

MaineHealth Code of Ethical Conduct

2022



MaineHealth

A Message from MaineHealth CEO Andy Mueller, MD

How we interact with our patients, our many stakeholders and with one another is at the very core of living our mission and vision of *working together so our communities are the healthiest in America*. MaineHealth is committed to conducting operations in a manner that is consistent with our mission, vision and values, and aligns with legal, professional and ethical standards.

MaineHealth has established the MaineHealth Code of Ethical Conduct to outline the principles and behaviors we expect of the entire MaineHealth community in our daily interactions with our patients, one another and those with whom we conduct business. Our Code of Ethical Conduct, a cornerstone of MaineHealth's Corporate Compliance Program and approved by the Board of Trustees, is grounded in our system values of Respect, Integrity, Excellence, Ownership, Innovation and being Patient Centered.

Please take the time to read and familiarize yourself with this important document, and use it to guide your work. We each have a responsibility to hold ourselves accountable to the MaineHealth Code of Ethical Conduct and the values they represent.

Thank you for your dedication to our mission and vision, and for the excellent work you do on behalf of our patients, families and MaineHealth.



A handwritten signature in black ink, which appears to read "A. Mueller". The signature is fluid and cursive, with a small flourish at the end.

Andrew T. Mueller, MD

Chief Executive Officer, MaineHealth



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1. PURPOSE

MaineHealth is committed to conducting operations in a legal, professional and ethical manner. We accomplish this through our Corporate Compliance Program, which creates and reinforces a corporate culture that embraces compliance as a top priority. The purpose of the Corporate Compliance Program is to aid in the detection, prevention and correction of compliance issues. The Code of Ethical Conduct is an integral part of the Corporate Compliance Program and provides guidance in carrying out our daily activities within appropriate ethical and legal standards.



2. INTRODUCTION

A. Guidelines Apply to All Workforce

As used in this Code of Ethical Conduct, the term “MaineHealth” includes each of its Local Health Systems. The term “Workforce” includes MaineHealth’s trustees, officers, employees, volunteers, students, members of the medical staff, clinical faculty, vendors and independent contractors. Workforce will be required to attest to review and agree to abide by the Code of Ethical Conduct on an annual basis.

B. Use of Guidelines

The MaineHealth Board of Trustees adopted the Code of Ethical Conduct to protect and promote organizationwide integrity, support our values and enhance MaineHealth’s ability to achieve its mission.

MaineHealth operates in a heavily regulated and rapidly changing environment. It is not the intention that the Code of Ethical Conduct cover every situation. MaineHealth Workforce must comply with all applicable laws, regulations, and MaineHealth policies and procedures even if the preceding are not specifically addressed in this Code of Ethical Conduct.

C. Decision Making

The Code of Ethical Conduct helps us make ethical decisions. Ask yourself the following questions when you are unsure what decision you should make:

- Is it consistent with our mission and values?
- Is it illegal?
- Is it ethical?
- Could it harm patients?
- Could it harm government programs?
- Could it harm our financial health?
- Would MaineHealth be in a compromising position or would the Board of Trustees, leadership and Workforce be embarrassed if it became public knowledge?
- Would it be uncomfortable if the Board of Trustees, leadership and workforce members read about it in the newspaper?
- Does it violate a MaineHealth policy?
- Is it consistent with our guidelines in our Corporate Compliance Program and Code of Ethical Conduct?

If you are still unsure what decision to make or what action to take, utilize the following confidential resources to assist with making the right decision:

- Report your concern to your immediate supervisor, manager or director; someone in the Human Resources Department; or someone in the Corporate Compliance Department.
- Call the confidential Corporate Compliance Helpline at 207-662-4646.
- Send an email to the confidential Corporate Compliance e-mail address:
MaineHealthCorporateCompliance@MaineHealth.org.



3. ORGANIZATIONAL ETHICS

MaineHealth has developed ethical guideposts for making decisions that maintain our commitment to the health of our patients and to the community. Those standards represent the values that collectively describe our culture and shape our practices and our decisions. The Code of Ethical Conduct supports MaineHealth's values:



A. Executive Compliance Committee

The MaineHealth Corporate Compliance Program has established an Executive Compliance Committee to oversee and monitor adherence to federal and state regulations and institutional policies.

B. Honest Communication

Workforce will not make false or misleading statements to any patient, person or entity conducting business with MaineHealth. MaineHealth requires candor and honesty from individuals in the performance of their responsibilities and in communication with attorneys, auditors and federal or state government agencies.

C. Accurate Records

MaineHealth payments and other transactions are to be accurate and completely recorded in accordance with generally accepted accounting principles and established corporate policies.

D. Proprietary Information

Workforce must not share MaineHealth proprietary information with outside persons, such as competitors, suppliers or outside contractors, unless specifically authorized to do so. Proprietary information includes business strategies, pricing information, financial data, research protocol and intellectual property.

This requirement continues to apply even after you leave MaineHealth employment or service. Workforce may have similar obligations to prior employers or because of service to other institutions. MaineHealth will honor your responsibility to protect that information as well.

E. Scientific Integrity

MaineHealth may receive federal funds or grants to conduct scientific research, and must comply with federal regulations that prohibit “misconduct in science.” Misconduct in science includes fabrication, falsification or plagiarism in proposing, conducting or reporting research. If Workforce identify any inadvertent or intentional violation, they must report it to the Institutional Review Board (IRB) overseeing the research project or to the appropriate compliance officer or manager.

F. Conflicts of Interest

A conflict of interest (COI) involves any circumstance where your personal activities or interests advance at the expense of MaineHealth. These circumstances may be financial or involve some other type of personal interest that conflicts with your professional responsibilities. Our patients and community expect us to make decisions not biased by personal interests, or by any actual or perceived COIs that may compromise our ability to provide patient care, transact business or make purchasing decisions. COI may also pose a risk to the operations and reputation of MaineHealth. Workforce must avoid any actual or perceived COI.

G. Gifts and Gratuities

Business transactions with vendors, contractors, providers, government entities, payers and others must be transacted free from offers or solicitation of gifts and favors or other improper inducements in exchange for influence or assistance in a transaction.

Gifts from Patients:

Workforce must not solicit tips, personal gratuities, or gifts from patients and family members. Workforce may accept gifts of a nominal value from patients and patients’ families to share within their department. If a patient or another individual wishes to present a gift of money, refer them to the Philanthropy Office.

Gifts from Vendors:

MaineHealth Workforce may not accept gifts or hospitality from representatives of health care vendors regardless of the value of the gift.

H. Vendor Relationships and Activities

It is the policy of MaineHealth to protect the integrity of clinical decisions, health care education, research activities, and the purchasing or prescribing of medical devices and pharmaceuticals from real or perceived COI. MaineHealth Workforce may not accept vendor-sponsored entertainment, theater or sporting event tickets or similar entertainment at a vendor’s expense. MaineHealth prohibits vendor sponsorship for education conferences.



4. INSTITUTIONAL ASSETS

MaineHealth uses assets and resources for the purpose of our not-for-profit mission. MaineHealth prohibits the unauthorized use or taking of equipment, supplies, materials or services for personal benefit.

A. Use of Computer Assets

Access to MaineHealth computers is intended for legitimate business purposes. Any incidental personal use must be limited and consistent with all policies, including privacy and security and human resources.

B. Use of the Internet

Access to the internet cannot be used for personal gain or activities sponsored by other organizations or businesses.

Social Media:

Workforce engaged in social networking shall be mindful that their postings could have an adverse effect on MaineHealth patients, employees and legitimate business interests. All applicable MaineHealth policies govern your communication, including privacy and human resources policies.



5. LEGAL COMPLIANCE

A. Fraud, Waste and Abuse

Fraud is generally defined as knowing and willfully executing, or attempting to execute, a scheme to defraud any health care benefit program. Waste is overutilization of services that directly or indirectly results in unnecessary costs to a health care program. Abuse includes practices that result in unnecessary costs to the Medicare program. Seeking payment for any activity that does not meet professionally recognized standards or provides patients with medically unnecessary services is considered abuse.

The state and Federal False Claims Acts (FCA) and the Federal Deficit Reduction Act protect government programs such as Medicare, Medicaid and Tricare from fraud, waste and abuse. It is a violation of the FCA to knowingly submit, or cause another person or entity to submit, false claims for payment of government funds. MaineHealth will bill only for services actually performed in patient care and documented in medical records. MaineHealth will refund overpayments within sixty (60) days of identification.

B. Anti-Kickback Statute

Federal and state Anti-Kickback Statutes prohibit MaineHealth Workforce from knowingly and willfully offering, paying, seeking or receiving money or any other benefit in return for referring patients for treatment.

C. Stark Law (Physician Self-Referral Law)

The Physician Self-Referral Law, commonly referred to as the Stark Law, prohibits physicians from referring patients for certain health services payable by Medicare and Medicaid when the physician or immediate family member has a financial relationship with that entity. MaineHealth will conduct all of our business practices with physicians in conformity with the Stark Law.

D. EMTALA

Congress passed EMTALA (The Emergency Medical Treatment and Labor Act) to eliminate the practice of “patient dumping.” MaineHealth will provide a medical screening examination and stabilizing treatment to all patients who come to our dedicated emergency departments regardless of their ability to pay. MaineHealth transfers emergency patients only when they request a transfer or when we lack the capability to provide appropriate treatment.

E. Excluded Individuals

MaineHealth does not employ individuals, have board members or contract with or bill for services rendered by individuals or organizations excluded from participating in any federal or state health care programs, including those administered by the U.S. Department of Health and Human Services (DHHS), the U.S. Systems for Award Management (SAM) and state Medicaid exclusion or sanction lists.

F. Not-for-Profit Tax-Exempt Status

MaineHealth is a tax-exempt entity because of its charitable mission. MaineHealth provides benefits that include health care services, medical training, education, research and community outreach activities. MaineHealth must use its resources in a manner that furthers the public good rather than the private or personal interest of any individual or entity.

G. Antitrust

Federal and state antitrust laws prohibit competitors from entering into agreements to fix prices, divide geographic markets or reduce competition. MaineHealth Workforce must adhere to these laws. In addition, as a matter of policy, MaineHealth expects its Workforce to avoid conduct that could ultimately lead to such violations, even if the conduct is not itself unlawful. MaineHealth Workforce should not provide or receive nonpublic competitively sensitive business information to or from a company that competes with MaineHealth, or discuss arrangements with such a company that would limit competition.



6. INTEGRITY IN THE WORKPLACE

A. Prohibition on Discrimination and Harassment

MaineHealth treats all individuals with respect and dignity. It is the policy of MaineHealth to ensure that the work environment is free from discrimination or harassment based on someone's race, religion, color, sex, age, disability, marital status, veteran status, whistleblower status, national origin, citizenship status, sexual orientation, gender identity, or any other characteristic protected by law.

B. Drug-Free Workplace

MaineHealth provides a safe and healthy environment for its Workforce and the patients and families it serves. MaineHealth ensures a work environment free from the effects of alcohol and drug use and complies with the requirements of the Federal Drug-Free Workplace Act.

C. Workplace Violence

MaineHealth is committed to a work environment free from threats or acts of violence in the workplace. Workplace violence includes physical assaults, actions or statements that give us reasonable cause to believe our personal safety or the safety of others may be at risk. Workforce members who engage in physically abusive or violent behavior shall be subject to disciplinary action up to and including removal from the facility, termination of employment and referral to appropriate law enforcement agencies.

D. Hazardous Waste

MaineHealth has adopted policies to comply with federal and state laws governing the treatment, storage and disposal of MaineHealth's waste and hazardous materials, including medical waste, radioactive waste, reagents, municipal water, air emissions and asbestos.

E. Political Activity

Outside of the workplace, MaineHealth Workforce may engage in political activities, participate in political campaigns, or support political candidates and causes of their choice. However, in so doing, MaineHealth Workforce may not represent that they are acting as an employee or on behalf of MaineHealth.

As a company, MaineHealth will not advocate for or against the election of any particular candidate for political office, nor will MaineHealth solicit funds or endorsements in support of political candidates. If a pending legislative or regulatory matter may directly affect MaineHealth's pursuit of its nonprofit mission, MaineHealth may determine to express its interests and concerns to the legislative, executive or administrative officials involved, and in its public pronouncements.

F. Confidentiality

MaineHealth Workforce access a broad variety of confidential, sensitive and proprietary information. All Workforce must safeguard patient, employee and other confidential information in accordance with the requirements of employment and federal and state regulations and all applicable policies.



7. OBLIGATIONS OF WORKFORCE

Workforce have an individual, non-delegable duty to report any violation of the Code of Ethical Conduct or any illegal activity. Workforce shall promptly report the alleged violation or illegal activity in the following ways:

- Contact their immediate supervisor, manager or director.
- Contact the Human Resources Department.
- Contact the Corporate Compliance Department.
- Call the Corporate Compliance Anonymous Helpline at 207-662-4646.
- E-mail Corporate Compliance at MaineHealthCorporateCompliance@MaineHealth.org.

A. Requests for Information Pursuant to an Audit, Investigation or Legal Proceeding

MaineHealth promptly responds to requests for information from a government agency or legal proceeding. Requests may come in the form of a subpoena, letter or verbal request. If anyone asks Workforce to accept a legal document or to share information of any kind for any reason, immediately consult with your supervisor, the Corporate Compliance Department or the Office of General Counsel.

B. Obligations of Subcontractors

MaineHealth expects subcontractors who provide items or services in connection with MaineHealth programs to comply with MaineHealth policies on responding to investigations.

C. Contact with the Media

The MaineHealth Communications and Public Affairs department responds to any media inquiries or initiates contact with the media. Communications with media involving patient information must comply with federal and state privacy laws in order to fulfill our legal and ethical duty to protect patient privacy.

D. Enforcement

Violations of this policy may have employment consequences for employees; sanctions for board and committee members; membership and privilege consequences for medical staff members; and business curtailment consequences for vendors and others.



8. DUTY TO REPORT

MaineHealth expects Workforce to notice and report any internal problem that violates our standards. If a Workforce member at MaineHealth is not following a law, policy or elements of our Code of Ethical Conduct, it must be reported. If you feel uneasy talking to your supervisor, voice your concern to the next supervisory level, up to and including the highest level of management. MaineHealth is committed to providing an environment that allows reporting in good faith without fear of retaliation. Failure to report a perceived violation may result in disciplinary action, up to and including separation from employment.

A. Non-retaliation

MaineHealth understands that individuals sometimes may be reluctant to voice their concerns due to a fear of retaliation. Management action that would deter a reasonable individual from making a report may constitute retaliation. Whether obvious or subtle, MaineHealth will not tolerate retaliation taken against an individual who has raised a good-faith concern or cooperated in an investigation. Not only is it against MaineHealth values and policy to retaliate, it is also illegal under both state and federal laws.

B. Cooperation With MaineHealth Corporate Compliance

MaineHealth expects that all members of the Workforce and every department will cooperate with compliance investigations, auditing, and monitoring activity and requests.

**MAINEHEALTH CORPORATE
COMPLIANCE DEPARTMENT:**

207-662-3998

**MAINEHEALTH CORPORATE
COMPLIANCE HELPLINE:**

207-662-4646

REFERENCES FOR FURTHER INFORMATION

Each Local Health System has a policy platform that provides specific information related to topics covered within the MaineHealth Code of Ethical Conduct.

