



CODE OF CONDUCT

Revised August 2020

Southwest Orthopaedic and Reconstructive Specialists (“SOS”) is committed to conducting business in an ethical, legal, and responsible manner in full compliance with all applicable laws, regulations, guidelines, and SOS’s policies and procedures. SOS’s Code of Conduct is an essential element of our Compliance Program. It provides guidance to ensure our work is accomplished in an ethical and legal manner.

All SOS personnel, including but not limited to its physicians and other practitioners, employees, volunteers, and other persons providing services on behalf of SOS (collectively “SOS personnel”), are required to observe this Code of Conduct, abide by our legal and regulatory compliance policies, and conduct their activities in an ethical manner.

SOS personnel shall comply with the following policies and standards:

1. *Ethical and professional standards.* SOS personnel shall comply with and perform their services consistent with high ethical and professional standards. They shall treat patients, co-workers, and others in a professional manner with honesty, fairness, dignity and respect.
2. *SOS policies and procedures.* SOS personnel shall comply with all applicable SOS policies and procedures, including but not limited to those policies and procedures relevant to the Compliance Program.
3. *Laws, regulations, and program requirements.* SOS personnel shall comply with all applicable federal and state laws, regulations, and third-party payor program requirements.
4. *Non-discrimination.* SOS personnel shall not discriminate against other SOS personnel, patients, or others on the basis of race, color, sex, religion, age, national origin, ancestry, disability, or sexual orientation.
5. *Offering or receiving items of value to induce referrals.* Federal and state laws prohibit paying, offering or receiving anything of value to induce referrals for healthcare business. SOS prohibits its personnel from offering, paying, asking for, or accepting any money or other benefit in exchange for patient referrals, leases, or orders. This applies to offering or receiving any money, gifts, free or discounted items or services, professional courtesies, or other arrangements with the intent to induce referrals. This applies to any such transactions involving potential referral sources, including transactions with other health care providers, vendors, or patients.
6. *Financial relationships with referring physicians and other referral sources.* Federal and state laws affect contracts, agreements, and other financial relationships with physicians, vendors and other referral sources. All agreements and contracts for the purchase of goods and/or services with physicians (including immediate family members of physicians), physician groups, any entity owned or operated by physicians, and/or any other existing or potential referral sources, will be in accordance with legal statutory and regulatory requirements, as well as SOS’s policies and procedures.

7. *Conflict of Interest.* A conflict of interest involves any circumstance where your personal activities or interests are advanced at the expense of SOS. These circumstances may be financial or involve some other type of personal interest that conflicts with your professional responsibilities. Since our patients and community expect us to make decisions that are not biased by personal interests, actual or perceived conflicts of interest may compromise our ability to provide patient care, conduct business or make purchasing decisions. Conflicts of interest can often be avoided or mitigated when SOS is aware of potential conflicts. SOS personnel should disclose all information about any actual or perceived conflict of interest to the Compliance Officer.
8. *Improper inducements to Medicare or Medicaid beneficiaries.* Federal fraud and abuse laws prohibit offering or providing inducements to beneficiaries in government health care programs. SOS personnel shall not offer valuable items or services to Medicare, Medicaid, or other government health care program beneficiaries. This includes gifts, gratuities, waiving or discounting deductibles, co-pays, or co-insurance, and other things of value.
9. *Improper billing activities.* SOS policies and various federal and state laws prohibit fraudulent claims activity. The Federal False Claims Act and state fraud and abuse prevention laws prohibit conduct such as knowingly submitting a false or fraudulent claim, or using or making a false statement to get a false or fraudulent claim paid. SOS personnel shall not engage in false, fraudulent, improper, or questionable billing practices. Such improper activities include, but are not limited to:
 - a. Billing for items or services that were not actually rendered.
 - b. Billing for or rendering items or services that were not medically necessary.
 - c. Submitting a claim for physician services when the services were actually rendered by a non-physician, or where a physician failed to provide the level of supervision required by applicable laws or regulations.
 - d. Submitting a claim for payment without adequate documentation to support the claim.
 - e. Improperly altering medical records.
 - f. Using a billing code that provides a higher payment rate than the correct billing code (i.e., “upcoding”).
 - g. Submitting bills in fragmented fashion to maximize reimbursement even though third-party payors require the procedures to be billed together (i.e., “unbundling”).
 - h. Submitting more than one claim for the same service (i.e., “duplicate billing”).

If SOS personnel have a question about the proper standard or procedure for documenting or submitting a claim, they should contact the Compliance Officer as described below.

10. *Screening of Excluded Individuals.* SOS will not knowingly employ or contract with individuals or entities that have been listed as debarred, excluded or otherwise ineligible for participation in federal health care programs. SOS has a compliance policy that describes the requirement that appropriate checks be performed for applicable individuals in accordance with federal laws relating to the exclusion from government health care programs. This policy is designed to assure that no government health care program payment is sought for any items or services directed or prescribed by a physician, practitioner, or contractor who provides and/or orders services and who is an ineligible person. SOS personnel are required to notify the Compliance Officer immediately of any change in eligibility status.
11. *Privacy and confidentiality.* SOS personnel shall maintain the confidentiality of patients' protected health information as required by SOS's privacy policies and applicable law, including but not limited to the Health Insurance Portability and Accountability Act ("HIPAA") and its accompanying regulations, 45 C.F.R. part 164. SOS personnel should not access patient information unless they have a need to access the information because of their job duties. To the extent feasible and allowed by law, SOS personnel shall maintain the confidentiality of communications and records containing confidential information concerning co-workers; communications and records relating to SOS's confidential financial or business operations; credentialing or peer review actions; documents prepared in anticipation of litigation; and communications with legal counsel for SOS.
12. *Responding to Government Inquiries.* SOS personnel are advised to consult with the Compliance Officer before responding to any non-routine requests from or on behalf of local, state, or the federal government to make sure that contacts with government entities are handled properly. SOS personnel are to cooperate with any government inquiry and always be clear and truthful in response to those inquiries. When SOS personnel are aware of an existing or potential government inquiry, they are not to alter or destroy records and should consult with the Compliance Officer or Administrator/CEO if there are questions.
13. *Entities that contract with SOS.* SOS personnel shall ensure that vendors and other entities which contract with SOS comply with the Compliance Program and cooperate with SOS's compliance efforts. If a contract or arrangement with an outside entity implicates any of the compliance concerns discussed above, SOS personnel should refer the contract or matter to the Compliance Officer for review. Nothing in this policy or Compliance Program shall be construed as an undertaking by SOS to inspect, assume liability for or guarantee the performance of work or activities by independent contractors or other agents.
14. *Questions concerning the Compliance Program.* SOS personnel shall seek clarification from or approval by the Compliance Officer before engaging in actions or transactions if there is any question concerning whether the action or transaction complies with applicable laws, regulations, program requirements, or SOS policies.

15. *Report suspected violations.* Employees and those affiliated with SOS have a responsibility to report any suspected or actual violation of the Code of Conduct or other policy irregularities to their manager, Compliance Officer, or Administrator/CEO. For those who wish to remain anonymous, the report may be made by calling the **Compliance Hotline at 866.861.4288**.
16. *Non-retaliation.* SOS personnel shall not retaliate against any person for reporting a suspected violation of any law, regulation, program requirement or SOS policy relevant to the Compliance Program.
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Certification and Acknowledgement

I hereby acknowledge that I have received and will read SOS's Code of Conduct. I understand that the Code of Conduct applies to my employment and that following all laws, regulations, SOS's policies and procedures, and the Code of Conduct is a condition of my employment. I understand that failure to comply with the Code of Conduct, Compliance Program, or SOS's policies and procedures may subject me to immediate adverse action, which may include suspension or termination of employment.

My signature reflects that I have received the Code of Conduct. I realize that it is my responsibility to read and comply with the policies and standards set forth in the Code of Conduct.

Signature

Printed Name

Title/Position

Date