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## **POLICY**

### **STANDARDS OF CONDUCT**

2020

#### **PURPOSE:**

To set forth Standards of Conduct for board members, officers, employees, contractors and agents of Bullhook Community Health Center. The purpose of these standards is to provide safeguards to ensure Bullhook Community Health Center's compliance with laws and regulations relating to fraud and abuse as well as to prevent members of the board of directors, officers, employees, contractors and agents of the health center from:

1. Using their position for purposes that are, or give the appearance of being, motivated by a desire for private financial gain for themselves or others such as those with whom they have family, business or other ties.
2. Violating their duty to the health center by inappropriately disclosing confidential information about the health center.

#### **COMPLIANCE WITH LAWS AND REGULATIONS:**

1. **Accurate Claims for Reimbursement.**  
All claims for reimbursement to third party payors, including but not limited to Medicaid and Medicare, which are submitted on behalf of Bullhook Community Health Center, will contain accurate and true information and will only reflect services provided as supported by the patient's medical record.
2. **Medical Necessity.**  
No supplies or services will be billed by Bullhook Community Health Center unless they are reasonable and medically necessary, as evidenced by a fully and accurately documented medical record.
3. **Accurate Business Records.**  
All business records completed by Bullhook Community Health Center employees and contractors will accurately reflect the matter to which it pertains. No entry in a clinic record should disguise any material fact regarding the business transaction.
4. **Cost Reports.**  
All cost report data, schedules and work sheets will be truthful, accurate and complete. Bullhook Community Health Center will only report properly allowable costs that are absolutely and reasonably incurred by the clinic.

## 5. Refunds.

If Bullhook Community Health Center determines that it has been overpaid by a government program, third party payor or patient, it will promptly refund the payment to the proper party in accordance with health center policies.

## 6. Kickback Prohibition.

No Bullhook Community Health Center employee and/or independent contractor will offer, provide, solicit or accept anything of value from any person in return for the referral of Medicare/Medicaid or other government sponsored patients to the clinic, or in return for influencing or engaging in any related business transaction, directly or indirectly, involving the care provided to clinic patients.

## 7. Co-Payments/Discounts.

Bullhook Community Health Center will not waive the collection of insurance co-payment obligations unless it establishes that the patient meets the clinic's sliding fee scale requirements or other discount program not under HRSA grant. A record of the patient's financial indigence will be kept by the health center.

## 8. Certifications of Providers.

No staff member will misrepresent the evaluations of a patient's medical condition and qualification for home health care.

## 9. Honest Dealing with Government Officials.

No Bullhook Community Health Center employee or independent contractor will attempt to improperly influence actions or decisions made by government bodies, officials, employees or contractors.

## 10. Cooperation and Government Audit and Investigation.

Bullhook Community Health Center will be cooperative and truthful in its dealings with any governmental inquiries or request, including audits, surveys and certification reviews.

**PRIVATE FINANCIAL GAIN:****1. Financial Interests.**

No employee, contractor, agent, officer or member of the board of directors of Bullhook Community Health Center may participate in the selection, award or administration of a contract in which federal funds are used, in which he/she or his/her immediate family or partner has a financial interest or with whom he/she is negotiating or has any arrangement concerning employment.

Bullhook Community Health Center requires that all employees, contractors, agents, officers and members of the board of directors disclose in writing and update annually all business and family relationships which might potentially create a conflict of interest. In addition, employees, contractors and agents must disclose to the Chief Executive Officer who must disclose to the chairperson of the board of directors in writing the specifics or any plans to accept supplemental outside employment so that the clinic may determine whether such outside employment has the potential for conflicting with the interests of Bullhook Community Health Center.

If an employee, contractor, agent, officer or member of the board of directors believes that he/she, a member of his/her immediate family or partner has a financial interest in a federally-funded contract of Bullhook Community Health Center, he/she must immediately disclose this in writing to the Chief Executive Office. Disclosures by officers or members of the board of directors must be made to the chairperson. If such disclosure is by the chairperson regarding financial interest, he/she must make the disclosure to the vice-chair.

No member of the board of directors may vote on any matter which may directly or indirectly result in financial gain to that member, or which may conflict with that member's obligations to another organization's board of directors or to his/her employer. Provided that the member of the board of director's has first disclosed a conflict or potential conflict, and abstains from voting in that regard, he/she may participate in discussions relating to that matter.

## **2. Compensation to Members of the Board of Directors.**

Within the limits of available funds, Bullhook Community Health Center may reimburse members of the board of directors for reasonable expenses actually incurred by reason of their participation in board activities, e.g. travel expenses, meals and incidentals.

Bullhook Community Health Center will not compensate members of the board of directors for services rendered in ordinary course of service as members of the board of directors. However, if a member of the board of directors is uniquely qualified to perform professional services for the clinic, Bullhook Community Health Center may consider contracting with that member of the board of directors for such professional services, provided that the affected member of the board of directors does not participate in board discussions or vote on his/her selection, the contract is in all respects "arms-length", consistent with federal procurement standards if federal funds will be used, and in the best interests of the clinic.

## **3. Gifts/Gratuities**

The employees, contactors, agents, officers and members of the board of directors of Bullhook Community Health Center may not solicit or accept gratuities, favors or anything of value from contractors or potential contractors of the clinic.

A gift means anything offered directly by or on behalf of a contractor other than promotional materials of little or nominal value such as pens, calendars and other items intended for wide distribution. Gifts included (but are not limited to): personal gifts, such as sporting goods, household furnishings and liquor, social entertainment or tickets to sporting events, personal loans or privileges to obtain discounted merchandise, and the like.

Any employee, contractor, agent, officer or member of the board of directors shall decline or return any gift and notify the Chief Executive Officer of such gift.

## **4. Competition.**

It is the policy of Bullhook Community Health center to conduct all procurement transactions in a manner to provide, to the maximum extent practical, open and free competition. The clinic will be sensitive to, and seek to avoid, organizational conflicts of interest or non-competitive practices among contractors. Consultants who want to bid for a contract from the health center are prohibited from drafting the contract's specifications, requests for proposals and the like. Awards will be made to the bidder whose bid is responsive to the solicitation and most advantageous to the health center, price and other factors considered.

Bullhook Community Health Center always retains the right to reject any and all bids when it is in the clinic's best interest to do so.

Bullhook Community Health Center retains the right to determine with respect to any particular procurement that a sole source procurement is justified.

**5. Bribery.**

Bullhook Community Health Center will immediately dismiss any employee, remove any officer or member of the board of directors, and terminate the contract of any contractor/agent found to have offered or accepted a bribe to secure funding from the clinic.

**CONFIDENTIAL INFORMATION:**

Employees, contractors, officers and members of the board of directors may gain access to confidential (i.e. non-public) information by virtue of their position within the clinic. All staff members are required to sign a Confidentiality Agreement that limits the context in which confidential information may be communicated.

Officers and members of the board may not communicate confidential information about Bullhook Community Health Center to anyone who is not also an officer or member of the board, respectively, absent the explicit authorization of the full board of directors. If, as a result of negotiations in which Bullhook Community Health Center is engaged, an officer or member of the board gains access to confidential information of another entity, the officer or member of the board may not communicate this information about the other entity to anyone who is not also an officer or member of the board, respectively without the authorization of the full board. If the health center executes an agreement with another entity which agreement includes provisions governing confidentiality of information, all officers and member of the board are bound by those provision and required to comply with them.

**OTHER:**

**1. Political activities.**

No employee, contractor, or agent to Bullhook Community Health Center may engage in political activities during business hours. No employee, contractor, agent, officer or member of the board of directors may use the clinic's name, facility or resources in connection with political activities. In particular, no federal grant or related funds may be used to support the costs, if any are incurred, of prohibited lobbying activities as defined in OMD Circular A-122, Department of Health and Human Services rules implementing the Byrd Amendment and HHS appropriations riders.

Employees, contractors, agents, officers and members of the board of directors may not solicit political support in any manner which might suggest that Bullhook Community Health Center supports any political party or candidate. No employee, contractor, agent, officer or member of the board of directors shall, in any manner, solicit financial assistance or subscription for any political party, candidate, fund, publication, or for any other political purpose from clinic employees in the workplace or otherwise in an employment-related setting

**2. Nepotism.**

Bullhook Community Health Center will not hire any individual who is related to an employee or contractor of the clinic if, in the position being applied for the applicant will supervise, or be supervised by, the related employee or contractor. Every applicant for employment with the corporation must disclose any and all family and business relationships with employees, contractors, agents, officers and members of the Board of the clinic.

**VIOLATIONS OF STANDARDS OF CONDUCT:**

Violations of Bullhook Community Health Center’s Standards of Conduct must be reported promptly to the Chief Executive Officer. If the Chief Executive Officer has violated the standards, notice must be given to the Board Chair.

Employees, contractors, and agents who violate these standards may, depending on the severity of the violation, be subject to oral admonishment, written reprimand, reassignment, demotion, suspension or separation, in addition to legal penalties which might apply. Officers and members of the board of directors who violate these standards may, depending on the severity of the violation, be subject to oral admonishment or removal from their position. All members of the board of directors must sign a Confidentiality/Preferential Treatment/Meeting Conduct form which will be kept on file.

 \_\_\_\_\_ DATE 2-12-18

CHIEF EXECUTIVE OFFICER

 \_\_\_\_\_ DATE 2/12/2018

CHAIR, BOARD OF DIRECTORS

Date first adopted	07/21/2010
Date Revised/QI Board approval	07/21/2010, 02/26/2015, 02/24/2016, 01/31/2018
New date adopted/Board of Directors approval	07/30/2010, 03/09/2015, 3/14/2016, 02/12/2018