



Code of Conduct

Effective: February 22, 2018



Code of Conduct

Introduction

Our Code of Conduct (the “Code”) reflects our collective commitment and responsibility to provide the best service, practice ethical business behavior, meet rigorous professional standards, comply with laws, regulations and policies that govern our work, and to uphold our organization’s reputation. It also provides the mechanisms for asking questions, and reporting concerns or suspected violations without fear of retaliation.

The Standards described in our Code below, along with our Mission Statement, Purpose and Values serve as guidance in promoting ethical, honest and lawful decisions and actions for us as members of the ESBA Community.

This Code and its related policies may not address every possible situation you may encounter, so it is up to you to use sound judgement and seek help whenever you need it. Talk to your Supervisor, or contact People and Performance, Quality or the Office of Risk Management (ORM) if you have any questions. In the event that more than one policy applies to any situation, all such policies will be applied to the fullest extent possible. If there is a conflict or gap in the individual policy provisions, the provisions of the policy that is most consistent with the Values of ESBA and compliance with the law will be applied.

The Code may be modified as the organization continues to grow, and the norms of client care and business practices change. The current Code is available on the ESBA Intranet (Confluence).

Our Mission

Leading the way to ensure individuals and families affected by disabilities can live, learn, work, play and act to their full potential.

Our Purpose

We will lead a movement to responsibly disrupt and transform home- and community-based care by advancing industry standards to ensure effective care paths and optimizing business and technology solutions to deliver scalable customer-driven services.

Our Values

ESBA values Courage, Integrity, Collaboration and Excellence, and strives to integrate these values into its client services, research and business practices.

We expect integrity, honesty, transparency and trustworthiness in our work, courage in our decisions and dedication to ESBA’s values and beliefs.

Applicability

The ESBA Code of Conduct applies to every individual affiliated with Easterseals Bay Area and all of its Affiliates and Subsidiaries (“ESBA”) including employees, practitioners, volunteers, interns, students, researchers and board members. It also embraces consultants and vendors when they



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are contracted to do business for ESBA and those who claim an affiliation or association with ESBA.

The Code of Conduct applies to all work, operations and activities of ESBA, including clinical service delivery, which might occur both on premises and other locations.

Your Responsibility

As members of the ESBA Community, we are *each* responsible for upholding these high standards in our work and professional relationships.

Duty to Report

You have an important role in assisting us to comply with laws, regulations and policies. If you have a question, or concern or suspect a violation, it is your individual responsibility to ask about it or report it to the appropriate person. You can also use the ESBA Compliance HelpLine.

You can ask questions or report concerns without fear of retaliation.

Contact your **Supervisor OR People and Performance (PandP@esba.org) OR The Office of Risk Management OR the Compliance HelpLine at**

1-833-44-PROTECT or

Compliance@esba.org

ESBA takes all reports made to the Compliance HelpLine very seriously. Questions will be answered and all reports will be promptly investigated and appropriate corrective action will be taken, if warranted by the investigation.

Additional Responsibilities of Managers and Supervisors

Managers and Supervisors have the additional responsibility of shaping a values-based culture within ESBA. You are also responsible for:

- Staying current with regulatory changes, and complying with them,
- Ensuring alignment with ESBA Strategy, Objectives, Operational Plans and Approved Frameworks,
- Identifying and reporting opportunities for improving operations through greater efficiency, quality, security and compliance and for promoting meaningful customer impact,
- Ensuring your department obtains necessary licenses, permits, approvals and authorizations before action is taken,
- Assisting your department in determining the appropriate person to notify when they have clinical, quality, compliance, privacy, operational or other questions, and
- Ensuring your staff completes all required training at the start of employment and subsequent mandatory annual and other periodic trainings.



Confidentiality and Anonymity

You can report concerns or suspected violations giving your name and contact information. ESBA takes confidentiality very seriously and will maintain, to the full extent of the law, confidentiality of the individual making the report. If an investigation is initiated, information will be shared only on a need-to-know basis. However, you may choose to report anonymously. Please note that in such cases we will not be able to inform you of the results of investigation.

Non-retaliation

ESBA maintains a Non-retaliation Policy that prohibits any member from retaliating against a community member who has reported a concern or suspected violation in good faith. Retaliation is subject to discipline, up to and including termination from employment and/or suspension of privileges.

STANDARDS

We will strive to uphold the below five standards while we fulfill our role at ESBA.

Standard 1 - Quality of Care and Safety

We expect our actions to demonstrate our care for our clients, their families and the community as a whole.

ESBA is committed to providing high quality care in a manner that fully complies with all applicable laws, regulations, policies and standards of care.

Dignity and Respect

We deliver services with dignity and respect for each person, including the client's family members. We are equitable in our decisions and mindful of their impact on other groups and people.

Safety

We are committed to providing and maintaining a safe, drug-free and healthy working environment for our clients, practitioners, employees and members of the ESBA Community.

Access to Quality Care

We acknowledge that the quality of services provided to our clients is of the utmost importance to us and we will continue to make efforts to enhance the same. We will embody respect, caring, fair mindedness and thoughtfulness in our actions towards all those we serve, the community and ESBA. We will ensure that our interactions with clients, providers, vendors and other stakeholders continue to maintain professional boundaries so that quality of care and risk management at ESBA is not compromised.

We will respect the right of the individuals we serve to make informed decisions and seek their participation in all aspects of treatment. Similarly, we will also respect their right to refuse services and be informed of the consequences of such action.



Standard 2 - Privacy and Confidentiality

Privacy and confidentiality is vital to us. We will protect the privacy of our clients, employees and other stakeholders' information, whether written, oral, electronic or image-based, and permit only such disclosures as allowed by applicable law.

We expect responsible action on behalf of the organization that is accountable and transparent to our constituents and to one another.

We share information, when appropriate, without sacrificing privacy and confidentiality.

Protected Health Information (PHI)

Our clients and families have trusted us with their sensitive information. We will respect the client's right to privacy and confidentiality. We will safeguard their PHI and request, use, share or disclose only the minimum necessary and on a need-to-know basis.

Protected Health Information (PHI) includes any individually identifiable information that relates to past, present or future medical or behavioral conditions, treatment or payment that may identify a patient or client. It can be found in client records or financial and operational systems.

There are several federal and state laws governing the privacy and security of PHI including the Health Insurance Portability and Accountability Act (HIPAA) and Security Rules.

If you work with PHI, you should familiarize yourself with the laws and attend the training sessions offered by ESBA.

Personal Information

We possess personal information such as addresses, salaries, benefits and payments of our clients' families, employees, practitioners, volunteers, interns, students, researchers, board members, donors, consultants and vendors. We should access this information only for the fulfillment of our job requirements.

We will protect their privacy and permit disclosures only as mandated by legal obligations.

Proprietary Information

We do not reveal confidential information related to ESBA's business strategies, objectives and plans, financial transactions and data, software, intellectual property and research data unless it is for a legitimate business reason and to an authorized person.



Security

We are responsible for ensuring the security of information entrusted to us. We will abide by our security policies and controls to ensure confidentiality. We will access data and facilities using our own log-in credentials, passwords and identification badges.

Social Media

ESBA respects the rights of its employees and other community members to use blogs and other social media tools as a form of self-expression and communication.

However, we will use all forms of social media appropriately and respectfully and ensure that there is no negative impact on our clients and their families, or on our employees, donors, partners and affiliates (even our competitors) or other community members, or on the business or reputation of ESBA.

Media and Public Relations Policy

ESBA community members may not speak to, or provide written comments to, the media on behalf of ESBA without formal approval and media training. Requests for comment or opinion should be directed to the Communications Department.



Standard 3 - Personal Conduct and Business Ethics

We expect to be treated and to treat others with respect.
We respect the opinions of, and the differences among, individuals.
We expect fairness to be evident in our actions internally and externally.

Gifts and Gratuities

Community members of ESBA should discourage the acceptance of gifts from clients and business associates. In rare instances, community members may accept gifts which are of nominal value, perishable and are to be shared with office staff, e.g., cakes, brownies, chocolates, flowers, fruits, etc. Gifts of a personal nature are not permitted such as perfume and clothing.

Under **no** circumstances will any member accept cash or cash equivalent as gifts, e.g., gift cards, dining vouchers, tickets to sports, golfing or other entertainments, stocks, bonds, etc.

Gifts and Business Courtesies from Vendors

Community members of ESBA are discouraged from *offering gifts to* or *receiving gifts from* vendors even if such gifts are occasional and of nominal value and perishable. In rare instances, gifts such as cakes, chocolates, flowers, etc. which are to be shared with office staff might be accepted.

Under **no** circumstances, might any community member offer or receive a gift when the intent is to generate business or influence an ESBA decision.

Conflict of Interest

ESBA community members are expected to act at all times in the best interest of the organization, its clients and their families. Employees, volunteers, staff should avoid engaging in outside activities that might compromise or negatively impact their job performance.

A conflict of interest occurs if outside activities or personal interests influence, or appear to influence, the ability to make objective decisions on behalf of ESBA. Employees, practitioners, volunteers, interns, students, researchers and board members should disclose any situation where there is an actual conflict, or a potential conflict, to the Compliance and Risk Officer.



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We will strive to avoid conflict of interest, or perception of such, in all aspects of our work.
We will not use our professional positions to assert undue influence or obtain unreasonable services from others. Nor, will we aim to gain personally from our role at ESBA.
We will maintain all contractual relationships, both, current and potential, in a legal and ethical manner.

We will refrain from personal fundraising (other than fund raising on behalf of ESBA) in the workplace.

Discrimination, Diversity and Inclusion

We respect diversity within our workplace and promote inclusion. We practice fair and equal treatment of employees, practitioners, volunteers, interns, students, researchers and board members. Vendors and consultants are expected to abide by our standards.

You are expected to report abuse, violence, harassment or intimidation of any kind that you witness or experience in the workplace.

Stewardship

We will be good stewards of the resources entrusted to our care. We will be respectful of ESBA's property, equipment, supplies and assets and will use them judiciously within the scope of our job responsibilities and to further the mission of the organization.

Duty of Regard

We will ensure that only personnel authorized by policy and agreement bind or commit ESBA (including the witnessing of documents) to obligations which align with the mission and vision of the organization.

We will not bring personal property into the workplace that is offensive to others.

We will not use ESBA electronic mail or other property to convey or communicate inappropriate material.

We will strive to ensure that all promotions and marketing of our services are in accordance with the values of our organization and the Easterseals national brand guidelines while being respectful and sensitive to the needs of our clients and their families and our other stakeholders.



Standard 4 - Compliance with Laws and Regulations

ESBA is a not-for-profit organization in the business of delivering health care services and as such is highly regulated. It behooves each of us to ensure that our professional conduct is in accordance with applicable laws, regulations and policies, especially those relating to the handling of client referrals and placement, billing and payment practices, clinical and payor relationships, vendor contracts, lobbying, environmental health and safety, employment practices, etc.

These laws and regulations are complex; hence, ESBA provides regular training and policies. It is your responsibility to ensure that you complete the training required and refer to policies when the need arises.

We expect compliance with applicable laws and regulations.

We will avoid fraud, waste and abuse.

Fraud, Waste and Abuse Laws

There are several laws and regulations that apply to the provision of health care services. Some of them describe “fraud, waste and abuse” in detail such as the False Claims Act, the Anti-kickback statute and the Physician Self-referral Law (also called the Stark Law). ESBA strives to comply with all applicable laws.

Employees should not knowingly submit bills/claims that they believe to be inaccurate or improperly coded. Nor should they ignore the knowledge that a claim is false. All bills/claims should be well-supported by internal documentation.

Moreover, we should only employ individuals, and hire contractors, who have not been excluded from participation in federal and state health care programs.

We are committed to using the funds, time and other resources of the organization in a judicious manner without leading to waste and in accordance with achieving the organization’s mission.

Environmental Safety

We will endeavor together to provide and maintain a safe, drug-free and healthy working environment for our clients and their families, employees and other community members. We will operate and maintain equipment, facilities and processes in a safe manner.

Cooperation with Government Investigations

We will respectfully cooperate with all government auditors and investigators.

You should immediately bring any requests for information, which may include audit requests, search warrants, subpoenas, civil investigative demands, and similar to the attention of your Supervisor or to Quality or the Office of Risk Management (ORM).



Tax Exempt Designation

ESBA enjoys the designation of a tax-exempt organization under Section 501 (c) (3) of the Internal Revenue Code operated for charitable purposes. To ensure that ESBA does not lose its tax-exempt designation, community members should ensure they contract to only pay fair market value for goods and services, not engage in activities for the benefit of private interests nor engage in substantial political or legislative, i.e., lobbying activities.

In situations where ESBA community members participate in political affairs, it is required that they make clear that they are acting as private citizens and not on behalf of ESBA. If the community member chooses to contribute to a political campaign, it should be as an individual and not as an ESBA representative.

Standard 5 – Financial Reporting

We will be responsible and accountable for our actions and decisions.
We will conduct business in accordance with accepted business practices.

Accuracy and Completeness

We will make every effort to ensure accuracy, completeness and timeliness in our accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents including those submitted to government agencies and other stakeholders. All entries should reflect the precise nature of the activities and transactions of the business and be free from error.

Audits and Monitoring

We will commit to annual audits by an independent agency to ensure the financial integrity of our records and accurate filings with government agencies.

We will monitor and analyze our financial and other information to ensure appropriate use of monies for the achievement of organizational goals.