entity with which the organization does business, the individual will contact the Executive Director immediately. If the Executive is not available, the individual will contact the Director of Operations.
5. Staff/providers will ask to see the government representative's identification and business card, if the government representative presents in person. Otherwise, the employee should ask for the persons name, office, address, phone number, and identification number and then contact the person's office to confirm his/her identity.

O. Prevention of Improper Referrals or Payments:

1. Staff/providers will not accept, for themselves or for the organization, anything of value in exchange for referrals of business or the referral of clients.
2. Staff/providers must not offer or receive any item or service of value as an inducement for the referral of business or clients.
3. Federal law prohibits anyone from offering anything of value to a Medicare or Medicaid consumer that is likely to influence that person's decision to select or receive care from a particular behavioral health care provider.
4. The organization will review all pricing and discounting decisions to ensure that appropriate factors have been considered and that the basis for such arrangements is documented.
5. Development or initiation of joint ventures, partnerships, and corporations within the organization must be reviewed and approved by the organization's management to ensure compliance with organizational policy and federal regulations.

P. Antitrust Regulations:

1. The Unique Caring Network/Foundation will comply with all applicable federal and state antitrust laws.
2. Staff/providers should not agree or attempt to agree with a competitor to artificially set prices or salaries, divide markets, restrict output, or block new competitors from the market, share pricing information that is not normally available to the public, deny staff/providers privileges to qualified practitioners, or agree to or participate with competitors in a boycott of government programs, insurance companies, or particular drugs or products.

Q. Avoiding Conflicts of Interest:

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1. All staff/providers shall conduct clinical and personal business in a manner that avoids potential or actual conflicts of interests.
2. Staff/providers shall not use their official positions to influence an organizational decision in which they know, or have reason to know, that they have a financial interest.
3. Staff/providers must be knowledgeable about activities that may be an actual or potential conflict of interest. Examples of such activities may include, but are not limited to the following:
 - a. Giving or receiving gifts, gratuities, loans, or other special treatment of value from third parties doing business with or wishing to do business with the organization. Third parties may include, but are not limited to, clients, vendors, suppliers, competitors, payers, carriers, and fiscal intermediaries.
 - b. Using the agency facilities or resources for other than organization sanctioned activities.
 - c. Using the agency's name to promote or sell products or personal services/property
 - d. Setting boundaries
 - e. Witnessing of documents
 - f. Contracting for goods or services with family members of the organization directly involved in the purchasing decision.

R. External Relations:

1. Staff/providers shall adhere to fair business practices and accurately and honestly represent themselves and the organization's services.
2. Staff/providers will be honest and truthful in all marketing and advertising practices pertaining to the business practices of the organization's service delivery system.
3. Vendors who contract to provide goods and services to the organization will be selected on the basis of quality, cost-effectiveness and appropriateness for the identified task or need, in accordance with organization policy.

S. Human Resources:

1. The Unique Caring Network/Foundation prohibits discrimination in any work-related decision on the basis of race, color, national origin, religion, sex, physical or mental disability, ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran. The organization is committed to providing equal employment opportunity in a work environment where each employee is treated with fairness, dignity, and respect.
2. The agency will make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities.

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3. The Unique Caring Network//Foundation does not tolerate harassment or discrimination by anyone based on the diverse characteristics or cultural backgrounds of those who work for the organization pursuant to the organization's affirmative action policy.
4. Any form of sexual harassment is prohibited.
5. Any form of workplace violence is prohibited.

T. Code of Conduct Procedures:

1. All staff/providers, students, volunteers and governing authority members, as part of the organization's initial orientation, will review the Code of Conduct, including the procedures for investigating and acting on conduct violations.
2. All staff/providers will receive a copy of the Code of Conduct, sign a form acknowledging their review and full understanding of the code, and return the form to be filed in the individual's personnel and contractor file.
3. To assure an awareness of ethical practices, reviews of the Code of Conduct and continued training will be conducted on an annual basis.

U. Procedures for Investigating and Acting on Violations of The Code of Conduct:

1. When any client, family member, authorized representative, advocate or other person believes that an ethical violation has occurred within the operations of the organization, they may report such suspicion directly to any management staff/providers.
2. There will be no retribution and/or retaliation for asking questions or raising concerns about the program, or for reporting possible improper conduct.
3. When staff/providers believe a violation of the Code of Conduct has occurred they are obligated to report the violation by following the Grievance Procedures.
4. Supervisors who have been informed of a suspected violation are required to immediately inform the corporate compliance officer of the suspected violation.
5. If the violation involves a direct and immediate threat to the safety of a client, staff/providers are obligated to report the alleged violation immediately to their supervisor.
6. Staff/providers is required to report any suspected violation of the Code of Conduct; however, they are not required to investigate or know for certain that a violation has occurred.
7. Once the questionable behavior has been brought to the attention of the supervisor or reported through the corporate compliance procedures, staff/providers reporting the situation will no longer have a responsibility for being involved with the investigation other than providing additional information through a requested interview by the investigator.

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8. Staff/providers must report each suspected violation of the Code of Conduct separately, should a violation that has been reported occur again.
9. When any suspected violation of the Code of Conduct is reported to a supervisor, program sponsor or the corporate compliance officer, the corporate compliance officer will begin an investigation of the matter immediately. While investigating the complaint, the following issues should be considered and action taken depending on the situation:
 - a. Is any client in any harm or potential harm because of this behavior?
 - b. Does the complaint require immediate action to remove the employee from contact with a client?
 - c. Does the complaint put the agency or its employee in a potentially liable situation that needs legal consultation?
10. Code of Conduct investigations will follow the guidelines outlined in the agency's Corporate Compliance Policy and Procedure.

V. General Ethical Guidelines and Considerations:

1. The Code of Conduct is shared with persons served, providers, and staff during orientation.
2. The Unique Caring Network//Foundation believes in the importance of ethical practices within the organization. Any employee who reports waste, fraud, abuse or any other questionable practices will not be subject to reprisal by management of the organization. To assure that reprisal is not used, the organization's governance authority will serve as advocates for any employee who reports questionable practices. The Corporate Compliance Officer will provide assurance and oversight that there are no adverse actions toward the employee.
3. The following violations of the Code of Conduct will result in termination of employment:
 - a. Theft of funds
 - b. Physical, emotional, or sexual abuse of a client or employee.