

## DETROIT AREA AGENCY ON AGING

<b><u>Policy Number / Policy Title:</u></b> <b>105 / Standard Code of Ethics and Conduct; Conflict of Interest</b>		<b><u>Approved by:</u></b> <b>President/CEO</b>  <b>VP Human Resources &amp; Business Operations</b> <i>Jonita Birch</i>	
<b><u>Responsible Department:</u></b> <b>HUMAN RESOURCES</b>		<b><u>Applies to:</u></b> applicants and team members, whether related to conduct engaged in by fellow team members or someone not directly connected to DAAA (e.g., an outside vendor, contractors, temporary staff, volunteers, consultant or customer, students, and members of the governing authority), and First Tier, Downstream or Related Entity (FDR)	
<b><u>Effective Date:</u></b> <b>4/1/2000</b>	<b><u>Last Date Revised:</u></b> <b>4/2021 AL</b>	<b><u>Next Review Date:</u></b> <b>4/2022</b>	

<p><b>Policy Statement</b></p> <p>It is the policy of the Detroit Area Agency on Aging (DAAA) that all full and part-time employees, contractors, students, volunteers (collectively referred to as “staff”), and members of the governing authority are expected to perform their designated functions in a manner that reflects the highest standards of ethical behavior.</p> <p>The ethical standards contained in this policy shape the culture and norms of DAAA administrative operations and clinical practices, and both staff and members of the governing authority will be held fully accountable to these standards. In addition to the specific guidelines contained in the policy, professionals are expected to follow the ethical standards required by their specific licensing and certification boards.</p>
<p><b>Definitions</b></p> <p>NONE</p>
<p><b>Frequency of Policy Review</b></p> <ul style="list-style-type: none"> <li>• Policies are reviewed and/or updated annually by the Management Team</li> </ul>
<p><b>Frequency of Training:</b></p> <ul style="list-style-type: none"> <li>• Initial distribution of policy / training and education will be conducted <b><u>within 90 days of hire</u></b> for workforce, governing body, vendors/ subcontractors and providers</li> <li>• Subsequent training / education will be received <b><u>annually</u></b>; thereafter, which includes the following:             <ul style="list-style-type: none"> <li>• General compliance</li> <li>• Fraud, waste and abuse (FWA)</li> <li>• Information, Security and Privacy Training</li> <li>• Standards of Conduct / Code of Ethics</li> <li>• Critical Report Incident (Identify / Document)</li> </ul> </li> </ul>

## **Purpose / Scope**

The purpose of the Code of Ethics Policy is to ensure that all employees' actions reflect a competent, respectful, and professional approach when serving our clients, their families and/or representatives, working with other providers of services, and interacting within the communities we serve.

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

## **Procedure**

### Professional Conduct:

- DAAA team members will respect the rights of our clients by demonstrating full integration of the guidelines contained in the Rights and Responsibility Policy. This includes the right of the client to make autonomous decisions and fully participate in every aspect of the service delivery process.
- DAAA team members will provide services in a manner that fully respects the confidentiality of clients, by demonstrating a functional knowledge of confidentiality policies and guidelines.
- DAAA team members will be fair and honest in their work. They will not exploit or mislead and will be faithful to their contractual obligations and their word.
- To prevent and avoid unethical conduct DAAA team members will consult with, refer to, and cooperate with other professionals. DAAA team members will clarify their professional roles and obligations and be accountable for upholding professional standards of practice

### Personal/Professional Conduct:

- All prior personal relationships between staff and persons entering the organization's programs shall be disclosed by the staff member and subject to review by the appropriate supervisor.
- Team members will limit relationships with persons served to their defined professional roles.
- Team members will not establish ongoing personal or business relationships with clients receiving services.
- Team members will conduct themselves in a professional, ethical, and moral manner.
- Sexual relationships between team members and people served are never appropriate. Sexual relationships include but are not limited to the following: engaging in any type of sexual activity, flirting, advances and/or propositions of a sexual nature, comments of a sexual nature about an individual's body, clothing, or lewd sexually suggestive comments.

- Team members will not accept gifts of value (over \$50) from a client, family member, or stakeholder, and cannot accept personal favors or benefits that may reasonably be construed as influencing their conduct.

#### Business Practices:

- DAAA will utilize the Corporate Compliance Officer to ensure that it conducts business in an ethical manner and ensure that any business practices that are questionable are thoroughly investigated through the ethical investigation procedures that follow in this policy.
- All financial, purchasing, personnel, facility development and information technology practices shall comply with local, state, and federal law and guidelines.
- DAAA is an organization that believes in corporate citizenship where efforts and activities, and interest is in integrating, contributing, and supporting communities where services are delivered to better address the needs of the person served.
- All team members shall adhere to DAAA Human Resource Policies and Procedures.

#### Marketing Practices:

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

#### Clinical Practices:

- Team members will adhere to all professional codes of conduct and ethical standards for his/her specified professional discipline.
- As part of new team member orientation, team members will read DAAA's Code of Conduct and demonstrate knowledge of the guidelines.
- DAAA supports advocacy efforts on the behalf of persons served to secure their rights.

#### Potential Conflicts of Interest:

- No client will be hired or placed in a team member/employer relationship with DAAA while an active participant.
- DAAA team members will not engage in outside professional services that are incompatible or in conflict with job duties within the organization.
- Private practice must be done on the team member's own time and outside the organization, as long as such activities are not adverse to the interests and goals of DAAA and have met the organization's guidelines on conducting a private practice.
- Team members will not recruit clients for their private practice within their professional role as a DAAA team member.
- No team member shall engage in any other employment or activity on the organization's premises or to an extent that affects, or is likely to affect, his or her usefulness as an employee of the organization.

#### Quality of Care:

- DAAA will provide quality services in a manner that is appropriate, determined to be necessary, efficient, and effective.
- Service professionals will follow current ethical standards regarding communication with clients and their representatives regarding services provided.
- DAAA will inform clients about alternatives and risks associated with the care they are seeking and obtain informed consent prior to any clinical interventions.
- DAAA recognizes the right of clients to make choices about their own care, including the right to do without recommended care or to refuse care.

#### Necessity of Care:

- DAAA shall submit claims for payment to governmental, private, or individual payers for those services or items that have been deemed necessary and appropriate and have met the qualifications for entry into the program(s).
- When providing services, DAAA team members shall only provide those services that are consistent with generally accepted standards for provided services and are determined by the professional to be necessary and appropriate.

- Service providers may determine that services are necessary or appropriate; however, the clients funding source may not cover or approve those services. In such a case, the client may request the submission of a claim for the services to protect his/her rights with respect to those services or to determine the extent of coverage provided by the payer.
- Coding and documentation will be consistent with the standards and practices defined by the organization in its policy, procedures, and guidelines.

#### Coding, Billing, and Accounting:

- DAAA team members involved in coding, billing, documentation and accounting for client care services for the purpose of governmental, private or individual payers will comply with all applicable state and federal regulations and organizational policies and procedures.
- DAAA will only bill for services rendered and shall seek the amount to which it is entitled.
- Supporting clinical documentation will be prepared for all services rendered. If the appropriate and required documentation has not been provided, then the service will be viewed as having not been rendered.
- All services must be accurately and completely coded and submitted to the appropriate payer in accordance with applicable regulations, laws, contracts, and organizational policies and procedures. Federal and state regulations take precedence, and organizational policies and procedures must reflect those regulations.
- Clients shall be consistently and uniformly charged.
- Government payers shall not be charged in excess of the provider's usual charges.
- Billing and collections will be recorded in the appropriate accounts.
- An accurate and timely billing structure and medical records system will ensure that DAAA effectively implements and complies with required policies and procedures.

#### Cost Reports/Cost Settlement Reports:

- The DAAA is not subject to a cost report. However, the MI Choice program has been subject to cost settlement on an annual basis. Total claims processed and approved by MSA for a particular fiscal year are compared to the total amount of funds disbursed to that Waiver Agent for that same fiscal year. Any differences in the two totals are settled between the Waiver Agent and MDCH.
  - As of October 1, 2013, all Home & Community Based Services (HCBS) agencies were transitioned from an Organized Health Care Delivery System (OHCDs) to a Prepaid Ambulatory

Health Plan (PAHP). Under PAHP, MI Choice Agents are paid a capitated rate for each participant to receive MI Choice services. Because payments are now capitated, the cost settlement is no longer required.

Personal and Confidential Information:

- DAAA will protect personal and confidential information concerning the organization's systems, employees, and clients.
- DAAA personnel shall not disclose confidential client information unless at the client's request and/or when authorized by law. Appropriate use of client information for research purposes must be obtained with the full informed consent of the participants in the research.
- Confidential information will only be discussed with or disclosed to persons and entities outside the organization through the request of the client. Persons outside the organization include the family, business, or social acquaintances of the client.
- Clients can request, and are entitled to receive copies or summaries of their records with the exception of minors and clients being treated for alcohol and drug abuse, who may be provided with copies of their record if it is judged appropriate by the provider charged with their care.
- DAAA personnel will be familiar with all organizational policy and procedures regarding confidentiality.

Creation and Retention of Client and Institutional Records:

- Records are the property of the organization. Personnel responsible for the preparation and retention of records shall ensure that those records are accurately prepared and maintained in a manner and location as prescribed by law and organizational policy.
- Team members will not knowingly create records that contain any false, fraudulent, fictitious, deceptive, or misleading information.
- Team members will not delete any entry from a record. Records can be amended and material added to ensure the accuracy of a record in accordance with policy and procedures. If a record is amended, it must indicate that the notation is an addition or correction and record the actual date that the additional entry was made.
- Team members will not sign someone else's signature or initials on a record.
- Records shall be maintained according to specific organizational policy and procedure.
- Team members shall not destroy or remove any record from the organization's premises.

- The organization will maintain record retention and record destruction policies and procedures consistent with federal and state requirements regarding the appropriate time periods for maintenance and location of records. Premature destruction of records could be misinterpreted as an effort to destroy evidence or hide information.

#### Government Investigation:

- DAAA team members shall cooperate fully with appropriately authorized governmental investigations and audits.
- DAAA will respond in an orderly fashion to the government's request for information through employee interviews and documentation review.
- The organization will respond to the government's request for information in a manner that enables the organization to protect both the organization and client's interests, while cooperating fully with the investigation.
- When a representative from a federal or state agency contacts a DAAA employee at home or at their office for information regarding the organization or any other entity with which the organization does business, the individual will contact the CEO immediately.
- DAAA team members will ask to see the government representative's identification and business card, if the government representative presents in person. Otherwise, the employee should ask for the person's name, office, address, phone number, and identification number and then contact the person's office to confirm his/her identity.

#### Prevention of Improper Referrals or Payments:

- DAAA team members will not accept, for themselves or for the organization, anything of value in exchange for referrals of business or the referral of clients.
- Team members must not offer or receive any item or service of value as an inducement for the referral of business or clients.
- Federal law prohibits anyone from offering anything of value to a Medicare or Medicaid client that is likely to influence that person's decision to select or receive care from a particular behavioral health care provider.
- The organization shall establish procedures for the review of all pricing and discounting decisions to ensure that appropriate factors have been considered and that the bases for such arrangements are documented.

- Development or initiation of joint ventures, partnerships, and corporations within the organization must be reviewed and approved by the organization's management to ensure compliance with organizational policy and federal regulations.

#### Antitrust Regulations:

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

#### Avoiding Conflicts of Interest:

- All DAAA team members shall conduct clinical and personal business in a manner that avoids potential or actual conflicts of interests.
- Team members shall not use their official positions to influence an organizational decision in which they know, or have reason to know, that they have a financial interest.
- Refrain from personal / financial relationships with vendors that may could influence DAAA's vendors / subcontractor selection;
  - Avoid use of positions, or knowledge gained therefrom, in such manner that a conflict between the interest of the organization and his/her personal or other interests arises;
  - Avoid any activity or outside interest which conflicts or appears to conflict with the best interest of DAAA, including involvement with a current or potential DAAA vendor, service provider/grantee, or competing organization, unless it is disclosed and deemed appropriate by the DAAA.
- Team members must be knowledgeable about activities that may be an actual or potential conflict of interest. Examples of such activities may include, but are not limited to the following:
- Giving or receiving gifts, gratuities, loans, or other special treatment of value from third parties doing business with or wishing to do business with the organization. Third parties may include, but are not limited to, clients, vendors, suppliers, competitors, payers, carriers, and fiscal intermediaries.
- Using DAAA's facilities or resources for other that organization sanctioned activities.
- Using DAAA's name to promote or sell products or personal services.
- Contracting for goods or services with family members of the organization directly involved in the purchasing decision.

### Witnessing of Signatures

- The witnessing of documents including powers of attorney, guardianship, and advance directives is prohibited by DAAA. DAAA maintains a professional relationship with the participants we serve. Involvement with participants in legal matters is not appropriate.

### External Relations:

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

### Human Resources:

- DAAA prohibits discrimination in any work related decision on the basis of race, color, national origin, religion, sex, physical or mental disability, ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran. The organization is committed to providing equal employment opportunity in a work environment where each employee is treated with fairness, dignity, and respect.
- DAAA will make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities.
- DAAA does not tolerate harassment or discrimination by anyone based on the diverse characteristics or cultural backgrounds of those who work for the organization pursuant to the organization's affirmative action policy.
- Any form of sexual harassment is prohibited.
- Any form of workplace violence is prohibited.

### Outside, Secondary, or Conflicting Employment and Activities

- Employment with DAAA is considered to be a team member's primary employment. No team member shall hold any office or have any other employment which may conflict with his or her employment with the agency.

- Any secondary employment is subject to prior approval by the CEO/designee. Approval may be granted only for the current fiscal year. Team members are responsible for resubmitting their request on an annual basis if they wish to continue outside employment. Only outside employment which does not constitute a conflict of interest with employees' job responsibilities or organizational services provided or does not have an adverse effect on the primary employment will be approved. Determination of conflict is made by the CEO or designee.
- Approval is made with the understanding that the request must be in compliance with these outside employment policies and is subject to be withdrawn if:
  - it is learned that the team member engaged in outside employment without getting prior approval; or
  - it is determined that the outside employment is impairing the employee's ability to perform all expected and assigned duties and responsibilities of his or her primary employment in an objective and competent manner.
- Team members engaged in private practice may not refer or solicit current participants served or individuals seeking the services of DAAA to their private practice. Team members requesting approval to provide professional mental health and/or substance abuse services on a private basis must have and present evidence of a valid Michigan license or certification as a private practitioner and individual malpractice insurance as a private practice practitioner equal to DAAA current malpractice coverage for its employees.
- The failure of an employee to obtain prior written approval or to comply with the written determination of the CEO denying approval to engage in outside employment constitutes grounds for dismissal.
- All outside work must be done during off-duty hours, and no facilities, resources, materials, equipment, telephones or other personnel may be used. The outside work must not involve the adjustment of this agency's work schedules.
- Any team member whose request for permission to engage in outside employment is denied by the CEO/designee may file an appeal of that decision by following the agency's Grievance Procedure.

Waste, Fraud, Abuse, etc.

- Team members are encouraged to share any concerns about potential waste, fraud, abuse or other wrongdoings with their Leader or Chief Compliance Officer (CCO). The agency appreciates and respects the reports and has a no-reprisal approach for personnel reporting suspected incidents of waste, fraud, abuse, and other questionable activities and practices.
- The investigation will be completed as soon as possible but must be initiated within 30 days of receipt

and completed within 90 days of receipt. Names of the employees or others reporting activities, etc., are not made public unless absolutely necessary to substantiate the report. The person, who made the report, if known, will be informed of the findings and action taken, if permissible by law.

- The CCO will refer issues to the agency's attorney if there are questions/concerns about legality.
- If appropriate, findings will be shared with the QA/QI Committee for analyzes and planning for system improvement.

#### **Statements of Understanding**

- Team members and Board members receive information and training on Ethics and Conflict of interest at the time of employment and annually thereafter. Each person signs a statement which affirms that such person:
  - Has received a copy of the Ethics and Conflicts of Interest Policy;
  - Has read and understands the policy;
  - Has agreed to comply with the policy; and
  - Understands that DAAA is a human services organization and that in order to maintain its approval for funding it must engage primarily in activities which accomplish one or more of its purposes.

#### **Procedures for Investigating and Acting on Violations of the Code of Conduct:**

- When any client, family member, authorized representative, advocate or other person believes that an ethical violation has occurred within the operations of the organization, they may report such suspicion directly to any employee, or management staff.
- When team members believe a violation of the Code of Conduct has occurred they are obligated to report the violation in one of the following ways:
  - Immediate notification of the incident or violation through the organization's corporate compliance program and reporting mechanisms.
  - Immediate reporting to their supervisor or to the Chief Compliance Officer if the suspected violation involves their leader.
- Leaders who have been informed of a suspected violation are required to immediately inform the corporate compliance officer of the suspected violation.
- If the violation involves a direct and immediate threat to the safety of a client, team members, or visitor, team members are obligated to report the alleged violation immediately to their leader.

- Team members are required to report any suspected violation of the Code of Conduct; however, they are not required to investigate or know for certain that a violation has occurred.
- Once the questionable behavior has been brought to the attention of the supervisor or reported through the corporate compliance procedures, staff reporting the situation will no longer have a responsibility for being involved with the investigation other than providing additional information through a requested interview by the investigator.
- Team members must report each suspected violation of the Code of Conduct separately, should a violation that has been reported occur again.
- When any suspected violation of the Code of Conduct is reported to a leader, or the Chief Compliance Officer, the Corporate Compliance Officer will begin an investigation of the matter immediately. While investigating the complaint, the following issues should be considered and action taken depending on the situation:
  - Is any client in any harm or potential harm because of this behavior?
  - Does the complaint require immediate action to remove the employee from contact with a client?
  - Does the complaint put DAAA or its employee in a potentially liable situation that needs legal consultation?
- Code of Conduct investigations will follow the guidelines outlined in DAAA's Corporate Compliance Policy and Procedure.

General Ethical Guidelines and Considerations:

- The Code of Conduct is shared with persons served during client orientation and is posted throughout the office of DAAA.
- DAAA believes in the importance of ethical practices within the organization. Any employee who reports waste, fraud, abuse or any other questionable practices will not be subject to reprisal by management of the organization. To assure that reprisal is not used, the organization's governance authority will serve as advocates for any employee who reports questionable practices. The Corporate Compliance Officer will provide assurance and oversight that there are no adverse actions toward the team member.
- The following violations of the Code of Conduct will result in termination of employment: Theft of funds, falsification of documentation, and/or physical, emotional, or sexual abuse of a client or team member.

**Exclusion Monitoring Program:**

DAAA collaborates with a third party who performs ongoing exclusion monitoring each **month**. Sanctioned individuals or entities are prohibited from working on government programs.

Employees / vendors, volunteers, temporary staff, contractors entered in the database operating system (at the time of hire or new services) are searched against the following exclusion databases each month.

- OIG List of Excluded Individuals and Entities (LEIE)
- SAM (Sam.gov) includes the GSA- Excluded Parties List System (EPLS)

**Removal of ineligible employees, contractors/subcontractors:**

DAAA will immediately terminate all beneficial, employment, and contractual and control relationships with any individual or entity; i.e. employees, contractors/subcontractors excluded from participation by MDHHS.

**Adherence to DAAA Policies and Procedures:**

- All team members shall adhere to DAAA Human Resource Policies and other agency policies / procedures.
  - All individuals shall prohibit the use of alcohol or illicit drugs when performing contracted services or duties on behalf of DAAA.

**References**

Policy 125 – Training / Orientation;



## **Standards Code of Ethics and Conduct / Conflict of Interest Acknowledgement Form**

### **Overview:**

Effective January 4, 2021, Detroit Area Agency on Aging's training and education plan is to ensure all participants are educated on the ethical standards that help shape the culture and norms of DAAA operations.

### **Purpose:**

The purpose of the Code of Ethics Policy is to ensure that all employees' actions reflect a competent, respectful, and professional approach when serving our clients, their families and/or representatives, working with other providers of services, and interacting within the communities we serve.

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

**Participants:** New hires, subcontractors, employees, providers, volunteers, temporary staff, and students.

**Frequency of training:** Within 90 days of employment; annually thereafter

**Teaching Methodology:** Electronic distribution of policy and signature

**Content:** Participants will review material pertaining to:

- Professional / Personal Conduct
- Business Practices
  - Marketing
  - Clinical
- Potential Conflicts of Interest
- Quality of Care
- Necessity of Care
- Coding, Billing and Accounting
- Costs Reports / Cost Settlements Reports
- Personal/Confidential Information

- Creation/Retention of Client and Institutional Records
- Government Investigation
- Prevention of Improper Referrals / Payments
- Antitrust Regulations
- Avoiding Conflicts of Interest
- Witnessing Signatures
- External Relations
- Human Resources
- Outside, Secondary or Conflicting Employment and Activities
- Fraud, Waste and Abuse
- Statements of Understanding
- Procedures for Investigating and Acting on Violations of the Code of Conduct
- General Ethical Guidelines and Considerations
- Exclusion Monitoring Program
- Adherence to DAAA Policies / Procedures

**Reference:** Policy #105 – Standard Code of Conduct and Ethics / Conflict of Interest

**Acknowledgement:** By signing acknowledges you understand the overview on the aforementioned policy and commit to maintain training annually.

---

Print Name

---

Date

---

Signature