



# Code of Conduct

Approved by the Board of Directors: 6/10/2021

[www.communitycareinc.org](http://www.communitycareinc.org)



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## Message from the Chief Executive Officer, Kenneth Munson

For over 40 years, Community Care has been committed to delivering quality health care services and long-term care to frail elders and adults with disabilities. Consistent with our mission, we strive to help our program members remain as independent in the community as possible. Our program members rely on the organization to provide needed services, and our care teams make sure that each member's needs are being addressed.

Community Care programs are funded primarily through Medicaid and Medicare, and we are committed to being a good steward of these public resources. A culture of ethical behavior and corporate compliance is essential to meeting this standard.

Community Care has created this Code of Conduct to establish the minimum conduct expected of all individuals and organizations associated with Community Care, including employees and other staff, board members, volunteers, providers, and vendors. Our policies and procedures have been developed to further support this Code.

Thank you for supporting Community Care's values and helping to serve our members.

**Kenneth Munson**  
**Chief Executive Officer**

# Message from the Compliance Department

Because Community Care is ultimately judged by its impact on member outcomes – good or bad, we understand that the services we provide require the highest levels of competence, integrity, and professionalism. The following Code of Conduct details our obligations to our program members, employees, and all others associated with Community Care. It is built around the recognition that our work at Community Care is, and should be, aligned with the highest possible standards of ethical business conduct.

The Code of Conduct reinforces our core Mission, Vision, and Values and is the foundation of our compliance program. Many of the elements of the Code of Conduct are based in regulatory requirements, which is why there is such a strong link between the Code and our compliance program. The consequences for failing to follow the Code of Conduct extend beyond the potential negative impact to members. There is risk at the company level for government investigations and fines, and there is also risk at the individual level for government investigations, fines and imprisonment. This is why it is important for you to understand your role and our expectations of you.

If you have any questions, or feel we have fallen short of our commitment, do not hesitate to contact us, we want –and need—to hear from you. Thank you for your commitment, we look forward to maintaining quality and excellence in our programs.

**Michael Garlie**  
**Chief Compliance and Quality Officer**



## **Our Mission**

Community Care develops and demonstrates innovative, flexible, community-based programs to care for at-risk adults to optimize their quality of life and optimize the allocation of community resources.

## **Our Vision**

Community Care will be recognized by its members for providing effective, quality, and innovative community-based long-term care and health services.

## **Our Core Values**

- Teamwork and collaboration
- Respect
- Member focused
- Diversity
- Quality of life
- Community centered
- Cost effectiveness
- Quality of care
- Integrity
- Innovation and creativity

# Your Responsibility

The Code of Conduct defines the expectations for everyone at Community Care. Although leadership at Community Care is responsible for establishing an ethical culture for the whole organization, each of us must help maintain that ethical culture.

The Code of Conduct includes the behaviors and actions expected of all representatives of Community Care and it supports Community Care’s mission and values. Everyone should act ethically. This means:

- Supporting Community Care’s mission and values;
- Being honest and fair when dealing with members;
- Making the welfare of members a priority;
- Avoiding conflicts of interest;
- Helping the organization provide high quality care;
- Complying with applicable regulations; and
- Promoting a positive reputation in the community.

# Making Ethical Decisions

The Code of Conduct does not explain all expected conduct. You must apply your own good judgment to your actions and decisions. You should not ask another individual to commit an illegal or unethical act. Do not honor such requests, even if made by a supervisor.

# Leadership Commitment

Leadership should:

- Model behavior that supports the Code;
- Foster a workplace that promotes the Code;
- Educate employees about the Code; and
- Take appropriate disciplinary measures when necessary.

## How do I know if an action or business decision is ethical?

### Ask yourself...

Does it place the best interest of members first?

Is my action or decision fair and honest?

Does it violate any federal, state, or local laws or regulations?

Does it violate any company policy?

Will it appear appropriate to others?

Will it negatively affect the reputation of Community Care?

**If you have questions about what is ethical conduct, contact your Supervisor, the Human Resources Department, or the Compliance Department.**



“You must report suspected violations...”

## Reporting Violations

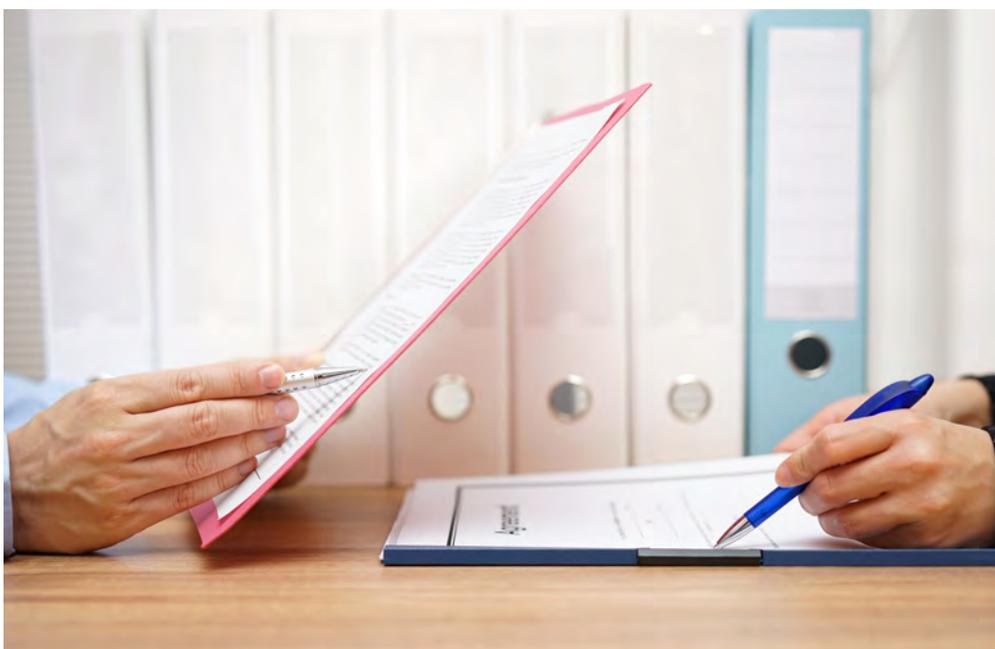
You must report suspected violations of company policies or applicable laws and regulations.

Community Care understands that you might not report suspected violations if you fear retaliation. Therefore, Community Care does not tolerate retaliation against anyone who in good faith reports suspected violations. “In good faith” means honestly, with sincere belief or intention, and

without hostility or a desire to deceive others. Individuals who retaliate against others will face disciplinary action.

If you suspect an applicable law or regulation has been violated, contact your supervisor for help. If you do not feel comfortable talking to your supervisor, you can:

- **Contact the Compliance Department, or**
- **Call the Ethics and Compliance Hotline anonymously 24 hours a day at 262-207-9440; or**
- **Complete the Compliance Inquiries online form at [www.communitycareinc.org](http://www.communitycareinc.org).**



## Investigating Reports of Suspected Violations

Community Care will investigate all potential violations of this Code and applicable laws. Reports are kept confidential and information is only disclosed on a need-to-know basis. However, Community Care may report certain information to third parties when necessary or required by law. For example, Community Care may report certain information to the police or the government.

Everyone should cooperate with internal investigations. You should provide truthful information if questioned during an investigation. You may be subject to civil and criminal penalties if found guilty of violating the law.

Community Care will report all violations to the appropriate government or law enforcement officials, including the Centers for Medicare and Medicaid Services (CMS) and the Wisconsin Department of Health and Human Services (DHS).

**Examples of conduct you must report include suspected violations involving:**

- Laws and Regulations
- The Code of Conduct
- The False Claims Act involving government programs (i.e. Medicare/Medicaid)
- Member Rights (i.e., abuse or neglect)

**If you believe there is an actual or suspected violation, contact your supervisor or the Compliance Department**



## Protecting Members' Confidential Information

Federal and state laws limit the use of private member information. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) restricts the sharing of protected health information (PHI). Community Care can only share the PHI of members when there is a valid authorization or sharing is permitted or required by law. Anyone representing Community Care must follow all applicable laws concerning privacy when working with our members' PHI.

You must not access a member's PHI without a valid business reason for doing so. You must not access claims or confidential information

**"You must not access a member's PHI without a valid business reason for doing so."**

about family members or other people you know. Community Care takes seriously unauthorized access, use, or sharing of PHI.

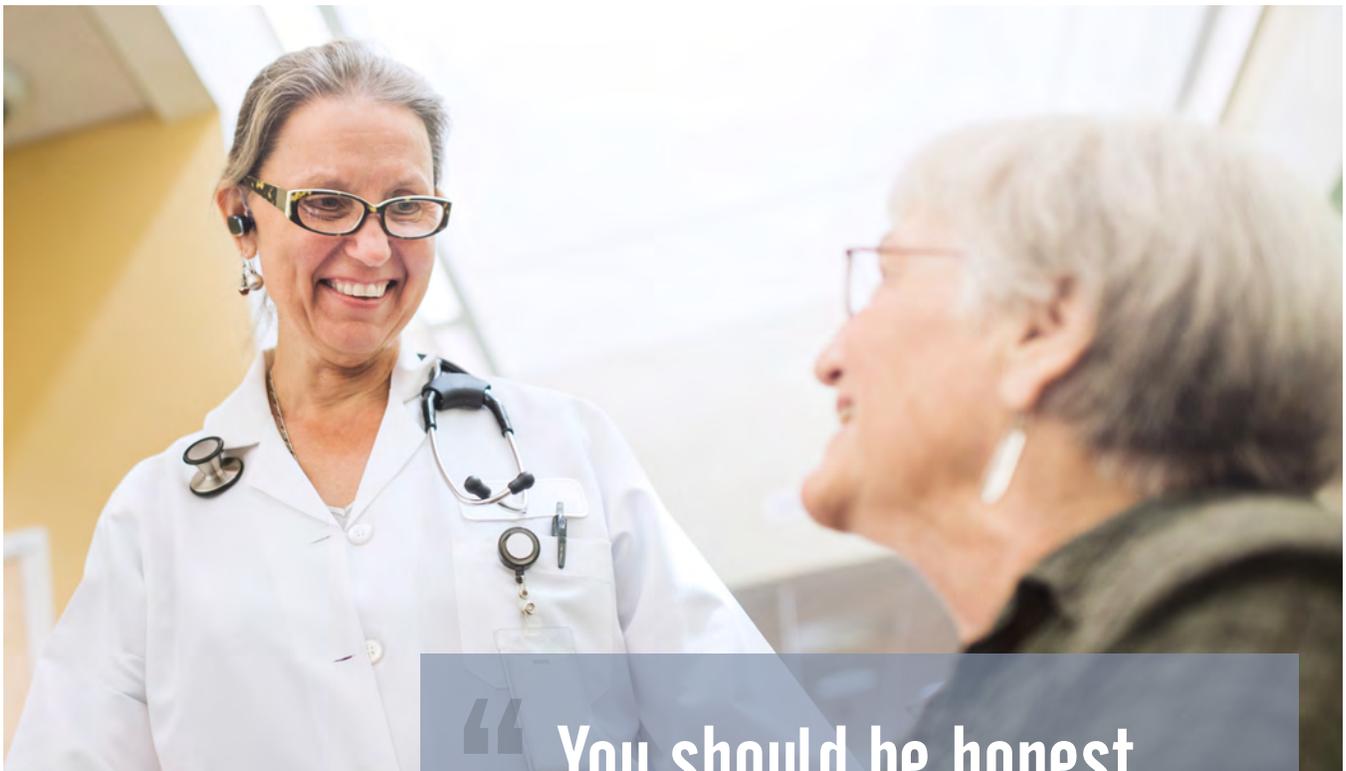
If you believe there has been any unauthorized release or use of PHI, contact your supervisor or the Compliance Department.

### What are some examples of PHI?

- Name
- Birthday
- Address/telephone number
- Social Security Number
- Health status or medical history
- Diagnosis codes or medical claims information

### What are some examples of unauthorized use or sharing of PHI?

- Sending unencrypted emails that contain PHI
- Leaving unattended or losing an unencrypted laptop that contains PHI
- Discussing a member's treatment and health information in a public area
- Releasing PHI without a valid member authorization



“ You should be honest, fair, and respectful when dealing with members. ”

## Member Rights

Community Care helps each member live as independently as possible which includes protecting member rights according to federal and state laws. Members are part of the care team and help determine their individual care plan. You should be honest, fair, and respectful when dealing with members.

Members have the right to:

- Be free from harm, abuse, neglect, unnecessary restraints and coercion;
- Full information about the services covered and costs;
- Participate in decisions about their health and make informed decisions;
- Privacy and confidentiality of their medical records and personal information;
- Assistance with language for those with limited English proficiency;
- File grievances and appeals about their health or long-term care; and
- Receive necessary information about their health or long-term care benefits.

This is not a complete list, but it highlights some basic rights of our members.



## Conflicts of Interest

Community Care expects you to identify, disclose, and eliminate any possible or actual conflicts of interest. Conflicts of interest exist when you place your interests before Community Care or its members. A conflict of interest may interfere with your ability to be objective and carry out your responsibilities in the best interest of Community Care.

You are expected to report any potential conflicts, and make sure decisions are free of actual, potential, or perceived conflicts of interest.

## Competing Interests

You should act in the best interest of Community Care. Accordingly, you must disclose any substantial financial interest (i.e., ownership or investment interest) you have in an organization that is contracted by or is a competitor of Community Care.

This obligation extends to any ownership or investment interest your family may have in our competitors. Family members include spouses, children, parents, grandparents, grandchildren, brothers or sisters, spouses of children, or any other family member that resides in your household. If a potential conflict arises, you must report it to your supervisor or the Compliance Department immediately.

What are some examples of conflicts of interest?

### Example 1:

*"My spouse has a direct interest in a company that has a contract to supply Community Care long-term care services. Should I report this relationship?"*

**Yes**, you must report this relationship to the Compliance Department.

### Example 2:

*"I am a board member at Community Care and my company is negotiating a contract with Community Care. Should I remove myself from involvement in this contract?"*

**Yes**, you should report this relationship to Board Chair and remove yourself from the negotiations and voting.

**If you have questions, contact your supervisor or Community Care's Compliance Department.**



## Gifts and Entertainment

Although most gifts are given and received in good faith, Community Care seeks to avoid the appearance of wrongdoing. For this reason gifts between employees and members, vendors, and providers are strongly discouraged. There may be situations where a small gift of limited value may be accepted, but these situations must be carefully considered.

You cannot accept cash or items that can be converted to cash from members. Gifts of more than a limited value must be politely refused. You should not offer or accept gifts of any value from government officials.

If you have questions, contact your supervisor or Community Care's Compliance Department.

Is it proper to receive these gifts?

### Example 1:

*"I provide services at an Adult Daycare Center. I have served Mary, a Community Care member at the center for several years. Mary's family appreciates the services I provide and offers me two tickets to the next Packers game. Can I accept the gift?"*

**No, the value of the gift would be considered excessive and inappropriate.**

### Example 2:

*"I provide services to a clinic at Community Care. One of the members offers me Christmas cookies. Can I accept the cookies?"*

**Yes, the cookies are of nominal value and within the limits established by Community Care's gift policy. You should consider sharing the cookies with your coworkers to avoid even the appearance of improper activity.**



“...you must not take part in any activity that might threaten the organization’s tax-exempt status.”

## Lobbying and Political Activities

To maintain its tax-exempt status, Community Care must limit its lobbying activities according to applicable laws. Unlike

lobbying activities, Community Care cannot participate in any political activities. Lobbying is an attempt to influence laws through contacting legislative members or government officials. Political activities include endorsing political candidates, distributing campaign materials, or making statements for political candidates.

Therefore, you must not take part in any activity that might threaten the organization’s tax-exempt status. This includes displaying political or campaign materials at Community Care. Likewise, you cannot make, publish, or distribute political statements for or against any candidate for public office while on Community Care’s premises.



## Harassment and Other Inappropriate Workplace Behavior

Community Care is committed to preserving the rights of members and employees. You should act according to the highest standards of conduct, which does not include harassment or discrimination based on race, religion, color, sex, age, national origin, mental or physical disability, veteran status, or any other characteristic protected by law.

Community Care does not tolerate any form of violence or disruptive behavior in the workplace. This includes angry outbursts, throwing objects, abusive treatment of employees or members, disturbing meetings, or any other behavior that interferes with normal business operations.

If you are aware of inappropriate workplace behavior, you are expected to report it to your supervisor or Human Resources. Individuals engaging in inappropriate workplace behavior will be subject to disciplinary action.

### What are some other examples of inappropriate workplace behavior?

- Bullying
- Improper jokes
- Fighting
- Racial slurs
- Unwelcome sexual advances
- Obscene gestures
- Insults
- Unwarranted criticism or sarcasm



“  
...firearms  
or weapons in  
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## Guns or Weapons in the Workplace

The presence of firearms or weapons in the workplace poses a serious safety risk to members and employees. Community Care prohibits the carrying of weapons or firearms in our facilities.

This prohibition applies to anyone representing Community Care regardless whether or not the individual has a license to carry a weapon or firearm, or whether the individual is on company property or not.

### What are some examples of weapons?

- Guns
- Knives
- Clubs
- Any other object that might be considered dangerous



## Key Laws Affecting Our Programs

Although Community Care complies with all applicable state and federal laws and regulations and honors its contractual obligations, the following laws are particularly important to our programs:

- **Title XVIII of the Social Security** - establishes regulations for the Medicare program.
- **Title XIX of the Social Security Act (part of the Social Security Amendments of 1965)** - establishes the Medicaid program to provide medical and health services for individuals and families with low incomes by direct payment to providers.
- **Medicare regulations about Parts C and D (42 C.F.R. §§ 422 and 423 respectively)** - governs the Medicare Advantage and Prescription Drug Benefit programs as specified in the statutes cited above.
- **Health Insurance Portability and Accountability Act (HIPAA) (Privacy and Security Rule) (Public Law 104-191), the Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009, and the Wis. Admin. Code ch. DHS 92** - Confidentiality of Treatment Records—establishes guidelines for the use and disclosure of protected health information (PHI) held by covered entities. Community Care is a covered entity as defined by HIPAA.
- **The Civil Rights Act of 1964 and other federal, state, and local laws** prohibits discrimination based on race, color, national origin, sex, age, or disability.
- **The Federal False Claims Act (FCA) (31 U.S.C. §§ 3279-3733)** - allows the federal government to recover money stolen through fraud by government contractors. Community Care is a government contractor via its Medicare and Medicaid contracts.
- **The Beneficiary Inducement Statute (42 U.S.C. § 1320a-7a (a) (5))** - prohibits the offering of money or gifts to induce a member to select a particular provider of services or supplies.
- **The Civil Monetary Penalties of the Social Security Act** – authorizes the Secretary of Health and Human Services to impose civil penalties, an assessment, and program exclusion for various forms of fraud and abuse involving the Medicare and Medicaid programs.
- **Exclusion of Certain Individuals and Entities from Participation in Medicare and State Health Care programs (42 U.S. § 1320a-7)** - prohibits an individual or entity that has been convicted of a criminal offense involving the delivery of an item or service under subchapter XVIII from participating in Medicare and State Health Care programs.

# Enforcement and Discipline

Compliance with the Code of Conduct is essential to the success and reputation of Community Care. Compliance with the Code of Conduct is an important matter, and you may face serious consequences for non-compliance.

Medicare and Medicaid programs require compliance with numerous laws and regulations, and an effective compliance program reduces the risk of improper or illegal activities. Non-compliant individuals and organizations can be excluded from participation in government programs, which means the government prohibits the person or organization from receiving payments from federal health programs. Since our programs depend on federal funding, Community Care could not continue to provide quality health care services to its members, if the organization was excluded. Community Care is prohibited from contracting with excluded individuals and organizations.



The following are examples of activities that could result in disciplinary action:

- Violations of members' rights
- Failure to report compliance violations
- Failure to cooperate with compliance investigations
- Failure to follow HIPAA policies
- Harassment of others or disruptive behavior
- Illegal behavior that results in fraud, waste, or abuse
- Failure to follow the prohibitions against guns and weapons at Community Care

**Anyone violating this Code of Conduct, including providers, subcontractors, vendors or volunteers, could be subject to corrective action, up to and including loss of business contract/affiliation with Community Care.**

Community Care's goal is to be fair and consistent when administering discipline for failure to follow the Code of Conduct. Each situation will be investigated thoroughly and individuals who have violated policies, laws, or regulations will be subject to disciplinary action.