



# Code of Conduct

## Compliance and Ethics Program

February 2014





# Table of Contents

<b>Our Mission</b>	<b>3</b>
A Message from Dr. Stephen Moore	4
Compliance & Ethics Program Overview – our Responsibilities	5
Accountability under the Code	6
Making the Right Choice	7
The 4-Step Process and What Should I Report	8 and 9
Associates' Responsibilities	10
Leadership Responsibilities	11
Responsibilities to our Residents	12
Protecting Resident Privacy	13
Clinical and Business Records	14
Preventing Fraud, Waste & Abuse	15
Anti-Kickback and Referrals	16
Conflicts of Interest	17
Quality of Care	18
Residents' Rights	19
Associate Screening	20
Summary	21
Affirmation	22



# Our Mission

To be the leading provider of inspired living and compassionate care to those we serve

## OUR FAMILY OF COMMUNITIES:

Countryside Manor Health & Living Community	Brookside Village
Fall Creek Retirement Village	Aspen Trace
Rawlins House Health & Living Community	
Arbor Trace	The Altnheim
Bell Trace Health & Living Center	
Bell Trace Senior Living	
University Heights Health & Living Community	Lyons Health & Living Center
Greenwood Health & Living Community	
Brown County Health & Living Community	
Hamilton Trace	Paoli Health & Living Community
Harbour Manor Health & Living Community and The Lodge	
Carmel Health & Living Community	Solarbron

# + A Message from Dr. Stephen Moore



June 11, 2013

Dear Friends,

CarDon & Associates is dedicated and committed to meeting high ethical standards and complying with all applicable laws in all activities regarding the delivery of health care through its licensed and certified communities. It is our goal that our established Compliance Program will assist CarDon in fulfilling its fundamental vision, mission, and values, which is to take care of people with all our hearts. The *CarDon Code of Conduct* is your guide to help you make the right decisions, for the right reasons, every day.

Please read the *Code of Conduct* and work with us all to follow its guidelines. You should also expect that anyone with whom you interact on behalf of CarDon – co-workers, vendors, volunteers, officers, and managers – should also follow the directives in the *Code*. If you have any question at all about procedures or policies, please do not hesitate to reach out to your supervisor, another CarDon manager, the Director of Compliance, or even the Heartline.

Our most important job is to ensure that our residents, their families, and our community can maintain a high level of trust in us and the care we provide. Let's all work together to continue to earn that trust by always providing the highest quality of care to our residents.

Thank you, and welcome to the CarDon Family,

A handwritten signature in dark ink that reads "S. Moore".

Stephen G. Moore  
President and CEO

2749 Covenant Drive, Bloomington, IN 47401  
t: 812-332-2265 • f: 812-334-0854  
[www.cardonus.com](http://www.cardonus.com)



# Compliance and Ethics Program

## Our Responsibilities

At CarDon & Associates, we strive to fulfill our mission by providing truly inspired innovations in both the provision of hospital-to-home therapies and in the senior living environments that our residents desire. Our focus is to fulfill the commitment to compassionate care that is our mission.

As part of our commitment to compassionate care, we participate with many health insurance providers that assist our residents in paying for their health care. CarDon is committed to meeting all of the requirements of participation in those various insurance programs, and with the laws, regulations and statutes that govern us.

The purpose of this Code of Conduct (“Code”) is to provide guidance and support to you, our Associates, Contractors and Vendors so you may have a clear understanding of our commitment to preventing and resolving non-compliance, and to support our provision of quality care to our residents.

Healthcare laws and regulations change frequently, and situations involving compliance with them can be complicated. Sometimes, it is difficult to know what to do in certain situations. Please use this Code as guidance in those situations and as instruction as to what CarDon expects of you.

Our goal is to help you make good choices for CarDon, for our residents and for yourself.

## Accountability Under the Code

This Code expresses our fundamental values and provides a framework for action. The Code's guidelines and standards help guide your behavior and actions in common circumstances. It is our foundational commitment to compliance.

**Compliance means:** Conforming to or following the law.

The laws involve legal and ethical behavior in providing appropriate care for older adults – our residents.

**Accountability is about:**

- How we behave on the job
- How we respond to concerns
- How we prevent violations
- How we care for residents
- Knowing to whom you should report your concerns



Each of us is responsible for our own behavior. You should know that you are accountable under this Code and your cooperation is a condition of your employment with CarDon. Failure to follow the principles of this Code is a basis for disciplinary action – from being required to attend additional training, up to and including termination. It will be a part of your performance evaluation. The Code applies to all directors, company officers, Associates and vendors.

**Associates', Contractors' and Vendors'** conduct and behavior can have an impact on the company and its reputation. For this reason, vendors and contractors are included under the Code and are expected to conduct their business in a legal and ethical manner and to meet all applicable contractual obligations.

This Code will be revised from time to time to ensure that CarDon continues to be at the leading edge of new developments in compliance and providing excellent quality of care.

# Making the Right Choice

Making the right choice is not always easy. There will be times when you will be under pressure or unsure what to do. Always remember when you have a difficult choice to make that you are not alone.



When facing a difficult compliance or ethical choice, it may help to pause and ask yourself these questions:

1. Is it the right thing to do?
2. Is it legal?
3. Is it consistent with this Code and CarDon policies and procedures?
4. Have I considered all the options?
5. If my decision were to become known, would it embarrass me or CarDon?
6. What is the potential impact of my actions on others? On myself? My employment? My reputation?

CarDon has the opportunity to improve every time you ask a question or raise a concern. When you speak up to clarify a policy or report questionable conduct, you are protecting your colleagues, the interests of your Residents and the reputation of CarDon.

How should you ask questions or raise concerns?

**USE THE 4-STEP PROCESS.....**



# The 4-Step Process

1. **F**irst, talk to your supervisor. They will be familiar with the laws, regulations and policies that relate to your work and will be able to handle most matters.
2. **I**f you are not comfortable talking with your supervisor (for example, if you are questioning the actions of your supervisor) please take your concern to your building's Administrator.
3. **I**f you prefer, you may, at any time and for any reason, contact our CARING HEARTS HEARTLINE. Contacting the HEARTLINE is always confidential. It is available 24 hours a day, 7 days a week, by phone or by Internet. (See below)
4. Lastly, if you feel for any reason that your question or concern cannot, or is not, being answered to your satisfaction, you should contact CarDon's Director of Compliance, Colette Jackson. She can be reached by phone at 317-600-2055 or by email at [cardoncompliance@cardon.us](mailto:cardoncompliance@cardon.us).



**Associates**, as well as residents, their families, our vendors and contractors, and our communities should be encouraged to call the HEARTLINE at any time they have questions or concerns.

1-877-874-8416

or

[www.CarDonHeartline.com](http://www.CarDonHeartline.com)



## 4-Step Process

# WHAT SHOULD I REPORT USING THE 4 STEP PROCESS?

1. ANYTHING you have a question about.
2. Violations of CarDon Policy or Procedures
3. Substance abuse
4. Unethical Business Practices
5. Discrimination of any kind
6. Unsafe Workplace

7. Patient Care Issues
8. Sexual Harassment
9. Unethical business practices



## Call now!

10. Questionable accounting or billing
11. Fraud/Deceit
12. Theft
13. Falsification of information
14. Violence
15. Employment concerns

If you see but do not report concerns, you could be held responsible, too.

Caring Hearts  
**Heartline**



# Associates' Responsibilities



If you are an officer, Associate or contractor you are expected to:

1. Always act in a professional, honest and ethical manner. Ensure that your work environment is free of discrimination or harassment.
2. Become familiar with this Code, acknowledge that you will abide by it as well as applicable laws and CarDon policies and procedures, especially the policies and procedures that pertain to your specific job responsibilities.
3. Participate in all required compliance and ethics training opportunities in a timely manner and apply what you have learned to your work responsibilities.
4. Keep up-to-date on current standards and expectations
5. Promptly report concerns about possible violations of laws, regulations, this Code and policies as described in the 4-step process.
6. Ensure that your work remains HIPAA compliant at all times. Do not disclose Protected Health Information. Do not discuss resident's information in the hallway, the elevator, or the grocery store – not anywhere. You might be overheard.
7. Maintain accurate and complete records; never alter or destroy records in response to an investigation, or when an investigation is expected.
8. If you are charged with or convicted of criminal conduct, excluded or debarred from participating in a federally health care program, you are required to notify your supervisor immediately.
9. Practice non-retaliation – Whistleblower protection - never retaliate against someone who has, in good faith, inquired about or reported a suspected violation or non-compliance with the laws and regulations that govern us or with CarDon policies and procedures, or this Code.
10. Always follow safe work practices, safety standards and health regulations.

If you are also a supervisor, you are expected to meet the following **ADDITIONAL** responsibilities:

1. Lead by example. Leaders are expected to exemplify the highest standards of ethical conduct.
2. Be a resource for others. Communicate to Associates and business partners about how the Code and policies apply to their daily work.
3. Be proactive. Look for opportunities to discuss and address ethics and ethically challenging situations with others.
4. Create an environment where compliance is recognized and valued and where everyone feels comfortable asking questions and reporting potential violations of the Code, CarDon policies and procedures, laws or regulations. If someone brings a concern or potential violation to your attention, you are obligated to report it and to take appropriate action in a timely fashion. Such a report is our opportunity for positive change and you will have support in your efforts.
5. Never ask anyone to do something that you would be prohibited from doing yourself.
6. Be aware of the limits of your authority, and do not take any action that exceeds those limits.
7. Delegate your authority only where permissible and never do so with an Associate who you believe may engage in non-compliant or unethical activities.
8. Require NON-retaliation. Never retaliate against someone who has, in good faith, inquired about or reported a suspected violation or non-compliance with the law and regulations that govern us or with CarDon's policies and procedures, and never allow someone who reports to you to do so.

# QUALITY CARE is always priority one



# Responsibilities to our Residents



## Conduct with Residents

Our residents are the heart of our work. We all have a responsibility to treat them, and their loved ones, with respect and dignity. As a caregiver, you must work to promote an atmosphere favorable to excellent care, documentation accuracy and thoroughness. If you are a manager or supervisor, it is also your responsibility to ensure that all necessary resources, including sufficient staff, are available to maintain professionally acceptable standards of care to all.

- ❖ Treat Residents professionally and with respect.
- ❖ Make reasonable efforts to accommodate their individual needs and preferences and honor their rights.
- ❖ Maintain a safe Resident care environment at all times.
- ❖ Always maintain an atmosphere free from verbal, sexual, physical and mental abuse.
- ❖ Help Residents secure their property.
- ❖ Protect our Residents' funds. Any Associate who is found to have tampered with or stolen a Resident's funds will be subject to disciplinary action up to and including termination. Law enforcement will be called.
- ❖ Do not have any sexual contact with Residents, even if consensual. Any Associate who violates this rule will be subject to disciplinary action up to and including termination.
- ❖ Associates are prohibited from soliciting, accepting or offering tips, gifts or loans from Residents, family members or from anyone with whom CarDon does business. *\*The Gift Policy in the Care-to-Learn module does not meet our criteria. This Code supersedes any gift language in the module.*
- ❖ Provide equal care to all Residents without discrimination based on age, color, disability, gender identity or expression, genetic information, marital status, national origin, race, religion, sex, or sexual orientation.
- ❖ ALWAYS FOLLOW THE ABUSE PREVENTION AND REPORTING POLICIES AND PROCEDURES!



# Protecting Resident's Privacy



**Resident** information is protected by State and Federal privacy laws and is one of the most important ways we protect our Resident's privacy.

The Health Insurance Portability and Accountability Act (HIPAA) regulates how we use and disclose the protected health information of our Residents. Such information is confidential and usually cannot be disclosed.

Access only those records, paper or electronic, that you have been given permission to access.

Medical records should never leave the building – either in paper form or through electronic means without proper, prior authorization.

A Resident's consent must be received before using a personal image or testimonial for any of the following purposes: community relations initiatives, social events, announcements or promotions, social outreach, or other community activities. Otherwise, never photograph a resident.

Do not post resident information or photos on any social media site. Doing so will cause immediate termination.

Be very thoughtful about where, when and how you discuss Resident information. Do not do so in a place where you may be overheard.

Share Residents' confidential information only with those who need to know it for clinical or business purposes.

**When in doubt, don't give it out.**

Seek guidance from a Supervisor, an Administrator, the Privacy Officer, or Legal Department.

# Clinical and Business Records

**Each** of us is responsible for helping to ensure the information we record in business or clinical records is accurate, complete and maintained consistently with our system of internal controls.

**Never** make false statements verbally or on any document such as an expense report, time sheet, staffing schedule, clinical documentation, Resident assessment, cost report, plan of correction or other clinical or business report.

**Always** be accurate, complete and truthful when submitting financial results and clinical documentation. All records shall be kept in accordance with generally accepted accounting standards.

**Be** as clear, concise, truthful and accurate as possible when recording any information. In the clinical record and elsewhere, avoid exaggeration, colorful language, guesswork, legal conclusions and derogatory characterizations of people.

**Never** change or tamper with information that has been entered into any record.

**Never** sign a document or record for anyone else.







# Preventing Fraud, Waste & Abuse

**Fraud** is a false statement made or submitted by an individual or entity who knows that the statement is false, and knows that the false statement could result in some otherwise unauthorized benefit to the individual or entity. These false statements could be written or verbal.

**Waste** generally means over-use of services or other practices that result in unnecessary costs. In most cases, waste is not considered to be caused by reckless actions but rather the misuse of resources.

**Abuse** generally refers to provider, contractor or member practices that are inconsistent with sound business, financial or medical practices and that cause unnecessary costs to the healthcare system.

You can help prevent fraud, waste and abuse by using best practices such as these:

- Do NOT certify that you provided services that you did not provide and report any one who does
- Do NOT sign off that a restorative program has been completed before it is actually done
- Always accurately report the care level of your residents and the services provided to them
- Always make certain that your work records are accurate before you certify them
- Only provide therapies and other services that are ordered by a physician and that are medically necessary

The False Claims Act applies to Medicare and Medicaid program reimbursement and prohibits, among other things, billing for services not rendered, billing for undocumented services, billing for substandard resident care, falsifying cost reports, billing for medically unnecessary services, assigning improper codes to secure reimbursement or higher reimbursement, participating in kickbacks or retaining an overpayment for services or items.

Violation of the False Claims Act may result in civil, criminal and/or administrative penalties, including monetary penalties, imprisonment, exclusion from participation and/or loss of professional license.

\*See Compliance Information Sheet "Understanding False Claims" available on the CarDon Intranet.





# Kickbacks, Referral Violations and Bribes – The Anti-kickback Statute

This statute prohibits providing anything of value in exchange for direct or indirect referral of residents or business, or in return for buying services or supplies.

## You can prevent kickbacks and referral violations by:

- Not engaging in prohibited agreements with referral sources such as, but not limited to, an offer to provide supplies not covered by Medicare/Medicaid at little or no charge;
- NEVER giving or receiving gifts from referral sources;
- NEVER establishing payment arrangements with vendors, suppliers or referral sources where reimbursement is, or appears to be, based on the amount or volume of business rather than the value of services provided;
- Not waiving resident co-insurance costs or deductibles, except in very narrow circumstances;
- Always abide by the CarDon Gift Policy.  
*\*The Gift Policy in the Care-to-Learn module does not meet our criteria. This Code supersedes any gift language in the module.*
- Do Not condition admissions on anything other than our ability to provide appropriate care.

All contracts are reviewed by counsel for compliance with applicable statutes and regulations.



# Conflicts of Interest

**We are all connected. But sometimes, those connections can cause potential conflicts of interest when someone has personal or financial interest in more than one connection.**

**\*You may be asked to complete a Conflict of Interest and Disclosure Form.**

## ■ Examples that must be disclosed:

- A CarDon Associate or an immediate family member serves as a director, officer, Associate, consultant or agent of an organization which is a competitor of or does business with CarDon.

## ■ Sample Problem

Problem: A vendor that I do business with offered me tickets to a professional football game. I don't plan on using them, but wanted to give them to my brother. Is that okay?

Answer: Probably not, as it could be seen as appearing to improperly influence your business decisions regarding that vendor. CarDon does not give or accept gifts or entertainment to improperly, or appear to improperly, influence a business or clinical decision, to cause over utilization of Federal health insurance funds, or that could potentially cause quality of care concerns. See the CarDon Gift Policy for further details. You must never give or accept a gift from a referral source.

*\*The Gift Policy in the Care-to-Learn module does not meet our criteria. This Code supersedes any gift language in the module.*





# QUALITY OF CARE

CarDon is committed to providing the care and services necessary to attain and maintain our residents' highest practicable physical, mental and psychosocial well-being by:

- Providing activities to meet residents' needs
- Providing appropriate restorative services and assistance with activities of daily living
- Providing appropriate therapies to residents
- Providing a safe and caring environment
- Providing accurate and appropriate medication
- Providing each resident with a comprehensive assessment and care plan
- Providing sufficient, qualified staff
- Providing treatment and services to address clinical conditions, and mental or psychosocial conditions
- Providing reasonable accommodations of individual needs and preferences
- ALWAYS FOLLOW THE ABUSE PREVENTION AND REPORTING POLICIES AND PROCEDURES!



# Residents' Rights

CarDon & Associates, Inc. is committed to safeguarding residents' rights.

- In addition to abiding by the State and Federal Residents' Rights regulations:
  - We shall not discriminate regarding who we admit to our Communities nor do we deny access to care to anyone we are reasonably qualified to care for.
  - We shall not allow verbal, mental or physical abuse, corporal punishment or involuntary seclusion.
  - We shall not allow inappropriate use of physical or chemical restraints.
  - We shall ensure that residents have personal privacy and access to their personal records upon request and that the privacy and confidentiality of those records are protected.
  - We shall support a resident's right to participate in care and treatment decisions.
  - We shall safeguard our residents' financial affairs.

See our Residents' Rights Statement in our Guidebook to New Residents or posted in our buildings.

1. On your Associate application, you have been asked to certify that you have not been charged with or convicted of an offense that would preclude your employment in a nursing facility and that you have not been excluded or debarred from participation in the Federal health care programs.

3. Additionally, we shall:

- Compliance with this Code is an element of Associate Performance evaluations.**



# Summary

- CarDon is committed to full compliance with all Federal health care program requirements and CarDon expects our Associates to commit to always do their best to abide by those requirements and be compliant in their every day work.
- CarDon expects Associates to abide by this Code of Conduct and our policies and procedures.
- CarDon requires that all staff report concerns about potential violations using the **4-Step Process**.

## ■ QUALITY CARE FOR OUR RESIDENTS IS PRIORITY ONE!

- Attend all training and in-services as provided and complete all on-line training in a timely fashion.
- It is our policy to investigate all reported concerns.
- No retaliation allowed!
- We require that everyone keep the work environment free of discrimination.
- Keep Protected Health Information PRIVATE by abiding by HIPAA rules and regulations in your work area.

**HEARTLINE**  
**1-877-874-8416**

**[www.CarDonHeartline.com](http://www.CarDonHeartline.com)**

- Never give or receive gifts to/from referral sources. Abide by CarDon's Gift Policy. *\*The Gift Policy in the Care-to-Learn module does not meet our criteria. This Code supersedes any gift language in the module.*
- Abide by the Fraud, Waste and Abuse laws – False Claims Act, Anti-Kickback Statute, the Stark Law, HIPAA Privacy and Security Rules, and Anti-Trust laws. As well as Medicare and Medicaid conditions of participation. See our IntraNet for more information.
- **ALWAYS FOLLOW THE ABUSE PREVENTION AND REPORTING POLICIES AND PROCEDURES!.**
- CarDon is committed to non-retaliation against Associates who report concerns.
- I understand the screening process I will undergo upon employment, and I will report if my status changes after hiring.



If you have a concern regarding any  
CarDon community, **don't keep it to yourself**



**HEARTLINE**  
CARDON & ASSOCIATES

HeartLine is an anonymous hotline available to anyone needing to confidentially report issues or concerns within any CarDon community. We encourage you to use this hotline which is available 24 hours a day/ 7 days a week/365 days a year.

Items to report may include (but are not limited to):

- Questionable Accounting/Billing
- Fraud/Deceit & Embezzlement
- Conflict of Interest
- Threatening Violence
- Substance Abuse
- Sabotage and Vandalism
- Violating Policies & Procedures
- Unethical Business Practices
- Sexual Harassment
- Discrimination
- Theft
- Unsafe Workplace
- Falsification of Information
- Patient Care Issues

## It's Simple...

**Step 1:** Connect to the Internet from a private computer

**Step 2:** Type [www.cardonheartline.com](http://www.cardonheartline.com)  
into the address bar and hit "Enter"

**Step 3:** Follow the prompts or call  
**877-874-8416** to speak with a live hotline operator

**CARDON**   
& ASSOCIATES INC.  
inspired living and compassionate care

**ANONYMOUS  
COMMUNICATION  
SYSTEM**



**HEARTLINE**  
CARDON & ASSOCIATES

**Step 1:** Connect to the Internet from a private computer

**Step 2:** Type [www.cardonheartline.com](http://www.cardonheartline.com) into the address bar and hit "Enter"

**Step 3:** Follow the prompts; or call  
**877-874-8416** to speak with a live hotline operator

**CARDON**   
& ASSOCIATES INC.  
inspired living and compassionate care



# Affirmation

- I have read this Code of Conduct and have been provided a written copy to keep.
- I have had the opportunity to ask questions regarding the contents of this Code of Conduct.
- I understand how the contents relate to my position with CarDon.
- I promise to abide by this Code while working for CarDon.
- I agree to inform my supervisor immediately if I am charged with or convicted of an offense that would preclude my employment in a nursing facility, or if I become excluded or debarred from the Federal health care programs.

---

Associate Signature

---

Date

---

Printed Name

**THANK YOU, AND WELCOME TO THE CARDON FAMILY!**



\*For more information about Compliance, see the Compliance File on the CarDon Intranet or call Colette Jackson, Director of Compliance at (317) 600-2055 or [cardoncompliance@cardon.us](mailto:cardoncompliance@cardon.us).