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**2017 Lahey Health Mandatory Compliance Exercise**

Each year Lahey Health works to help staff understand important compliance concepts through compliance training.

* Below there are 20 compliance-related situations, with each followed by possible answers.
* In each case we’d like you to read the scenario and then pick **and circle** the ***correct*** answer reflecting what a person faced with that situation should do.
* Training needs to be completed by December 31,2017.
* The Lahey Code of Conduct is provider after the scenarios for your reference.
* Please review 2017 Mandatory Corporate Compliance on WinNet if needed.

After you complete the training please sign and date the last page and submit your responses to your supervisor.

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**Question #1**

Colleagues of Lahey should remember that there are professional standards concerning boundaries between colleagues and their patients and clients. We must separate our personal lives from those of our patients. The relationship we are to have with our patients is that which occurs in the treatment and clinical setting.

A Clinician felt they were making progress and building a good relationship with their client/patient. After going through a few difficult months at home, the clinician decided she would share with her client/patient that she is separating from her spouse. She figures since her client/patient is going through a separation, she can commiserate.

Would disclosing this information be crossing a boundary?

1. Of course not. It’s important to relate to the client/patient.
2. Yes, they are their health care professional, and as such, appropriate boundaries should be maintained
3. No. You can’t be truly helpful to your client/patient until you feel better.
4. It has nothing to do with boundaries. They are just talking.

**Question #2**

Making sure that patients understand what is going on in their care is their right – as well as good care. You can arrange for an interpreter or ask your supervisor for help with this situation if you are unsure what to do. Sometimes patients, especially patients in our skilled nursing facilities, have signed waivers because they want to name a specific person to act as their interpreter. If I patient has signed a waiver, this should be mentioned in his record.

Marty arrives at the office for an appointment with his Primary Care Provider (PCP). He does not speak English and is accompanied by his 12 year old son who does.

All of the following actions are appropriate actions to take EXCEPT?

1. Seek guidance from your manager if you are not sure what to do
2. If Interpreter Services cannot provide an in-person interpreter at your site, utilize the Video Remote Interpretation Device.
3. Ask the son to interpret the conversations.
4. Contact Interpreter Services for assistance in setting up the appropriate support for the patient during the visit

**Question #3**

Service dogs are allowed by law for a number of circumstances, not all of which may be evident. Colleagues are not permitted to “second guess” the needs of patient’s visitors or arbitrate that need by separating the visitor from their Service Dog. Petting or reaching out to a Service Dog that is unfamiliar with you is not recommended and could make the animal defensive.

A visitor arrives at the hospital to visit her brother, who is recuperating from knee replacement surgery. The visitor has a dog and she tells you it is her service dog. The visitor does not appear to have a have a need for a service dog. The dog is on a leash and seems to be calm.

What should you do?

1. Tell her that dogs are not allowed in the hospital and she should leave the dog in her car.
2. Offer to take care of the dog at the nurse’s station while she visits her brother.
3. Tell her that the dog’s behavior is her responsibility while they are in the hospital.
4. Pat the dog to see how it will behave.

**Question #4**

We should always disclose and correct patient documentation errors as soon as they occur. A critical patient misidentification or error can result in a violation of a patient’s privacy rights, and can lead to improper treatment if not corrected. “Speaking Up” applies to oneself as well as the behavior of others. Your supervisor can help to correct patient record

You notice that you have accidently scanned a document with orders and test results for Mary Smith in Marty Smith’s medical record in the computer. It is only your first week and you don’t want to get into trouble. You don’t know how to fix it.

What should you do?

1. Report the error to your supervisor immediately.
2. Re-scan the document into Mary’s record and don’t worry about Marty.
3. Keep going. There are a lot more scans to do.
4. Scan Marty’s document into Mary’s record and then each record will have a document.

**Question #5**

Colleagues of Lahey should remember that there are professional standards concerning boundaries between colleagues and their patients and clients. We must separate our personal lives from those of our patients**.** This includes involvement in personal matters outside of our role and responsibility. The relationship we are to have with our patients is that which occurs in the treatment and clinical setting.

You are at the local grocery store and bump in to a former client/patient’s daughter. She starts to cry and shares that her father is in a rehab facility and the care is terrible. She asks you to go see her father with her and speak to the facility manager on her father's behalf.

How should you respond?

1. You tell her you have heard this too and agree to go.
2. You tell her you know someone who works there and you will ask them to keep an eye on her father.
3. You inform the daughter that she should contact an administrator at the facility to communicate her concerns.
4. You recommend she move her father to a different facility.

**Question #6**

Vendors often offer gifts. Gifts cannot be accepted from a vendor under our Code of Conduct, Gift Policy and Interactions with Vendors Policy. By telling a vendor about the Lahey’s “no gifts” rule, you may prevent inappropriate invitations. You can always direct a vendor to the Philanthropy Department if they are interested in making a donation to the organization.

You recently selected a new vendor to perform patient follow-up surveys. The representative from the vendor presents you with a gift card for $250 to a local restaurant. You thank the vendor but explain that you cannot accept the gift; doing so would violate Lahey’s policies.In spite of your best efforts to decline the gift, the representative persists and mails the gift card to you.

Which of the following is NOT an acceptable response?

1. Take the gift card and use it for a special night out.
2. Give the card to your manager who will contact Corporate Compliance for guidance.
3. Contact Corporate Compliance yourself for guidance on what should be done with the card.

**Question #7**

Hiring of vendors should always be done through proper channels. Colleague representation of third parties with respect to Lahey business is not permitted. Colleagues should avoid the appearance of influence, even if it is not intended. This is also true of third parties that are well known to us or related in some way.

Your brother is an electrical contractor and calls you one day to see if he can get some business at Lahey. You have a history of working closely with the facilities department and are familiar with members of the management team.

What should you do?

1. Setup a lunch invitation on behalf your brother and include some key managers from the facilities department.
2. Tell your brother you cannot be involved in any way. Let your manager and the Compliance Department know that your brother is a vendor who might seek work at Lahey, but that you will not seek to intervene, and have no personal involvement in your brother's business.
3. Visit the facilities contract manager and let him know he’d be doing you a big favor if he could get your brother some work.
4. Submit some anonymous complaints to facilities department management about problems with existing electrical contractors.

**Question #8**

The Lahey Code of Conduct prohibits accepting items as gifts if they are worth more than nominal value. We should politely refuse gifts of cash or cash equivalents if they are offered - or contact the Philanthropy Department. The Philanthropy Department can accept donations on behalf of Lahey.

Your client/patient's daughter wants to express her gratitude for all the help you have given her parents. She gives you a card and tells you to open it later. When you open it at home there is a check for $50 in it with a thank you note.

What should you do?

1. You promptly write a thank you note to your generous client/patient.
2. You give the check to your supervisor. The supervisor calls the client/patient’s daughter to let her know that Lahey policy does not permit staff to accept gifts. The supervisor also provides information about options to donate through the Lahey Philanthropy Department.
3. You cash the check and bring coffee and pastry the next time you visit the client/patient.

**Question #9**

42 CFR Part 2 is a federal law that requires patient consent for all disclosures related to substance abuse treatment. 42 CFR Part 2 is more restrictive than HIPAA Privacy disclosure rules.

The police come to request information about a client being treated for a substance use disorder. The police provide you with a subpoena specifying the release of the client’s visit notes and medication information. You notice you do not have a consent form signed by the client to give out this information.

You remember that Federal regulation of substance abuse treatment records (also known as 42 CFR Part 2) is more restrictive than HIPAA.

What should you do?

1. Just ignore the request. It isn’t permitted, so it’s not important.
2. It’s not that big of a deal. Just give out the information that is being requested.
3. HIPAA regulations state that disclosure for treatment is generally permitted so it’s *probably* the same for those who are protected under 42 CFR Part 2 as well.
4. Tell the requester that, “Federal law requires you to provide me with a court order before I can disclose that information without patient consent.” A copy of the regulation can also be given.

**Question #10**

We should never disclose patient information or the caregiver relationship in a public setting. These public settings include any location where you could be overheard by a non-caregiver. You may also find yourself in social or unexpected situations where a former or existing patient is present. Patients have the right to choose when, where and with whom their care and caregiver relationships are shared.

You are providing care for a neighbor who you are friendly with, but do not know well. A few days later you are standing with a group of friends in your neighborhood when you see the neighbor walk by.

What should you do?

1. Say “Hello” and act as you normally would.
2. Introduce the patient to your friends and tell them that you met while caring for him at your place of work.
3. Pretend not to know the patient and then share the patient’s medical history with your friends once the patient is out of earshot.

**Question #11**

We should never disclose patient information or the caregiver relationship in a public setting. These public settings include any location where you could be overheard by a non-caregiver. You may also find yourself in social or unexpected situations where a former or existing patient is present. Patients have the right to choose when, where and with whom their care and caregiver relationships are shared.

You are checking out at a busy grocery store when you bump into a colleague that works in your department. He begins to discuss a patient that you were both taking care of on your last shift.

What should you do?

1. Continue to discuss the patient in the checkout line.
2. Remind your colleague that talking about patients in public places where the conversation may be overheard is not allowed.
3. Involve the store clerk in the discussion and ask the clerk to call the Compliance Hotline after your colleague leaves.

**Question #12**

Never access patient information without a reason which is related to your work – even if the patient is a family member. Your friends and family know that you work at Lahey. By requesting that you look at a patient’s record, that friend or family member is asking you to violate our policies and can put your job in jeopardy. Even if you are a patient’s Health Care Proxy, as a Lahey colleague, you should not go directly into the patient’s record. It is never right to “help” someone by looking at records in violation of Lahey’s policies. Instead direct the individual to a compliant way of accessing their records, such as through the patient portal or by contacting Health Information Management.

Your cousin is waiting to hear back from her Lahey physician regarding new lab test results. Tired of waiting, she calls you asking for the lab test results, as she knows you also work at Lahey and have access to Lahey’s electronic medical record system.

How should you proceed?

1. Inform your cousin that she should setup a patient portal account and/or contact her doctor’s office.
2. Look up her test results in the electronic medical record system and provide them to her.
3. Have a co-worker look up the results and tell you what he found out.

**Question #13**

All patients, including famous people, deserve privacy and respect when they receive care at Lahey. Leave it up to the patient to interact with other non-caregiver colleagues according to their wishes. Never post any patient pictures on social media or discuss patients that you have cared for in the past.

Your duties take you past Room 204 where you catch a glimpse of a patient that looks very much like Tom Brady, 5-time Super Bowl champion and star quarterback of the New England Patriots. You are a huge fan of the Patriots and Tom Brady and want to drop off a “get well soon” card before he leaves the hospital.

What behavior is appropriate?

1. Access the registration module in the electronic medical record to confirm the identity of the patient in Room 204, but make sure not to look at what the presenting complaint was.
2. Drop off a personalized card with the attending nurse to cheer up the patient.
3. Ask the unit secretary if that was really Tom Brady in Room 204.
4. Keep on with your regular duties and hope you read some good news about Brady’s health when you get home.

**Question #14**

All patients deserve privacy and respect when they receive care at Lahey. Leave it up to the patient to interact with the public according to their wishes. Never post any patient pictures on social media or discuss patients that you have cared for in the past.

You are assigned to take care of a patient who has a large tattoo on his chest that reads, “Do Not Resuscitate to the end – No shocks, no thumps, no drugs.” The patient is comatose and is not expected to survive. You are writing a paper on how patients express their end of life choices and want to include a photo of the patient’s tattoo in your paper.

What should you do?

1. Snap a shot of the patient’s tattoo on your cell phone, being careful not to include the patient’s face in the photo.
2. Ask the patient’s friend for permission to take a photo.
3. Ask the attending physician whether it would be okay to take a photo.
4. Find another example to illustrate your point in the paper.

**Question #15**

All patients deserve privacy and respect when they receive care at Lahey. Leave it up to the patient to interact with the public according to their wishes. Never post any patient pictures on social media or discuss patients that you have cared for in the past.

You tell your spouse about an extremely nice patient you have been caring for who said, “You are the best nurse in the world.” Your spouse suggests taking a selfie with the patient and posting it on Facebook to share one of the rewards of your job with your friends and family.

What should you do?

1. Snap the selfie and post on Facebook.
2. Snap the selfie, then text it to your spouse to post on Facebook.
3. Use Instagram or Snapchat instead as posting photos of patients on Facebook might violate Lahey policy.
4. Tell your spouse that sharing patient information on social media, even just a photo, is a violation of Lahey policy.

**Question #16**

Colleagues should not make use of Lahey equipment or supplies for personal reasons. If you see someone misusing Lahey property for non-work purposes, you should speak up in a respectful tone or tell your manager.

Allen, a colleague in your department, is taking classes at a local university to get his bachelor’s degree. He tells you he has a big project due that week and will be doing a PowerPoint presentation in front of the class. Later that day, you notice Allen making 30 copies of the slides for the presentation on the copy machine in your department.

All of the following are appropriate actions to take EXCEPT:

1. Report your concerns anonymously
2. Ignore what he is doing; it really isn’t any of your business
3. If Allen persists in making the copies after you speak to him, discuss the situation with your manager
4. Contact the Compliance Department for guidance

**Question #17**

It is essential that all Lahey colleagues have the confidence and opportunity to report concerns about business practices. When you have knowledge of a financial compliance issue, like submitting fraudulent charges, it is up to you to make a report to someone in a position to follow-up. If you ignore a situation, the opportunity for Lahey to investigate and fix the problem is lost. You need to Speak Up. Make a report using an online reporting system or the Compliance Hotline so Compliance can track the issue and implement a solution.

One of your colleagues mentioned that she feels a lot of pressure to see more clients/patients in a day than she can handle. If she can’t meet her “target”, she charges her patients a higher evaluation & management level so she can justify why it took her so long to see the patients that she did see.

What would be the best thing for you to do?

1. Explain to her that what she described is up-coding - a form of fraud - and is not allowed.
2. Talk to your supervisor or the Compliance Director about what she told you.
3. Advise her to speak to her supervisor about the target and what she is doing about it.
4. All of the above.

**Question #18**

Using another person’s identity to receive a product, service or medical treatment, even with their permission, is a form of fraudulent theft. Ensuring the identity of all patients who present for an appointment is an essential responsibility of Lahey colleagues. Using another person’s identity can result in attribution of medical conditions to the wrong person, including blood and specimen results, radiology studies or even diagnosis of disease.

A patient arrives for an appointment and identifies themselves as Jesse Jones. When asked, Jesse provides an incorrect date of birth but quickly corrects the mistake. Jesse is able to provide the correct home address and primary care provider. The mistaken date of birth response makes you suspicious that the person checking-in is not the patient of record.

All additional steps below are ok, EXCEPT:

1. Ask to see a photo ID.
2. Check the patient into the appointment and don’t worry about the mistake.
3. Alert your supervisor and ask for assistance identifying that patient.

**Question #19**

Retaliation for doing the right thing is not allowed at Lahey. Speaking up is one of the expectations of our Code of Conduct and the Lahey Speaking Up Policy. And that is an important reason why Lahey will not tolerate any type of retaliation against those who do make a report.

You witnessed an incident between two colleagues that made it seem like they were behaving unethically. You do not know all the details, but you know that your manager should be made aware and investigate. After you speak to your manager, your co-workers no longer speak to you and you are being left out of important departmental meetings. You feel that this is retaliation.

What should you do?

1. Vent to others around the office and just hope the situation gets better on its own.
2. Contact your Compliance Officer via phone number on intranet site or by calling the Compliance Hotline.
3. Bottle it up and move on. It probably isn’t as big of a deal as you originally thought.
4. Start looking for another job.

**Question #20**

It is essential that all Lahey colleagues have the confidence and opportunity to report concerns about business practices. When you have knowledge of a financial compliance issue, like submitting fraudulent charges, it is up to you to make a report to someone in a position to follow-up. If you ignore a situation, the opportunity for Lahey to investigate and fix the problem is lost. You need to Speak Up. Make a report using an online reporting system or the Compliance Hotline so Compliance can track the issue and implement a solution.

You heard through the grapevine that when Tim, a provider, takes a day off, he still documents and bills for home care visits that he never performed.

What should you do?

1. You could do that too and hope you do not get caught.
2. Speak up by reporting to your manager or supervisor or contacting the Compliance Department so that your good faith concern can be investigated.
3. Tell the person who spoke to you about it to mind their own business.
4. Tell Tim that people are gossiping about him.

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**Speaking Up - *Remember, it’s part of the Lahey Health Code of Conduct:***

* **Speak up whenever you think someone is doing something illegal, unethical or otherwise improper. You can speak with the person involved, your supervisor, members of the Human Resources or Legal Departments, or a Compliance colleague.**
* **You can also anonymously use the Compliance Hotline – 24 hours a day, 7 days a week – at 1-855-392-5782 or at** [**www.laheyhealth.ethicspoint.com**](http://www.laheyhealth.ethicspoint.com/)**. (The Hotline is run by an independent company.)**
* **It is our duty to speak up – so that Lahey can address problems and keep them from happening again. And Lahey Health will not tolerate retaliation of any kind – not even in the form of a cold shoulder - against a person who reports a concern in good faith.**

**Please sign below and give to your supervisor. Thanks.**

**Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Department \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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# The Lahey Health Code of Conduct

As they gain experience, most people develop a personal set of values that they use as a guide for leading their lives. Responsible institutions—and Lahey Health is among them—do the same. The Lahey Health Board of Trustees has adopted this [**Code of Conduct**](http://massshare/sites/corp_comp/Shared%20Documents/15000418_CodeConductV2.pdf) because it believes that the values this Code expresses are critical to the success of Lahey Health’s mission.

Reputation is what determines whether patients and their families decide to trust us with their care. And Lahey’s reputation is built on individual decisions that you and we make every day. Imagine what happens when we all do the right thing every day no matter what the consequences.  It gives us a reputation for trustworthiness.

Lahey Health has placed its trust in you. We assume you will do what is right, even when no one is watching.  The purpose of this Code is to give you guidance when you encounter difficult issues.  We could have made the Code a lengthy, detailed list of do’s and don’ts.  But no set of rules can anticipate every situation.  Consider this Code to be a compass.

**At Lahey Health, everyone—trustees, executives, medical staff members, other colleagues, volunteers, and our business partners—must follow these standards:**

·         Put the care, safety, dignity and well-being of our patients ahead of everything else.

·         Comply at all times with the Confidentiality Statement you signed at the outset of your association with Lahey.

·         Tell the truth regardless of the consequences—whether you are speaking about patient outcomes, describing Lahey’s services (and those of its competitors), creating patient, billing or financial records, answering the questions of a government inspector or speaking up with concerns.

·         Treat all individuals with the highest standard of respect, dignity and compassion regardless of their race, color, ethnicity, national origin, age, gender, sexual orientation, physical abilities, religious beliefs, financial resources, citizenship or appearance.

·         Take responsibility for learning and following Lahey policies and procedures and for speaking up if you think they need to be changed - seek advice if you are not sure what the Lahey policy is in a particular situation.

·         Never seek results by illegal or unethical means.  At Lahey Health we do not offer gifts or other favors to referral sources, business partners, persons seeking elected office or government regulators.

·         Keep our workplaces safe and clean.

·         Make sure that our workplaces are free of any form of harassment.

·         Do not accept any gift from those with whom we currently, or may, do business. Only accept a gift from or on behalf of a patient if it is a flower arrangement, holiday basket, baked good or the like and is shared with colleagues in your department or unit; all other gifts must be politely declined and/or returned.

·         Always disclose facts and circumstances that might give even the appearance of a conflict of interest or a personal benefit to you.

·         Speak up whenever you think someone is doing something illegal, unethical or otherwise improper. You can speak with the person involved, your supervisor, members of the Human Resources or Legal Departments, or a Compliance colleague. You can also anonymously use the Compliance Hotline—24 hours a day, 7 days a week—at 1.855.392.5782 or at www.laheyhealth.ethicspoint.com. The hotline is run by an independent company.

 It is our duty to speak up—so that Lahey can address problems and keep them from happening again. And Lahey Health will not tolerate retaliation of any kind—not even in the form of a cold shoulder - against a person who reports a concern in good faith.

**Those of you who are supervisors or other Lahey leaders must also do the following:**

·         Make sure that the colleagues reporting to you are aware of this Code as well as Lahey policies and procedures - provide them with explanations and updates as well as examples, through your own conduct, of what is expected.

·         Urge others to raise concerns of illegal, unethical or other improper conduct, and protect those that do so from retaliation in any form.

This Code of Conduct will not have value unless we are all held responsible for abiding by it. Individuals who are found to have violated the Code or engaged in illegal conduct will therefore be subject to appropriate corrective action, up to and including termination of association with Lahey. Any person at Lahey who violates a law may also be exposed to that law’s enforcement provisions.

We are grateful that you have chosen to be a member of the Lahey Health community, and we appreciate your adherence to Lahey’s values.

Sincerely,

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| --- | --- |
| **Hornidge.gif** | **Grant.gif​** |
| Ann-Ellen Hornidge, JD  Chair Lahey Health Board of Trustees | Howard Grant, JD, MD  President and Chief Executive Officer  Lahey Health​ |