

Code of Business Ethics



Mission:

To improve the health of the people in the communities we serve.

Vision:

Partnering with you for a lifetime of health and well-being.

Values:

Respect, Integrity, Compassion and Excellence

Table of Contents

Our Commitment to Each Other	3
Corner Stones:	
Employee and Manager Responsibilities Under the CODE	4
Business Ethics and Compliance Program Components	5
Texas Health Business Ethics and Compliance Program	6
Addressing Business Ethics or Compliance Concerns	7
Business Conduct	8
Conflicts of Interest	9
Corrective Action for Violation of Texas Health's Code of Business Ethics	11
Federal and State False Claims Acts	12
Cooperation with Regulatory Agencies and Investigators	13
Non-Retaliation	14
Regulatory:	
Admission, Emergency Treatment, Transfer and Discharge Practices	15
Antitrust and Restraint of Trade	16
Corporate Image	17
Disclosure of Affiliations with Other Health Care Providers	18
Environmental Stewardship	19
Legislative Activities	20
Relationships with Joint Ventures and Other Business Affiliations	21
Tax-Exempt Status	22
Internal Activities:	
Billing and Cost Report Practices	23
Standards of Ethical Coding	24
Books, Records and Accounts	25
Business Courtesies: Gifts	26
Business Courtesies and Gifts from Post-Acute Providers	28
Confidential Information	29
Electronic Communications and Data	31
Fraudulent Activities	33
Identity Theft Prevention Program	34
Inside Activities	35
Solicitation	36
Use of Licensed Property or Copyrighted Materials	38
Use of Resources	40
Health and Safety	41
Clinical Research	42
External Activities:	
Donations, Grants and Other Charitable Gifts	43
Fair and Accurate Representation of Products and Services	45
Business Courtesies and Gifts to Physicians or Practitioners	46
Honoraria	47
Outside Activities	48
Relationships with Suppliers and Representatives	50
Product Samples, Demonstrations and Acceptance of Vendor Products	51
Request for Quote Process	53
Vendor Endorsements and Demonstrations	54
Educational Sessions and Sponsorships	55
Social Media	57

Our Commitment to Each Other

FROM Barclay Berdan, Chief Executive Officer (CEO)
TO ALL EMPLOYEES, CONTRACTORS, VOLUNTEERS AND AGENTS:

“Doing the Right Thing”. This is a core part of our DNA at Texas Health. The only way we will be successful in achieving our Mission and business objectives is to do our work with respect, integrity, compassion and excellence. Doing our jobs with integrity requires our commitment to compliance with laws and regulations on behalf of our organization, our employees and our patients. By acting with integrity, we earn the trust of our patients, business partners, co-workers, suppliers and the communities we serve.

Our Code of Business Ethics (CODE) is a component of the Texas Health Business Ethics and Compliance Program that includes standards of conduct that apply to our work and business activities. The Texas Health Chief Compliance Officer is responsible for overseeing the Texas Health Business Ethics and Compliance Program and related processes.

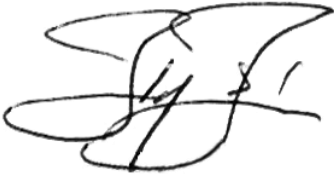
Today’s health care laws and standards are complex. Our CODE explains the personal responsibilities we have as Texas Health employees, contractors, volunteers and agents. Review our CODE carefully. It will help you make sure your actions never fall short of our commitment to doing the right thing and raising concerns in good faith.

Our commitment to all four Texas Health values—Respect, Integrity, Compassion and Excellence—helps us live Our Texas Health PromiseSM.

Together, by following the letter and spirit of our CODE, we will ensure the trust of all stakeholders and maintain the pride that comes along with working at Texas Health.

Thank you in advance for all you do every day to do the right thing on behalf of everyone our great organization has the opportunity to interact with.

Committed to doing the right thing,



Barclay E. Berdan, FACHE
Chief Executive Officer
Texas Health Resources

Employee and Manager Responsibilities Under the CODE

The effectiveness of the Business Ethics and Compliance Program (Program) depends on your willingness to bring compliance concerns to the attention of your manager, the Texas Health Chief Compliance Officer, Human Resources or another member of management. Managers have the primary responsibility to set the bar for compliance and serve as the primary source of information to employees. You and your manager are equally responsible for the following:

- **Knowing and Complying with Texas Health Policies**

You must know compliance expectations, abide by them and be sensitive to situations that could lead to non-compliance. Managers have an affirmative duty to fully understand the Program, follow its mandates, demonstrate compliance on a day-to-day basis, coach and be accountable for their employees while leading by example.

- **Training and Education**

You must complete mandatory training programs provided on the Program and specific subjects. In addition, managers must communicate, formally and informally, the importance of compliance to their employees and actively promote adherence to the Program.

- **Reporting Actual or Suspected Compliance Concerns**

You are responsible for reporting all actual or suspected ethics or compliance concerns or violations of laws or Texas Health policies. You should use the "Chain of Command" steps described in this booklet to resolve ethics and compliance concerns.

- **Code of Business Ethics**

You are responsible for reading the CODE and for complying with Texas Health standards of conduct. You should also be knowledgeable of the ethical standards applicable to your respective profession, if applicable.

- **Accountability**

You must adhere to business ethics and compliance policies and will be asked to confirm that on an annual basis. Managers must create an atmosphere that encourages compliance and fosters reporting of non-compliance concerns without fear of retaliation.

Demonstrate Compliance on a Daily Basis

Business Ethics and Compliance Program Components

Texas Health's Business Ethics and Compliance Program (PROGRAM) includes elements recommended by the Office of Inspector General for a comprehensive compliance program including the following:

1. Written Standards of Conduct:

The CODE and Texas Health policies, procedures and guidelines define our commitment to compliance and ethical business practices in everything we do.

2. Compliance Oversight:

The designation of a Chief Compliance Officer, Entity Compliance Officers, compliance committees and other dedicated infrastructure provides the necessary oversight for the PROGRAM. Further, the Chief Compliance Officer is designated by the Texas Health Board of Trustees and charged with the responsibility for implementing and oversight of the PROGRAM in an independent and objective manner.

3. Education and Training Program:

Formal compliance education and training programs are required of employees and others associated with Texas Health. Areas governed by specific compliance laws and regulations are provided additional education.

4. Internal Reporting and Hotline:

Texas Health provides an open-door, anonymous and non-retaliatory process including a toll-free "HOTLINE" telephone number for use by employees and others to report suspected misconduct or violations of laws regulations or Texas Health policies in good faith.

5. Investigation and Resolution:

The PROGRAM includes investigation and resolution of all reports of suspected misconduct. Resolution may include Human Resources (HR) or non-HR corrective action. Non-HR corrective action may include policy or procedure changes, prompt restitution and/or reporting to governmental agencies as appropriate. HR corrective action will be taken according to Texas Health Human Resource policies and may include oral or written progressive corrective action up to and including separation of employment.

6. Auditing and Monitoring:

The PROGRAM includes a formal plan to audit and monitor compliance policies and procedures including self-assessments, random audits, or other reviews.

7. Employment and Contracting:

Texas Health is committed to proper due diligence and screening designed to employ or associate with individuals who have not engaged in illegal activities or who are excluded from participation in federally funded healthcare programs.

Support the Compliance Program's Seven Components

Texas Health Business Ethics and Compliance Program

Texas Health's Business Ethics and Compliance Program (PROGRAM) represents our commitment to doing what is right. As a Texas Health employee, contractor, volunteer or agent, you are agreeing to uphold this commitment, to understand the standards that apply to your job and to follow those standards.

You should carefully examine your conscience when you think or hear ...

"It can't hurt just this once."

"We can bury it and no one will know."

"No one will ever find out."

"Everyone does it."

"You never heard this conversation."

"Don't tell anyone about this."

Always do the right thing. The biggest mistake you can make is attempting to cover something up, not telling the truth or failing to speak up when something doesn't seem right.

Texas Health's PROGRAM addresses the essential elements necessary for an effective PROGRAM and builds upon the practices of checks and balances, ethics, common sense, trust and best practices. The PROGRAM is vital in assisting Texas Health with achieving its health care mission in full compliance with applicable laws and consistent with the highest ethical standards.

SEE ALSO

In This Book: [Non-Retaliation; Addressing Business Ethics or Compliance Concerns.](#)

Texas Health Policy: [Non-Retaliation – Good Faith Reports of Suspected Misconduct; Record Retention Periods Policy and Records Retention Schedule; Business Ethics and Compliance – Education and Training; Texas Health Business Ethics and System Compliance Program.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I spoke to my manager about an issue and he (or she) is not taking action. If I call the Hotline, will my name be provided to my manager?

You can remain anonymous, if desired. There may be a point when your identity becomes known should a governmental agency become involved, or due to specific facts. Your concern will be reviewed and a decision made about follow-up and/or corrective action. Even though you may not always be aware of the investigation's outcome, your concern will always be investigated and appropriate actions taken. There will be no retaliation or retribution to a reporting employee for asking a question or raising a concern in good faith. Good faith means that the person believes the concern is based on true facts.

What training is available to help me know the laws and regulations for my job duties?

Texas Health is aware of the need for appropriate and ongoing compliance training. All employees receive training during onboarding to Texas Health and annually in on-line refresher training regarding expectations. General and specific compliance training for identified risk areas is provided as needed. Let your manager know if you need specific training or tools to do your job and to feel confident about compliance with laws and regulations.

Our office has many boxes of old records. How long must I keep records?

Texas Health has a record retention policy and schedule listing common documents and the length of time these documents must be kept. Your manager can clarify record retention questions.

Where can I find more information on Texas Health's Business Ethics and Compliance Program and policies?

PROGRAM information can be found on the "[System Compliance](#)" site on the *MyTexasHealth* intranet. The site contains PROGRAM details, information on support structures, contact information, training and awareness materials, policies, other guidance and links to outside tools.

Pointing You in the Right Direction

Addressing Business Ethics or Compliance Concerns

Employees are expected to ask questions and express concerns about actual or suspected misconduct. Managers should promote open and honest communication. Texas Health does not allow retaliation or retribution against an employee for asking a question or raising a concern in good faith. Good faith means you believe the information or concern is based on true facts. Again if you see something that concerns you, report it. If co-workers or others relay actual or suspected misconduct, encourage them to report to their manager or call the Texas Health Compliance Hotline.

Use the Chain of Command

1. Ask and keep asking until you get an answer that makes sense.
2. Discuss your question or concern with your manager or another member of management. Give your manager a chance to resolve the problem.
3. If your manager is unable to find an answer, or you are uncomfortable discussing the issue with your manager, call the Texas Health Chief Compliance Officer or your Entity Compliance Officer directly, or
4. Call the Texas Health Compliance Hotline at 1-800-381-4728. You may remain anonymous, if desired.

After considering the options above, if you have an unresolved concern about safety or quality of care, you can contact The Joint Commission at 1-800-994-6610.

Be sure to contact Human Resources for all human-resources- related topics and concerns.

SEE ALSO

In This Book: [Business Conduct; Federal and State False Claims Acts; Texas Health Business Ethics and Compliance Program.](#)

Texas Health Policy: [Business Ethics and Compliance Program; Federal and State False Claims Acts and Protections.](#)

Use the Chain of Command When Needed

Business Conduct

You should conduct all Texas Health business with respect, integrity, compassion and excellence. These qualities are evidenced by being honest and never misrepresenting facts or information. All activities should be conducted in the spirit of “transparency” and free from conflicts of interest.

You must not engage (directly or indirectly) in conduct that is disloyal, disruptive or damaging to Texas Health. People will judge Texas Health by your actions, the attention and care you give, the courtesies you extend, the problems you solve and the quality of service you deliver. If you have questions or concerns about Texas Health policies, laws, regulations, patient safety or quality of care issues, you must inform your manager, another manager, Human Resources or, if you prefer, the Texas Health Chief Compliance Officer. Failure to report known or suspected misconduct may result in progressive corrective action up to and including involuntary separation of employment.

SEE ALSO

In This Book: [Non-Retaliation; Addressing Business Ethics or Compliance Concerns; Corrective Action for Violation of Texas Health's Code of Business Ethics.](#)

Texas Health Policy: [Non-Retaliation – Good Faith Reports of Suspected Misconduct; Progressive Corrective Action; Personal Conduct.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

What should I do if I know a Texas Health employee is violating the Code of Business Ethics?

If you think you know of an illegal or unethical activity, tell your manager immediately. If your manager is unable to answer your questions, call the Texas Health Compliance Hotline at 1-800-381-4728. You can remain anonymous, if desired. If you do not report suspected misconduct, you may be subject to progressive corrective action up to and including involuntary separation of employment. Employees, or other persons who, in good faith, report suspected misconduct will not suffer harassment, retaliation or adverse employment consequences. Good faith means you believe the concern is based on true facts. A report is not made in good faith if it disregards, ignores facts or reports false information.

What should I do if I am asked to do something I think is wrong?

It is Texas Health's policy that no one should be expected or permitted to act in a way that violates his or her personal integrity based on personal ethical values, religious beliefs or cultural tradition. If you think you have been asked to violate Texas Health's Code of Business Ethics, system values or to perform illegal activities, you must speak up immediately. Take time to gather the facts. After reviewing the known facts, speak to your manager if you still have concerns. If your manager is unable to answer your questions, call the Texas Health Compliance Hotline at 1-800-381-4728.

As I walked by a patient's room, I noticed a situation I believe is unsafe for the patient. What should I do?

Employees are expected to ask questions and express concerns if they witness a safety or quality of care issue. One way to demonstrate High Reliability is to utilize our error prevention tool – Speak Up using CUS. Speaking up using CUS is a communication tool that can help us assert a concern in a non-threatening way. CUS stands for I'm Concerned, I'm Uncomfortable and This is a Safety Issue. Voice your concern – whether it's a safety issue or some other issue - to your manager. If your manager is unable to answer your questions, contact the Texas Health Compliance Hotline. You should also complete the on-line Texas Health [Reliability Learning tool](#) and submit the incident for review and follow-up through Texas Health's safety processes. If after using all options you have an unresolved patient safety concern, you can call The Joint Commission at 1-800-994-6610.

Report Actual or Suspected Violations of the CODE

Conflicts of Interest

You should not be a part of any undisclosed and unapproved activities, practices or acts that actually do or have the appearance of a conflict with your Texas Health duties. Employees should not accept any employment or consulting relationship with any organization which does or seeks to do business with Texas Health without consulting his or her manager. While some relationships may be acceptable, most will be considered a conflict of interest if the employee serves in a management position or leadership role within Texas Health. All activities should be conducted in the spirit of “transparency”.

A conflict of interest occurs if your activities or personal interests appear to or may influence objective decisions required to perform your Texas Health duties. You should not accept gifts or any special discount or loans either directly or indirectly from any person or company doing or seeking to do business with Texas Health. Employees whose families work for or consult with Texas Health suppliers or competitors must disclose that relationship to their managers. Managers must disclose any financial interest they or their relatives have in any firm that does business with or seeks to do business with, or competes with Texas Health. Investments in competitors’ or suppliers’ businesses must not involve conflicts of interest that are not disclosed and approved by management in a fair and open manner.

If you have or may have a conflict of interest, do not take part in any discussions (except briefly stating your position or answering questions), deliberations or voting activities related to the conflict. Contact the Texas Health Chief Compliance Officer with any questions about activities that may cause a future conflict of interest.

Annually, and immediately upon becoming aware of any new situation requiring disclosure, specific Texas Health employees, board members, officers, hospital committee members and certain others must complete a Texas Health Statement of Disclosure of Duality and Conflict of Interests form. This process demonstrates transparency so Texas Health and its Boards of Trustees are aware of and can manage any potential conflicts of interest. All persons asked to complete this form must do so promptly as directed. Employees are required to disclose relatives who work for Texas Health as part of the annual Statement of Disclosure reporting.

SEE ALSO

In This Book: [Outside Activities](#); [Honoraria](#); [Request for Quote Process](#); [Relationships with Suppliers and Representatives](#); [Inside Activities](#); [Business Courtesies](#); [Gifts](#); [Solicitation](#).

Texas Health Policy: [Dualities and Conflicts of Interest Policy and Forms](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I have been asked to do consulting work for a pharmaceutical company that does business with Texas Health. If I take PTO for these activities, may I accept this offer?

No. Texas Health’s Personal Conduct policy states that employees must not engage in any activity, practice or act which conflicts or appears to create a conflict of interest with Texas Health. Employees are not to accept any employment or consulting relationship with any organization which does business or seeks to do business with Texas Health.

I own part of a private supply company from which Texas Health buys supplies. I am a Texas Health manager and make buying decisions for my department. What should I do?

Even if you own a small part of the supply company and your benefit from the sales are small, your fairness could be questioned. You should tell your manager about your ownership in the company and refrain from participating in any buying decisions that involve the supply company. Contact the Texas Health Chief Compliance Officer for a determination whether you should complete an annual Statement of Disclosure of Duality and Conflict of Interests form.

As a department leader, I have worked with a Texas Health vendor for several years. The vendor asked to remodel my house at a greatly reduced price because I give him so much Texas Health business. Can I agree to this price?

Accepting a reduced price for remodeling work from a Texas Health vendor would directly violate the CODE. The vendor would be giving you a special favor due to his/her relationship with Texas Health.

I have been asked to serve on the Texas Nurses’ Association Board. Will my acceptance cause a conflict of interest?

Serving on the board of a professional organization is acceptable. You should, however, discuss the position with your manager to be sure your responsibilities will not interfere with your job duties and schedule. PTO should be used for time away from work for service on a professional organization unless you are serving at the request of your Texas Health manager as part of your job duties.

Our area decided to buy a product. The vendor allows buyers to attend an educational session to learn proper use, patient safety and efficacy of the product. Is it OK for me to attend at the vendor’s expense?

You may attend the educational session at the vendor’s expense since the session is not for sales or promotional purposes. In addition, the session is needed to provide information regarding the safe and effective use of the product.

I have been asked to be a speaker/faculty member at an industry conference. The conference is partially paid by one or more Texas Health vendors and is not promotional in nature. The conference is devoted to objective scientific educational topics. Is it OK for the industry conference sponsor to pay my travel and lodging, and also pay me an honorarium?

Since the conference is for objective educational purposes (rather than to promote vendor products) and since you are serving as a bona fide faculty member, it is OK for the industry conference sponsor to pay for your travel and lodging. Further, if you prepared the presentation on your own time and if you are taking PTO to attend the conference, you may keep the honorarium. Please refer to the [Honoraria](#) section of this booklet for more information.

A marketing firm asked me to complete a product survey and participate in a group discussion about specific products that I know about because of my health care background and experience. The firm does not share specific vendor names as a part of the activity and I will not know which vendors are involved. The event will not take place on Texas Health property. Is it OK for me to participate and keep any fee for this activity?

You can keep the fee if you participate outside of normal working hours and you are not acting as an agent of Texas Health regarding the survey. The activity should not be in connection with a known Texas Health vendor. If the activity is merely an opportunity for a specific vendor to promote products through a third party marketing firm, you should not participate or keep the fee. You must avoid even the perception that future buying decisions might be affected.

A pharmaceutical company has offered to provide financial support for education of medical staff members. Is this OK?

You should contact the Texas Health Chief Compliance Officer to discuss the proposal. There are many laws that apply to hospital/physician relationships including the provision of education to medical staff members.

A vendor has offered to give me a scholarship to attend an outside health care educational event. May I accept the scholarship?

A vendor's scholarship, grant or award may be accepted only if recipients are chosen based upon objective criteria during an independent review process. The process should not involve sales agents or others involved in business with Texas Health. The scholarship should not be linked in any way to Texas Health's vendor relationship.

I've been asked to complete a Texas Health Statement of Disclosure of Duality and Conflict of Interests form. What is the purpose of this form and why must I complete it?

Specific Texas Health employees, board members, officers, hospital committee members and others must complete an annual Statement of Disclosure of Duality and Conflict of Interests form. This form assists Texas Health and its Boards of Trustees in knowing and managing any potential conflicts of interest. You should complete the form and return or submit it promptly.

My wife is a nursing/allied health recruiter for a local firm. She plans to send people to Texas Health for work. Will this cause me to have a conflict of interest?

You must tell your manager about your wife's work as a recruiter. You must not be a part of the hiring process for any person sent to Texas Health by your wife's firm. If you are asked to complete an annual Statement of Disclosure of Duality and Conflict of Interests form, you must list the relationship on your form.

Display Prudent Judgment and Avoid Undisclosed and Unapproved Conflicts

Corrective Action for Violation of Texas Health's Code of Business Ethics

Any employee who violates the Texas Health Code of Business Ethics is subject to progressive corrective action up to and including separation of employment in accordance with Texas Health's Progressive Correction Action Policy.

You should be aware that certain actions prohibited by Texas Health policies might also violate criminal laws, thus resulting in personal criminal prosecution and, upon conviction, may include fines or imprisonment.

Texas Health encourages you to act in an ethical manner reflecting our faith-based values, Mission, Vision, and our Texas Health PromiseSM. Ethical behavior depends on self-discipline and maintaining respect for customers, co-workers and the work environment. The guidelines published in this booklet are established to assist you in making appropriate decisions in situations that may arise in your daily activities.

Failure to comply with standards outlined in the CODE, our Texas Health PromiseSM, or Texas Health policies including the Personal Conduct policy, is subject to progressive corrective action up to and including involuntary separation of employment. Additionally, you should be aware that certain actions prohibited by Texas Health policies might also violate criminal laws, thus resulting in personal criminal prosecution and, upon conviction, fines or imprisonment.

The CODE, like all policies cannot cover every topic you may encounter. Therefore, you should be aware that conduct that is knowingly unsafe, unethical, fraudulent, profane or illegal, will not be excused from appropriate corrective action simply because it is not specifically prohibited in this booklet or Texas Health policies. Remember to use good judgment at all times, maintaining integrity in all that you do. When in doubt, report or discuss the matter with your manager.

SEE ALSO

In This Book: [Business Conduct](#); [Non-Retaliation](#); [Fraudulent Activities](#); [Federal and State False Claims Acts](#); [Relationships with Suppliers and Representatives](#); [Use of Licensed Property or Copyrighted Materials](#).

Texas Health Policy: [Progressive Corrective Action](#); [Personal Conduct](#); [Non-Retaliation-Good Faith Reports of Suspected Misconduct](#).

Ethical Behavior is Essential to Good Business

Federal and State False Claims Acts

Texas Health is committed to compliance with Federal and State False Claims Acts and the prevention and detection of fraud, waste and abuse. The False Claims Acts (Act) provide a mechanism for investigating and prosecuting health care fraud. Health care claims sent to government programs are subject to detailed reviews and can start a government investigation if the reviewer believes the claim may be false or fraudulent.

The government defines a false claim as knowingly making, using or causing to be made or used, a false statement or record to get a claim paid or approved. This could include anything from documenting false items in a medical record to incorrect coding or submitting an inaccurate cost report. Texas Health has internal and external audits, consultants, continuing education and subscriptions to many publications which help us detect and prevent any problems with claims submitted to federal or state government health care programs.

Employees, contractors and agents should be aware that they can call the government if they believe a company does not respond appropriately when told of a potential violation. Under certain circumstances, individuals are allowed to enter into a suit against those sending false or fraudulent claims and share in part of any recovered funds.

Violations of the Act can subject companies or individuals to fines and up to three times the actual damage. There are both Federal and State penalty ranges. Information regarding the ranges can be found in the *Federal and State False Claims Act and Protections* policy. Other penalties could include probation, prison, suspension or revoking a provider's agreement to participate in government programs.

Employees must never knowingly send, cause to be sent or plan to send false or fraudulent claims for payment or approval. Employees involved in false or fraudulent claims will be subject to progressive corrective action up to and including separation of employment. All known or suspected concerns of fraud, waste or abuse should be communicated to your manager, a member of management, Human Resources or the Texas Health Compliance Hotline at 1-800-381-4728. You can remain anonymous, if desired.

SEE ALSO

In This Book: [Non-Retaliation](#); [Fraudulent Activities](#); [Corrective Action for Violation of Texas Health's Code of Business Ethics](#); [Billing and Cost Report Practices](#); [Addressing Business Ethics or Compliance Concerns](#); [Books, Records and Accounts](#); [Standards of Ethical Coding](#); [Cooperation with Regulatory Agencies and Investigators](#); [Identity Theft Prevention Program](#).

Texas Health Policy: [Federal and State False Claims Acts and Protections](#); [Prohibition Against Doing Business With Any Ineligible Person](#); [Cooperation with Search Warrants, Subpoenas and Governmental Investigations](#); [Business Ethics and Compliance-Education and Training](#); [Texas Health Business Ethics and Compliance Program Auditing and Monitoring](#); [Texas Health Business Ethics and System Compliance Program](#); [Non-Retaliation – Good Faith Reports of Suspected Misconduct](#); [Progressive Corrective Action](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I heard a person can violate the False Claims Act if he or she “knew or should have known” about a rule, but did not follow it. Laws and regulations change often; how can I stay up-to-date?

Understanding and obeying laws and regulations is part of everyone's job. The government publishes laws, regulations and rules and expects health care providers to know those rules. You and your manager have a duty to make sure you have the knowledge and tools to do your job duties in compliance with laws and regulations. Voice any concerns you have about needed education to your manager. If you still believe you do not have the needed tools or education, call the Texas Health Chief Compliance Officer or the Texas Health Compliance Hotline at 1-800-381-4728 for assistance.

I recently read an article where both the employer and several employees were convicted of violating the Federal False Claims Act. As an employee, can I be held personally liable for false claims?

In significant cases, both companies and individuals can be prosecuted under the Federal or State False Claims Acts if the government concludes violations took place. Usually, companies sign settlement agreements and agree to improve processes and education to avoid prosecution. However, all parties can be impacted by the False Claims Acts. Never be part of an activity you believe may violate laws and regulations.

I work in a clinical area. Do I have to worry about the False Claims Act or being part of a government investigation?

While false claims investigations usually begin with data and systems reviews, it is possible that medical record data, medical necessity for services given or even patient care quality could be questioned. Be sure to accurately and thoroughly document all clinical services provided and follow all Texas Health policies. Never intentionally enter incorrect data in a medical record.

Follow Laws and Regulations

Cooperation with Regulatory Agencies and Investigators

Texas Health complies with applicable health care laws and regulations including cooperation with authorized governmental agencies. At the same time, Texas Health will, to the extent possible, preserve its interests and protect the confidentiality of patient and proprietary information.

Routine audits, surveys or reviews should be handled as a part of the department's or entity's daily work process. If in doubt, ask your manager. If an investigator, agent or government auditor arrives unannounced for a non-routine visit during normal working hours, do the following:

- Ask for identification. Be wary of letting anyone (even with a badge) into your secured work locations or your home.
- Prior to any discussions with the agent, contact the Texas Health attorney assigned to your entity through the hospital page operator or Texas Health Legal Services at **682-236-7141** if during business hours.
- Cooperate, do not interfere with or impede the investigation, do not alter, remove or destroy documents.

In a non-routine investigation, agents may contact you at work or at home. Any interview with investigators is voluntary. If contacted outside the work environment, you are encouraged to immediately notify Texas Health Legal Services. If you choose to talk to an investigator, remember the following:

- You have the right to contact a lawyer through Texas Health Legal Services at no cost or another attorney of your choice at your own expense.
- You have the right to ask investigators to contact you during normal working hours at your normal workplace.
- You have the right to terminate the interview at any point.
- You have the right to advise the investigator that you would like a Texas Health attorney present during the interview.
- Tell the truth at all times. Do not guess at answers. If you do not know the answer, say that you do not know.

SEE ALSO

In This Book: [Business Courtesies: Gifts; Relationship with Suppliers and Representatives; Identity Theft Prevention Program.](#)

Texas Health Policy: [Business Courtesies Provided to Physicians; Voluntary Leadership Services by Physicians.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

If an investigator presents a search warrant, is it OK for me to ask an investigator to wait in a common area while I call Texas Health Legal Services?

Yes. Ask for identification and then inform the investigator that Texas Health policy requires that a Texas Health attorney must be present prior to providing requested information. If the investigator persists, examine the search warrant, verify that the document provides the agents the authority to search the premises and limit the activity to the specific premises, documents or physician evidence the search warrant covers.

Am I required to participate in an interview with an agent at my home or in a location that is off Texas Health premises?

You are not required to participate in an interview outside the Texas Health work premises; however, If you choose to speak, remember...

- You have the right to contact a lawyer through Texas Health's Legal Services or an attorney of your choice, at your own expense.
- You have the right to be contacted during normal business hours at work.
- You may stop the visit at any point.
- Giving information or speaking without the advice of legal counsel could leave you at risk. Comments could be used against you.

Know What to do When Dealing with Regulatory Agencies and Investigators

Non-Retaliation

No employee or other person who, in good faith, reports suspected misconduct involving the CODE, Texas Health policies, laws or regulations, patient safety or quality of care issues will suffer retaliation. Retaliation includes harassment or adverse employment action. A concern raised in good faith means the employee believes the concern is based on true facts. A concern is not made in good faith if the concern is made with reckless disregard for or willfully ignores facts that disprove the concern.

Any employee who retaliates against a person reporting a concern in good faith is subject to progressive corrective action up to and including separation of employment based on the Texas Health Progressive Corrective Action policy.

SEE ALSO

In This Book: [Corrective Action for Violation of Texas Health's Code of Business Ethics](#); [Business Conduct](#); [Fraudulent Activities](#); [Federal and State False Claims Acts](#); [Books, Records and Accounts](#); [Billing and Cost Report Practices](#); [Standards of Ethical Coding](#); [Identity Theft Prevention Program](#); [Cooperation with Regulatory Agencies and Investigators](#).

Texas Health Policy: [Non-Retaliation – Good Faith Reports of Suspected Misconduct](#); [Progressive Corrective Action](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I called the Texas Health Compliance Hotline to report a concern in good faith. My manager called me into her office and was angry that I called the Hotline. I believe my manager is retaliating against me for calling the Hotline. What should I do?

Report the retaliation concern to Human Resources or call the Texas Health Compliance Hotline at 1-800-381-4728.

I reported a patient safety issue to The Joint Commission. Will I get in trouble for calling the agency?

No. You will not be in trouble for reporting a concern in good faith. Employees are encouraged to follow the [Chain of Command](#) steps to report any issue or concern. After considering all options, if an employee has an unresolved concern about safety or quality of care, the employee may contact The Joint Commission at 1-800-994-6610 without fear of retaliation.

No Retaliation for Reports Made in Good Faith

Admission, Emergency Treatment, Transfer and Discharge Practices

Texas Health is committed to fair and ethical processes for the admission, emergency treatment, transfer and discharge of all patients. These processes will be free from discriminatory bias in accordance with applicable federal and state laws and regulations including the Emergency Medical Treatment and Active Labor Act (EMTALA).

In no case will emergency medical screening examinations and treatment be denied based on an individual's race, religion, national origin, age, sex, physical condition or ability to pay.

Treatment is Conducted in a Fair and Ethical Manner

Antitrust and Restraint of Trade

You must not engage in formal or informal, oral or written, expressed or implied collaboration with competitors or their representatives about establishing or maintaining prices on competing goods or services, or restraining competition by allocation of product markets or customers (for example, price fixing, agreements not to compete, boycotts). However, it is possible to discuss prices to accomplish a lawful and ethical objective when dealing with competitors as suppliers or customers, or as partners in legally permitted organizational agreements. Call Texas Health Legal Services about restraint of trade questions.

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

A strategic planner from a competitor health system starts an exploratory conversation about mutually-agreed-upon strategies for “protection” of respective market shares or service areas. Am I in violation of the CODE if I participate?

You must refuse to participate. If such discussion is not stopped, you should also leave the meeting. Strict federal and state antitrust laws protect the free enterprise system. This conversation would be seen as collaboration with competitors for the purpose of dividing the market and “restraining trade.”

Avoid Unlawful Collaboration with Competitors and Restraint of Trade

Corporate Image

Our mission as a non-profit, faith-based organization is to improve the health of the people in the communities we serve. As an employee, you are expected to observe the highest standards of personal and professional conduct. Personal behavior is particularly important to remember when you are wearing a Texas Health uniform or identification badge or are representing Texas Health.

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I am attending a conference as a representative of Texas Health. During the conference there is an after-hours social event. Would attending this event cause me to be in violation of the CODE?

An employee has a right to privacy outside the work environment. However, you should be aware of the possibility that inappropriate behavior of any kind could jeopardize the public's trust of Texas Health particularly if you are wearing a Texas Health uniform, identification badge or are otherwise associated with the health care profession, such as wearing a lab coat.

Observe Standards of Professional Conduct when Representing Texas Health

Disclosure of Affiliations with Other Health Care Providers

Texas Health has various financial contracts, investments and affiliation arrangements with other health care providers including physicians, physician groups, other hospitals or hospital systems and vendors. In each of these relationships, Texas Health activities support its Mission, Vision, Values and non-profit, faith-based heritage. These affiliations and financial arrangements are governed by applicable legal and accreditation requirements. Clinical decisions (including decisions about tests, treatments and other interventions) are based solely on identified patient health care needs. Disclosure about Texas Health's arrangements and affiliations with another health care provider is available upon request.

Clinical Decisions Are Based Solely on Identified Patient Health Care Needs

Environmental Stewardship

It is the policy of Texas Health to strictly adhere to federal, state and local laws and regulations relating to environmental protection, especially for disposal of medical waste and hazardous materials.

We strive to create a health care system that is environmentally aware and committed to the health of patients, workers, their communities, and the environment. We are dedicated to creating a system where patients and staff interact in a healing environment that embraces safer building products, clean air, reduced toxins, safe working practices, energy and water efficiency, education, and a commitment to public health and the global environment.

Texas Health's commitment to environmental stewardship includes a focus on **Reducing, Reusing and Recycling**.

REDUCE: Reduce waste, turn off equipment and lights when not in use, conserve water and explore use of energy efficient modalities. Do not print when you can send and save.

REUSE: Think before you throw it away.

RECYCLE: Recycle when possible and appropriate. Recycling in secure, locked bins for materials with protected health information or confidential, financial or other data.

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I have been asked to store hazardous materials in a supply closet. I am worried about the safety of this practice. What should I do?

If you have a question regarding the safety or the appropriateness of the task, speak to your manager. If your manager is unable to answer your question or if you remain uncomfortable after the discussion, call your entity's Safety Officer or the Texas Health Chief Compliance Officer.

Help Texas Health Protect the Environment

Legislative Activities

Texas Health and its employees participate in local, state and national legislative activities and give information to elected officials on issues important to the health care industry and Texas Health's health care Mission. Texas Health legislative activities should be coordinated through Texas Health Government and Community Affairs and must follow Texas Health's [Legislative Activities](#) policy.

Texas Health does not directly or indirectly support or oppose any candidate for elective office. Payments are not made to political campaigns or its activities. Texas Health employees may not use Texas Health letterhead or other resources for personal political correspondence or to engage in any political campaign activity. Further, any personal political activities must be conducted outside of working hours and off Texas Health property. In no case will Texas Health reimburse employees for expenses related to political candidates or causes.

If you have questions regarding permitted legislative activities, contact Texas Health Government and Community Affairs.

SEE ALSO

Texas Health Policy: [Legislative Activities](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I received a personal letter from my manager at work through interoffice mail requesting that I give money to a specific political action committee (PAC). Do I have to give and, if I do, will I violate the CODE?

You do not have to give money to the PAC nor should you be asked by your manager to give money to a specific PAC in the workplace and during regular business hours. Texas Health encourages employees to have an interest in governmental issues related to the health care industry. However, participation in the political process is personal and should be free from pressure. If you are asked to give money to a PAC or other political activity during regular business hours or in any Texas Health work area, report the issue to either Texas Health Government and Community Affairs or the Texas Health Chief Compliance Officer.

My manager asked me to write a letter to my congressman supporting proposed health care legislation that Texas Health favors. Is it OK for me to do so?

It is OK for your manager to make you aware of the proposed legislation and encourage you to write a letter to your congressman. However, you are under no duty to write such a letter to keep your job. It is your personal decision to support or oppose any proposed legislation.

I would like to run for city council? Is it OK for me to do so?

Texas Health encourages employees to be active in their communities. A decision to serve in public office is personal. However, discuss your plans with your manager to determine if the duties of that public office, meetings, etc. (should you be elected) will keep you from fulfilling your Texas Health job duties. It is possible that the duties of the public office may interfere with your Texas Health job duties. These factors should be discussed and considered prior to making a decision to run for a public office.

Employees Should Adhere to the Texas Health Policy on Legislative Activities

Relationships with Joint Ventures and Other Business Affiliations

Texas Health sometimes enters into joint ventures or other business affiliations with unrelated third parties such as physicians or other hospital systems to share ownership and/or governance control over an entity or business activity. Some of these affiliations may include permission to use a Texas Health trade name. In other cases, the activity may be operated under a name that is not associated with any Texas Health trade names. In all cases, joint ventures and business affiliations are carefully evaluated, designed and operated to be compliant with all regulatory requirements.

Many Texas Health joint ventures do not function as tax-exempt entities. Texas Health's relationships with these joint ventures must be conducted at an arm's-length basis and be in compliance with specific laws and regulations. For example, fair market value fees must be charged for any services provided to a joint venture by Texas Health employees, equipment should not be loaned and confidential information should not be shared without prior approval from Texas Health Legal Services. Any questions regarding a Texas Health joint venture or permissible relationships should be directed to Texas Health Legal Services.

SEE ALSO

In This Book: [Confidential Information](#); [Conflicts of Interest](#); [Antitrust and Restraint of Trade](#); [Business Courtesies: Gifts](#); [Business Courtesies and Gifts to Physicians or Practitioners](#).

Contact Texas Health Legal Services with Questions Concerning Joint Ventures

Tax-Exempt Status

Texas Health conducts its business activities primarily through tax-exempt corporations. Tax exemption is maintained through the exercise of the Texas Health Mission Statement and compliance with existing regulations issued by the Internal Revenue Service and other regulatory agencies. You must understand and protect Texas Health's tax-exempt status and make sure assets in your area are dedicated to Texas Health's charitable health care mission. Further, take no action that you feel may be inconsistent with Texas Health's tax-exempt status. Specific questions and concerns should be directed to your manager, Texas Health Tax Management or Texas Health Legal Services.

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

My department is considering purchasing a medical device from a company owned by a board member. What should I do?

Under federal tax law, transactions between tax-exempt organizations and any non-exempt third party must be conducted at fair market value to preserve Texas Health's tax-exempt status. In this situation, the purchase may not be made unless specific criteria are met following an objective review process and evaluation. Fair market value of the medical device is to be clearly documented in an objective manner.

I am thinking of buying a home computer from a Texas Health vendor. The sales person knows I work at Texas Health. Could I order my computer through Texas Health to get a break on the price and avoid paying sales tax?

Use of Texas Health tax-exempt status and purchasing power for a personal purchase violates the Code of Business Ethics and Texas Sales tax law. Goods or services purchased on the Beneplace site are authorized.

A for-profit company wants to rent lease space that is located within the main hospital building. Can the space be leased?

Most space in Texas Health's hospital facilities is exempt from property taxes. As a result, the space must be used exclusively for tax-exempt purposes. Accordingly, any lease of space within a hospital building must be reviewed by both Texas Health Real Estate and Tax Management departments.

Help Protect Texas Health's Tax-Exempt Status

Billing and Cost Report Practices

As a major provider of health care services, Texas Health takes part in private health care plans and federally-funded health benefit programs such as Medicare and Medicaid. These programs are subject to specific rules and requirements. Texas Health is committed to billing and cost report integrity. Please refer to the various billing, compliance and finance policies posted on the Intranet for more information.

Texas Health follows guiding principles consistent with recommendations by the American Hospital Association:

- Texas Health will always serve the emergency health needs of every person regardless of the patient's ability to pay;
- Charity care notices will be prominently posted in appropriate languages;
- Financial counseling will be available to financially- and medically-indigent patients to provide full or partial financial help and to identify other funding sources if available; and
- Texas Health will offer a discount to underinsured patients who do not qualify for full or partial financial help.

Additional Texas Health standards:

- Employees aware of a billing cost report or other violations must report the problem using the [Chain of Command](#) process;
- Employees must not knowingly violate any payer rules and must follow billing, charging and cost report guidelines;
- Employees should assist persons asking about actual or estimated charges, patient bills, health benefit coverage or services;
- Employees must not submit a claim or charge for payment known to be false, fraudulent, fictitious or a duplicative of another claim or charge;
- Billing errors causing an overpayment must be promptly corrected and returned to the payer and/or patient;
- Collection processes must be done with fairness and must comply with the Fair Debt Collection Practices Act; and
- All cost reports must be prepared based on accurate information and in accordance with laws and regulations.

SEE ALSO

In This Book: [Fraudulent Activities](#); [Non-Retaliation](#); [Federal and State False Claims Acts](#); [Addressing Business Ethics or Compliance Concerns](#); [Standards of Ethical Coding](#); [Identity Theft Prevention Program](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I believe a process in my department leads to incorrect patient and payer bills. What should I do?

First, discuss this concern with your manager. If you believe your concern is not being addressed, contact the Texas Health Chief Compliance Officer or call the Texas Health Compliance Hotline. You may remain anonymous, if desired.

I know my manager is not following a Texas Health billing compliance standard for charging my department's services. What should I do?

You and your manager are held accountable for following Texas Health's billing compliance standards. Use the [Chain of Command](#) process to resolve your concern or call the Texas Health Compliance Hotline.

Texas Health is Committed to Accurate Billing Practices

Standards of Ethical Coding

Texas Health adheres to ethical standards of coding endorsed by the American Health Information Management Association (AHIMA) and Texas Health coding compliance policies including:

- Adherence to the International Classification of Disease and Related Health Problems 10th Revision, Clinical Modification/Procedure Coding System ICD-10-CM/ICD 10-PCS) coding conventions, official coding guidelines approved by the Cooperating Parties, the Current Procedural Terminology (CPT) rules established by the American Medical Association, and any other official coding rules and guidelines established for use with mandated standard code sets.
 - ICD-10-CM is based on the statistical classification of diseases published by the World Health Organization (WHO).
- Adherence to the Centers for Medicare and Medicaid Services (CMS) standards in assigning Present on Admissions (POA) indicators.
- Review of the entire medical record with assignment of diagnosis and procedure codes that are clearly supported by physician or practitioner documentation.
- Clarification from the physician through an appropriate query when there is conflicting or ambiguous documentation in the medical record. Queries will be carried out in accordance with AHIMA guidelines for physician queries.
- Inclusion or exclusion of diagnoses or procedure codes irrespective of effect on reimbursement.

In rare circumstances, a specific payer's rules and/or Medicare local or national coverage policies may be inconsistent with official coding guidelines. In this event, coders must seek clarification from managers. Coders should ask appropriate questions in any circumstance where the coder believes that an unresolved issue is present with respect to any medical record documentation or code assignment.

Coding activities must follow Texas Health coding compliance policies and official coding guidelines. Upcoding, unbundling or any other means of receiving incorrect payment is unlawful and strictly prohibited.

SEE ALSO

In This Book: [Fraudulent Activities; Non-Retaliation; Federal and State False Claims Acts; Addressing Business Ethics or Compliance Concerns; Billing and Cost Report Practices; Identity Theft Prevention Program; Identity Theft Prevention Program.](#)

Texas Health Policy: [Standards of Ethical Coding.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I noticed a contract coder assigning diagnosis codes without clear physician documentation. What should I do?

First, advise the contract coder that Texas Health policy requires clear physician documentation in support of all codes assigned. If the contract coder does not understand the policy or continues to ignore the policy, you must notify your manager so appropriate training and corrective action can be taken if warranted.

I noticed that a payer's rules did not follow the official coding guidelines. What should I do?

First, determine whether the issue is a coverage problem rather than a coding issue. If the problem is with the payer's policy, obtain the payer's coding policy in writing or document the discussions with the payer and maintain the documentation. Reasonable efforts should be made to educate the payer on official coding guidelines in order to influence a change in the payer's policy. If a determination is made that the payer's policy or a Medicare coverage policy must be followed in order for the hospital to be accurately reimbursed for the healthcare services, the coder must document the circumstances and follow the payer's policy and/or the Medicare coverage policy as necessary to properly code and file the claim for accurate reimbursement.

I am not sure what billing code should be used for a specific medical service. Is it OK for me to use a general billing code that I know will be accepted by the payer?

Coding for medical services is complex. It is critical that correct codes be used. Never "guess" what a code should be and do not choose a general code just because you know the general code will be paid by the payer. Speak with your manager or seek advice to confirm which code is correct.

Follow Texas Health Coding Compliance Policies and Official Coding Guidelines

Books, Records and Accounts

All records, whether medical, operational or financial, should be recorded and maintained in accordance with all applicable laws and approved Texas Health policy.

Texas Health's financial books, records and accounts must be maintained in accordance with generally-accepted accounting principles. All business transactions must be accurately shown in Texas Health's books and records. No false or misleading entries will be made for any reason. All records must be maintained in accordance with Texas Health's Records Retention Policy and Records Retention Schedule.

Texas Health will follow a quarterly certification process to affirm the accuracy of its financial statements. Certifications will be made by finance officers or directors responsible for the entity's financial statements, the Texas Health Chief Executive Officer and the Texas Health Chief Financial Officer.

SEE ALSO

In This Book: [Fraudulent Activities; Non-Retaliation; Use of Resources; Billing and Cost Report Practices; Standards of Ethical Coding; Cooperation with Regulatory Agencies and Investigators; Identity Theft Prevention Program.](#)

Texas Health Policy: [Asset Transfer, Disposal and Sale; Business Meals, Travel, and Entertainment; Records Retention Policy and Records Retention Schedule.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

As a unit secretary, I am responsible for summarizing and entering time sheets into payroll. After I complete my initial summary, I provide the time sheet to my manager for approval. Occasionally, I notice my manager added hours on an employee's time that I know he or she did not work. I am afraid I will lose my job if I tell anyone. What should I do?

First, consider discussing this matter with your manager. If you still believe time is being altered, call Human Resources or the Texas Health Compliance Hotline at 1-800-381-4728. You may remain anonymous, if desired.

Our department sold a piece of old equipment for \$200 cash. The department frequently needs to pay for small expenses. Can the department start a petty cash fund?

Sale of any asset within Texas Health must follow the Asset Transfer, Disposal and Sale policy. This policy states that all sales must be handled through Corporate Supply Chain Management. Employees or departments cannot keep money from the sale of Texas Health assets.

I am an administrative assistant and was asked to complete an expense report for my manager. I know her husband went along on the trip and she added her husband's costs in the report. What should I do?

First, if you are comfortable, ask your manager if she meant to add her husband's costs in the report. If so, remind her of the Texas Health policy. If you know the expense report is false, you should notify Human Resources. If you prefer, call the Texas Health Chief Compliance Officer or the Texas Health Compliance Hotline. Further guidelines regarding travel expense reimbursement are part of the Business Meals, Travel, and Entertainment policy posted on *MyTexasHealth* intranet.

Maintain Accurate and Complete Records

Business Courtesies: Gifts

You should not solicit, accept or offer a substantial gift or courtesy. In most cases, a gift worth more than \$100 may be considered substantial unless the item is widely recognized as a routine business courtesy. Business gifts and courtesies should be infrequent, low in value and must not influence your judgment or fairness. Gifts of cash or by check are prohibited in any amount.

Gift cards or gift certificates:

- **Suppliers/Vendors:** Receipt or offer of gift cards or gift certificates is prohibited in any amount between an employee and a supplier, their employees, agents or any person with who does business with or seeks to do business with Texas Health.
- **Patients:** If a patient offers a gift card as a token of appreciation and the gift cannot be declined or returned without appearing ungrateful, the employee may graciously accept on behalf of Texas Health, thank the donor and take the gift card to the Entity Compliance Officer who will make sure the gift is properly accounted for and used in the Texas Health charitable healthcare mission.
- **Physicians:** If a physician offers a gift card as a token of appreciation that is not through the Texas Health **Applause!** Employee recognition program, the employee may accept on behalf of Texas Health, thank the physician and forward the gift card to the Entity Compliance Officer who will make sure the gift is properly accounted for and used in the Texas Health charitable healthcare mission.

In kind, gifts or courtesies such as candy or a fruit basket may be accepted and placed in a common area within the department.

Employees must use good judgment in deciding when a gift or courtesy might be perceived as creating a conflict or influencing objectivity. Routine business courtesies include such things as one or two tickets to a local sporting event, play or concert, tickets to charity events, flowers, candy, fruit baskets or an occasional round of golf at a local golf course.

Exceptions to the above:

- **Physicians:** Special rules apply to non-monetary gifts or courtesies offered to physicians. Please refer to the "[Business Courtesies and Gifts to Physicians or Practitioners](#)" section of this booklet for further information.
- **Post-Acute Providers:** Specific guidelines exist for business courtesies and gifts from post-acute providers. Refer to the [Business Courtesies and Gifts from Post-Acute Providers](#) in this booklet.
- **Federally-Funded Health Care Programs:** Federally-funded health care programs have strict requirements that prohibit giving items of value to influence patient choice of a specific hospital or other health care provider. As a general rule, Medicare and Medicaid rules prohibit offering gifts or free services to patients as an inducement to select a provider or make an appointment. Gifts or services with an individual retail value of \$15 or less and an aggregate value of no more than \$75 per year are generally permitted. Cash or cash equivalents are prohibited in any amount. Please consult Texas Health Legal Services prior to offering gifts or services in any amount to patients.

If you have questions about business gifts or courtesies, ask your manager or call the Texas Health Compliance Hotline at 1-800-381-4728.

SEE ALSO

In This Book: [Business Courtesies and Gifts to Physicians or Practitioners](#); [Business Courtesies and Gifts from Post-Acute Providers](#); [Conflicts of Interest](#).
Texas Health Policy: [Business Travel, Entertainment and Expense Reimbursements](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I manage the relationship between Texas Health and a pharmaceutical company. During the holidays, the sales representative sent me two tickets to a local sporting event. May I accept?

This gift must not affect your fairness or objectivity. In most cases, \$100 is a good rule of thumb in deciding whether the gift has a significant value. However, giving tickets to a local sporting event is a widely-accepted routine business courtesy. Therefore, you may accept the two tickets even though the value might exceed \$100 in value. On the other hand, a gift to a playoff game or a season pass would not be acceptable since these gifts are not routine business courtesies.

A vendor has offered to pay for my attendance at an industry educational conference in Chicago. The program is related to my job duties. Should I accept the offer?

The vendor should not pay your expenses. You may attend the event, if your manager agrees that the program is related to your job duties and will be beneficial. However, Texas Health should pay for registration fees, hotel and airfare in accordance with the Texas Health Business Travel, Entertainment and Expense Reimbursements policy. Vendor payment for these items could be perceived as affecting your fairness and objectivity. Acceptance of food and non-lavish entertainment at the conference is OK.

Due to my position and expertise, I have been asked to serve as a keynote speaker at a conference in Los Angeles sponsored by a health care trade association. Can the trade association pay all my expenses?

The trade association may pay for your expenses, if your manager agrees that your participation is acceptable during work hours. The trade association may pay these expenses because Texas Health has no purchasing relationship with the trade association and because it is customary and appropriate for professional organizations to pay for speakers' expenses.

A supplier wants to routinely pay for my monthly departmental lunches and the meeting room. Is it OK for me to accept?

You must avoid the appearance that such a courtesy might influence your objectivity and decisions. If there is a business need to have routine departmental meetings and serve lunch, the cost of the lunches and other out-of-pocket expenses should be paid through the department's budget and not by a vendor. A vendor cannot pay for, nor can a department budget be used for off-site departmental meeting lunches. On the other hand, Texas Health does not prohibit a supplier from providing a modest appreciation lunch on a one-time or infrequent basis, if there is no disruption to the workplace.

A supplier has offered to provide lunch to my staff as an expression of appreciation. Is it OK to accept?

If the offer is a one-time or infrequent occurrence, it is OK for the supplier to provide a modest lunch as a token of appreciation. As a manager, you must use good judgment in determining whether the lunch might be perceived as affecting you or your staff's fairness and objectivity. It is never appropriate for a manager or employee to solicit vendors to pay for lunch even for a one-time event.

A physician who provides service in my department has given me a gift card during the holiday season. Is OK for me to accept?

If you received the gift card through the Texas Health **Applause!** Program, you may accept the gift. If the gift was not provided through the Texas Health **Applause!** Program, you should let the physician know you cannot accept personally due to Texas Health policies. If the physician persists, you may accept on behalf of Texas Health and let him or her know that the gift card will be forwarded to your Entity Compliance Officer who will make sure the gift is properly accounted for and used in the Texas Health charitable health care mission.

As a promotional activity, my marketing department would like to provide a gift card to patients who make an appointment in our new clinic. Is this allowable?

No. Offering cash or gift cards to patients as an incentive to make an appointment is prohibited in any amount. However, a non-cash gift is permitted if the retail value of the item is \$15 or less and the \$75 annual limit per patient is not exceeded. Please contact Texas Health Legal Services prior to implementing any program that involves gifts to patients or call the Texas Health Hotline at 1-800-381-4728.

A grateful patient is insisting that I accept a gift card in appreciation of the care I provided. I have declined the offer, but she is insistent and I don't want to be rude. What should I do?

Thank the patient and let her know that Texas Health strives to provide all patients with the highest quality care. You may graciously accept on behalf of Texas Health and let the grateful patient know that the gift card will be put to good use in the Texas Health charitable healthcare mission. You may not accept personally. Take the gift card to your Entity Compliance Officer who will make sure the donation is properly accounted for.

During the holiday season, vendors and providers often send me gifts since I am the department leader. How should I handle these gifts?

During the holiday season, expressions of appreciation are common. Remember that cash and cash equivalents from suppliers or post-acute providers are prohibited in any amount. Gifts of food, fruit baskets or similar items may be accepted and should be placed in a common area for sharing with all employees in that area. If you feel the gift could be perceived by others as impacting your future objectivity or the value is over \$100, you should decline the gift.

A patient was so appreciative of the care I provided that he gave me 10 tickets to an upcoming professional ball game. Each individual ticket is worth \$75. I would like to accept the tickets and bring along my co-workers. What should I do?

Texas Health standards, policies and CODE are in place to avoid the perception of favoritism, preferential treatment or the perception that anyone is being treated differently. Texas Health policies and CODE states that employees should not solicit, accept or offer a substantial gift or courtesy. In this instance, the total value of the gift is \$750 which is considered substantial. You should thank the patient and explain that you cannot personally accept the gift. You may ask the patient if he would be willing for the hospital to donate the tickets to the Foundation to be used for charitable purposes in your honor. If the patient agrees, take the tickets to your Entity Compliance Officer who will make sure the donation is properly accounted for.

Business Courtesies and Gifts from Post-Acute Providers

Relationships with post-acute providers should be objective, free from conflicts of interest, professional at all times and based upon the clinical needs of Texas Health patients. Texas Health and its employees are entrusted by patients and others to be objective and free from even the perception of influence or favoritism when informing patients of their provider choices to obtain needed health care services outside the hospital.

Acceptance of gifts, business courtesies or gratuities from post-acute providers or their representative is prohibited regardless of the monetary value. This prohibition demonstrates the Texas Health commitment to eliminate any perception of favoritism or influence.

Examples of impermissible gifts or gratuities include, but are not limited to the following:

- Gifts including items such as pens, notepads, or other items provided at no cost to the employee or the department.
- Lunch, dinner or other food items provided to the department.
- After hours events such as a happy hour, spa event or other activity sponsored by the health care provider.
- Continuing education sessions that are exclusively offered to Texas Health staff.

If you have questions about business courtesies and gifts from post-acute providers, ask your manager or call the Texas Health Compliance Hotline.

SEE ALSO

In This Book: [Business Courtesies and Gifts to Physicians or Practitioners](#); [Business Courtesies: Gifts](#); [Conflicts of Interest](#).

Texas Health Policy: [Business Courtesies and Gifts from Post-Acute Providers](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I received an invitation to attend an educational program offering continuing education credits. Can I attend?

Continuing Education sessions offered to the community may be attended if the session is a bona fide education program with continuing education units (CEU's) and does not include gifts, happy hour or other gratuities prohibited under the Texas Health Business Courtesies and Gifts from Post-Acute Providers policy.

I am a non-clinical employee and I often see post-acute care provider reps in the waiting areas. What should I do?

Representatives of post-acute providers are only allowed in patient care areas for business reasons at the request of a Texas Health hospital for the purpose of evaluating patients for admission into the Post-Acute Provider's care. All representatives must be registered into the approved Texas Health Vendor Clearance Process. If a representative of a Post-Acute Provider is observed in a Texas Health hospital nursing unit for marketing purposes, report to your manager who may also wish to report to the Entity Compliance Officer. The representative should be educated regarding the Texas Health Solicitation policy that prohibits distribution of materials on Texas Health premises.

I am invited to a health care providers business to learn about their services offered to post-acute care patients. May I attend?

Visiting a Healthcare provider business location for informational purposes to view the facility and/or obtain information regarding the provider's service capabilities, etc. is permitted as long as the visit does not include gifts or other prohibited gratuities. In addition, this event should be open to all community hospitals, not just Texas Health. Any exception must be approved in advance by the employee's direct manager.

Do not accept gifts, business courtesies or gratuities from Post-Acute Providers

Confidential Information

Confidential information, as defined in the Confidentiality policy includes protected medical and health records, financial information, legally privileged peer review, hospital committee information and similar internal business affairs of Texas Health not available to the general public, must not be disclosed except where it is necessary to do so in the course of business or as authorized or required by law. When in doubt, ask your manager, Human Resources, Legal Services, Finance, Brand Experience or the Texas Health Chief Compliance Officer. Your duty to protect such information exists both during and after your employment with Texas Health.

Further, it is Texas Health's policy to respect and protect confidential information of other persons or companies. Except where it is necessary to do so in the course of business, workforce members are prohibited from recording (audio and visual) conversations with patients or events or conversation involving protected health information. The purpose of this policy is to 1) protect the privacy interests of patients and prevent the disclosure of individually identifiable health information; and 2) promote an environment where open and honest dialogue between workforce members is encouraged.

Protected health information must be handled in strict accordance with the Health Insurance Portability and Accountability Act (HIPAA). Please refer to Texas Health privacy and information security policies for full information on handling and security of protected health information.

Nothing in the guidance above is meant to limit the ability of employees to discuss information about their working conditions as protected by applicable law.

SEE ALSO

In This Book: [Use of Licensed Property or Copyrighted Materials](#); [Outside Activities](#); [Honoraria](#); [Vendor Endorsements and Demonstrations](#); [Educational Sessions & Sponsorships](#); [Solicitation](#); [Use of Resources](#); [Electronic Communications and Data](#).

Texas Health Policy: [Patient Access to Health Information](#); [Confidentiality](#); [Personal Conduct](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

What is considered Texas Health confidential information?

Any information which has the potential to jeopardize Texas Health's marketplace competitiveness or cause damage or harm to Texas Health's reputation, it is considered confidential. If you have a question about whether something is confidential, ask your manager. In most cases, the following examples are considered confidential information:

- Patient information;
- Marketplace strategies and strategic plans;
- Financial data that is not made available to the public or otherwise sent to audiences outside Texas Health;
- Quality and patient safety data intended for internal use only;
- Texas Health and/or hospital policies without prior approval of the policy originator and/or the person with responsibility for the policy statement;
- Contracts and other legal documents and data contained in such documents;
- Information referenced or marked as "confidential" in documents, meeting records or other Texas Health materials;
- Other documents or data generally known to be confidential to Texas Health and not generally available for discussion or distribution outside Texas Health;
- Confidential data or trade secrets belonging or submitted to Texas Health by others in the course of doing business; and
- Pricing for products, equipment, supplies or services.

As part of an industry survey, a professional association is requesting salary data for certain job categories in my department. The information will be compiled by the association as part of their annual salary survey for publication in the professional association's newsletter. There will be no reference in the publication to any of the survey respondents. Is it OK for me to provide this information since it is a "generic" part of an industry survey?

You should not release salary data to anyone outside Texas Health. Compensation and salary data is considered confidential. Call the Texas Health Compensation Department who will determine, based on Sherman Anti-Trust regulations, if requested salary data can be provided to an outside agency. This is true even in cases where the request is through an industry survey. In most cases, the Texas Health Compensation Department will take ownership to send the data, if participation in the survey is deemed appropriate.

I have a friend who works in the finance department at a nearby hospital. He occasionally calls me to compare prices for certain Texas Health outpatient services. What should I tell him?

You should politely tell him you cannot discuss confidential matters and report the inquiry to your manager. Even if the inquiry is only pertaining to published charges, you should remind your friend to seek this data through public sources.

While filing medical records, I discovered my next door neighbor has HIV. I am concerned not only for my own family, but also for my neighbor's wife who may not know of her husband's diagnosis. What can I do?

Your discovery of this diagnosis information may place you in a moral and ethical dilemma, but the CODE, the Texas Health Personal Conduct policy and the law, clearly prohibit you from divulging any protected health information. You must not discuss protected health information or other confidential data with family, friends or associates.

I have been approached by Medicare auditors seeking to review an agreement between Texas Health and a physician group. I believe the document constitutes confidential information. Should I withhold the information from the Medicare auditors?

You are correct in that the agreement would be considered confidential information. However, since Medicare is permitted by law to audit our records, a review of confidential information is allowed under the CODE. In this case, before releasing the agreement to the auditors, you should first check with your manager and Texas Health Finance to verify the auditor's credentials and reasons to access the information.

I often receive questions from companies wanting references on former Texas Health employees. May I respond without violating the CODE?

Employee's performance evaluations represent confidential data. Direct the caller to Human Resources.

As an employee, I have access to the electronic health record for my job role. May I use my access to look at my own personal health information?

Employees, like any other patient, may request access to their own health information by submitting a request in writing using the form entitled Authorization for Release of Patient Information. This form is located on the *MyTexasHealth* intranet. The request will be reviewed by Health Information Services. Review the Texas Health Patient Access to Health Information policy for more information.

Do Not Disclose Confidential Data or Protected Health Information

Electronic Communications and Data

Texas Health maintains electronic communication systems (such as electronic mail, Internet, intranet, voicemail and other automated information) to assist in conducting Texas Health business. These systems, the equipment and the data stored in the systems, are the property of Texas Health whether they are located in the employee's home, at a remote location or in the office. Texas Health retains the right to access and review Texas Health's electronic communication systems at any time for any reason without user notice.

Texas Health data is the property of Texas Health and should be used for Texas Health business only. You do not have a personal privacy right in any matter created, received or sent from the electronic mail system. Threats to data include accidental or deliberate destruction, changes or misuse. Texas Health policy states access to data will be granted on a "need-to-know" basis. You are accountable for the changes or use of data that is obtained under your individual login ID. You must protect the data and information you have access to as well as your login and passwords.

Texas Health's electronic mail system should not be used as a means to communicate or forward "chain letters" or other messages that are not directly related to your job duties. Use of the Texas Health electronic mail system for such messages may result in progressive corrective action up to and including separation of employment. Communications such as sexual comments or images, racial slurs, gender-specific comments or any words or phrases which may reasonably be considered offensive, harassing, vulgar, obscene or threatening are strictly prohibited.

Texas Health's Electronic Communications Acceptable Use policy provides detailed guidance on protecting patient and Texas Health confidential data when using voice mail, the Internet and electronic mail. Protected health information (PHI) may be sent by e-mail if certain requirements are met such as limiting the patient data to those who need to know and to the minimum necessary amount, confirming e-mail addresses before sending, using encryption and using the confidentiality statement.

Texas Health workforce members and users of Texas Health electronic communications systems must receive prior written authorization to use and access data remotely. PHI must be secured and protected from unauthorized access at all times using reasonable physical and technical safeguards. Follow Texas Health policy guidelines when authorizing, accessing, storing or printing PHI remotely. PHI must not be stored on personal computers or other non-Texas-Health-owned hardware devices, except with written approval.

SEE ALSO

In This Book: [Solicitation](#); [Use of Resources](#); [Confidential Information](#); [Social Media](#).

Texas Health Policy: [Safeguarding Health Information and Sensitive Personal Information](#); [Electronic Communications Acceptable Use](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

My computer is linked to the Internet. Is it a violation of the CODE to communicate daily with my sister in New York about the health of our parents who live with me in Texas?

Frequent use of a Texas Health resource, like electronic mail, for personal reasons is a CODE violation. Routine communication with relatives should normally be done at home using your personal computer and Internet access.

I have been granted special security clearance for a category of highly sensitive information. While on a business trip, I phoned my office and told my security password to the receptionist so she could access a file and give me data. Is this action in violation of Texas Health policy?

Providing your security access information to the receptionist compromises the security of the data. The receptionist was not approved for this access. Employees are restricted from sharing personal passwords.

Is it legal for Texas Health or my manager to read my work e-mail?

It is legal for your manager to read your work e-mail. According to the Federal Electronic Communications Privacy Act, an employer-provided computer system is the property of the employer. The company has every right to monitor all e-mail traffic and Internet surfing that occurs on the company's system.

What type of information requires additional protections when using Texas Health's electronic systems?

Under the HIPAA Privacy and Security Rules, reasonable administrative, physical and technical safeguards must be used to protect electronic patient health information. Review the Electronic Communications Acceptable Use policy for guidance on using the different types of electronic communication systems.

Are there other types of information which require additional protections?

Electronic systems and confidential information (for example, names, social security numbers and financial information) require additional administrative, physical and technical safeguards. Review the appropriate Texas Health information privacy and security policies for further information.

Are there any measures to take when working with protected health information (PHI) or sensitive personal information (SPI) from a remote location?

Texas Health workforce members must receive prior written authorization to use and access PHI or SPI remotely. Reasonable physical and technical safeguards must be taken in accordance with Texas Health policies.

Protect the Use and Integrity of Electronic Data and Communications

Fraudulent Activities

No employee is authorized by anyone associated with Texas Health to commit fraudulent activities. Any employee who commits fraud or assists another person in hiding a fraudulent act will be separated from employment with Texas Health and may be subject to prosecution by law enforcement agencies. Employees should not ignore or intentionally prevent the detection of a fraudulent activity. If an employee is uncertain if an activity is fraudulent, call the Texas Health Chief Compliance Officer.

SEE ALSO

In This Book: [Billing and Cost Report Practices](#); [Standards of Ethical Coding](#); [Books, Records and Accounts](#); [Corrective Action for Violation of Texas Health's Code of Business Ethics](#); [Federal and State False Claims Acts](#); [Non-Retaliation](#); [Identity Theft Prevention Program](#); [Cooperation with Regulatory Agencies and Investigators](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

What are considered fraudulent activities?

Fraudulent activities include, but are not limited to:

- Forgery or alteration of patient billing-related items such as submitting false claims and assignments of accounts;
- Forgery or alteration of checks, drafts, promissory notes and securities;
- Any misappropriation of funds, securities or any other similar assets;
- Any irregularity in handling or reporting of money transactions;
- Any irregularities of payments with business transactions and giving or obtaining contracts with the intent to misrepresent;
- Falsifying or altering any record or report that misrepresents facts or data, such as employment application, payroll or time record, production record, expense account, e-mail or correspondence, shipping and receiving record or scientific research/data collection record;
- Misappropriation, theft, unauthorized use of furniture, fixtures, equipment, supplies, software and/or any other Texas Health property, property of patients, guests, physicians or vendors.

Help Detect and Prevent Fraudulent Activities

Identity Theft Prevention Program

Texas Health has implemented an Identity Theft Prevention Program to detect and respond to potential red flags of identity theft, with an objective of mitigating the risk of identity theft and limiting damage to the victim and to Texas Health. Identity theft is fraud committed or attempted using the identifying information of another person without approval. A red flag is a pattern, practice or specific activity that indicates the possible risk of identity theft. Identifying information includes any name or number that may be used to identify a specific person such as:

- Name, social security number, date of birth, driver's license or state or government issued identification number, alien registration number, passport number, employer or taxpayer identification number, or insurance card.
- Unique biometric data, such as fingerprint, voice print, retinal or iris image
- Unique electronic identification number, address, or routing code
- Telecommunication identifying information or access device

If you observe, hear about or otherwise suspect an activity that may involve identity theft, you should immediately report the activity to your manager. You or your manager should immediately contact the Texas Health Chief Compliance Officer or your Entity Compliance Officer (who will coordinate with the Texas Health Chief Compliance Officer).

SEE ALSO

In This Book: [Federal and State False Claims Acts](#); [Cooperation with Regulatory Agencies and Investigators](#); [Fraudulent Activities](#);
Texas Health Policy: [Identity Theft Prevention Program](#); [Anti-Fraud Program](#); [Federal and State False Claims Acts and Protections](#); [Prohibition Against Doing Business With Any Ineligible Person](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

What are the specific red flags of identity theft should I watch for?

1. A complaint or question from a patient based on the patient's receipt of a bill for another individual, a bill for a product or service that the patient denies receiving, a bill from a healthcare provider that the person never patronized, or a notice of insurance benefits (or explanation of benefits) for healthcare services never received.
2. Records showing medical treatment that is inconsistent with a physical examination or with a medical history as reported by the patient.
3. A complaint or question from someone about a collection notice from a bill collector for services he or she alleges did not occur.
4. A patient or insurance company report that coverage for a legitimate hospital stay is denied because insurance benefits have been depleted or a lifetime cap has been reached.
5. A complaint or question from a patient about information added to a credit report by a healthcare provider or insurer.
6. A dispute of a bill by a patient who claims to be the victim of any type of identity theft.
7. A patient who has an insurance number but never produces an insurance card or other physical documentation of insurance, and there is reason to be suspicious of identity theft.
8. A notice or inquiry from an insurance fraud investigator for a private insurance company or a law enforcement agency.

I work with patient accounts. What should I do to positively identify a patient who is asking for information?

The Texas Health Identity Theft Prevention Program policy is located on the *MyTexasHealth* intranet and contains guidelines for patient identification prior to releasing information.

Report Suspected Identity Theft to Your Manager

Inside Activities

Texas Health prohibits any employee from accepting a position as an independent contractor to Texas Health when the contracted work could be personally performed and falls within the employee's current Texas Health job duties. All work performed for Texas Health must generally be shown as wages on your W-2 Form provided at the end of each calendar year.

If an employee has a bona fide outside business activity that is not related to the employee's current job duties, it may be OK for the employee's outside business to contract with Texas Health for services at an entity where the employee does not work. Any such arrangement must be free from conflicts of interest and approved by Human Resources. In addition, the Texas Health Chief Compliance Officer must approve the establishment of a vendor file prior to making independent contractor payments to an employee through the accounts payable system.

SEE ALSO

In This Book: [Conflicts of Interest.](#)

Texas Health Policy: [Dualities and Conflicts of Interest Policy and Forms.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I work at a Texas Health entity as a full-time employee and at another Texas Health entity on a part-time basis as an independent contractor. For my part-time services, I get an hourly rate with no taxes being withheld. Am I doing anything wrong?

As long as both of your managers know of your dual duties, you *individually* are not in violation of the CODE. However, all of your Texas Health compensation must be subjected to applicable payroll tax withholdings and wage and hour regulations. In this case, your managers must coordinate with Payroll to assure that all payments are made through the payroll system so that overtime, if applicable, is paid, appropriate withholdings are made and your W-2 Form is correct.

I am a nurse at a Texas Health hospital and I would like to work as an employee of a temporary nurse staffing agency. Can I work as an agency nurse at a different Texas Health hospital?

If you wish to seek part-time work at another Texas Health hospital, the work should be performed as an employee of the other Texas Health hospital. An employee cannot be an employee at one hospital and an agency nurse or contractor at another hospital.

I am a hospital employee in Plant Operations and Maintenance and I also own a personal painting business. Is it OK for my hospital to hire me on weekends or after hours to personally perform painting work at the hospital?

Since your normal job duties include painting and maintenance work, the hospital cannot hire you as an independent contractor for those same duties. Any activity that falls within your hospital job description must be carried out as an employee and must be paid through Payroll based on Texas Health policies. On the other hand, if you own a painting company and your employees will perform the work outside of your entity, it may be possible for your painting company to contract with Texas Health, assuming there are no conflicts of interest. The Texas Health Chief Compliance Officer must approve the creation of a new vendor file.

I am a nurse and would like to contract with Texas Health's research entity as a class instructor for a weekend educational program. I will do all preparation on my own time. Is it OK for me to be an independent contractor for these services unrelated to my job duties?

If you prepare all materials on your own time, you may be an instructor as an independent contractor.

You May Not be Paid as an Independent Contractor for Job Related Activities

Solicitation

Solicitation, posting or distribution of literature is not permitted on Texas Health property unless the activity is a Texas Health-sponsored and approved program or an entity-sponsored event. This policy is designed to avoid disturbing our patients and their families, minimize work place disruptions, and avoid littering the premises. Texas Health allows a maximum of seven (7) permissible programs or events per calendar year; three (3) Texas Health/System-sponsored programs, functions or events and four (4) entity-sponsored programs, functions or events. All entity sponsored programs, functions or events must be pre-approved by the entity Triad leadership team, Texas Health Senior Level Management or designee. Specific guidelines for Texas Health or entity sponsored and approved programs or events are posted on the *MyTexasHealth* intranet.

Recognition of, and participation in, certain employee milestone event functions are acceptable with manager approval. Such events may include birthdays, weddings, birth of a child, holiday celebrations, Texas Health length of service and other such work/life recognition events. Notices for these events can be posted in a common area as long as they do not require employee commitment or donations for money. These functions should be voluntary in nature for all members of the Workforce and should not disrupt the normal operations of the department.

Non-employees must not solicit employees, patients or distribute brochures, coupons or other materials on Texas Health property. Tenants of Texas-Health-owned buildings are permitted to post notices of building amenities such as food service, if approved by Texas Health Real Estate and executive management. These notices should only be posted on the tenant's building and not throughout the hospital.

SEE ALSO

In This Book: [Donations, Grants and Other Charitable Gifts](#); [Electronic Communications and Data](#); [Confidential Information](#); [Conflicts of Interest](#); [Vendor Endorsements and Demonstrations](#); [Social Media](#); [Educational Sessions & Sponsorships](#).

Texas Health Policy: [Solicitation, Distribution and Posting](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I am helping my son sell candy bars to raise money for his little league team. Is it OK to sell the candy to my co-workers during our break periods?

No. While Texas Health believes in supporting community organizations, too much solicitation can be disruptive and put pressure on employees to give to causes they may not support. Therefore, employees should not solicit co-workers to purchase items or donate money even when used for a good cause.

I am participating in a walk-a-thon for a local charity that I personally support. Is it OK for me to ask my co-workers to sponsor me by making a pledge?

Soliciting money, checks or other forms of payment such as money orders through pledge processes is supported for Texas Health Company sponsored or approved programs only. Requesting cash donations is discouraged unless documented by a pledge process for that approved program such as the American Heart Association Heart Walk, etc. Employees are not allowed to solicit donations (cash, checks or other goods and services) from co-workers at work for local charities or causes that are not sponsored or authorized as one of the approved Texas Health giving events for the year.

A charity asked me if Texas Health would provide a donation to the charity's educational event. The charity will put Texas Health's name on its Web site, posters and other publications listing Texas Health as a donor. Does Texas Health donate funds to this type of thing?

All donation or sponsorship requests should be sent to the Texas Health Online Grants Tool at: www.TexasHealth.org/TexasHealthGrants. Departments should not use operational funds to support non departmental functions.

A company wants to sponsor a special Web site for Texas Health employees to buy the company's products at a discount. Is it OK for me to work with the company to get this set up?

No. Any benefit related programs and discounts must be formally approved. You should refer the company to the Texas Health Benefits Department. The company's program will be evaluated and if approved as an employee benefit program, will be offered to Texas Health employees through Human Resource processes.

Is it OK for me to organize a wedding shower for a co-worker and hold the event in a conference room after work?

It is permissible to recognize and participate in employee work life events as a group, if approved by your manager. Participation must be voluntary and must not disrupt the department's normal operations. Notices for the events can be posted in a common area within the department. The notice should simply state the event, date, time, location, and should not require employee commitment. Notices should not be posted on bulletin boards. These boards are only for communication of Texas Health information to patients, employees and notices required by law. Solicitation of employees for donations is not permitted.

Do hospital volunteer auxiliary fundraising events count as entity based program or event for purposes of the four (4) per year limitation?

No. Events hosted by the entities volunteer auxiliary currently do not count as one of the four (4) sanctioned programs or events per calendar year. These events are reviewed and approved by the Human Resources Officer in conjunction with volunteer coordinators. These events should not disrupt hospital or entity operations and must use appropriate vendors.

Is it OK to sell raffle tickets for a chance to win something of value?

No. Raffles should not be included in fund-raising activities. Raffles are considered subject to Texas gambling laws which are quite restrictive for nonprofit entities. Currently, only the [Texas Health Foundation](#) and hospital auxiliaries are permitted to conduct raffles with strict limitations. A raffle is any activity where persons “buy” a chance to win. Door prizes or other drawings where there is no requirement to “buy” a chance to win are permitted. Questions regarding raffles should be directed to the Financial Compliance-Sox department.

Can employees solicit monetary donations for Texas Health or entity sponsored programs and events?

The Texas Health Gives, the Associates campaigns and other Company Sponsored and Approved Programs involve direct solicitation of money through pledges. Outside of these Company Sponsored events, direct solicitation of money for personal causes should not occur during work-time when employees are expected to perform or engage in his/her job duties.

Where can I find more information about solicitation guidelines?

Texas Health Human Resources developed a frequently asked question document to provide more information to those seeking clarification. For additional information, please refer to the Solicitation, Distribution, and Posting Policy or contact Human Resources.

Do not Solicit on Texas Health Property Without Prior Approval

Use of Licensed Property or Copyrighted Materials

It is Texas Health's policy to comply with license agreements, copyright laws or other restrictions that govern the use of software, published materials or restricted property. Employees must respect all copyright and other intellectual property laws. For Texas Health's protection as well as employees' own protection, it is critical that employees show proper respect for the laws governing copyrights, fair use of copyrighted material owned by others, financial disclosure laws, trademarks, and other intellectual property, including Texas Health's own copyrights, trademarks, brands and proprietary information.

Texas Health has an agreement with Copyright Clearance Center (CCC) to reproduce and distribute content, in print or electronic format, as often as needed for *internal use only*. Under the license, employees can photocopy *excerpts* from newspapers, magazines, journals and other copyright-protected works licensed by Copyright Clearance Center. The agreement applies only to text-based works listed in Rightsphere, Copyright Clearance Center's Copyright Management software. This agreement does not permit a Texas Health employee to reproduce the full publication. However, portions of the publication or specific articles may be reproduced for internal use. Content may be shared with external collaborators such as business partners or research institutions provided the collaborators have a CCC annual copyright license and have an executed Form of Acknowledgement provided to CCC and Texas Health Information Resources. Employees may email approved articles to other employees, post articles on the intranet or scan content. Some copyrighted materials may be shared electronically. Contact Texas Health Information Resources at 817-250-2916 for questions or to determine if a specific copyrighted material is licensed for Texas Health.

Texas Health employees, medical staff members, and other individuals affiliated with Texas Health may discover or develop inventions or other intellectual property with commercial value. Texas Health desires to encourage creativity and innovation, promote the development of discoveries and inventions for the good of the public, and provide a process for equitable distribution between Texas Health and Texas Health innovators of revenues resulting from the commercialization of the intellectual property. Contact the Texas Health Research & Education's Office of Commercialization for further information.

SEE ALSO

In This Book: [Corrective Action for Violation of Texas Health's Code of Business Ethics](#); [Confidential Information](#).
Texas Health Policy: [Intellectual Property Protections](#). [Commercialization of Intellectual Property](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

Only one of the computers within our department has a specialized software program needed by other employees. For efficiency purposes and to achieve uniform document format, we simply copied the software onto the other computers in the department. Does this action violate the CODE?

Without approval from Texas Health Information Resources, you may have violated the license agreement for the specialized software program. Appropriate authorization from the licensor is required to place any software on your computer.

I would like to copy an article out of a publication that is copyrighted. Is it OK for me to make copies of the article and use the copies inside Texas Health?

If you plan to copy a single article for internal use, you must first determine if the publication is included under Texas Health's copyright agreement with Copyright Clearance Center. Authorization to copy excerpts from licensed works for internal use is provided through that agreement. Contact Information Resources at 817-250-2916 for more information.

What types of items are subject to copyright laws?

Copyrighted items include (but are not limited to) articles from publications, television and radio programs, videotapes, music performances, photographs, training materials, manuals, documents, software programs, databases and Internet pages.

I would like to send copies of a newsletter that is copyrighted. Is it OK for me to make copies of the newsletter and use the copies inside Texas Health?

Copying and sending an entire copyrighted newsletter is not permitted. For Texas Health's protection as well as employees' own protection, it is critical that employees show proper respect for the laws governing copyrights, fair use of copyrighted material owned by others, financial disclosure laws, trademarks, and other intellectual property.

Can I forward an entire electronic publication internally?

Most subscriptions do not permit forwarding of entire copyrighted electronic publications. However, select articles for internal use may be forwarded under Texas Health's agreement with Copyright Clearance Center. Contact Information Resources at 817-250-2916 to verify if the specific publications are covered.

Can I share a copy of a single article included in the Texas Health Copyright License Agreement with an external collaborator?

Most publications may not be shared externally. In some cases, content may be shared with external collaborators such as business partners or research institutions if the collaborators have a CCC Annual Copyright License and have an executed *Form of Acknowledgement* provided to CCC and Texas Health Information Resources. Contact Information Resources at 817-250-2916 for questions concerning the Collaborative *Form of Acknowledgement*.

I'm a Texas Health employee and have an idea for a better bandage. Will Texas Health support my efforts to develop my idea and bring it to market?

Yes. Texas Health encourages innovation of new ideas that may ultimately help improve patient care. Please inform your manager or contact Texas Health Research & Education's Innovation Council to have the idea assessed for commercial viability and to discuss details.

Use of Resources

Texas Health has internal control procedures designed to provide appropriate acquisition, use and disposition of Texas Health assets and resources. Texas Health resources may not be used for any unlawful purpose or used in a manner inconsistent with Texas Health's Mission, vision, values or Texas Health policies. In addition, no employee should make Texas Health resources available to others for use in a non-Texas Health business activity.

Assets must be recorded accurately in Texas Health books and records and disposed of in accordance with Texas Health policies. Special policies and procedures apply to the handling and management of assets containing protected health information or Texas Health confidential data. Please refer to Texas Health Privacy and Information Security policies for complete information.

Always follow Texas Health's [Asset Transfer, Disposal and Sale](#) policy when selling or disposing of Texas Health assets that are no longer needed in your department. Sale or disposal of assets should be handled in coordination with [Texas Health Corporate Supply Chain Management](#).

SEE ALSO

In This Book: [Books, Records and Accounts](#); [Confidential Information](#); [Electronic Communications and Data](#); [Social Media](#).

Texas Health Policy: [Asset Transfer, Disposal and Sale](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I often take my office laptop computer home overnight to work on personal projects. Is that OK?

While it is tempting to “borrow” office equipment, the equipment belongs to Texas Health and should not be removed from the workplace for personal use. On the other hand, using your laptop outside the workplace for Texas Health business is acceptable. However, be certain the laptop does not contain protected health information or personal sensitive information before taking the laptop from the workplace.

My manager often asks me to do personal work for him. This includes typing personal letters, running errands and scheduling personal appointments. Is this OK?

It is unacceptable for a manager to request a direct report to complete a task of a personal nature, such as scheduling personal appointments or run errands. In the course of daily life and work, Texas Health recognizes that employees may occasionally need to support a manager in an unplanned personal event or issue.

My department has unused furniture and old equipment. Can I sell or give the items to employees?

Texas Health's Asset Transfer, Disposal and Sale policy must be followed when disposing of assets. Contact Texas Health Corporate Supply Chain Management for assistance. Unsold Texas Health items are available for purchase on an Internet auction site. Employee bids for the items will be handled by the auction site manager in the same manner as any other bid submitted.

I am receiving tuition reimbursement for participating in higher education courses. I have been issued a laptop rather than a desk top for performing my daily Texas Health duties. Can I also use my Texas Health laptop for all my school activities associated with the courses rather than purchasing my own personal laptop?

No. You may not use a Texas Health issued laptop to perform non Texas Health duties or activities.

I work in the lab and a family member has asked that I run a lab test for them “as a favor” without a physician’s order and without registering the patient. Is it acceptable for me to do this since there is no addition cost to Texas Health?

It is not acceptable to use Texas Health resources or equipment for non-business use. Texas Health hospitals have strict rules regarding the provision of clinical services. Diagnostic tests require a physician order and the results must be recorded in the patient's medical record. It is never acceptable to provide services in a manner that is inconsistent with hospital policies and medical staff bylaws. Failure to follow these policies will result in progressive corrective action in accordance with Texas Health human resource policies.

Use Texas Health Supplies for Business Only

Health and Safety

Texas Health is committed to maintaining a healthy and safe working environment that complies with the applicable federal, state and municipal laws and regulations regarding workplace, safety, infection prevention, and workplace violence prevention.

Safe Working Environment:

A safe working environment includes safe equipment, proper working methods, guidelines for safe working conditions and safety training. Employees are required to report a work-related injury or illness immediately to their manager. You should also complete the on-line Texas Health [Reliability Learning Tool](#) and submit the incident for review and follow-up through Texas Health's safety processes. Managers are required to timely review incidents using Performance Management Guide (PMG).

Harassment & Violence Free Workplace:

Texas Health strives to provide a work atmosphere that is free from harassment and violence and to require employees to maintain a work atmosphere that is free from harassment and violence of any kind including verbal, physical or sexual harassment. Employees should immediately report threats, acts of aggression or disruptive behavior, and/or acts of violence, which could affect the safety of the workplace to their manager, Security and/or Human Resources as appropriate.

Patient Safety:

Texas Health commits to providing a safe environment with quality care for its patients. The Patient Safety Culture Initiative is a program developed by Texas Health to assist in the efforts to improve the patient safety culture within Texas Health. Texas Health focuses on managing risk by identifying vulnerabilities that create the potential for injury or loss to individuals or property and elimination of all avoidable risk through analysis and/or interventions which alter human factors, processes, systems or the environment of care.

SEE ALSO

Texas Health Policy: [Harassment-Free Workplace](#); [Safe Workplace](#).

Do Your Part to Maintain a Healthy and Safe Environment

Clinical Research

Texas Health adheres to all federal and state regulations governing human subject research. Human subject research at Texas Health must be carried out in conformity with the basic ethical principles that govern research involving human subjects including: The Nuremberg Code, The Declaration of Helsinki and The Belmont Report. All Institutional Review Board (IRB) members and all IRB professional and support staff should be thoroughly familiar with these basic ethical principles.

Research involving human subjects conducted at Texas Health must be reviewed, approved and monitored by the Texas Health IRB. Under federal regulations, research means – “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.” Questions regarding whether a proposed activity constitutes research should be directed to the [Texas Health Research Office](#).

Texas Health is committed to promoting the rights and welfare of all research subjects who participate in research activities at Texas Health. Texas Health’s research policies and standards can be found in the following policy documents:

- Corporate Policy for the Protection of Human Research Subjects
- Corporate Policy of Conflict of Interest in Research Involving Human Subjects
- Corporate Policy on Research Privacy Under HIPAA

SEE ALSO

In This Book: [Business Courtesies: Gifts](#); [Business Courtesies and Gifts to Physicians or Practitioners](#); [Relationship with Suppliers and Representatives](#); [Conflicts of Interest](#).

Texas Health Policy: [Business Courtesies Provided to Physicians](#); [Voluntary Leadership Services by Physicians](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I am a research coordinator of a clinical research study, under oversight of the Texas Health Institutional Review Board. What should I do if I have a compliance concern in connection with the research activity?

Employees and others are expected to express concerns about actual or suspected non-compliance. You should raise your concern to your manager, the Texas Health Director of Research Compliance and/or the Texas Health Chief Compliance Officer. You may also call the Texas Health Compliance Hotline at 1-800-381-4728.

I am a Principal Investigator for a research study approved by the Texas Health IRB. Is it OK for me to recruit Texas Health employees to participate in the research study?

Solicitation of Texas Health employees for participation in research studies is permitted; however, any such activities and all recruitment materials must be approved by the Texas Health IRB in advance. Further, you must coordinate any such activities with the [Texas Health Research Office](#) as some limitations may apply.

Understand and Follow all Regulations Governing Human Subject Research

Donations, Grants and Other Charitable Gifts

Most Texas Health entities are charitable organizations and are qualified to receive tax-deductible gifts and donations. Donations are often solicited through the Texas Health Resources Foundation (Foundation) as a part of the Foundations' fundraising activities. To qualify as a donation, grant or charitable gift, the transaction must be a voluntary transfer of cash or property without an expectation of benefit by the donor. Donations, grants or contributions (whether cash or non-cash) should be directed to the Foundation whenever possible. The Foundation will make sure all gifts and donations are properly recorded and acknowledged based on Internal Revenue Service requirements.

In some cases, a donor may be a current or future Texas Health vendor or supplier. If a vendor or supplier wishes to make a charitable contribution, the vendor or supplier should be referred to the Foundation. As a general rule, Texas Health entity staff should not solicit or accept vendor donations, grants or other charitable contributions at the department level. However, if the vendor company has a separate and independent grant-making division that makes donations using objective criteria and based upon a grant request, it is permissible for a department manager to submit the grant request. In all cases, the grant request must be submitted directly to the grant-making division and must be handled entirely through the independent decision-making channels. Further, the process must not involve discussions or other interaction with the company's sales or marketing representatives.

Physician participation in fund-raising activities as experts in medical technologies or services can add greatly to proposals or grant requests. If a physician will be involved in a fundraising proposal to a Texas Health vendor, specific guidelines must be followed. Contact the Texas Health Chief Compliance Officer for more information on these guidelines.

SEE ALSO

In This Book: [Relationships with Suppliers and Representatives](#); [Solicitation](#); [Vendor Endorsements and Demonstrations](#); [Educational Sessions & Sponsorships](#).
Texas Health Policy: [Asset Transfer, Disposal and Sale](#); [Community Time Off and Volunteerism](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I am a department manager. Is it OK for me to ask one of my suppliers for a donation to fund equipment for my department?

Make the Foundation aware of your needs. Let the Foundation handle fundraising efforts to meet the need. Since you and your staff have direct business relationships with suppliers, you should not ask suppliers for donations or gifts. Solicitation of suppliers or sales representatives by department personnel constitutes a conflict of interest and may be perceived as pressuring the supplier for donations in exchange for future or past business.

We are sponsoring an entity approved community benefit event and would like local restaurants or vendors to contribute snacks and prizes. Is it OK for me to ask local restaurants or vendors to do this?

It is OK to solicit local restaurants or retailers for items that will be used in the community benefit activity. As a general rule, Texas Health vendors should not be solicited. If a vendor offers to contribute items in support of a community benefit event, the items should be of low value and must be donated independent of any purchasing arrangement. A vendor should never feel pressured to make a donation.

Is it OK for me to ask one of my suppliers for a donation to fund the cost of sending employees to an educational seminar or similar event? What if the supplier voluntarily approaches me?

You should not solicit suppliers or accept funding for departmental education. If you become aware of a supplier who wishes to make a donation for educational purposes, direct the supplier to the Foundation. The Foundation maintains education endowment funds that are dedicated to the promotion of medical education where it is most needed within Texas Health. You must avoid even the perception that receiving a gift might affect your objectivity or decision-making. Donations for educational purposes should not be marked for specific employees or pre-arranged for use by a specific person, physician or department that the supplier does business with. Educational funds will be disbursed in a fair manner under Foundation guidelines.

I am active with the Girl Scouts and would like to ask a Texas Health supplier to make a contribution to the annual Girl Scout fundraising drive. Is it OK for me to ask the supplier if they would consider making a donation to the Girl Scouts?

You should not solicit current or prospective vendors or suppliers for donations to good causes you may support. The Girl Scouts should contact the supplier directly as a part of their independent fundraising activities and without your involvement. You must avoid even the perception that the supplier is expected to make a donation due to your position with Texas Health.

Is it OK for my department to make a donation to a charity or sponsor a charity event?

Department funds are to be used for operational purposes only. As an alternative, the Community Time Off program provides Texas Health employees an opportunity to support local charities. Community Time Off guidelines are located on the *MyTexasHealth* intranet.

A physician is participating in a charitable mission trip and asked for a donation of pharmacy items. Can we give items to the physician?

Texas Health cannot give supplies or other items directly to a physician. However, it may be possible to donate certain pharmaceutical items directly to the charity depending on the facts and circumstances. Texas Health developed guidelines for the donation of items such as supplies, drugs and equipment for charitable purposes. Any such donations should be handled by [Texas Health Corporate Supply Chain Management](#). Also refer to the Asset Transfer, Disposal and Sale policy.

Texas Health Foundations Should Handle Charitable Donations

Fair and Accurate Representation of Products and Services

You should strive to fairly and accurately represent Texas Health and its services. Avoid false and misleading advertising and reject high-pressure treatment or misleading marketing and sales tactics. It is Texas Health's policy that all marketing materials reflect services and products in compliance with applicable advertising and nondiscrimination laws. Verbal and written communications must be true, fair and accurate. A quick advantage gained through even slight misrepresentation or exaggeration can compromise and endanger Texas Health's reputation. Advertising and promotional materials must be approved by [Texas Health Legal Services](#) prior to publication.

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

In an advertising campaign, new technology offered in a Texas Health hospital is referred to as “state of the art.” Since the Texas Health hospital is the only hospital in the Metroplex offering this technology, can we accurately make this claim?

The term “state of the art” implies the most up-to-date technology available in the industry at the time. Because other hospitals may be offering even more advanced technology without our knowledge, we can't always know for sure that the technology is truly “state of the art”. To provide fair and accurate verbal and written communications, it would be better to describe the advanced technology without a claim that the technology is “state of the art”. [Texas Health Legal Services](#) must approve all advertisements.

Representations About Texas Health Must be Truthful, Accurate and Fair

Business Courtesies and Gifts to Physicians or Practitioners

Texas Health is committed to compliance with all laws and regulations that govern business relationships with physicians or other referral sources. Such laws include Federal Stark referral laws (Stark) and Medicare/Medicaid fraud and abuse laws, among others. The following guidelines must be followed when a gift is made to a physician, a physician group or other referring practitioner:

- Cash or cash equivalents, such as gift certificates, are never permitted as gifts in any amount;
- The total value of gifts given by each Texas Health entity during the year must not exceed the per physician limit set by the Centers for Medicare and Medicaid Services (CMS);
- Gifts may not be provided in response to a solicitation by the physician (or his/her office staff), and
- The volume or value of admissions or referrals generated by the physician(s) or practitioner must never be a factor in determining eligibility for a gift.

In addition any gift to a physician or practitioner must meet all requirements of the Texas Health Business Courtesies Provided to Physicians policy. As a general rule, any such gifts or business courtesies must be documented and recorded in the Texas Health Business Courtesies Tracking Database. However, the following gifts, business courtesies or tokens of appreciation do not have to be tracked in the Texas Health Business Courtesies Database:

- Unsolicited food and beverage offered to physician office staff members as part of an educational program. The value of such food and beverages will not exceed the per occurrence limit established annually by CMS.
- Gifts and other tokens of appreciation provided as compensation for physician services rendered to Texas Health under the terms of a written contract. The written contract must specifically refer to gifts, tokens of appreciation, or invitations to social events as compensation. If the contract does not specify that gifts and other tokens of appreciation are considered compensation, the gift or other token of appreciation must be tracked in the Texas Health Business Courtesies Database.

Contact your [Entity Compliance Officer](#) or Texas Health System Compliance with any questions you may have.

SEE ALSO

In This Book: [Business Courtesies: Gifts](#); [Business Courtesies and Gifts from Post-Acute Providers](#); [Relationship with Suppliers and Representatives](#).
Texas Health Policy: [Business Courtesies Provided to Physicians](#); [Voluntary Leadership Services by Physicians](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I am responsible for providing information on hospital services to physicians. A physician's office manager asked me to bring lunch for the staff in order to get an appointment. What should I do?

You should refuse *any* solicitation for a gift or courtesy by a physician or physician office staff. *Unsolicited* meals or gifts may be given as a business courtesy if provided exclusively to members of a physician's office staff as part of a bona fide educational program. Meals, gifts or courtesies must be handled without regard to the volume or value of business done between the hospital and the physician or the physician practice.

I work in a department that is growing in patient volume and revenue. In large part, this success is due to specific physicians who routinely admit patients. Is it OK to thank these specific physicians by sending a gift basket?

It is not acceptable under current laws to single out specific physicians to receive gifts based on the number of admissions or referrals to your department. If a "thank you" gift is planned, the same gift must be provided to all physicians who are credentialed to perform procedures in your department whether or not they refer patients. Additionally, each physician gift must be tracked in the Texas Health Business Courtesies Database.

A group of 20 physicians serve on a hospital leadership committee to provide input regarding hospital activities. The physicians have been paid for their time throughout the year. The hospital would like to treat all of the physicians to a nice dinner to celebrate the successful completion of a project. Is this acceptable?

If the physicians have been paid for attending hospital meetings, there must be a written agreement. The agreement may contain language permitting an appreciation gift as additional compensation. Thank-you gifts permitted under a written agreement are acceptable and are not tracked in the Texas Health Business Courtesies Database. All other gifts must be entered into the tracking Database and fit within the annual gift limit established by CMS. Contact [Texas Health Legal Services](#) or the Texas Health Compliance Hotline with any questions.

Texas Health purchases local sporting event tickets. Can I give these tickets to physicians as a business courtesy without violating the CODE?

The tickets must be tracked in the Texas Health Business Courtesies Database. Before giving tickets to a physician, you must check the Database to verify whether the value of the tickets, when added to other gifts, will cause the physician to exceed the annual gift limit.

Track Gifts in the Texas Health Business Courtesies Database

Honoraria

Employees are often asked to speak or participate in presentations about their areas of expertise. As a general rule, employees will not receive additional compensation for presentations done as a part of job responsibilities or as a Texas Health agent. When participating in non-Texas Health events, you cannot disclose Texas Health confidential data or present yourself as a Texas Health agent. Public distribution of Texas Health materials at a non-Texas Health meeting must be approved by your manager and the senior most officer for your particular entity or division.

An employee participating in a non-Texas Health meeting may keep an honorarium if the value is \$100 or less. However, if the employee prepared or gave the non-Texas Health presentation during Texas Health work hours and/or traveled to the event at Texas Health's expense and the honorarium exceeded \$100, the entire honorarium should be submitted to the [Texas Health Foundation](#). Keeping honorariums should occur infrequently. If you have access to Texas Health confidential information, you must not use the confidential information in non-Texas Health presentations.

If an employee has questions or concerns about honoraria, he/she should speak with his/her manager or call the Texas Health Chief Compliance Officer to discuss the specific facts of the situation.

Exception: Texas Health Physician Group (THPG) providers may participate in speaking engagements or other educational activities with acceptance of reasonable honoraria and expenses as long as the arrangement is otherwise consistent with THPG policies and the providers' employment agreement, if any. Confidential information must not be used in a non-Texas Health presentation.

SEE ALSO

In This Book: [Outside Activities; Conflicts of Interest; Confidential Information](#).

Texas Health Policy: [CME Honoraria and Reimbursement of Expenses](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I am a computer technician and recently presented an evening discussion on computer technology to the local chapter of the professional organization to which I belong. My preparation time was during Texas Health working hours. In recognition of my efforts, the chapter gave me a gift worth more than \$200. May I keep the gift?

You should not personally keep the gift. The CODE prohibits your personal acceptance of honoraria (cash or non-cash over \$100) for presentations prepared or presented on Texas Health's time. If you accept the gift, you must give it to Texas Health for use in Texas Health activities. Receiving an inexpensive thank-you gift would not violate the CODE. An inexpensive gift would generally be worth \$100 or less.

I have been asked to speak at an industry trade conference. I prepared the information on my own time and will take PTO to attend. Can I accept a \$500 honorarium and let the trade association pay for my travel expenses?

The trade association can pay your expenses and you may keep the honorarium since you are taking PTO and prepared the information outside work hours. Texas Health proprietary information that is considered confidential should not be used in your presentation. You cannot disclose Texas Health confidential information or represent yourself as a Texas Health agent.

Honoraria May be Kept if the Presentation is Prepared Outside Your Business Hours

Outside Activities

You should not engage in any outside employment, consulting agreements or other activities that might affect your fairness and independent judgment in carrying out your Texas Health work duties.

- Employees are not to accept any employment or consulting relationship with any organization which does business or seeks to do business with Texas Health.
- Employees may not act as an expert witness in any medical or other health related litigation without obtaining written authorization from the [Texas Health Legal Department](#).
- Employees are not to engage in any activities as agent, broker, salesman, or representative on behalf of any company that offers products or services that are similar to those offered or planned to be offered by Texas Health.

If you have access to Texas Health confidential data, you must not work for any outside company or contract service that involves the use of such data.

Physician members of Texas Health Physician Group (THPG) may serve as consultants, speakers, and educators or have other compensated arrangements with companies doing business with Texas Health as long as the arrangement is consistent with THPG policies and disclosed on the physician's annual Texas Health Conflict of Interest Disclosure form. THPG physicians with any such compensation relationship must abstain from decision-making activities involving the company.

SEE ALSO

In This Book: [Conflicts of Interest](#); [Confidential Information](#); [Honoraria](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

As a physical therapist, I often work with patients who eventually need home therapy care. Occasionally, patients ask me if I can personally treat them at home. May I give these services and not violate the CODE?

You may give this care as long as you do not steer business to your home therapy practice as a result of your access to Texas Health patients and medical records and you notify your manager of the activity. You would violate the CODE if you directly approached or solicited patients for your own personal business. Further, you must not make personal business cards or other promotional material available to patients or others on Texas Health premises. *You may not discuss Texas Health business including contractual relationships or vendor relationships. You may not use or disclose Texas Health's patient information at any time. You are not allowed to use Texas Health resources for a non-Texas Health business activity. This includes but NOT limited to items such as use of company laptop, workstation, copier, paper, intellectual property, and materials developed by Texas Health (even if you developed them yourself those materials were developed as part of your job function at Texas Health). You may not use any materials which Texas Health purchased, included materials provided by a consultant in which Texas Health paid fees or received in kind as part of doing business with the company. You may not share any Texas Health policies, procedures or processes. You cannot perform the non-Texas Health tasks while on company time. You may not represent yourself as a Texas Health employee when you not performing Texas Health duties. Lastly, you will need to contact System Compliance to be sent a conflict of interest disclosure statement (COIDS) to complete and submit as instructed on the form. You will be required to complete an annual COIDS form as long as you are doing the external work.*

Is it OK for me to "go into business" with one or more of my direct reports to perform consulting or other services for customers who are not competitors or suppliers of Texas Health?

As a manager, it is inappropriate for you to engage in an outside business activity with employees who report to you in your Texas Health position. Such outside activities may affect your fairness in performing your management duties with these Texas Health employees.

I have been asked to serve as an expert witness in a health-care-related case. Is it OK for me to agree to serve as an expert witness?

Employees may not be an expert witness in any medical or other health-related litigation without obtaining written and formal authorization from [Texas Health Legal Services](#).

A Texas Health vendor asked me to participate in meetings about a vendor product. The purpose of the meeting is to provide general product data and seek feedback from potential users. The group meeting will be held off Texas Health property and on the weekend. The vendor will pay all travel and lodging expenses and I will also be paid a consulting fee or honorarium for my work. Is it OK for me to attend the meeting and keep a consulting fee or honorarium for my work? What if I give the fee or honorarium to my department?

If attending the meeting is important to your job duties, you may attend with the prior approval of your manager. However, you should not accept compensation of any kind in exchange for your work. Likewise, you should not accept vendor-paid travel or lodging. You must remain independent in your job duties and decision making. After attending the meeting, you will most likely be expected to make recommendations and/or present data to Texas Health that could influence buying decisions related to the vendor's product(s). Accepting vendor payment for travel or participation creates a conflict of interest. Vendors should use established Texas Health business channels during regular working hours to provide data and seek product feedback. Donating the fee or honorarium to your department does not remove the conflict of interest. The fee or honorarium should not be accepted.

I have been asked to teach educational sessions on behalf of a Texas Health vendor after work hours. Can I teach the sessions?

No. Texas Health policy states that employees are not to accept any employment or consulting relationship with any company which does business or seeks to do business with Texas Health. Further, employees must not engage in any activity, practice or act which conflicts or appears to create a conflict of interest with Texas Health.

Relationships with Suppliers and Representatives

Texas Health requires ethical business dealings in all aspects of employee activities. Texas Health expects employees to treat suppliers fairly and honestly, giving clear instructions about technical and business requirements and appropriate feedback about product or service quality. It is Texas Health's policy to provide minority and/or woman-owned businesses a chance to compete on an equal basis with other vendors in a competitive marketplace.

All purchasing relationships must be independent, fair and free from conflicts of interest. No vendor or vendor representative will be given special favors based upon a family relationship to a Texas Health officer, employee, board member or medical staff member.

Federal and state laws, including the Medicare and Medicaid fraud and abuse laws, prohibit giving kickbacks and paying for patient or business referrals. Consistent with these laws, Texas Health strictly prohibits an employee from asking for, taking or giving money or anything of value, either directly or indirectly, in return for the referral of any item or service provided by Texas Health or its affiliates.

Purchase contracts involving discounts, rebates or other cost reductions must be fully stated in the written agreement and all such cost reductions must be properly recorded in Texas Health's accounting records and Medicare cost reports.

Specific Texas Health employees have authority to commit Texas Health to a contract or purchase agreement. Refer to the Texas Health Approval, Authorization and Responsibility Matrix which defines signature authority by job title. Texas Health Corporate Supply Chain Management should always be involved in purchasing transactions. Under no circumstances should an employee engage in agreements to buy something from a supplier based on the supplier's commitment to buy goods or services from Texas Health. Texas Health does not allow employees to accept anything of value from a vendor in return for the vendor's provision of goods or services to Texas Health or any of its affiliates.

Employees must report activities or conduct, which they suspect may be unethical or illegal to their manager or the Texas Health Chief Compliance Officer. Any employee found to have been involved in inappropriate business dealings will be subject to progressive corrective action up to and including involuntary separation of employment, if warranted. Employees are encouraged to ask questions about business matters that appear suspicious. Inquiries may be made to the Texas Health Chief Compliance Officer directly or by calling the Texas Health Compliance Hotline.

SEE ALSO

In This Book: [Corrective Action](#); [Conflicts of Interest](#); [Business Courtesies and Gifts to Physicians or Practitioners](#); [Request for Quote Process](#); [Vendor Endorsements and Demonstrations](#); [Educational Sessions & Sponsorships](#); [Donations, Grants and Other Charitable Gifts](#).

Texas Health Policy: [Progressive Corrective Action](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

Is it OK to purchase a supply item from a company that is owned by a hospital board member or a physician medical staff member?

If a board member or physician has a product that he or she would like to sell to Texas Health, the product must be evaluated through a fair process in the same manner as any other prospective supplier. The product may be a good opportunity at a reasonable price; however, the board member or physician should be directed to [Texas Health Corporate Supply Chain Management](#).

The purchase may not be made unless specific criteria are met following the objective review process and evaluation by Corporate Supply Chain Management.

The board member or physician must not be involved in any way that would sway the decision-making process. If a decision is made to buy the product, the product may be made available to all Texas Health entities through normal Supply Chain Management processes.

I received a sales call from a sales representative who is the son of a medical staff physician. Does this create a problem?

As long as Texas Health's independent and fair purchasing processes are strictly followed, this does not create a problem. Special favors must not be given to sales representatives based on his or her relationship to a physician or any other person affiliated with Texas Health. If you feel pressured in any way, consult with your manager or call the Texas Health Compliance Hotline.

A vendor has offered to pay for hospital marketing of a hospital service that includes radiology technology purchased from the vendor. The vendor's name and logo will be included in the advertisement. Is this OK?

No. The vendor's name and logo should not be included in the advertisement. All financial arrangements between the hospital and a vendor should be in writing and agreed to as a part of the purchase arrangement. Accepting vendor paid advertising could be viewed as a disguised rebate, discount or inducement. In addition, displaying the vendor's name and logo in a Texas Health advertisement could be perceived as an endorsement of the vendor.

Treat Suppliers Fairly, Honestly and with Respect

Product Samples, Demonstrations and Acceptance of Vendor Products

Texas Health may receive vendor products as a sample or for demonstration and evaluation purposes. Acceptance of a vendor product or service that is intended to induce a purchase, prescription or product recommendation is strictly prohibited. Further, Texas Health and its employees will not endorse or recommend specific products to patients. Discussions with patients must be based solely on objective clinical data and consistent with the physician's order and patient choice.

Sometimes, the hospital may need to sample a product or test equipment prior to purchase. In these instances, [Texas Health Corporate Supply Chain Management](#) should be contacted to coordinate and approve acceptance of samples or demonstrations. Employees should not accept free items or reduced prices in return for future purchases. Any such offer should be reported immediately to Texas Health Corporate Supply Chain Management and/or the Texas Health Chief Compliance Officer.

Texas Health Corporate Supply Chain Management will follow the standards listed below when reviewing agreements for samples, demonstrations or other acceptance of vendor products.

Test Samples and Demonstrations:

- The item must be for testing or demonstration purposes only;
- The amount supplied must be reasonable and must not exceed what is necessary for timely review;
- Unused samples and demonstration equipment/items must be promptly returned to the supplier; and
- There must be a clear understanding that the product or items will be reviewed fairly with any purchase decision being made strictly on the merits of the product.

Acceptance of Vendor Products for Patient Evaluation:

Some companies offer samples for patient trial use to enable the patient to evaluate whether to purchase the same product after discharge. These arrangements must be approved by [Texas Health Corporate Supply Chain Management](#) and must be offered under a written agreement with the manufacturer that meets at least the following requirements:

- The arrangement must be part of a published program that is widely offered to a broad sector of health care organizations whether or not the organization purchases any product from the vendor;
- Sampling quantities must be limited to what is needed to permit patients to evaluate whether to purchase the product after discharge;
- If a discharge pack is provided, the contents must be of nominal value and only for the patient to take home;
- Employees must not personally receive the benefit of any vendor products or programs;
- Employees must not endorse or promote any products to patients; and
- Vendors with sampling programs should be given an equal chance to participate if the product quality is comparable and all requirements are met.

SEE ALSO

Texas Health Policy: [Purchasing Agreements for Supplies, Services and Equipment – Discounts, Rebates and Other Arrangements](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

A baby formula company has a program where the company provides sample baby formula to hospitals at no cost for use by patients. Formula samples are also provided to new mothers in a discharge pack. Is it OK to participate in the program?

It is acceptable to participate in the program if the baby formula is offered by the vendor under an industry-wide program. The program must be independent of any other hospital purchasing arrangement and meet the requirements specified above. All such programs must receive prior approval from [Texas Health Corporate Supply Chain Management](#).

A vendor has a program where diabetes-testing devices are provided to the hospital at no cost for distribution to patients in a discharge pack. Is it OK to accept discharge packs and supply them to patients to take home for evaluation?

It is OK for the hospital to participate in the vendor's patient evaluation program if the items being distributed are of low value and the program is provided under a written agreement that has been approved by [Texas Health Corporate Supply Chain Management](#). The patient should be advised that other products are available in the marketplace.

A vendor will supply equipment at no charge if the hospital purchases disposable supplies. Is this OK?

Nothing is "free." The cost of the equipment is included in the supply price as a hidden cost. Texas Health has strict policy requirements that require clear written documentation, spelling out the cost of all supplies and equipment, including any discounts or rebates. Further, all equipment and supplies must be properly recorded in Texas Health's books and records and for cost report purposes. [Texas Health Corporate Supply Chain Management](#) must handle all contracts and should be contacted with all pricing questions or concerns.

A vendor has offered to supply five free demonstration laser printers for my department to evaluate. I can keep the printers at the end of the review period, if I make a commitment to purchase all of my printers from this vendor. Should I accept?

Acceptance of five demonstration printers is more than needed to evaluate the printer's quality and performance. In addition, since the printers will still have value at the end of the demonstration period, they must be returned to the vendor unless the demonstration equipment is included in a purchase agreement and handled properly for accounting purposes. Keeping the printers without proper accounting treatment could be viewed as an unrecorded discount or rebate.

Follow Guidelines for Vendor Samples

Request for Quote Process

Before buying products or services, Texas Health employees should contact [Texas Health Corporate Supply Chain Management](#) and follow all policies and procedures. A sufficient number of qualified vendors should be contacted to obtain competitive prices and to evaluate the quality of products or services. In addition to being a good business practice, this process is important because Texas Health is a tax-exempt organization. Accordingly, contracts for goods or services must not exceed fair market value. The contract payment is especially critical when goods or services are provided by a physician or a physician group. When contracting with physicians, Texas Health must comply with federal and state laws such as Stark referral laws and Medicare/Medicaid fraud and abuse laws. In most cases, Texas Health Corporate Supply Chain Management staff will take primary responsibility for the contracting process.

Bids and price quotes may be solicited by sending out requests for proposals or through telephone calls. Texas Health recognizes that obtaining bids and price quotes may not always be practical. For example, all Texas Health construction projects are managed by the [Texas Health Facilities Development Department](#) to provide overall project efficiency. Further, a vendor may be a sole source provider of the service or the service may be unique, so that other suppliers are not readily available. Likewise, the size of the anticipated purchase may not warrant obtaining formal bids. In any event, sufficient research should be done to provide confidence that the product or service meets Texas Health quality requirements and that the price is competitive.

When the product selection process requires an on-site visit to a vendor location to review the product, the written requests for proposal should specify that an on-site review is required. The written proposal should specify how many reviewers will be involved and whether the prospective vendor must pay the travel expenses. Any requirement for an on-site review must be limited to the time needed for the review and should include a limited number of reviewers, normally one or two.

SEE ALSO

In This Book: [Relationships with Suppliers and Representatives; Conflicts of Interest.](#)

Texas Health Policy: [Business Travel, Entertainment and Expense Reimbursements.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

My manager signed a contract for significant services after receiving a bid from only one vendor. Is there a problem with this?

Managers do not have authority to sign contracts under the Texas Health Approval, Authorization and Responsibility Matrix. Further, it appears the manager did not work with Texas Health Corporate Supply Chain Management to pursue competitive bids. The contracting process (bidding, negotiation and vendor selection) should be coordinated with Corporate Supply Chain Management and include a competitive, open, arm's-length contracting approach. Texas Health cannot receive the highest quality goods/services at the best price if only one bid is obtained. More than one bid should be obtained any time the transaction is significant unless the vendor is a sole source provider or there are other unique facts. If you have a question about a specific transaction, call [Texas Health Corporate Supply Chain Management](#) and follow its purchasing policies. A board member or physician must not be involved in any way that would sway the decision-making process. If a decision is made to buy the product, the product will be made available to all Texas Health entities through normal Supply Chain Management processes.

A current vendor has a new product that easily fits into an existing system. Do we need to go through a quote process for this new product?

All major purchases must follow the request for quote process. Contact [Texas Health Corporate Supply Chain Management](#) for help.

A physician has recommended my entity purchase a product from a company he partially owns. It appears the product has merit. How do I handle this situation?

Refer the physician's request to [Texas Health Corporate Supply Chain Management](#). The product may be a good option at a reasonable price and one that Texas Health may want to pursue. An independent review will occur. Based on the review's outcome and other bids, a fair decision will be made through normal Supply Chain Management process. If a decision is made to buy the product, the product will be made available to all Texas Health entities through normal Supply Chain Management processes.

Texas Health is thinking of buying new high-tech equipment for my area. My manager asked me to review the equipment. A vendor invited me to the East Coast to attend an equipment demonstration. May I attend the demonstration without violating the CODE?

You may attend, if a demonstration is necessary to carry out the review and your manager approves the visit. In most cases, Texas Health should pay for your hotel and airfare to the demonstration under the Texas Health Business Travel, Entertainment and Expense Reimbursements policy. Accepting reasonably-priced meals and entertainment at the event is OK. If a formal written Request for Proposal (RFP) was sent to specific vendors and **all** respondents must (as a condition of the RFP) give a demonstration, it is acceptable for an out-of-town vendor to pay reasonable travel expenses. In these instances, follow the terms and conditions noted in the RFP.

Request Proposals for Significant Transactions

Vendor Endorsements and Demonstrations

Employees should not endorse or promote a specific vendor or vendor products or services to patients, employees or business associates. Vendors should not use the Texas Health or hospital entity name or logo in press releases, advertising materials, brochures or articles without Texas Health's prior approval. Vendors may include Texas Health or a hospital entity name on a customer list. Texas Health employees should not write articles or provide quotes about a vendor or a vendor's products.

Vendors may use Texas Health as a reference so long as Texas Health employees are free to make objective comments in response to any questions asked.

Vendors sometimes request on-site demonstrations at a Texas Health facility for prospective customers. On-site demonstrations are permitted if specific guidelines are followed, including:

- Vendor on-site demonstrations should be infrequent and should not disrupt operations;
- If possible, there should be a written agreement with the vendor that includes demonstration details;
- If payment for employee time and effort is involved, the amount must be reasonable and the agreement must clearly state what the payment is for. Payment includes cash or "in kind" compensation; and
- Texas Health personnel must not appear to be "sales" agents for the vendor. On-site demonstrations must be fair and objective in all aspects.

SEE ALSO

In This Book: [Confidential Information](#); [Relationships with Suppliers and Representatives](#); [Solicitation](#); [Donations, Grants and Other Charitable Gifts](#).

Texas Health Policy: [Solicitation, Distribution and Posting](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

Texas Health recently bought a product and the vendor has asked that I provide a quote for a news release. Can I give this quote?

All vendor requests involving quotes, case studies, articles or other promotional activities should be processed through the Texas Health's Brand Experience department. Generally, quotes or testimonials are not appropriate since these may be perceived as an endorsement of the vendor or the vendor's product.

My department recently installed new technology. I have been asked if the vendor can perform an on-site demonstration for a potential customer. Is this OK?

It is OK to participate in an on-site demonstration if activity can be conducted without disruption. Further, the activity must be objective and you should not appear to be promoting the product for the vendor.

Do Not Endorse Specific Vendor Products to Patients or Employees

Educational Sessions and Sponsorships

Vendors or others may offer to sponsor education sessions for patients, the community, employees or physicians. These requests may include sponsorship, donations or grants. In deciding whether to accept such an offer the following guidelines should be followed:

Patient and Community Education:

Vendors may provide a charitable donation to fund patient health care education. However, the event must be objective and educational rather than an opportunity for the supplier to promote products or services. The following guidelines should be followed:

- The vendor's participation must be passive (rather than promotional) and philanthropic;
- Words such as "in partnership" or "co- sponsor" should not be used. The event should be a Texas Health-controlled activity with the vendor being acknowledged as a donor such as, "We wish to thank XYZ Company for their donation making this educational program possible";
- The vendor should **NOT** have a promotional table at the community event and promotional literature should not be distributed;
- Vendor representatives may attend the session but should not be the speaker or participate in the Texas Health educational program other than as an attendee/sponsor.

Texas Health Employee Education Events:

Education necessary for the safe and effective use of drugs or products purchased by Texas Health for use in healthcare operations is in the normal course of business and is permissible. In the case of an educational event such as a Texas Health symposium or conference, a vendor may wish to make a charitable donation; however, the vendor may not have a promotional table or distribute literature or other promotional materials. If you have questions regarding employee educational events, contact Human Resources.

Texas Health Physician Education Events:

When planning a physician education session, you should work with Texas Health's Research and Education Institute to determine if the session qualifies for continuing medical education credit. This will assure adherence to laws and regulations governing hospital-physician relationships and Accreditation Council for Continuing Medical Education (ACCME) requirements. ACCME requirements include specific standards that must be met when vendors are providing financial support for the session. If the session is not intended to provide continuing medical education credit for the physician attendees, you should contact the Texas Health Compliance Officer for guidance. Federal laws include restrictions on when a hospital is permitted to provide education at no cost to physicians.

SEE ALSO

In This Book: [Relationships with Suppliers and Representatives; Solicitation; Donations, Grants and Other Charitable Gifts; Vendor Endorsements and Demonstrations.](#)

Texas Health Policy: [Solicitation, Distribution and Posting.](#)

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

A pharmaceutical company has offered to provide financial sponsorship for specific medical staff education that will not be qualified for continuing medical education credit. Can this offer be accepted?

Contact the Texas Health Chief Compliance Officer to discuss the proposal. If the event serves to maintain, develop or increase scientific knowledge and skills that the participant will use to provide safe and effective services to patients, the proposal may be OK if all laws and regulations are followed. In addition, the program must not involve promotion of the pharmaceutical company's products.

Can a vendor sponsor a Texas Health or entity sanctioned program or event and hand out brochures or other materials at the event?

A vendor may make a donation to sponsor an event or program. The donation must be entirely philanthropic and without expectation of anything in return. It is acceptable to recognize the donation in a manner consistent with recognition of any other Texas Health donor. The vendor may attend the event. However, vendors are not permitted to pass out promotional materials of any kind.

Can a vendor contribute funds to sponsor a Texas Health or entity educational event where employees are the primary audience?

Yes. Vendors may contribute funds to sponsor educational events so long as the donation is philanthropic in nature. However, vendors may not distribute literature or have booths at the event. This is true even when CME credit is offered to physician attendees.

Can a vendor contribute funds to sponsor a Texas Health or entity educational program that is accredited for CME through the Texas Health Research and Education CME office?

Yes. Vendors may sponsor CME accredited programs so long as all ACCME standards pertaining to vendor sponsorship are met. The event must be targeted to physicians and must be accredited through the [Texas Health Research and Education CME office](#). The CME office will assure that all printed materials, brochures and arrangements with vendors or suppliers meet the ACCME requirements pertaining to vendor sponsored CME programs.

May a vendor contribute funds or have an exhibit at a Texas Health sponsored conference or symposium where the community is the primary target audience?

Possibly. Vendors and others are encouraged to provide charitable donations for the purpose of funding patient education, so long as there is no appearance that Texas Health is "endorsing" the vendor or the vendor's products. However, vendors should **NOT** have an exhibit or table at the event and no promotional materials should be present. There should be no "sales/promotional" activities or materials at the educational event.

Vendor Sponsored Education Must Follow Texas Health Guidelines

Social Media

Texas Health employees may create or participate in internal or external online social media while adhering to Texas Health's Social Media policy. Social media includes online networks such as Yammer, Twitter, Facebook, Flickr, YouTube, blog(s), wiki(s), etc. and other forms on online publishing or discussion.

Texas Health created guidelines to be followed for participation in internal and external Social Media venues. The guidelines are not intended to restrict employees' right to discuss the terms and conditions of their employment, working conditions, and other protected activity as provided under applicable law. The guidelines are located in the Texas Health Social Media policy.

SEE ALSO

In This Book: [Use of Resources](#); [Confidential Information](#); [Business Conduct](#); [Electronic Communications and Data](#); [Solicitation](#);

Texas Health Policy: [Safeguarding Health Information and Sensitive Personal Information](#); [Electronic Communications Acceptable Use](#); [Social Media](#).

QUESTIONS AND ANSWERS – COMMON EMPLOYEE QUESTIONS

I noticed that a co-worker has a social media network site up all day and is participating in viewing and sending messages throughout the day. Is this acceptable?

Those using social media network sites must use good judgment when participating and follow the social media guidelines. If you believe a co-worker's use of social media is affecting their abilities to perform their employment duties or is distracting or offensive, inform your manager of your concern. You may also speak with Human Resources.

Maintain the Confidentiality and Privacy of Texas Health Data When Using Social Media

Do you have questions about
business ethics, compliance or
information in the booklet?

Call the Texas Health Compliance Hotline at
1-800-381-4728

or

Send an e-mail to
SystemCompliance@TexasHealth.org.

