



906 Main Avenue, Tillamook, Oregon 97141 Voice: (503) 842-8201 FAX: (503) 815-1870

Dear Colleagues,

We are pleased to share the TFCC Ethics and Compliance Program with you. The Code of Ethics, which is the foundation for the program, describes the ethical principles and standards of business practice that govern our conduct at TFCC. It reflects the values of core integrity, collaboration, respect for human dignity and excellence that we share in common and supports our mission to improve the lives of Oregon Health Plan eligible individuals living in TFCC affiliated counties through the provision of a variety of health care services. In the accomplishment of this mission, TFCC is committed to the highest levels of business ethics and compliance with the laws and regulations that govern the services we provide. The policies contained in the Ethics and Compliance Program help us fulfill that commitment by describing our ethical and legal obligations as we go about our daily activities on the job. These obligations apply to our relationships with residents, third-party payors, subcontractors, vendors, consultants, and one another.

The standards described in the Code of Ethics cannot cover every situation that you may encounter. When the best course of action is unclear, or you suspect that any of the ethical provisions contained in the Code have been violated, we encourage you to immediately consult the person to whom you report. You have our personal assurance there will be no retribution for asking questions or for reporting possible improper conduct. You may also contact the TFCC compliance officer, Janet Horton, at 503-842-8201 ext. 200, or call the TFCC compliance hotline at 833-376-0236.

We ask that you review the following material thoroughly. Your adherence to its spirit, as well as its specific provisions, is vital to the fulfillment of our mission.

Frank Hanna-Williams
Executive Director

**TILLAMOOK FAMILY COUNSELING CENTER
CODE OF ETHICS**

A. Purpose

To establish standards of conduct that describe the behavior expected of members of the workforce and that promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.

B. Affected Parties

Affected parties are all the members of the TFCC workforce.

C. Policy

1. Introduction

Ethics is defined as rules of conduct or moral principles that guide individual or group behavior. In simplest terms it is doing things right and doing the right things. With this principle in mind, Tillamook Family Counseling Center (TFCC) is committed to conducting its business with integrity as the basis in all relationships, including those with clients, the public, our community partners, and suppliers of goods or services.

The agency has adopted the following code of ethics (Code). This Code is intended to be a guide with respect to recognizing and managing ethical issues, as well as to provide information on how to manage unethical conduct and to assist in fostering a culture of openness and accountability within TFCC.

While this Code addresses a variety of situations, it is not intended to provide a comprehensive or complete explanation of all applicable laws and responsibilities relevant to TFCC. When in doubt, you should ask questions about particular circumstances that may apply to one or more of the areas described in the Code.

2. Commitment to our Workforce

TFCC makes every effort to provide a work environment that supports honesty, integrity, fairness, respect, and trust in the treatment of its employees, contractors, vendors, and the individuals it serves. We are also committed to providing a safe, healthy, and drug-free work environment.

3. Conflicts of Interest

A conflict of interest exists when our private interest interferes or reasonably appears to interfere with the interests of TFCC. We must avoid any relationship or activity that might impair, or even appear to impair our ability to make objective and fair decisions when performing our jobs. You should not engage in business transactions or professional activity or have a financial or other private interest, which is in conflict with the proper discharge of your position. If you are unsure whether a conflict of interest exists, you should discuss the situation with your supervisor, Human Resources, the compliance officer, or the executive director.

4. Ethical Conduct

You are expected to set an example of ethical behavior in the performance of your duties, and to comply with all laws and regulations that apply to TFCC. You must never sacrifice ethical and compliant behavior in the pursuit of business objectives.

5. Confidentiality

In performing your job duties and responsibilities you will often have access to confidential and/or proprietary information pertaining to TFCC, its business plans, its clients, or others who do business or come in contact with TFCC. You must maintain the confidentiality of all such information entrusted to you, except when the disclosure is authorized or legally mandated. Information should be shared with others on a need-to-know basis only. Confidential or proprietary information about TFCC includes any non-public information that would be harmful to the agency or clients, or useful to competitors if disclosed. In the provision of behavioral health services, you are required to abide by the Health Insurance Portability and Accountability Act (HIPAA), 42 C.F.R. Part 2, and relevant Oregon law, as appropriate, regarding confidentiality. When in doubt about whether or not you may share information, contact your supervisor, the TFCC privacy officer or the executive director.

6. Good Faith and Fair Dealing

TFCC adheres to a policy of good faith and fair dealing in its activities. You should endeavor to deal fairly, respectfully, and treat with dignity TFCC clients, suppliers, community partners, competitors, and employees. You should never take unfair advantage through manipulation, improper concealment, abuse of privileged information, misrepresentation of material facts, or any other intentional unfair dealing practice.

7. Protection and Proper Use of Company Assets

TFCC assets should be used for legitimate business purposes only. You must oversee the protection, efficient use of, and exercise due diligence for any and all assets for which you are responsible as theft, carelessness and waste have a direct impact upon public perception as well as negatively impacting the financial viability of the agency.

Third-party software and related resources should only be used as permitted by software licenses. Use of copies of non-licensed copyrighted material, including written graphics, content, software, or photographs is prohibited.

8. Compliance with Laws

It is the policy and practice of TFCC to comply with all applicable laws, rules, and regulations. You should adhere to the standards and restrictions imposed by those laws, rules, and regulations in performing your job duties and responsibilities.

9. Prohibited Conduct

The following is a list of behaviors and conduct that are strictly prohibited. Engaging in such conduct will result in disciplinary action, up to and including discharge. This list is not meant to be exhaustive, and common sense should prevail at all times.

- a. Engaging in a personal, including sexual, relationship with a client
- b. Accessing or using client information for personal gain
- c. Sharing client information with others on other than need-to-know basis
- d. Harassing, demeaning or otherwise mistreating clients, co-workers, or anyone else
- e. Physically harming a client or co-worker
- f. Using your position for personal gain or influence, or in an exploitive manner
- g. Misusing or misappropriating client funds

10. Reporting Illegal/Unethical Behavior

Every member of the TFCC workforce has a duty and an obligation to:

- a. Promote ethical behavior and an environment in which members of the workforce are encouraged to communicate openly with all supervisors, managers, and other appropriate personnel about observed illegal or unethical behavior and inquire about the best course of action in a particular situation, and
- b. Report violations of rules, laws, policies, or regulations.

Any suspected misconduct should be reported to the TFCC compliance officer or executive director, who will take appropriate follow up action, including the investigation of the alleged misconduct. Although anonymity and confidentiality cannot be guaranteed if you report a concern or possible misconduct, we will maintain confidentiality as far as possible, within the limits of the law and our ability to investigate the issues you have brought to our attention.

11. Discrimination and Coercion

TFCC prohibits all forms of discrimination, including harassment. Retaliatory discipline against a worker who reports a concern or suspected misconduct will not be tolerated. Claims of retaliation will be investigated, and appropriate action will be taken.

No director or employee of TFCC shall unfairly discriminate through the dispensing of special privileges or favors, whether for remuneration or not. No director or employee shall utilize the authority vested in him/her by virtue of his/her position with TFCC, to unduly coerce peers, subordinates, or business associates to provide favors or privileges, personal or financial, under fear or retribution or disparate treatment.

12. Guidelines

The following are questions workforce members, at all levels of the agency, can ask themselves to assist in gaining a better understanding in what TFCC believes to be in the best interests of our staff, customers, community, and those with whom we do business:

- a. Could this action appear inappropriate to others?
- b. Will my action comply with the intent and purpose of TFCC policies and practices?
- c. Could I be called upon to defend my action to the executive director, board of directors, other employees and/or the general public?
- d. Will this action compromise me?
- e. Can I feel comfortable doing this?

13. Disciplinary Action

Violations of this policy, depending on their nature and severity, will result in disciplinary action up to and including discharge. Disciplinary action will be taken, not only against anyone who authorizes or participates directly in a violation of this policy, but also against:

- a. Any member of the workforce who may have deliberately failed to report a violation of the policy.
- b. Any member of the workforce who may have deliberately withheld relevant and material information concerning a violation of this policy; and
- c. The direct manager or supervisor of the violator, to the extent the circumstances of the violation reflect inadequate leadership and lack of diligence.

14. Accuracy, Retention and Disposal of Documents and Records

You are responsible for the integrity and accuracy of any organizational documents or records that you write or modify. Falsifying or altering documents or records is absolutely prohibited.

You are also expected to become familiar with and comply with TFCC policies that address the retention and disposal of our organization's documents and records.

15. Financial Reporting and Records

In order to provide accurate, reliable financial records, all financial transactions shall be recorded promptly according to generally accepted accounting principles and TFCC policies and procedures. We have implemented internal controls to provide reasonable assurance that management has authorized a transaction and that it has been recorded properly.

16. Encountering Services

We shall submit encounter data only for services that are supported by evidence that they have actually been rendered. Presentation for payment or approval of any claim that is false or fraudulent will not be tolerated.

17. Gifts and Gratuities

You are expected to decline any gifts, gratuities or business courtesies that would be perceived as influencing your decision-making on behalf of TFCC or its clients. The acceptance of bribes or giving kickbacks to contractors, subcontractors, consultants, vendors, or suppliers is prohibited.

ETHICS AND COMPLIANCE PROGRAM

PURPOSE OF THE PROGRAM

The Tillamook Family Counseling Center (“TFCC”) board of directors has adopted this ethics and compliance program (the “Program”) to articulate TFCC's longstanding commitment to support the provision of comprehensive mental health, chemical dependency, developmental disability, and peer related services in compliance with all federal, state and local laws and regulations, and to set forth TFCC’s program to proactively prevent, detect, and report variances from the laws and regulations which govern this organization. In addition, it supports the promotes an organizational culture that encourages ethical conduct and places the highest value on integrity in the achievement of its mission.

CONTENT AND SCOPE OF THE PROGRAM

This Program has been designed to address the elements identified by the Federal Sentencing Guidelines and the Office of Inspector General of the U.S. Department of Health and Human Services that are required for the implementation of an effective compliance and ethics program. The formality and scope of the Program, including its standards and procedures, have been developed taking into consideration the size of the organization.

COMPLIANCE PROGRAM OVERSIGHT

The TFCC board of directors and the TFCC compliance committee are responsible for the reasonable oversight of the Program with respect to its implementation and effectiveness and shall be knowledgeable about its content and operation.

The board has approved the appointment of Janet Horton to serve as the TFCC compliance and privacy officer and assigned her operational responsibility for the Program. The compliance officer is delegated sufficient authority and adequate resources to undertake and comply with these responsibilities, has direct access to senior management and the board of directors, and reports to the TFCC executive director and board periodically on the effective implementation of the Program.

ETHICS AND COMPLIANCE STANDARDS

The ethical principles and standards of business practice that guide its operations are summarized in the TFCC code of ethics (the “Code”). In addition to the Code, TFCC has implemented policies, procedures and internal controls that describe the mechanism by which management exercises due diligence in seeking not only to reduce the likelihood of criminal conduct, but to facilitate compliance with all applicable laws and prevent and detect any behavior contrary to those principles. The objectives of those policies and procedures, along with the Code are to: 1) establish the high values expected of workers; 2) provide comprehensive guidelines and standards for the provision of its services; 3) monitor the implementation of those guidelines and standards as a routine daily practice; 4) enhance a corporate culture which supports compliance with federal and state statutes and regulations, particularly those associated with the Oregon Health Plan; and 5) build community trust in TFCC as a behavioral health organization. The Code and relevant policies and procedures are developed with consideration for the rich and varied backgrounds of our workers and will be made available to all workers and periodically updated to address new or modified statutes and/or regulations which apply to the services we provide.

EXCLUDED INDIVIDUALS AND ORGANIZATIONS

TFCC shall not employ or contract with any individual or organization who/that has been excluded from: (1) Medicare, Medicaid, and all other plans and programs that provide health benefits funded directly or indirectly by the United States, and (2) federal procurement and non-procurement programs.

If TFCC is made aware that a current staff member or contracted company is listed on the Federal Exclusion list, TFCC will terminate its employment of that individual or company immediately. TFCC would then make a report to their CCO.

EFFECTIVE COMMUNICATION, TRAINING AND EDUCATION

Reasonable steps shall be taken to effectively communicate, periodically and in a practical manner the code of conduct, policies and procedures contained in this Program to the board of directors, high-level personnel, substantial authority personnel, TFCC employees and, as appropriate, agents of TFCC. This will be supported by conducting effective training programs and otherwise disseminating information appropriate to such individuals’ respective roles and responsibilities.

Communications with workers will emphasize: 1) TFCC’s commitment to ethical conduct; 2) the importance of statutory and regulatory compliance; 3) the identification of laws and regulations as they relate to an

individual's job; and 4) the obligation of each worker to behave in a manner consistent with those statutes and regulations and the principles articulated in the Code.

TFCC staff attest to receiving, reading, and understanding the TFCC Code of Ethics and the Ethics and Compliance Program within the first 90 days of hire, annually thereafter and periodically if changes are made to the code or the program. A copy of the Code of Ethics and the Ethics and Compliance Program can be found in the employees Bamboo File under Compliance. A copy is also displayed in the TFCC main office on the wall outside of the Office Manager's office.

MONITORING AND AUDITING SYSTEMS

TFCC will take reasonable steps to assess the effectiveness of the Program by utilizing audits and various monitoring techniques to identify criminal conduct and other non-compliance. The results of these auditing and monitoring activities will be reported periodically to the TFCC executive director and the board of directors.

REPORTING AND RESPONDING TO A SUSPECTED VIOLATION

TFCC is committed to providing an environment that encourages and allows workers to report or to seek and receive prompt guidance before engaging in conduct that is believed to be inconsistent with federal or state statutes or regulations, the TFCC ethics and compliance program or its code of conduct.

While TFCC encourages employees and agents to report suspected misconduct to their supervisor or manager, TFCC provides a toll-free hotline that allows TFCC employees and agents to report or seek guidance anonymously or confidentially regarding potential or actual criminal conduct without fear of retaliation. TFCC will maintain the privacy and anonymity of reporting parties except where legally proscribed. The ability of TFCC to ensure total confidentiality may be limited by legal obligations relating to self-disclosure, law enforcement subpoenas, and civil discovery requests.

When suspected or potential misconduct is reported, the allegations will be promptly investigated. In the event that an investigation reveals misconduct, corrective action will be immediately initiated. TFCC will ensure that reasonable steps are taken to respond to and prevent further misconduct, including the identification of any systemic shortcomings that compromise the deterrent effect of its ethics and compliance program. If necessary, appropriate modifications will be made to the Program.

REPORTING FRAUD AND ABUSE

TFCC will promptly refer all cases of suspected fraud to the Medicaid Fraud Control Unit (MFCU) or the Oregon Department of Human Services (DHS) as appropriate and will cooperate and allow them to inspect, evaluate, or audit books, records, documents, files, accounts, and facilities as required to investigate an incident of fraud or abuse. In the event that TFCC reports suspected fraud or learns of an MFCU or DHS investigation, TFCC shall not notify or otherwise advise its subcontractors of the investigation so as not to compromise the investigation.

ENFORCEMENT AND DISCIPLINARY ACTION

Disciplinary action will be initiated against 1) individuals who have failed to comply with TFCC' Code, compliance policies, applicable statutes, regulations or federal health care Program requirements; 2) responsible individuals who unreasonably fail to detect or report an offense; or 3) those who have otherwise engaged in wrongdoing that has the potential of impairing TFCC's status as a reliable, honest, trustworthy mental health organization.

In addition to fulfilling its duty to sanction improper conduct, TFCC will also provide appropriate incentives to encourage ethical and compliant behavior.

MANAGING AND EVALUATING PROGRAM EFFECTIVENESS

Each manager is responsible for promotion of, and adherence to the Program. Mere distribution of the Program and ethics and compliance literature is unacceptable. Each manager must train his or her staff to create an atmosphere that encourages ethical and compliant conduct and fosters reporting behavior inconsistent with such conduct.

TFCC will conduct an annual evaluation of the effectiveness of its ethics and compliance program.

RISK ASSESSMENT

TFCC will periodically conduct a compliance risk assessment. Specifically, TFCC will evaluate the nature and seriousness of the various risks to which TFCC is exposed, including the potential for Medicaid fraud, waste or abuse, and the likelihood that TFCC may incur liability due to noncompliance. TFCC's compliance and ethics resources will be prioritized to target those activities that pose the greatest threat in light of the risks identified.