Compliance Plan and Standards of Conduct

Leading with Integrity

Working the Right Way

PALMER LUTHERAN HOSPITAL AND CLINICS

Nov. 2019
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**Vision:** We will enhance the health and well-being of our communities while enriching every life we touch, including patients, families and staff.

**Values:** Integrity, Excellence, Respect, Innovation, and Compassion

**Mission:** We will provide the healthcare and education we would want our loved ones to receive.
Introduction
Palmer Lutheran Health Center, d/b/a Gundersen Palmer Lutheran Hospital and Clinics, Gundersen Palmer Lutheran Home Health, Gundersen Palmer Lutheran Hospice, and Gundersen Palmer Lutheran Home Medical Supply, a Gundersen Health System affiliate, herein after “Gundersen Palmer”, is committed to providing high-quality medical care to all patients. To that end, Gundersen Palmer will follow guidelines that promote efficient corporate management at the lowest possible cost to each patient. Consistent with the longstanding traditions and practices at Gundersen Palmer, all medical, associate and other staff are expected to adhere to the highest standards of conduct and ethical principles.

Each of us has compliance responsibilities. As a condition of continuing employment, we are required to comply with these Standards of Conduct articulated in this Compliance Plan. This document is intended to describe those responsibilities.

Gundersen Palmer’s Compliance Program
Gundersen Palmer has developed a compliance program to encourage organizational compliance with all applicable federal and state laws and regulations. This objective is consistent with the mission and values of Gundersen Palmer in promoting quality and integrity. The Gundersen Palmer Compliance Office is staffed by professionals who monitor business practices to ensure compliance with laws and regulations. The Compliance Officer, Peter Weidenheim, has primary responsibility for ensuring the effective operation of the Compliance Program.

The primary responsibilities of the Compliance Officer include: development and maintenance of compliance policies and procedures, including the Compliance Plan and Standards of Conduct; investigation and resolution of reported compliance issues; auditing and monitoring; and conducting compliance education. The Compliance Office also serves as a point of contact for you to obtain information regarding regulatory or other compliance-related questions.

The Compliance Program also includes the Compliance Operations Committee. The Compliance Operations Committee includes management from key operational areas. The role of the Compliance Operations Committee is to advise and assist the Compliance Officer on compliance issues as well as to address the essential elements of the Compliance Program.

Complying with Gundersen Palmer’s Standards of Conduct
Each employee, contractor and Gundersen Palmer medical staff member is responsible for ensuring that his or her conduct conforms to these Standards of Conduct as well as any other policy of Gundersen Palmer or any payor policy, and any applicable federal and state law.

All Gundersen Palmer employees, contractors and members of the medical staff must follow these Standards of Conduct. These Standards of Conduct should not be construed as creating an employment contract or other contractual relationship, nor should they be interpreted as a promise of continued employment.

The failure of Gundersen Palmer or any employee, contractor or medical staff to comply with all statutes, regulations and guidelines applicable to Federal healthcare programs and with Gundersen Palmer policies and procedures, or the failure to report noncompliance, can result in civil and criminal liability, sanctions and penalties. Employees and physicians may also be subject to disciplinary actions up to and including termination of employment.

If you have a question as to whether a procedure or action conforms to the Standards of Conduct, you should speak with your immediate supervisor. If you do not feel comfortable discussing the matter with him or her, or if you are still unsure as to the appropriate conduct, you should contact:

• Peter Weidenheim, Director Compliance/Compliance Officer, Gundersen Health System Regional Hospital Affiliates, Phone (715) 538-1784
• Kari Adank, Gundersen Health System Vice President, Compliance, Phone (608) 775-8025
• Dan Lilly, Gundersen Health System General Counsel, Phone (608) 775-4615
Reporting Violations of the Standards of Conduct

Persons who become aware of violations of these Standards of Conduct, are obligated to report them to their supervisor, Gundersen Legal Counsel, the Gundersen Vice President, Compliance or the Director of Compliance/Compliance Officer via telephone or in writing.

You may also contact the Gundersen Compliance Hotline:
  Phone number (608) 784-0477
  Toll free at (877) 532-8879

I hotline may also be accessed by e-mail via Gundersen's intranet, A-Z Resources, Compliance Hotline.

All such communications will be kept strictly confidential to the fullest extent possible, consistent with any reporting requirements or other obligations or needs of Gundersen Palmer. You have the right to report issues anonymously. If you do choose to identify yourself, understand that there may be an occasional instance where the identity of the reporting individual may be disclosed.

Acting in cooperation with the Gundersen Legal Department, the Compliance Office will take any necessary action to investigate a complaint and to bring such matters to the appropriate Gundersen Palmer officials for appropriate remedial action.

No retaliatory action will be taken or will be permitted by Gundersen Palmer against any individual or entity that reports in good faith any suspected violations of the Standards of Conduct. Please refer to our non-retaliation Policy, PLHCo-3032.
STANDARDS OF CONDUCT

Gundersen Palmer will act in accordance with all pertinent federal and state laws. Gundersen Palmer will take reasonable steps to ensure that its employees, contractors, and members of the medical staff act in conformity with relevant laws and regulations. The following are the Standards of Conduct that Gundersen Palmer has adopted.

**General Matters**

1. All employees, contractors, and members of the medical staff are expected to cooperate fully and completely with any compliance program or initiative instituted by Gundersen Palmer.

2. All employees, contractors, and members of the medical staff are expected to comply with Gundersen Palmer policies and procedures.

3. Consistent with the long-standing policies and practices of Gundersen Palmer, as well as the ethical responsibilities of the medical staff, all treatment recommended and provided by Gundersen Palmer will be reasonable and medically necessary.

4. All lengths of stay (LOS) will be determined in accordance with the medical needs of the patient. LOS will not be extended or limited, unless it is medically appropriate under the circumstances.

5. Gundersen Palmer will not over-utilize services or under-utilize services when treating patients.

6. All Gundersen Palmer patient healthcare records and documents are of a highly confidential nature. They will not be disclosed to anyone not employed by or affiliated with Gundersen Palmer without the written permission of the relevant patient or his or her legal guardian, except as otherwise provided under Gundersen Palmer policies or as permitted by law.

7. Gundersen Palmer will not pay any person or any entity for patient referrals.

8. Except for certain items or services of nominal value, Gundersen Palmer will not offer any item or service or any financial inducement, or gift to prospective patients or others in order to encourage patients to undergo treatment at Gundersen Palmer.

9. For medical ethical reasons, personal gifts should never be solicited from patients or their families. Only cards, candy, flowers and other nominal gifts may be accepted from patients and their families. If a patient or immediate family member wishes to make a more substantial gift, they should be encouraged to contact the Gundersen Palmer Memorial Foundation Director at Gundersen Palmer. Donations to Gundersen Palmer may be designated for special purposes by the donor.

10. No property belonging to Gundersen Palmer (including documents or copies of documents) shall be removed from a Gundersen Palmer facility without the permission of the organization.

11. Except as expressly permitted in writing or by law, no employee, contractor, or member of the medical staff may use or disclose to any person any trade secrets or other confidential or proprietary information belonging to Gundersen Palmer, including, but not limited to, records and files, patient lists, referral information, marketing materials, business records, financial documents; and any other papers, records and documents the disclosure of which might adversely affect Gundersen Palmer.

12. All employees, contractors and members of the medical staff of Gundersen Palmer are obligated to report any actual or suspected violation of the Compliance Program or any legal, ethical, or professional standard related to Gundersen Palmer or its operations to the Gundersen Vice President, Compliance, Gundersen Director of Compliance/Compliance Officer, Gundersen Legal Counsel or to Gundersen's Compliance Hotline at (608) 784-0477 or toll-free at (877) 532-8879 or via Gundersen's intranet.

13. Any employee, contractor, or member of the medical staff of Gundersen Palmer should immediately notify the Gundersen Vice President, Compliance, Gundersen Director of Compliance/Compliance Officer or Gundersen Legal Counsel in writing if he or she is charged, investigated or convicted in connection with any alleged criminal offense related to the provision of medical care, involving an allegation of moral turpitude or related to any alleged fraudulent act or omission.

14. Any employee, contractor, or member of the medical staff of Gundersen Palmer should immediately notify the Gundersen Vice President, Compliance, Gundersen Director of Compliance/Compliance Officer or Gundersen's Legal Counsel if he or she is excluded, suspended, debarred or removed from any government healthcare program.
15. Employees of Gundersen Palmer will not bill any patient or any third-party payor for any services rendered in connection with his or her employment by Gundersen Palmer. If any employee receives payment from a patient or third-party payor for services performed during his or her employment by Gundersen Palmer, the employee will promptly remit such payment to Gundersen Palmer.

16. Upon separation, no employee, contractor or medical staff member may take or retain any of Gundersen Palmer’s papers, patient lists, fee books, patient records, files or other documents, or copies of any such materials.

17. Upon separation, employees will be encouraged to complete an exit survey, and if they are aware of any compliance issues, to bring those to the attention of Gundersen Palmer.

18. Gundersen Palmer will respond to all governmental inquiries appropriately and as required by law.

19. Any information provided by Gundersen Palmer in responding to any governmental, payor or patient inquiries will be as accurate as possible.

20. Significant contact with a government entity or payor in which Gundersen Palmer receives advice that it intends to rely upon in submitting claims or taking other actions should be documented in writing. A copy of the written documentation should be sent to the Compliance Officer.

21. Gundersen Palmer will not engage in false or deceptive advertising.

22. A copy of these Standards of Conduct shall be provided to each Gundersen Palmer employee and shall be available on Gundersen Palmer’s internal systems S: drive or Gundersen’s Intranet.

**Gifts from Vendors:**

Unless otherwise specified herein, Gundersen Palmer staff may not accept “gifts” from vendors. A gift is considered anything of monetary value such as a gratuity, favor, entertainment, loan, reward, pens, notepads, meals, other food items or any vendor promotional items, such as items with a vendor logo or items promoting a vendor’s product or service.

**Exclusions from the definition of “gift” (these items are acceptable and may be received by employees):**

- Genuine educational materials such as textbooks, pamphlets, medical journals or models, if the materials benefit the organization or patients.

- Reasonable honoraria and reimbursement for reasonable travel, lodging, registration fees and meal expenses when staff serves as a legitimate faculty member at a professional meeting or continuing education conference.

- After hours off-campus or off-site meals or entertainment activities or events sponsored by vendors if the meal or activity is modest (less than $50 per meal and $338 in the aggregate per year) and when educational meetings occur in conjunction with such meal. (Note: On-campus food, drink or meals provided by vendors is prohibited).

- Samples requested or used for patient care activities or legitimate business purposes if allowed by the department or regional clinic.

- Items provided at a discount as part of a Gundersen Palmer contract.

- A rebate or discount that is made in the regular course of business to members of the public without regard to their status as a Gundersen Palmer staff member (e.g., a coupon in the newspaper for a discount on a pain reliever).

- Items with vendor name or logo provided by the organizers of the professional meeting that are available to all attendees when the meeting is conducted under national continuing education accreditation body guidelines (e.g., a tote bag with a vendor’s name on it). However, such items may not be brought onto Gundersen Palmer premises.

- Vendor or patient donations (product or monetary) to Palmer Memorial Foundation.

- Non-monetary industry or professional awards.

Items excluded from the definition of “gift” may be accepted if the following requirements are met:

- Such items are not linked to the referral of patients or business; and acceptance and receipt of the item will not influence or appear to influence the recipient’s judgment or conduct at Gundersen Palmer.

We encourage you to read the entire Conflict of Interest policy, PLHco-3017. This policy and other compliance program policies are located on Gundersen Palmer’s internal system S: drive or Gundersen’s Intranet.
Disclosure of Conflicts of Interest:
A conflict of interest occurs when an individual’s private interest interferes with, or even appears to interfere with, the interests of Gundersen Palmer. All Executive Staff, Board Members, Medical and Associate Staff, Administrative Directors, Directors, Purchasing Agents, and others who have been identified based on job description or job responsibility, shall complete a conflict of interest disclosure statement on an annual basis (and more often as a conflict of interest may arise). In addition, all other employees who have authority to make, recommend or influence decisions have a duty to disclose to their superiors, governing Boards or others, as may be appropriate, any actual or potential conflict of interest which may influence their ability to impartially make or recommend a decision.

Disclosed conflicts of interest will be reviewed by a panel of individuals appointed by the Executive Committee, which includes the Gundersen Director of Compliance/Compliance Officer, and a response will be provided to the employee with instructions on how to manage the conflict of interest in order to mitigate risks to Gundersen Palmer. For instance, employees who have a conflict of interest with respect to a particular decision should not exercise decision making authority over that matter and may be asked not to participate in related discussions. Failure to disclose conflicts of interest or disclosing inaccurate or false information may result in disciplinary action up to and including termination of employment.

Discharge and Transfer
If a patient is transferred from Gundersen Palmer Hospital (the “Hospital”), to another hospital receiving reimbursement under the Medicare prospective payment system, the Hospital will submit a claim to the Medicare program as appropriate for reimbursement under the critical-access hospital reimbursement methods for that patient.

Whenever a patient or resident is discharged from the Hospital to a sub-acute care provider such as a skilled nursing facility, home-health agency or rehabilitation care provider, or if the patient or resident requires durable medical equipment for which Medicare benefits are available, Gundersen Palmer will honor the patients’ choice of providers.

Contracts with Physicians and Suppliers
1. Gundersen Palmer will not pay any person or any entity for patient referrals, whether directly or indirectly.
2. All contracts with physicians or entities owned or controlled by physicians who furnish personal services or equipment to Gundersen Palmer will:
   a. be in writing and signed by the parties;
   b. reflect the fair market value of the items and services furnished;
   c. specify the items or services to be furnished.
3. All lease agreements between Gundersen Palmer and any individual or entity in a position to refer patients to Gundersen Palmer or to generate other business between the parties will:
   a. be in writing and signed by the parties;
   b. will have a term of at least one year;
   c. be commercially reasonable;
   d. state the full rental amount, which will reflect fair market value;
   e. not take into account the value or volume of referrals or other business generated between the parties.

Patient Charts and Billing
1. No service will be billed unless appropriately documented in the patient’s record. Where orders are necessary before services are rendered, these will be documented in the patient records as well.
2. All billing and patient records will be accurate, complete and meet documentation requirements set by government or other insurance payors. Patient records will be organized in a manner to facilitate easy retrieval.
3. All billing and patient records will accurately document, among other things, the service provided, the billing codes, the identity of the provider, the date of service, the place of service, and the identity of the patient.
4. All medical records will meet the documentation standards required by law for the type and level of service provided and billed. In the case of time-based codes, such as with psychotherapy
services, the chart will reflect the number of minutes spent with the patient in one-on-one psychotherapy sessions.

5. The employees and staff members of Gundersen Palmer will take all reasonable steps to ensure that claims for reimbursement submitted to any federally-funded healthcare program or other payor are appropriately documented, accurate and properly reflect the services actually rendered.

6. Claim forms will be submitted in a timely manner taking all reasonable steps to ensure the accuracy of the date of service, the nature of the service and all other information, including the signatures used.

7. Gundersen Palmer will periodically provide appropriate and ongoing training, and supplemental coding and billing information to the coding and billing staff.

8. Gundersen Palmer, its employees and staff members will select the most appropriate CPT, ICD-10, and revenue codes in describing procedures performed and other services provided, regardless of the impact upon payment.

9. Compensation to billing department employees or to any billing consultants will not provide any financial incentive to code claims improperly.

10. Any requests for information from a state or federal agency, a carrier, fiscal intermediary, or other third-party payor, other than a routine request, will be provided to the Compliance Officer. Any response to such a request will be documented by maintaining a copy of such response complete with copies of any attachments or exhibits provided. Copies of any attachments or exhibits provided shall be maintained in a retrievable manner.

11. Gundersen Palmer will bill for medically necessary services in accordance with federal and state law. This will include the proper bundling of services when required by the payor.

12. Any discounts received from suppliers will be disclosed on Gundersen Palmer cost reports through listings of net costs or as otherwise required and appropriate.

13. The Compliance Office will periodically sample medical records and corresponding bills for services to ensure compliance with the Gundersen Palmer billing policies and with applicable federal, state and payor requirements. If any of these reviews identify possible instances of non-compliance, the Compliance Office will take all appropriate steps to investigate and address any confirmed instances.

**Collection of Co-Payments and Deductibles and Refunds of Overpayments**

1. It is Gundersen Palmer policy to make a reasonable and good-faith effort to collect any co-payments and/or deductibles owed to it, unless such co-payments or deductibles are waived in accordance with Gundersen Palmer policy based on a good-faith determination of the patient’s financial need.

2. Gundersen Palmer will waive Medicare and Medicaid co-payments or deductibles only in cases of financial need. In such cases, supporting documentation will be retained in the patient’s billing file.

3. Gundersen Palmer will refund any payor overpayments in a timely fashion and pursuant to regulatory requirements.

4. A review of the patient accounts for credit balances will occur and identified credit balances will be refunded in a timely manner in accordance with applicable regulatory requirements.

**Associate Staff and Allied Health Professional Services**

1. Gundersen Palmer will bill for medically necessary physician assistant, nurse practitioner, and other associate staff and allied health professional services in accordance with applicable federal and state laws.

2. Gundersen Palmer will not bill for any associate staff or allied health professional services as an “incident-to” service unless authorized by applicable federal law. When billing is allowable under the “incident-to” rule, complying with the physician supervision requirements will be followed.

**Ancillary Tests**

1. Progress notes or order sheets that are retained in the medical record will indicate all ancillary tests ordered.

2. Progress notes will document the medical necessity of ancillary tests.

3. Progress notes will document the review of ancillary test results and the manner in which such results were used in the determination of a diagnosis or the development of a treatment plan.
Selection of Evaluation and Management Codes
1. Selection of all evaluation and management codes will be based upon documentation in the medical record showing the level of history, examination, and medical decision-making as defined by Medicare’s Documentation Guidelines published by the Centers for Medicare and Medicaid Services.

2. When uncertain about the appropriate level of service to bill, members of the medical staff are encouraged to contact the Health Information Management Office. Alternatively, they can consult the complete instructions for code selection provided in the Current Procedural Terminology (CPT) text and the Clinical Examples Supplement.

3. The key components dictating code selection (in situations not involving time-based codes or where coordination of care and counseling has dominated the encounter) are:
   A. Chief complaint
   B. History component
      1. Problem focused;
      2. Expanded problem focused;
      3. Detailed;
      4. Comprehensive; and
      5. Be in writing and signed by the parties.
   C. Examination component
      1. Problem focused;
      2. Expanded problem focused;
      3. Detailed; and
   D. Decision-making component
      1. Number of diagnosis options
      2. Amount and complexity and data to be reviewed
      3. Risk of complications and/or morbidity or mortality
   E. Consultations
      1. The consulting provider;
      2. The requesting physician;
      3. Letter from the requesting physician;
      4. The requesting physician’s NPI number;
      5. The results of the examination; and
      6. The reply to the requesting physician.

4. If counseling and/or coordination of care accounts for more than 50 percent of the provider’s encounter with the patient or patient’s family, then time becomes the key or controlling factor in selecting the appropriate level of evaluation and management code.

5. Providers should record their counseling time in the patient’s chart when applicable.

6. The term “counseling” is defined as a face-to-face discussion with the patient and/or family concerning one or more of the following:
   - diagnostic results, impressions, and/or recommended diagnosis studies;
   - prognosis, risks and benefits of management/treatment options;
   - instructions for management/treatment or follow-up or importance of compliance with chosen management/treatment options;
   - risk-factor reduction; or
   - patient and family education.

The total time spent with the patient will be considered on the final billing. Counseling time should be recorded as total appointment time and total counseling time (i.e., 30 minutes of the 45 minute appointment was spent counseling the patient).

7. The term “encounter” means a face-to-face session in the office or other outpatient setting or on the floor/unit in a hospital or nursing facility.

Use of CPT Modifiers
1. All CPT modifiers will be used appropriately.
2. Use of all CPT modifiers will be supported by appropriate documentation of the medical necessity for the services provided.

Preventive Services
Preventive services, including annual physicals, are billed to Medicare for denial, in the absence of specific statutory or regulatory authority to bill for those services.

Authorized Provider Limitations
Gundersen Palmer will not bill any payor for services rendered to that payor’s beneficiaries by providers who are not authorized to provide services by the payor, unless the payor’s policies and procedures permit locum tenens or other billing of these services.

False Claims Act
It is the policy of Gundersen Palmer to provide information concerning false claims recoveries as required under Section 6032 of the Deficit Reduction Act of 2005, (P.L. 109-71 the “DRA”). We encourage you to review the entire policy entitled, Deficit Reduction Act of 2005 – False Claims &
Whistleblowers (PLHCco-3014). This policy, along with other Compliance Program policies, are located on Gundersen Palmer’s internal systems S: drive or Gundersen’s intranet.

You should know that failure to comply with laws and regulations can result in severe fines and penalties. A federal law known as the False Claims Act (FCA) makes it illegal for any person to knowingly present, or cause to be presented, to the U.S. government a false or fraudulent claim for payment or approval; knowingly make, use or cause to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the government; or conspires to defraud the government by getting a false or fraudulent claim allowed or paid.

Under the civil provisions of the FCA, a defendant can be assessed a penalty of at least $11,181 and as much as $22,363 per claim, plus three times the damages incurred by the federal government in its prosecution and investigation of the case. Additionally, the criminal provisions provide for a fine of $25,000 and up to five years imprisonment upon conviction. Violation of the FCA can also be grounds for exclusion from participation in federal and state healthcare programs.

In addition to the federal FCA, some states have enacted false claims statutes. These state versions are often modeled on the FCA. Like the FCA, these state false claims statutes may include, among other things, whistleblower (or qui tam) provisions. These provisions allow private persons to bring a civil action in the name of the United States. The purpose of the provision is to give an incentive to whistleblowers to come forward to help the government discover and prosecute fraudulent claims by awarding them a percentage of the amount recovered by the government.

The FCA and many state acts contain a section designated to prevent retaliation against whistleblowers by their employers as a result of their reporting fraud. The whistleblower retaliation section of the FCA provides as follows:

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 investigations for, initiation of, testimony of, or assistance in any action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole. 31 U.S.C. s. 3730 (h).

Courts have found that to state a cause of action under Section 3730(h), a plaintiff must demonstrate that: (1) he/she engaged in “protected conduct” (i.e., acts done in furtherance of an action under s. 3730; and (2) that he/she was discriminated against because of his/her “protected conduct.”

Under Iowa Code Sec. 235E 272.73A 146.997, the Iowa Code protects healthcare workers who disclose any of the following to an appropriate individual or agency:

- Information that a healthcare facility or provider has violated any state law or rule, or federal law or regulation.
- A situation in which the quality of care provided by, or by an employee of, the healthcare facility or provider violates established standards and poses a potential risk to public health or safety.

Specifically, the healthcare facility or provider cannot take disciplinary action against an individual who reports the above in good faith. A person or employer who violates this statute shall be subject be subject to a simple misdemeanor.

Gundersen Palmer has safeguards to protect against employee retaliation, including whistleblower retaliation. Please refer to our Non-retaliation policy, PLHCco-3032, located on Gundersen Palmer’s internal systems S: drive or Gundersen’s Intranet.
State of Iowa Code – Medicaid fraud statute
The Iowa Medicaid fraud statute prohibits any person from:
• Knowingly and willfully making or causing to be made a false statement or misrepresentation of a material fact in a claim for Medicaid benefit or payments.
• Knowingly and willfully making or causing to be made a false statement or misrepresentation of a material fact for use in determining rights to Medicaid benefits or payments.
• Having knowledge of an act affecting the initial or continued right to Medicaid benefits or payments, or the initial or continued right to Medicaid benefits or payments of any other individual on whose behalf someone has applied for or is receiving the benefits or payments, concealing or failing to disclose such event with an intent to fraudulently secure Medicaid benefits or payments whether in a greater amount or quantity than is due, or when no benefit or payment is authorized.
• Making a claim for Medicaid benefits or payments for the use or benefit of another, and after receiving the benefit or payment, knowingly and willfully converting it or any part of it to a use, other than for the use and benefit of the intended person.

Anyone found guilty of the above may be imprisoned for up to six years and fined no more than $25,000 plus three times the amount of actual damages.
A. Compliance Officer
The Gundersen Director of Compliance/Compliance Officer has primary responsibility for ensuring the effective operation of the compliance program. If the Compliance Officer is personally or directly involved in any allegation that is raised, he or she will abstain from any investigation or handling of such allegation. The allegation shall be investigated and handled as determined by the Chief Executive Officer, in consultation with Gundersen’s Legal Counsel.

If the Compliance Officer disagrees with any decision or other action taken by the Chief Executive Officer executive leadership group or Compliance Operations Committee, the Compliance Officer may raise the issue with the Gundersen Palmer Board of Directors.

B. Investigative Protocol
A primary duty of the Compliance Officer will be to facilitate reports of possible misconduct from Gundersen Palmer’s employees and medical staff members. The Compliance Office will ensure that every report, whether written or oral, that is received will be reviewed and evaluated appropriately.

The Compliance Office may determine that a report does not warrant investigation. However, if the Compliance Office concludes, based upon their initial review of a report, that an investigation is warranted, the Compliance Office will investigate the matter and may consult with Gundersen Legal Counsel as appropriate. Please refer to PLHCCo-3046, Compliance Investigations, located on Gundersen Palmer’s internal systems S: drive or Gundersen’s intranet.

During and at the conclusion of any investigations, a privileged and confidential report will be maintained by the Compliance Office or Gundersen Legal Counsel and will contain:
- A summary of the reported allegation;
- The steps taken to investigate the report;
- The investigative findings; and
- The recommendations, if any, for corrective action.

After consultation with the Compliance Operations Committee, the Compliance Office will act on the report in a timely fashion. Action taken by the Compliance Office may include:
- A corrective action plan;
- Refunds of any documented overpayments;
- Voluntary disclosure to government agencies, as appropriate and required.

The Compliance Office may request legal advice from Gundersen Legal Counsel or other counsel to determine the extent of any potential liability and to plan the appropriate response.

C. Audit Protocol
The Compliance Office will institute a plan for periodic internal audits of certain facets of Gundersen Palmer operations. The areas that will be audited may include:
- billing
- coding of services
- utilization
- adequacy of chart documentation
- waiver of co-payments and deductibles
- financial relationships with outside suppliers
- referral practices; and other matters.

The Compliance Office will select an appropriate auditor. The Compliance Office will determine the frequency with which each area will be audited and whether any additional areas need to be audited.

For additional information on audits conducted under our Compliance Program, please refer to our Compliance Audit Standards policy PLHCCo-3035 located on Gundersen Palmer’s internal systems S: drive or Gundersen’s intranet.

D. Compliance Education
As part of its compliance program, Gundersen Palmer will provide periodic education for its employees and medical-staff members. The focus of the education will be the Standards of Conduct.

Each employee and member of the medical staff who is required to complete a compliance training session will sign an attendance sheet establishing attendance. It is the responsibility of the Compliance Officer to integrate new regulations
and legal developments affecting the Gundersen Palmer operation into its compliance training.

The Compliance Officer is obligated to ensure that each new employee or medical staff member receives a copy of the Compliance Plan and Standards of Conduct. With the Human Resources department, the Compliance Officer is responsible for training all new employees and medical staff regarding the requirements of this program and emphasizing its importance to Gundersen Palmer. The Compliance Officer may delegate this responsibility to other persons, as appropriate.

E. Implementing Obligations Under New Statutes and Regulations

It is the responsibility of the Compliance Office to ensure that Gundersen Palmer has processes in place to promptly inform applicable staff of new regulatory and legal developments affecting its Compliance Program. The Compliance Office shall disseminate new and relevant information to the appropriate Gundersen Palmer personnel.

F. Annual Report

The Compliance Office will prepare an annual report of compliance activities for presentation to the Compliance Operations Committee and to the Gundersen Palmer Board of Directors. The report will address all elements of the Compliance program.

G. Exercising Due Diligence in Employee Selection

Gundersen Palmer is committed to preventing the delegation of discretionary authority to any employee, contractor or medical staff member who has a discoverable propensity to engage in illegal activity. Gundersen Palmer will accomplish this goal in the following manner:

1. Prospective employees and members of the medical staff

Gundersen Palmer will evaluate all prospective employees or members of the medical staff to determine whether any has been excluded from participation in federally-funded healthcare programs. This includes reviewing the Office of the Inspector General’s and System for Award Management lists. If a person has been excluded, Human Resources or Credentialing Services will take such action as is appropriate, including any action required by law. If applicable, in considering an application, Gundersen Palmer will also query the National Practitioner Data Bank (“NPDB”) and any state licensing boards.

2. Existing employees, members of the medical staff and volunteers

The Compliance Office conducts monthly screenings to ensure that Gundersen Palmer is not conducting business with or is not otherwise engaged in a professional relationship with anyone excluded by the Office of Inspector General (OIG), sanctioned or debarred by the System for Award Management (SAM), or suspected of terrorism or other wrongdoing by the Office of Foreign Assets Control (OFAC). The Compliance Office screens all employees, medical and associate staff, volunteers, vendors and long-term identification badge holders (as identified by Human Resources) via the Background Screening Application (BSA). All persons identified in the categories are screened against the OIG, SAM, and OFAC databases in a consistent monthly process.

If after a person’s employment application date the person is convicted of a crime or has a record of founded child or dependent adult abuse entered into the abuse registry, then the person shall inform Gundersen Palmer Human Resources of this information within 48 hours of the criminal conviction or entry of the record of founded child or dependent adult abuse.

H. Disciplinary Actions

It will be the responsibility of the Compliance Officer, in consultation with Human Resources, to determine whether the Standards of Conduct have been violated. This information will be reviewed by the CEO, unless the CEO is personally involved or has a conflict of interest with the matter.

Violations of the Standards of Conduct and other compliance policies will be handled in an appropriate manner consistent with Gundersen Palmer policies on disciplinary actions.

Depending on the circumstances, certain offenses may justify disciplinary action, up to and including termination of employment.

I. Responding to Government Investigations

The purpose of a formal response plan is to
organize and facilitate Gundersen Palmer’s cooperation with any governmental or regulatory agency, if a search warrant or subpoena is served or if Gundersen Palmer is subject to an inspection, audit or survey.

Gundersen Palmer will issue written guidelines for employees and members of the staff regarding their rights and responsibilities in the event of an investigation or other regulatory activity involving Gundersen Palmer.

Employees and medical-staff members should be reminded that government agents may attempt to interview them on Gundersen Palmer premises or at their homes during the course of an audit; during service of a subpoena; or execution of a search warrant.

They should be advised that, although Gundersen Palmer will typically cooperate with requests for information from the government, it would like to have a representative present during any such interviews. The employee or member of the medical staff is not required to be interviewed without a Gundersen Palmer officer being present, and may, at their discretion, refer such requests from an investigator to the Gundersen Vice President, Compliance, the Director of Compliance or Legal Counsel.

If investigators or auditors make unscheduled visits, the Compliance Officer or their alternate designee will be the primary point of contact and communication. The Compliance Office or their designee will be responsible for:
1. verifying the identity of the investigators;
2. requiring an inspection of any warrant, subpoena, or other authority for the investigators being present at a Gundersen Palmer facility in order to ensure that the investigators have proper authorization;
3. attempting to ascertain from the investigators the nature of their inquiry and the alleged violations that are the basis for the investigation;
4. insuring that Gundersen Palmer records are not produced without an order or subpoena compelling their production;
5. attempting to escort the investigators at all times while on the premises;
6. being responsible for informing outside counsel immediately and coordinating implementation of the response plan.

If a search warrant is executed, the Compliance Officer, or their designee, will be responsible for monitoring the actions of the search team and will make notes of the areas searched and will prepare a list of any items or papers seized.

At the end of any investigator’s or auditor’s visit, the Compliance Officer will request an exit conference to learn any additional details about the investigation or audit, any potential violations that have been uncovered, and if Gundersen Palmer will be subject to further investigations.

For additional information, please refer to the policy entitled Responses to Unannounced Visits by Government Investigators or Auditors, PLHCco-3037. This policy, along with other Compliance Program policies, is located on Gundersen Palmer’s internal systems S: drive or Gundersen’s Intranet.
GUNDERSEN PALMER
COMPLIANCE PLAN AND
STANDARDS OF CONDUCT

ACKNOWLEDGEMENT

I certify that I have received the Gundersen Palmer Compliance Plan and Standards of Conduct. I understand that it represents mandatory Gundersen Palmer policies. I further certify that I will abide by these Standards of Conduct.

Printed name

Position

Signature

Date
AMENDMENT TO
Palmer Lutheran Health Center, Inc. d/b/a Gundersen Palmer Lutheran Hospital and Clinics

COMPLIANCE PLAN AND STANDARDS OF CONDUCT

The amendments described herein are made effective on June 11, 2020, in order for Gundersen Health System, and its entities with which it exercises majority control, to meet anti-corruption and anti-bribery standards of its lending institutions.

The Standards of Conduct Section of the Compliance Plan and Standards of Conduct document is amended as follows:

The General Matters subsection is updated to include the addition of the following provision:

- 23. Gundersen Palmer competes for business based on the quality and value of its products and services. The provision or offering of cash payments, gifts, favors, or any other form of bribe or kickback in an attempt to improperly influence business or regulatory decisions is strictly prohibited.

The following provision is added to the end of the Standards of Conduct Section:

International

Anti-Bribery & Anti-Corruption

- Gundersen Palmer requires strict compliance with all applicable anti-bribery and anti-corruption laws, including the U.S. Foreign Corrupt Practices Act (the “FCPA”). The FCPA prohibits employees from offering, paying, promising to pay, or authorizing payment of money, gifts, or anything of value to a foreign official or an employee of a state-owned enterprise: (i) to influence any act or decision by the official; (ii) to induce the official to use his or her influence to affect any act or decision; or (iii) to seek any improper advantage in order to assist Gundersen Palmer in obtaining or retaining business in a foreign country. The FCPA and Gundersen Palmer’s Compliance Program also prohibit third parties acting on Gundersen Palmer’s behalf, such as consultants, agents, professional advisors, contractors, or other business partners, from engaging in the same activity.
- Under the FCPA, “anything of value” is interpreted broadly and can include the payment of money, the provision of gifts, meals, entertainment, or travel, or even making charitable contributions at the direction of a foreign official.
- The term “foreign official” is also broadly interpreted to include not only all levels of individuals employed by a government agency, department, or ministry, but also employees of entities owned or controlled by a foreign government.
- Likewise, “obtain or retain business” is broadly interpreted to include conduct that not only leads to specific government business, but also conduct that assists Gundersen Palmer in conducting business in the general sense, such as obtaining regulatory approvals, licenses, or permits.
- Employees must seek the advice of the compliance and legal department before engaging in any conduct that could implicate the FCPA or similar laws. Employees who become aware of any improper payment or contemplated improper payment to a foreign official in connection with
Gundersen Palmer’s business activities must immediately report such concerns to the Vice President of Compliance, the legal department, or Gundersen Palmer’s Compliance Hotline at (877) 532-8879 or via Gladiator.

**Economic Sanctions & Anti-Boycott**

- The United States imposes economic sanctions on foreign governments, entities, and individuals for a variety of foreign policy and national security reasons, including to deter terrorism and international trafficking in narcotics or arms, to encourage nuclear nonproliferation, and to promote human rights, among other reasons. Economic sanctions may be comprehensive – prohibiting economic or commercial activity with an entire country – or may be targeted, blocking trade or financial transactions by and with particular businesses, groups, or individuals. Gundersen Palmer strictly follows the economic sanctions imposed by the United States.

- The U.S. currently imposes comprehensive sanctions against Cuba, Iran, North Korea, Syria, and the Crimean region of Ukraine. Gundersen Palmer will not engage in activities that involve these countries in any way, unless consistent with U.S. law (and any other applicable international laws). Because economic sanctions laws are complex, any proposed business dealings with these countries and regions, whether direct or through a third party, must be reviewed in advance by Gundersen Palmer’s legal department.

- The U.S. also imposes targeted economic sanctions, which impose restrictions on engaging in activities with certain individuals, entities, or governments. For international transactions, third parties – including customers, suppliers, consultants, contractors, and other business partners – should be screened against applicable lists maintained and updated by the U.S. government.

- U.S. law also restricts Gundersen Palmer from complying with, or agreeing to comply with, the unsanctioned boycott of Israel by the 22 countries that make up the Arab League. The U.S. provisions require reporting of boycott requests and of operations in, with, or related to boycotting countries. Gundersen Palmer will not comply or agree to comply with any boycott requests that are inconsistent with U.S. requirements (or any other applicable international requirements), and Gundersen Palmer will report boycott requests as required.