

# Code of Conduct

## **Who We Are**

Located in residential Briarwood, The Silvercrest Center for Nursing and Rehabilitation is a unique center of excellence, dedicated to enhancing quality of life for all the residents we serve, including:

- ◆ Older and younger adults who are chronically ill or traumatized and who make Silvercrest their home.
- ◆ People who need restorative therapy and rehabilitation before returning to an independent life.
- ◆ Ventilator-dependent patients who require a specialized program for weaning from ventilation and gaining better quality of life.
- ◆ People with Alzheimer's Disease and other dementias who need to live in a nurturing and safe environment that encourages high functioning.

## **The Silvercrest Mission**

We aim to provide a continuum of care through diverse programs that provide quality healthcare and promote independence and dignity for all in an environment where:

- ◆ Leadership is by example.
- ◆ Knowledge is shared.
- ◆ Creativity is sought after.
- ◆ Continued education is promoted.

## **Our Philosophy**

We believe that all our residents and patients have the right to comprehensive health care that addresses their physical, psychosocial and spiritual needs, as well as their self-determination and right to a dignified existence. Silvercrest endeavors to consistently provide such quality care services to the community in an effective and cost-efficient manner.

Silvercrest maintains an awareness of the changing healthcare needs of the community and is committed to preparing itself to meet these needs. Furthermore, we strive to act in a socially responsible way by voluntarily taking steps beyond our legal obligations to be a responsible employer, community neighbor, ethical healthcare provider, and a good custodian of the earth.

## **Introduction**

This Code, based on principles outlined in our Mission serves as the foundation of our Corporate Compliance Program. It applies equally to everyone. Silvercrest's leadership has developed the Code of Conduct to reflect our culture and foster the delivery of the highest quality, most compassionate, patient centered care.

- To maintain an effective compliance program, we must all cooperate willingly and participate actively.
- We must report concerns or issues regarding noncompliance to those who can resolve the problem.
- We may report our concerns to any of the following individuals or departments: Our manager/supervisor, Human Resources, Corporate Compliance, or call the Compliance Helpline.
- We understand that we can report issues or problems without fear of retaliation from anyone connected with Silvercrest as long as the reporting is done in good faith.

We recognize that we must act in accordance with the Code and conform to its standards, policies and procedures. We are aware that failure to do so can result in serious consequences for the individual employee or medical staff member, as well as for Silvercrest.

While the Code is designed to provide overall guidance, it does not address every situation. More specific guidance is provided in our policies and procedures.

If questions or concerns persist about a compliance issue, we should contact the Office of Corporate Compliance at (718)480-4044 or the confidential Helpline at 1-888-308-4435.

The Silvercrest Center for Nursing and Rehabilitation (SCNR) employees are to perform their job duties responsibly, to exercise good, professional judgment at all times, and to conduct themselves appropriately in concert with the Mission and Values and service excellence standards of SCNR. It is a condition of employment for all employees of SCNR of whatever status, and whether or not represented by a union, to conduct themselves at all times according to these standards. It is also a condition of employment that each employee of whatever status, whether or not represented by a union, adhere to all of the policies and other rules of SCNR.

Employees are expected to behave as members of the SCNR team. Each employee is responsible to meet/exceed the following Service Excellence Standards:

- Patient Rights
- Courteous and Professional Behavior
- Staff Identification
- Maintenance of Environment
- Respect of Physical Plant and Equipment
- Performance Improvement
- Corporate Compliance
- Patient Safety
- Confidentiality
- Respect for Patient Property
  - Telephone
  - Television

## **Confidentiality and Privacy**

We are committed to maintaining the confidentiality of patient and other information in accordance with legal and ethical standards. Breaches of confidentiality will not be tolerated.

- We will adhere to all established confidentiality and privacy policies, procedures and laws including the Health Insurance Portability and Accountability Act (HIPAA).
- We will respect the privacy of our patients, fellow employees, and medical staff.
- We will actively protect and safeguard patients' health information and patients' personal information in all forms, including paper, electronic, verbal, telephonic, etc.
- We will access a patient's chart or medical data only when we are involved in that patient's care, or when we need access to the chart for a legitimate work-related reason such as billing, administrative, teaching or research requirements.
- We will not reveal information unless it is supported by a legitimate clinical or business purpose, in compliance with our policies and procedures, the Medical Staff Bylaws, and applicable laws, rules and regulations.
- We will not discuss patient information in any public area, including elevators, hallways and dining areas.
- We will not use or share "insider information," which is not otherwise available to the general public, for any direct or indirect personal gain or other improper use.
- We will carefully manage and maintain confidential and proprietary information to protect its value.
- We will not disclose other SILVERCREST financial information, including our financial performance and contract pricing for goods and services, without appropriate approval.
- We will treat as confidential, personnel files and records containing personal information such as demographic information, home address, social security number, account number, health information or health insurance identification number.
- We will maintain computer workstations and access codes in a confidential and responsible manner. We will not share computer identification information and passwords. We will lock or log off computers when stepping away.
- We will secure patient demographic and health information by using encrypted and password protected electronic devices only (i.e., flash drives, laptops, etc.)

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## **Workplace Behavior and Equal Opportunity**

We will treat all people with respect, dignity and courtesy. We recognize that our greatest strength lies in the talent of our staff who create the Organization's success and determine its reputation.

- We will provide employees non-discriminatory terms, conditions and privileges of employment, regardless of race, color, religion, sex, sexual orientation, national origin, age, marital status or military status, and without regard to the disability of qualified persons within the meaning of the applicable law.
- We will provide equal opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, citizenship status, marital status, veteran status, age, pregnancy status, sexual orientation and without regard to the disability of qualified persons within the meaning and subject to the conditions of applicable federal, state and city laws.
- We encourage teamwork and create structures, processes and programs that enable a positive culture to flourish. Disruptive behavior that intimidates others and affects morale or staff turnover will not be tolerated and will be addressed appropriately.
- We will not permit any act of retaliation or reprisal against an employee or medical staff member who in good faith reports a violation of law, regulation, standard, policy or the Code of Conduct.
- We support an alcohol, drug and smoke free workplace and abide by policies prohibiting illegal possession, distribution, use or being under the influence of illegal drugs, alcohol or other substances.
- We expect all employees and medical staff to conform to the standards of their professions and exercise appropriate judgment in the performance of their duties.
- We will screen all prospective employees and medical staff to assure that they have not been sanctioned by any regulatory agency and are eligible to perform their designated responsibilities.
- We are aware that every manager and clinical service chief is responsible for creating a work environment in which ethical concerns can be raised. If an employee raises an ethical question or concern, the manager must address it. If a manager or clinical service chief does not know how to respond, he or she should seek assistance through the chain of command, the Human Resources Department, or the Office of Corporate Compliance.
- We will familiarize ourselves and comply with the contents of the Employee Handbook as well as with the policies and procedures applicable to our employment and responsibilities at Silvercrest.

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## Drugs and Alcohol

The use of Alcoholic beverages of any type is strictly prohibited in SCNR work areas. Any employee found to have open alcoholic beverages in his/her possession, locker, or work space will be subject to disciplinary action, up to and including discharge. Moreover, any employee who consumes alcoholic beverages of whatever type at any time, to the extent that it affects his/her judgment on the job or otherwise impairs his/her job performance, will be subject to disciplinary action, up to and including discharge.

SCNR policy strictly prohibits the possession or use of illegal drugs (including lawful drugs taken in amounts or for purposes other than they were intended) on SCNR premises. Moreover, SCNR policy prohibits the use or possession of illegal drugs (as defined) at any time and at any place such that use or possession may affect an employee's judgment or performance while on the job. Evidence of drugs in an employee's system will be presumed to indicate the possibility that an employee's judgment or job performance can be impaired.

Violations of any of these conditions will subject the employee to immediate discipline, including immediate termination from employment. In addition, SCNR will notify local law enforcement authorities as appropriate.

When SCNR has reason to believe that an employee is in violation of this policy, it reserves the right to inspect lockers, desks, tool boxes, vehicles, and packages or other containers brought on to SCNR property and other objects brought on to or existing on SCNR property, that might conceal alcohol or illegal drugs.

Physical searches of employees and their personal property (including employee vehicles) will be conducted by security personnel, preferably with the attendance of a member of appropriate management, and are to be limited to inspecting loose, unsecured personal possessions, asking the employee to turn out pockets and to remove shoes and any hat and to observing whatever is in plain sight.

In addition, however, whenever SCNR has reasonable cause to believe that an employee's business judgment or work performance may be affected by the use of illegal drugs or alcohol, or that the employee may be violating this policy, it reserves the right to conduct a reasonable search of such employee, including the use of testing for the presence of drugs or alcohol.

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Management will seek to restrict conversations concerning possible violations of this Policy to those persons who are participating in any questioning, evaluation, investigation or disciplinary action and who have a need to know about the details of the drug/alcohol investigation.

Refusal or other non-compliance by any employee with any request to disclose and explain the nature of any suspected substance, to leave the work area or SCNR, or any other reasonable request, including drug or alcohol testing, will be viewed as insubordination and will subject the employee to immediate discipline, up to and including discharge.

Security personnel should be called if it is determined that an employee should not be allowed to remain in the work area and the employee refuses to leave.

### Use of Credentials

Anyone applying for or holding a position requiring a degree, license, certification or registration must present verification of such credentials at the time of the employment interview, upon the renewal of credentials or upon request of the Human Resource Department.

Employees may only utilize their degrees, certificates, licenses or registrations for identification purposes, if such credentials relate to their employment within Silvercrest Center.

### Solicitation

SCNR prohibits solicitation of any type on its premises during working hours except if the solicitation is sponsored by Silvercrest Center for fund raising purposes.

Employees are prohibited from soliciting for any cause, organization or for the sale of any goods on SCNR property during working hours.

Employees are prohibited from distributing literature of any type, in any form, in patient care areas or working areas at any time.

### Children on Premises

SCNR prohibits bringing children into the workplace during an employees working hours.

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## **Business Ethics and Compliance with Laws and Regulations**

We will follow the letter and spirit of applicable laws and regulations, conduct our business ethically and honestly, and act in a manner that enhances Silvercrest's standing in the community and is sensitive to those whom we serve.

- We will demonstrate honesty, integrity and fairness in the performance of our duties.
- We will make every effort to prevent and detect, and we will report any fraudulent, wasteful or abusive activity which may affect our resources or our interactions with the federal, state or local governments.
- We will report any practice or condition that may violate any law, rule, regulation, safety standard, policy or the Code of Conduct to appropriate levels of management, or the Office of Corporate Compliance.
- We will adhere to all applicable laws, regulations and professional standards regarding financial reporting and disclosures. We will submit accurate claims and reports to the federal, state and local governments.
- We are strictly prohibited from giving or receiving any form of payment, kickback or bribe to induce the referral or the purchase of any healthcare service.
- We will not offer any improper inducement or favor patients, physicians or others to encourage the referral of patients to our facilities.
- We will not accept any improper inducements or favors from vendors to influence our patients or others connected with Silvercrest to use a particular product or service.
- We will inform vendors of our policies regarding ethical business conduct and compliance with law, as well as our expectation that vendors act in accordance with such law and policies.
- We will inform vendors who are our business associates of their requirements under HIPAA to safeguard information and report security breaches.
- We will avoid agreements or other actions that may unfairly restrain trade or reduce competition.
- We will be aware of situations that may present potential antitrust issues and avoid inappropriate discussions with competitors regarding business issues. This includes prices for goods and services, salaries and benefits, payment rates and business plans.
- We will market and advertise accurately and in compliance with laws and regulations.
- We will verify that our contracts for services to be provided to Silvercrest are in compliance with the Anti-kickback and Stark laws. All payments made by Silvercrest must be supported by appropriate documentation.

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- We will procure, maintain, dispense and transport drugs and controlled substances used in the treatment of patients according to applicable laws and regulations.
- We will not make any verbal or written false or misleading statements to a government agency or other payer.
- We will not pursue any business opportunity that requires unethical or illegal activity.
- We will provide reports or other information required by any federal, state or local government agency on time, accurately and according to applicable laws and regulations.
- We will comply with federal regulations regarding government contracts and programs in which we participate. We will provide managers and employees who work in relevant areas with knowledge of the governing rules and regulations.
- We will not engage in lobbying activities on behalf of Silvercrest that are inconsistent with the laws, rules or regulations applicable to tax-exempt entities.
- We will conduct fundraising in accordance with all applicable laws and regulations and policies and procedures.
- We will adhere to our policies and procedures relating to Business Ethics and Compliance, including the following:
  - √ Billing and Claims Reimbursement
  - √ Code of Conduct
  - √ Conflicts of Interest – Gifts & Gratuities
  - √ Corporate Compliance Plan
  - √ Employee Compliance Helpline Operations
  - √ Federal Deficit Reduction Act of 2005 Fraud and Abuse Provisions
  - √ Non-Retaliation
  - √ Organizational Ethics
  - √ Possible Identity Theft: “Red Flags” Rule
  - √ Sanctions Screening

## Conflicts of Interest

We will perform our duties on behalf of Silvercrest and its patients. We will avoid conflicts or the appearance of conflicts between our own interests or an outside interest and the interests of Silvercrest.

- We will devote our full time and ability to Silvercrest during our hours of work at Silvercrest.
- We will not engage in any activity, practice or act that creates an actual or apparent conflict with the interests of Silvercrest.
- We will report actual or potential conflicts of interest to our manager, clinical service chief, and/or the Office of Corporate Compliance.
- We encourage employee and medical staff involvement in community activities. However, personal fund raising activities that do not benefit Silvercrest are prohibited from being conducted on site or during work hours. This prohibition includes use of Silvercrest facilities and resources (e.g. computers, letterhead).
- We will act solely in the best interest of Silvercrest, as an agent of Silvercrest, and in our dealings with suppliers, customers or government agencies. This obligation includes those acts formalized in written contracts, as well as everyday business relationships with vendors, customers, government officials and government employees.
- We will promptly and accurately complete any conflict of interest forms which we may be asked to submit.
- Medical staff members must complete, at a minimum, a conflict of interest form on every reappointment and will update the information as appropriate.

The following situations are potential conflicts of interest and must be disclosed to the Office of Corporate Compliance:

### *Placing business with a vendor when we have a financial interest*

We will avoid placing business with any vendor of Silvercrest, in which we or members of our immediate family have a direct or indirect interest, employment or other financial relationship, unless the relationship is disclosed and approved according to policy.

*Providing services for vendors, competitors, or other outside organizations. This includes any institution, but especially competitors and those currently doing business or seeking to do business with Silvercrest.*

We will avoid involving ourselves in any enterprise that does business or competes with Silvercrest when that connection might influence our decisions or affect our ability to perform our functions. If such involvements are necessary, they must be disclosed and approved in accordance with Silvercrest's conflict of interest policy.

*Participating on outside boards of directors/trustees of competitors or those doing business with or on behalf of Silvercrest*

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We will disclose to the Office of Corporate Compliance, utilizing the conflict of interest form or other appropriate means any situation where we serve as a director, trustee or officer of an organization whose interest may compete or conflict with Silvercrest. We will provide such disclosure promptly.

*Having a directorial, supervisory or subordinate relationship with a relative, or hiring a relative*

We will not employ members of the same family in an organizational unit where one Supervisor supervises them or where one of them supervises others in the family unit spouse, children, parents, in-laws or siblings). Silvercrest reserves the right to avoid the possibility of nepotism by unilateral transfer of the individuals concerned.

*Improper gifts and gratuities*

We will not solicit or accept cash or in-kind contributions from vendors, suppliers or other contractors in support of any activity of Silvercrest unless approved by the Administration and/or the Office of Corporate Compliance.

Employees will not accept cash or cash-equivalent gifts in any amount provided in connection with our employment. Non-cash gifts of nominal value (not exceeding \$100) that are given on occasions when gifts are customary but not in appreciation for good service or as thanks for business and reasonable meal and entertainment courtesies may be accepted. Non-cash gifts that exceed nominal value may not be accepted. If we have a question as to the value or the appropriateness of a gift, we should review Silvercrest's conflict of interest policy and then seek approval from our manager or the Office of Corporate Compliance.

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## **Coding and Billing**

We will code and bill accurately and document the services rendered and the amounts billed. Communication among the clinicians, the coders and the billers is required so that accurate information is provided.

- We will maintain appropriate documentation to support coding and billing.
- We will bill for services according to medical necessity guidelines established by the various payers.
- We will code and bill only for services that were actually rendered.
- We will properly train staff and provide them with coding and billing updates in a timely manner.
- We will notify the payer of payment errors and process refunds promptly and accurately.
- We do not routinely waive patients' coinsurances and deductibles. However, when it is done, it will be in accordance with law and established rules, policies and procedures.
- We will maintain complete and thorough records to fulfill requirements set forth in our policies and procedures, accreditation standards and applicable laws and regulations.
- We will continually evaluate our coding and billing activities to identify areas for improvement. We will make special note of concerns identified by regulators (e.g. laboratory services, bad debts) to mitigate the risk of improper billing.
- We strive to identify errors, report them to our managers or the appropriate Silvercrest authority and correct them in a timely and appropriate manner.
- Our billing is the result of complete and accurate coding, which is based upon complete and accurate documentation of all diagnoses and procedures.

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## Safeguarding Resources/Assets

We will protect our assets and the assets of others entrusted to Silvercrest against loss, theft or misuse. This includes physical and intellectual property.

- We will maintain internal controls within our areas of responsibility to safeguard Silvercrest's assets and verify the accuracy of financial statements and all other records and reports.
- We will use Silvercrest property appropriately and take measures to prevent any unexpected loss of equipment, supplies, materials or services. We are aware that managers or clinical service chiefs must approve any personal use of Silvercrest equipment, supplies, materials or services.
- Employees will report time and attendance accurately and will work productively while on duty.
- Travel and entertainment expenses should be consistent with our job responsibilities, Silvercrest's needs and in accordance with policy.
- We will issue and maintain financial reports, accounting records, research reports, expense accounts, time sheets and other documents that are accurate and clearly reflect the true nature of transactions.
- We will follow the laws regarding intellectual properties, including patents, trademarks, marketing, copyrights and software.
- We will not copy Silvercrest computer software unless it is specifically allowed in the license agreement.
- We will adhere to established policies and procedures governing record management and comply with the record retention and destruction policies/schedules for our departments.

### Falsification of Records

All employees and applicants for employment are expected to provide accurate and complete information when requested or required. Any false or misleading statements by employees or applicants on applications, employment records, time sheets, payroll reports, medical information or any other records or reports submitted to Silvercrest Center or to anyone else regarding employment at Silvercrest Center will render such records or reports void, and may be grounds for immediate disciplinary action, up to and including discharge. The Silvercrest Center reserves the right to impose such discipline even in situations where the inaccuracy or falsity of the record is not discovered or otherwise not determined for some time.

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## **Environmental Considerations**

- We will provide a safe and secure environment for patients, staff and visitors.
- The safety and security of patients, employees and medical staff in all of our activities is paramount.
- We will report any unsafe condition to our manager or the Safety Office to correct the problem.
- We will exercise good judgment with regard to the environmental aspects of the use of Silvercrest buildings, property, laboratory processes and medical products.
- We will comply with established Safety and Infection Control policies and procedures, which are intended to avoid job-related hazards and maintain a safe work environment.
- Silvercrest is a smoke-free environment and we will comply with established policies in this matter.
- We will comply with all laws and regulations governing the handling, storage, use and disposal of hazardous materials, other pollutants and infectious wastes.
- We will comply with permit requirements that allow for the safe discharge of pollutants into the air, sewage systems, water or land.
- We understand that Silvercrest will pursue initiatives based on specific threats on-site or in our community.
- We will report any violation of safety policies and procedures, laws, regulations or standards to our manager or supervisor. If we are not satisfied that the issue has been addressed, we will notify the Safety Officer or the Office of Corporate Compliance.
- Any individual working at Silvercrest is required to wear the appropriate identification card. If asked, an employee or medical staff member will identify themselves by name and department.

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## **Employee Issues and Concerns**

It is our responsibility to understand and comply with applicable rules, regulations and laws that govern Silvercrest and its employees. We will also comply with the “Code of Conduct” and “Principles of Behavior.” We understand that violating the principles of the Code can result in corrective action, up to and including termination.

- If there is a question or concern about a situation that we believe may be illegal or unethical, we may first seek guidance from our manager. If we are uncomfortable addressing the issue with our manager or the manager has failed to address the issue in a timely manner, we will inform one of the following: senior management, Human Resources or the Office of Corporate Compliance.
- Management is responsible for responding to issues or concerns identified by employees. If a manager is unable to respond to an employee, he/she is encouraged to seek guidance from a superior and, if necessary, the Office of Corporate Compliance.
- We are aware that Silvercrest has established a toll-free Compliance Helpline. The number is 1-888-308-4435 and it operates 24 hours a day, seven days a week. The Compliance Helpline is operated by an outside organization and can take calls in English. Reports received by the Helpline will be investigated promptly by the Office of Corporate Compliance. Calls may be made anonymously, and every effort will be made to maintain the confidentiality of the information provided.
- In addition to other issues, the Helpline may be used to report complaints regarding accounting, internal accounting controls or auditing matters related to the accuracy or integrity of Silvercrest’s financial statements . Such matters will be investigated by the Compliance Office and reported to the Audit and Corporate Compliance Committee of the Board of Trustees.
- We may report concerns or raise questions through any of the aforementioned channels. We are aware that employees who fail to report a suspected or known violation of the Code of Conduct or other policies and procedures may be subject to corrective action.

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