



# Table of Contents

	<b>Page</b>
<b>Preface .....</b>	<b>1</b>
<b>Our Commitment to Providing the Best Possible Care .....</b>	<b>2-3</b>
Patient Rights	
Admission, Transfer and Discharge	
Emergency Treatment	
Patient Privacy and Confidentiality	
<b>Our Commitment to Foster a Workplace that Allows Staff to Provide the Best Possible Care .....</b>	<b>3-4</b>
Diversity and Equal Employment Opportunity	
Safety	
Drug Free Environment	
Employee Privacy and Confidentiality	
<b>Our Commitment to Conduct Our Business Ethically .....</b>	<b>4-8</b>
Dealing with Our Competitors	
Financial Reporting and Records	
Billing and Claims	
Conflicts of Interest	
Gifts	
Marketing and Advertising	
Physician Recruitment and Physician Practice Acquisition	
Patient Referrals	
Purchasing	
Tax Exempt Status	
Political Activity	
<b>Our Commitment to Safeguard Our Environment for Our Communities .....</b>	<b>8-9</b>
Compliance with Environmental Laws	
Waste Disposal	
<b>Assistance in Understanding and Complying with the Code .....</b>	<b>9</b>
<b>Response to Investigations .....</b>	<b>9</b>
<b>Reporting Violations .....</b>	<b>9-10</b>
<b>References .....</b>	<b>11</b>

# WINCHESTER HOSPITAL CODE OF BUSINESS CONDUCT





## ***Preface***

The Code of Business Conduct (“Code”) applies to Winchester Healthcare Management, Inc. and all of its subsidiaries, including Winchester Hospital (“Winchester”). All Medical and Allied Health Care Staff, employees, volunteers, students, trainees, and contracted staff are collectively referred to in this Code as Winchester Staff (“Staff”). A violation of this Code may result in disciplinary action, up to and including termination.



Winchester’s tradition has always been one of excellence. We are committed to providing the highest quality patient care – both in technical and human terms – and continually work to improve the care we provide, even in areas in which we already excel. At the same time, we never lose sight of the fact that at the heart of health care is a relationship. We take every relationship between a doctor and a patient, a nurse and a family, and Winchester and the communities we serve, just as seriously as we take our commitment to providing state-of-the-art medical care. In all we do, we weave technology, expertise, and the science of medicine together with compassion and empathy – we consider this our ART of caring.

This Code is intended to guide us in our mission, and to express how we will conduct ourselves as Winchester Staff. All Winchester Staff are expected to perform their work honestly, responsibly, and in compliance with all federal, state, and local laws and regulations. Compliance with the spirit as well as the letter of the law is required. Winchester also expects anyone who observes a potential violation of the law and/or of Hospital or department policies and procedures to notify his/her supervisor, Human Resources, or the Compliance Officer.

This Code is a summary of Winchester’s policies. Winchester has three primary policy manuals: Personnel, Hospital, and Environment of Care and Safety. In addition, departments have their own policies. If a question arises, the applicable policy manual should be consulted.

This Code is structured around four fundamental commitments made by Winchester:

1. To provide the best possible care;
2. To foster a workplace that allows Staff to provide the best possible care;
3. To conduct our business ethically; and
4. To safeguard our environment.



*Our commitment  
to providing the  
best possible care...*



## **PATIENT RIGHTS**

---

Winchester is committed to delivering the highest possible quality care to its patients and their families. Patients are treated with dignity and respect at all times. Upon admission to Winchester, each patient is given a copy of "Your Rights as a Patient," explaining the patient's rights and responsibilities as a

Winchester patient. Winchester strives to protect these rights throughout the patient's stay.

Winchester assures that every patient is involved in all aspects of his/her care and that we obtain informed consent for prescribed treatment. As appropriate, Winchester is committed to ensuring that each patient or patient representative is provided with a clear explanation of the patient's plan of care, including the patient's diagnosis(es), his/her individual treatment plan, his/her right to refuse or to accept treatment, an explanation of the risks and benefits associated with the available treatment options, and his/her right to appoint a health care agent and establish advanced directives.

Winchester also ensures that patients are advised of their right to request a transfer to another health care facility. In such circumstances, the patient is also provided with an explanation of the associated risks, benefits, and alternatives.

## **ADMISSION, TRANSFER, AND DISCHARGE**

---

Winchester is committed to admitting patients based upon clinical need. There is no preferential treatment or discrimination based upon color, creed, sex, national origin, or financial sponsorship. Transfer and discharge to other facilities is also dependent upon the patient's clinical need. Winchester does not pay or offer to pay for services provided at other facilities to which patients are transferred or discharged.

## **EMERGENCY TREATMENT**

---

Winchester is committed to ensuring that patients have access to emergency medical treatment without regard to their financial resources. Any patient who comes to Winchester with an emergency medical condition is triaged and, as clinically indicated, treated. In medical emergencies, the patient's financial and demographic information is only obtained after the patient's immediate medical needs are met.



A patient will only be transferred to another health care facility if (1) the patient's medical needs cannot be optimally met at Winchester; (2) medically appropriate care is available at another facility; and (3) the patient has been stabilized and formally accepted by the other facility.



## **PATIENT PRIVACY AND CONFIDENTIALITY**

---

We recognize that we hold a lot of private and sensitive information about our patients, and that patients properly expect this information to be kept confidential. For this reason, we have physical and procedural safeguards in place to ensure such information is protected. Winchester will only disclose patient-specific information to others as we are allowed to do so by law for patient treatment, billing purposes, or in the course of healthcare operations. Upon registration, we provide patients with a Notice of Privacy Practices. This Notice details a patient's rights and responsibilities regarding his/her medical information.

Winchester is the owner of the medical record, which documents a patient's medical condition and the services received by the patient at Winchester. Medical records are confidential, which means they are not released except as provided for in the Notice of Privacy Practices, Winchester's Release of Information policy, and under applicable law. Medical records should not be physically removed from Winchester, altered, or destroyed. Staff should not access any patient's medical record without a legitimate, job-related reason for doing so, and then only for the specific information authorized.

*Our commitment to foster a workplace that allows Staff to provide the best possible care...*



## **DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY**

---

Winchester is committed to providing a workplace in which everyone is treated with fairness, dignity, and respect. It is Winchester's policy to make employment decisions based upon an applicant's or employee's experience and performance. Employment decisions are made without regard to race, color, national origin, religion, sex, sexual orientation, age, disability, genetic information, or any other classification prohibited by law.

Winchester Staff have the right to work in an environment that is free of harassment. We will not tolerate any form of harassment. Verbal, nonverbal, or physical abuse by anyone based upon an individual's diversity or cultural background is inappropriate and unacceptable in the workplace. Degrading remarks, humiliating jokes, racial slurs, intimidation, or other harassing conduct are not tolerated at Winchester.

Any form of sexual harassment is also strictly prohibited. This prohibition includes unwelcome sexual advances or unsolicited requests for sexual favors in conjunction with employment decisions. Additionally, verbal, nonverbal, or physical conduct of a sexual nature that interferes with an individual's ability to perform his/her job or creates an intimidating, hostile, or offensive work environment will not be tolerated at Winchester. If a Staff member believes he/she has been discriminated against or harassed, he/she should immediately contact his/her supervisor or Human Resources.

## WINCHESTER HOSPITAL CODE OF BUSINESS CONDUCT



### **SAFETY**

---

Winchester values the safety and health of its employees. We are committed to complying with all applicable occupational health and safety regulations and recognized industry standards. Material Safety Data Sheets, which contain information about hazardous chemicals, are available to all employees. If a Staff member has concerns about the safety of his/her workplace, he/she should immediately report this to his/her supervisor, the Safety Officer, Human Resources, or the Compliance Officer.

### **DRUG FREE ENVIRONMENT**

---

Winchester is committed to providing an alcohol and drug free work environment. Staff must not be under the influence of alcohol and/or illegal drugs while at work. Further, using, possessing, or selling illegal drugs while on Winchester work time or on Winchester property may result in immediate discharge. Winchester may use drug testing as a means of enforcing a drug free environment.

### **ACCESS TO ELECTRONIC INFORMATION**

---

All hardware, software, and information on Winchester computers is the property of Winchester, and we reserve the right to have authorized Staff enter and monitor all computer files, including electronic mail, for purposes such as investigating theft, misuse or disclosure of information, and personal use or abuse of computers or software. Examination or use of such information by any unauthorized Staff is a violation of this Code.

### **DEALING WITH OUR COMPETITORS**

---

Antitrust laws are designed to promote fair competition and enhance consumer choice. Practices such as price fixing, boycotts, and monopolies violate the antitrust laws. Even making disparaging or untruthful statements about a competitor may raise antitrust issues. In order to ensure compliance with these laws, Winchester Staff must not discuss the following topics relating to our business with any competitor:

- Prices, costs, and discounts for services we provide
- Employee compensation (salaries, bonuses, commissions, etc.)
- Volume or inventories of business with other companies
- Competitive bidding procedures
- Marketing strategies
- Lease charges



*Our  
commitment  
to conduct  
our business  
ethically...*



## **FINANCIAL REPORTING AND RECORDS**

---

Winchester is committed to ensuring that all of its financial reports and records are accurate, complete, and in conformance with generally accepted accounting principles. No undisclosed or unrecorded funds or assets may be established. Winchester uses internal controls and procedures to provide reasonable assurance that all transactions are executed in accordance with management's authorization, and are recorded in a timely and proper manner so as to maintain accountability of the organization's assets.

## **BILLING AND CLAIMS**

---

Winchester is committed to ensuring that the bills we submit for payment are prepared accurately and honestly. We will only bill for services which have been properly authorized and documented as medically necessary.

Winchester will not submit false claims, and expects employees to comply with all federal and state fraud and abuse laws. We are committed to informing employees about fraud and abuse laws, including false claims acts. Consistent with that commitment, we want you to be aware that there is a Federal False Claims Act that prohibits Winchester, and any individual associated with Winchester, from knowingly submitting a false claim, i.e., information that is not true, to the government for health care services.



Massachusetts has a similar law. Anyone who violates the federal or state law will be subject to a fine ranging from \$5,000 to \$11,000 plus additional damages. Examples of false claims include billing for services that were not provided, billing twice for the same service, upcoding, and falsifying documentation. Both the federal and state laws have what is called "whistleblower" protection, which means that any individual with knowledge that a false claim has been submitted to the government may file a claim and Winchester will not retaliate against the individual. We want to ensure that you understand both your individual responsibilities and Winchester's responsibilities under these laws. You can find more detailed information about these and other federal and state laws regarding false claims in the False Claims Act Policy located in the Hospital Policies Manual and on WinNet.

Winchester takes reasonable steps to ensure that billing and coding are accurate and timely, and investigates billing discrepancies. Staff assigned to work in billing and coding areas are expected to understand and comply with all billing-related policies and procedures established by Medicare, Medicaid, and other payors to whom claims are submitted.

Winchester is also committed to assisting with free care arrangements, as appropriate, and to creating billing statements that can be understood and make sense to patients.



## **CONFLICTS OF INTEREST**

---

Winchester wants to ensure that business decisions are made objectively. Therefore, possible conflicts of interest must be disclosed. A conflict of interest is when personal considerations influence, or could be seen as influencing, a Staff member's judgment and discretion.

Staff members need to disclose possible conflicts of interest to their supervisors, Human Resources, or the Compliance Officer. Examples of a possible conflict of interest include being employed by a competitor or potential competitor while employed at Winchester; requesting or accepting anything of substantive value in exchange for, or as a result of, services performed in the course of employment; or conducting business on behalf of Winchester with any company in which one has an interest. If a Staff member has any questions about whether an activity might constitute a conflict of interest, he/she must resolve these questions with the Compliance Officer before proceeding.

Situations may arise which place a Staff member in conflict with a personally held religious or moral belief. In such instances, keeping patient care paramount, Winchester will work with the Staff member to manage the conflict.

## **GIFTS**

---

Winchester recognizes that business dealings may include a shared meal or other similar social occasion. It is essential, however, to avoid acceptance of a gift, including excessive entertainment, from someone doing or seeking to do business with Winchester, if the gift could be reasonably interpreted as having been given to influence Winchester to act favorably to the person.

If a vendor offers a Staff member a gift, approval must be obtained from the Staff member's Director or Vice President before it can be accepted. Typically, gifts with a value over fifty dollars (\$50) cannot be accepted. If a patient offers a Staff member a perishable gift like flowers or candies, the Staff member may accept it on behalf of his/her department. If it is anything else, the Staff member must inform the patient and/or his/her family member that Staff members are not allowed to accept gifts. If the patient insists, the Staff member should obtain help from his/her supervisor.





## **MARKETING AND ADVERTISING**

---

Winchester uses marketing and advertising activities to ensure that patients, their families, and our communities understand the quality and type of services we offer. To that end, Winchester is committed to ensuring that its marketing practices and materials are honest, straightforward, fully informative, and non-deceptive. Use of any protected health information will conform to the Health Insurance Portability and Accountability Act and other applicable rules and regulations or laws.

## **PHYSICIAN RECRUITMENT AND PHYSICIAN PRACTICE ACQUISITION**

---

The recruitment and acquisition of physician practices requires special care to comply with fraud and abuse laws, the Stark law, and Internal Revenue Services rules governing Winchester's tax exempt status. Each recruitment package or acquisition should be in writing and consistent with policies established by Winchester. Physicians cannot be required to refer patients to Winchester, and the amount of compensation or support cannot be related to the volume or value of referrals. Since physician recruitment and practice acquisitions present special issues, all such activities need to be reviewed in advance by Legal Services.



## **PATIENT REFERRALS**

---

Winchester does not pay for patient referrals. We accept patient referrals and admissions based solely on the patient's clinical needs and our ability to render the needed services. We do not pay or offer to pay anyone - coworkers, physicians, or other persons - for referral of patients. Violation of this policy may have serious consequences for Winchester and the individuals involved, including civil and criminal penalties and possible exclusion from participation in federally funded healthcare programs.

We do not accept payment for referrals that we make. No Winchester Staff member is permitted to solicit or receive anything of value, directly or indirectly, in exchange for the referral of patients. Similarly, when making patient referrals to another healthcare provider, we do not take into account the volume or value of referrals that the provider has made (or may make) to us. Winchester will also not offer, pay for, ask for, or receive any type of payment in exchange for purchasing, leasing, or ordering any item or service covered by any payor.



**PURCHASING**

Winchester is responsible for obtaining maximum value for money expended by procuring materials, equipment, and services at the lowest cost. Winchester is committed to a competitive bidding process when alternatives exist.

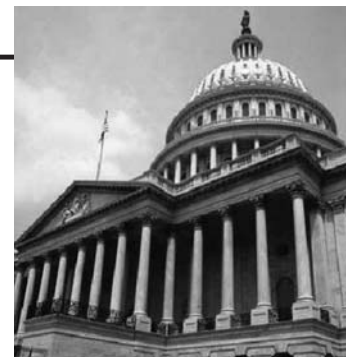
**TAX EXEMPT STATUS**

Winchester, as a non-profit hospital serving charitable purposes, is exempt from paying federal income tax on most of its revenue. Loss of this tax exempt status could result in penalties, interest, and significant cost.

In order to qualify for and maintain its tax exempt status, Winchester must be operated exclusively for charitable purposes. Winchester must provide community benefits (such as the promotion of health and education, and the operation of an emergency department open to all). Any income derived from activities unrelated to Winchester's charitable purpose shall be reported and appropriate taxes paid.

**POLITICAL ACTIVITY**

Winchester believes that our democratic form of government benefits from citizens who are politically active. For this reason, Winchester encourages each of its Staff members to participate in civic and political activities in his/her own way.



Winchester's political activities, however, are limited by law. Contributions by Winchester to political parties or candidates are prohibited, nor can Winchester advocate on behalf of political candidates. No political signs or literature may be displayed or distributed on Winchester premises. Winchester occasionally advocates a position on legislation or regulation affecting the health care industry or Winchester's interest. This is not political activity.

**COMPLIANCE WITH ENVIRONMENTAL LAWS**



*Our commitment to safeguard the environment for the communities we serve...*

Winchester is committed to compliance with all federal, state, and local laws and regulations, as they pertain to the protection and preservation of the physical environment in which we operate our business, as well as the communities we serve. To that end, Winchester will obtain and keep current applicable licenses and permits to ensure compliance with these environmental laws.



## **WASTE DISPOSAL**

---

Winchester is committed to the safe and responsible disposal of biomedical waste and other waste products. Winchester uses a medical waste tracking system, biohazard labels, and biohazard containers for the disposal of infectious or physically dangerous medical or biological waste. Staff members who come into contact with biological waste are oriented on how to deal with it. If a Staff member has any concerns about waste disposal, he/she should contact his/her supervisor, the Safety Officer, or the Compliance Officer.



## **ASSISTANCE IN UNDERSTANDING AND COMPLYING WITH THE CODE**

---

Winchester is committed to ensuring that Staff members receive the assistance they need in understanding and complying with this Code. Every supervisor is accountable for ensuring that Staff members understand their obligations under this Code.

## **GOVERNMENT INVESTIGATIONS AND SUBPOENAS**

---

State and federal agencies (such as the Department of Public Health) have broad legal authority to investigate Winchester and review its records. Additionally, hospitals like Winchester regularly handle subpoenas for records (also called *subpoenas duces tecum*).

It is Winchester's policy to cooperate with government inquiries in the most accurate and truthful manner possible. In order for us to assess the validity of each request and to ensure we cooperate in an organized and accurate manner, it is important that Winchester communicate with such agencies through the Quality/Risk Management Department and the Legal Services Department.



## **REPORTING VIOLATIONS**

---

If Staff members become aware of any violation of the law, any Winchester policy, or this Code, they must report the violation to a supervisor, Human Resources, or the Compliance Officer. Any report a Staff member makes of a suspected violation will not lead to adverse action against that Staff member, provided the report is made in good faith. Each report will be held in confidence to the extent permitted by law. A Staff member may file an anonymous complaint; however, it should be recognized that anonymous complaints may be harder to investigate given the difficulty of verifying relevant information.

## WINCHESTER HOSPITAL CODE OF BUSINESS CONDUCT



Where an internal investigation substantiates a reported violation, it is Winchester's policy to initiate corrective action including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting whatever disciplinary action is necessary, and implementing systemic changes to prevent a similar violation from recurring in the future.

Winchester has a number of ways Staff members can report possible violations of the law, any Winchester policy, or this Code. These are as follows:

### **Winchester Supervisors, Human Resources, and the Compliance Officer**

---

All of the above are available to meet with Staff members to answer any questions about this Code or report a possible violation. Human Resources can be reached at 781-756-2147, and the Compliance Officer at 781-756-2150.

### **Winchester Compliance Line (781-756-7140)**

---

This Line is available to any Staff member who wishes to report a possible compliance issue. The Compliance Line has been set up so that Staff members may access assistance anonymously. No attempt will be made to identify the caller. The Compliance Line is a voice mail system and Staff members need only leave a message.

### **Winchester Ethics Advisory Committee (781-756-2628)**

---

This Committee is available to Staff members, and to patients and families with ethical concerns.

---

This Code of Business Conduct and the other documents that are part of Winchester's Compliance Plan incorporate what should be the best practices of Winchester. Any deviation from these practices is not necessarily a violation of any applicable law or regulation. Nothing in this Code of Business Conduct shall be construed to create any employment agreement, nor shall it be construed to alter the status of any at-will employee or any written employment agreement.

---