

TITLE: Scripps Compliance Program

IDENTIFIER: S-FW-LD-1003	EFFECTIVE DATE:		
APPROVED: Corporate Compliance Committee 09/22/2015	<input checked="" type="checkbox"/> Acute Care:	ENC <u>01/01/16</u>	GH <u>01/01/16</u>
ORIGINAL: 11/00	<input checked="" type="checkbox"/> Ambulatory:	LJ <u>01/01/16</u>	MER <u>01/01/16</u>
REVISED: 02/06, 11/06, 10/09, 08/12, 09/15	<input checked="" type="checkbox"/> Home-based Care:	SMF <u>01/01/16</u>	HH <u>01/01/16</u>
REVIEWED:	<input checked="" type="checkbox"/> SHAS:	HH <u>01/01/16</u>	HSPC <u>01/01/16</u>
KEYWORDS: Alertline, Alert Line, False Claims Act, Hotline, Non-Retaliation Policy, Patient Safety, Whistleblower Protection, Standards of Conduct, Compliance Guidance for Medical Staff, Mission, Values, Commitment, Values in Action			

I. PURPOSE

The purpose of this policy is to communicate Scripps commitment to compliance with laws and regulations and to an ongoing Corporate Compliance Program. This policy also provides awareness of the Scripps Compliance and Patient Safety Alertline that is available for reporting concerns.

This policy communicates that each Scripps employee, physician, volunteer, and vendor is responsible for promptly reporting compliance questions or concerns, violations of Scripps policy, or any conduct believed to be inappropriate or improper, or that violates any laws or regulations.

This policy also communicates that neither Scripps, nor any of its employees, may retaliate against any employee or other individual for disclosing information as part of the Scripps Health Corporate Compliance Program or to any government or law enforcement agency where the employee or individual has reasonable cause to believe that the information discloses a violation of, or noncompliance with, a federal, state or local law or regulation.

II. POLICY**A. Scripps Corporate Compliance Program**

The Scripps Health Corporate Compliance Program (Compliance Program) was established by senior management and the Board of Trustees to guide and assist them in effective implementation of policies and procedures, oversight and monitoring processes, and effective communication mechanisms to ensure ethical business practices and incorporate principles of integrity within Scripps Health's culture and way of conducting business. The Compliance Program and related activities are designed and communicated in a manner consistent with and to support the *Values* and *Mission* of Scripps Health.

A Board of Trustees Resolution established the requirement for a Corporate Compliance Program in February 1998 and a revised Board resolution was approved in December 2002. The resolution states that: "Management of Scripps Health is directed to dedicate the necessary resources toward development of an effective Corporate Compliance Program (the "Program") designed to prevent and detect violations of federal or state law in the conduct of Scripps Health's operations and activities. Management of Scripps Health is directed to dedicate the necessary resources toward implementation of the Program."

B. Scripps Standards of Conduct and Compliance Guidance

1. The Standards of Conduct reflect the clear commitment by Scripps Board of Trustees, leadership, physicians and employees to foster an atmosphere of integrity, honesty and compliance with all applicable laws and regulations. These Standards of Conduct serve as a primary education and communication tool for employees and volunteers that demonstrate how Scripps mission and values influence the way we provide patient care, conduct daily business, interact with each other, and make everyday decisions. Every individual at Scripps is responsible for upholding these guiding principles and for providing care and conducting business in a manner consistent with these standards.

Corporate Compliance will periodically update the *Standards of Conduct* and compliance guidance documents to ensure they are up-to-date with relevant laws, regulations, accreditation standards and Scripps policies. Such revisions to guidance are approved by the Corporate Compliance Committee.

2. While *Scripps Standards of Conduct* do not specifically apply to non-employees, the Corporate Compliance Program includes relevant compliance guidance for:
 - a. Physicians and allied health practitioners: compliance guidance documents have been developed as a primary education and awareness tool in order to communicate key aspects of the Scripps Corporate Compliance Program, and to recognize the key role and responsibilities that all physicians and allied health practitioners have in the overall effectiveness of the Scripps Compliance Program.
 - b. Vendors and third parties: specific policies and processes have been implemented for those doing business on behalf of or contracting with Scripps for supplies and Services, business conduct guidelines that Scripps expects all vendors to follow when interacting with or on behalf of Scripps. Information for vendors is conveniently located on Scripps.org at <http://www.scripps.org/vendor-information>.

III. ACCOUNTABILITY, AUTHORITY AND ASSIGNED RESPONSIBILITIES

Compliance with Scripps Policies and applicable federal and state laws and regulations is the responsibility of every Scripps employee and volunteer, as well as all physicians that use our facilities and vendors that provide services or materials.

The Audit & Compliance Committee of the Board of Trustees includes in its charter the oversight responsibility for the Corporate Compliance Program. The Scripps Corporate Compliance Committee is comprised of Scripps senior leadership including business unit chief executives, and others involved in key compliance related roles. Members are determined by the President/CEO and Chief Compliance Officer. The Committee structure is intended to provide comprehensive oversight, appropriate prioritization and allocation of resources for compliance initiatives, and implementation guidance for the Scripps Corporate Compliance Program and its related activities.

Corporate Compliance – Role and Responsibilities Under the direction of the Chief Compliance Officer, the Corporate Compliance function has been established as an organizationally independent function reporting to General Counsel, and the Audit & Compliance Committee of the Board of Trustees.

The Corporate Vice President - Audit & Compliance Services is the Scripps Health Chief Compliance Officer. He/she reports directly to the Audit Committee of the Board of Trustees and administratively to the General Counsel/ President/CEO of Scripps Health and is responsible for the leadership, direction and oversight of the Corporate Compliance Program, as well as the Internal Audit function, Privacy Program, Information Security Program, and the system-wide policies and procedures development, approval, and dissemination process.

The Senior Director, Corporate Compliance Program & Privacy Officer, under the general direction of the Chief Compliance Officer, directly manages the Corporate Compliance and Privacy Program for all Scripps Health Business Units in accordance with applicable policies and procedures and assists responsible Scripps Health managers in their development of appropriate policies, control procedures, information systems, training programs, ongoing communications mechanisms, and monitoring activities to promote adherence to all applicable state and federal laws and regulations.

IV. SCOPE AND PROGRAM DESCRIPTION

The Scripps Corporate Compliance Program is the umbrella program that covers all business and patient care activities of Scripps Health. Key components of the Compliance Program are outlined in the following chart.

Key components of the Corporate Compliance Program are as follows:

- A. [Compliance Program Oversight](#)
 - ♦ Compliance Officer / Compliance Committees / Board of Trustees
- B. [Policies & Procedures](#)
 - ♦ System-wide and Business Unit/Departmental
- C. [Education & Training](#)
 - ♦ System-wide and Business Unit/Departmental
- D. [Effective Communication](#)
 - ♦ Hotline, Compliance Newsletter & Web site
- E. [Monitoring](#)
 - ♦ On-going Management Processes
- F. [Auditing](#)
 - ♦ Internal and External
- G. [Risk Assessment](#)
 - ♦ Annual and On-going
- H. [Investigation & Response to Detected Offenses](#)
 - ♦ Corporate Compliance, Internal Audit, Human Resources and Legal Office with Business Unit Management
- I. [Disciplinary Guidelines](#)
 - ♦ HR Actions, Additional Training

V. PROTECTION AGAINST RETALIATION

- A. **Federal and State Law:** Both federal and California law provide protection against retaliation for an individual's exercise of his or her rights under the law.
1. **Federal Law:** The Deficit Reduction Act provides whistleblower protections with respect to preventing and detecting fraud, waste, and abuse in federal health care programs. The False Claims Act (31 U.S.C. section 3730(h)) is the federal whistleblower statute that prohibits retaliation against individuals who exercise their rights or obligations under the law. It provides: Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole.
 2. **California Law:** California law also prohibits retaliation against individuals who exercise their rights or obligations under the law. California Labor Code section 1102.5 provides: An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
- B. **Scripps Health Policy:** Scripps policies prohibit any retaliation against any employee or other individual for the conduct noted above in compliance with federal and state law.

VI. PROCEDURES

- A. **Education and Awareness:** Compliance education and awareness is a cornerstone of the Scripps Compliance Program. Educational needs are assessed annually in consideration of the following criteria: changing laws and regulations; OIG guidelines; business unit needs; employee needs; and identified risk areas. The Corporate Compliance Plan identifies specific educational objectives and initiatives, in addition to the general recurring compliance training, such as that provided to newly hired employees. Some of the key compliance educational activities are highlighted below.
1. **Employee Compliance Program awareness and Standards of Conduct:** Corporate Compliance, in coordination with Human Resources, work with management to ensure the Standards of Conduct are understood and consistently followed by:
 - a. Providing all new employees with a Compliance Program overview and copy of the Standards of Conduct as part of new employee orientation.
 - b. Providing all employees with a notification and an electronic copy whenever the Standards of Conduct are significantly revised.
 - c. Providing all employees with mandatory annual education as approved by the Corporate Compliance Committee.
 - d. Providing compliance guidance and education to leadership on how to use implement and monitor adherence to the Standards of Conduct.
 2. **Physicians' Compliance Education and Awareness:**

- a. Corporate Compliance and the Legal Office develop relevant guidance for physicians and allied health practitioners as the primary education and awareness tool to communicate key aspects of the Scripps Corporate Compliance Program and to acknowledge the key role and responsibilities that all physicians and allied health practitioners practicing at a Scripps facility play in the overall effectiveness of the Scripps Compliance Program.
 - b. Scripps Centralized Credentialing Service (CCS) on behalf of Scripps Hospitals is responsible for distributing the prepared compliance guidance to all members of the Medical Staff at the time of initial credentialing and reappointment credentialing.
 - c. The Scripps Medical Foundation (SMF) is administratively responsible to distribute the compliance guidance as approved to employees of each medical group contracted with SMF.
3. Vendors Compliance and Education Awareness: Supply Chain Management or Scripps sponsoring manager, in coordination with the Legal Department will provide third party vendors with appropriate compliance education and awareness as related to the vendor role and responsibility for service.
- B. Reporting Compliance and Other Business Practices Concerns:** Any individual, whether an employee, physician, volunteer or vendor who becomes aware of a situation where non-compliance with Scripps policies or federal or state laws and regulations is known or suspected, or an unsafe situation exists, or where the ethical integrity of the Scripps organization is being compromised, is required to promptly make it known so that Scripps may investigate and resolve the matter. Any such violation, issue or concern should be reported to a supervisor, senior management of the applicable business unit, medical staff office, Corporate Compliance Department, or to the **Scripps Compliance and Patient Safety Alertline (1-888-424-2387)**. Concerns related to safety or quality of care may also be reported directly to The Joint Commission (JC) by mail, fax, or email.
1. **Non-Retaliation and Anonymity:** It is the policy of Scripps that neither retribution nor retaliation for reporting a compliance violation or concern will be tolerated. Any individual found to have retaliated against another for making a good faith compliance complaint, or found to have attempted to prevent or discourage a compliance complaint, will be subject to discipline, up to and including termination. Efforts will be made to protect the identity of the employee to the extent allowable by law. Anonymity cannot be protected if individuals identify themselves or provide information that can be used to identify them.
 2. **Management:** If an employee reports a compliance concern or violation directly to management, that manager immediately must notify Corporate Compliance of the issue. Managers should not attempt to conduct compliance investigations on their own. Corporate Compliance will log the concern, direct the manager as to appropriate next steps, and monitor the investigation and corrective action process.
- C. Confidential Compliance Hotline**
- Scripps Health has established an anonymous reporting hotline known as the *Scripps Compliance and Patient Safety Alertline*. The Alertline is operated through an independent firm to ensure integrity and objectivity of the process. No effort is made to determine the telephone number or location from which a call is made. Posters are

located throughout all Scripps Health facilities indicating the *Scripps Compliance and Patient Safety Alertline* toll-free number that can be called 24 hours a day, 365 days a year (**1-888-424-2387**).

Types of concerns that might be reported using the *Scripps Compliance and Patient Safety Alertline* include:

1. Fraudulent or erroneous billing;
2. Medicare fraud and abuse;
3. Violations of patient rights, patient privacy or confidentiality;
4. Safety concerns or unsafe behavior;
5. Concerns related to security of Scripps Confidential Information;
6. Violations of professional standards of practice;
7. Violations of professional or business ethics;
8. Conflicts of interest;
9. Suspected fraud, embezzlement, or financial irregularities;
10. Questionable business practices;
11. Violations of Scripps Policies.

D. Compliance Resources - Compliance Website

Scripps internal Website, [InsideScripps](#), contains a [Compliance & Privacy Program](#) section, which is located in the Corporate Departments section. Corporate Compliance has developed and maintains this website as a resource for Scripps staff. The site contains specific information, including education and training materials, the Compliance Program, Information Security and Privacy Program and other key resource links.

E. Contacts

Direct any general questions about the Compliance Program or related activities to your immediate supervisor or Administration at your facility. If you have a specific question, you may contact one of the following:

**Chief Compliance
Officer/Corporate VP –
Audit & Compliance
Services**
(858) 678-7203

**Senior Director Compliance &
Scripps Health Privacy Officer**
(858) 678-7785

**Scripps Compliance &
Patient Safety Alertline**
(888) 424-2387

VII. RELATED DOCUMENTS

- A. [Scripps Standards of Conduct](#); 100-8631-105
- B. [Scripps Compliance Guidance for Medical Staff](#); SW-LD-1003 B
- C. [Scripps Medical Foundation Compliance Guidance for Physicians and Allied Health Practitioners](#); SW-LD-1003 C
- D. Employee Standards of Conduct Acknowledgment (New Employee Orientation documentation)

VIII. RELATED POLICIES

[Fraud Prevention and Detection Program](#), S-FW-LD-1008

IX. SUPERSEDED

A. Scripps Compliance Program; S-FW-LD-1003 08/12

DEVELOPMENT SUMMARY		
09/15 Revision: No significant changes made to the Corporate Compliance Program. Content validated.		
Development Workgroup		
Representation	Member Name	Member Title/Discipline
Workgroup Leader/Author	Jan Coughlin	Sr. Director Corporate Compliance & Privacy Officer
ENDORSEMENTS and APPROVALS		
Function	Chair Name/Title/Position	Date of Endorsement and Approval
Executive Sponsor/Legal	Richard Sheridan, General Counsel	9/22/2015
Corp. Ops. & Strategy Council	Chris Van Gorder, President, CEO	9/22/2015