

Code of Conduct

July 2018

The National Health Care Anti-Fraud Association, and its related Foundation, the NHCAA Institute for Health Care Fraud Prevention (jointly, NHCAA or the Association), are committed to maintaining high standards of ethics in the conduct of their business, including all meetings, conferences and educational events. This Code of Conduct has been prepared to provide NHCAA members and staff with a formal statement of the Association's commitment to the standards of ethical business conduct.

It is NHCAA's policy to conduct its business in strict accordance with all applicable laws and regulations and to do so at all times in an ethical manner. Every staff member is expected to conduct activities undertaken on behalf of the Association in an atmosphere free from even the appearance of impropriety. To this end, this Code of Conduct supplements the NHCAA Employee Handbook as a source of additional guidance for staff when conducting NHCAA business. However, neither this Code of Conduct nor the NHCAA Employee Handbook can cover all situations and therefore are not substitutes for the individual exercise of appropriate ethical judgment or for individual adherence to proper standards of conduct.

Additionally, members of the NHCAA Board of Directors and members of NHCAA committees should be guided by this Code of Conduct as it applies to their work with or on behalf of the Association, including their attendance at Association sponsored meetings and conferences.

As an organization dedicated to ethical conduct in our nation's health care system, it is incumbent upon every NHCAA member and employee to reflect this mission as we go about the business of the Association.



Louis Saccoccio
Chief Executive Officer

Table of Contents

Policy Regarding Unlawful Discrimination and Harassment ____ *4*

I. Harassment Defined ____ 4

II. Examples of Prohibited Harassment ____ 5

III. Sexual Harassment Defined ____ 5

Antitrust Compliance Policy and Guidelines ____ *6*

Conflicts of Interest ____ *8*

I. Gratuities and Entertainment ____ 8

II. Improper Gifts, Discounts or Payments ____ 8

III. Government Relations ____ 9

IV. Financial Interests ____ 9

V. Outside Employment ____ 9

Confidentiality and Protecting Information ____ *10*

Statement of Corporate Obligations Regarding Copyright ____ *12*

Proper Use of Association Assets ____ *13*

Use of Association Electronic Media ____ *13*

Drugs and Alcohol ____ *13*

Media Relations and Public Statements ____ *13*

Violation Reporting Procedure ____ *14*

ACKNOWLEDGEMENT ____ *15*

Policy Regarding Unlawful Discrimination and Harassment

NHCAA believes that every individual is entitled to fair and equitable treatment from the Association and from each of its employees. Discrimination of any kind, including but not limited to discrimination in employment, membership, and workplace conduct, on the basis of race, color, national origin, sex, age, religion, marital status, personal appearance, sexual orientation, political affiliation, veteran status, physical or mental disability, or other legally protected status (referred to in this Code as "Protected Status") is strictly prohibited. This policy also prohibits harassment based on a Protected Status.

NHCAA has long been committed not only to creating an environment which will promote personal and professional growth for all of its employees and members, but also to providing employees and members with an environment free from all forms of discrimination and harassment, including, but not limited to, sexual harassment. This policy applies to all employees, members of the NHCAA Board of Directors, and members of NHCAA committees. It is the policy of NHCAA that harassment is a form of misconduct that undermines the integrity of the organization and will not be tolerated or ignored. All NHCAA participants have a responsibility, in good faith, to constructively confront and report incidents of harassment or discrimination. Additionally, NHCAA prohibits retaliation of any kind against individuals who bring harassment charges or assist in investigating such charges.

NHCAA expects and requires the cooperation of all employees and NHCAA members in maintaining a workplace free of harassment. Any employee or member who is found to have harassed another individual in violation of this policy or found to have retaliated against an individual for reporting harassment will be subject to appropriate disciplinary action, up to and including termination (for employees) or removal from NHCAA membership (for members).

This policy applies to all NHCAA-related settings and activities, whether inside or outside the workplace, and includes business trips, conferences and business-related social events. It also applies to informal occasions associated with NHCAA events.

I. Harassment Defined

Harassment is best described as conduct based on or referring to a Protected Status which has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Harassment consists of unwelcome conduct, whether oral, written, physical, or visual, that is based upon a person's Protected Status or based upon an individual reporting or opposing harassment or discrimination, including participating in an investigation or complaint proceeding. NHCAA will not tolerate harassing conduct

that creates an intimidating, hostile, or offensive working environment whether or not such conduct directly interferes with an individual's work performance.

II. Examples of Prohibited Harassment

Examples of prohibited harassment because of a Protected Status include but are not limited to the following behavior:

- Verbal conduct concerning a Protected Status such as epithets, derogatory jokes or comments, slurs;
- Unwelcome sexual advances, invitations, or comments;
- Visual conduct concerning a Protected Status such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, e-mail, internet sites, or gestures;
- Physical conduct such as assault, unwanted touching, or interference with work because of sex, race, or any other protected basis;
- Threats or demands to submit to sexual requests as a condition of continued employment, and the offer or denial of employment benefits based on the submission or rejection of sexual requests;
- Basing decisions concerning employment or conditions of work on existence of a Protected Status; and
- Retaliation against an employee for having reported or having threatened to report harassment.

III. Sexual Harassment Defined

Sexual harassment deserves special mention. Sexual harassment, as one example of forbidden harassment, is defined as any unwelcome sexual advances, requests for sexual favors, and other physical, verbal, written, or visual conduct based on sex. Sexual harassment includes but is not limited to circumstances where: (1) submission to the conduct is an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; (3) the conduct interferes with an individual's work performance; or (4) the conduct creates an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendoes, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual materials, and physical contact such as patting, pinching, or brushing against another's body. Sexual harassment does not mean an occasional compliment of a socially acceptable nature. The prohibition against sexual harassment includes harassment involving members of the same sex.

Antitrust Compliance Policy and Guidelines

It is the policy of NHCAA to comply in all respects with federal and state antitrust laws. This means that no meetings, discussions, or activities either held by NHCAA or conducted directly or indirectly in conjunction with NHCAA shall involve topics, agreements or understandings that might in any way tend to limit competition among or between NHCAA members or between any other entities or persons.

To assure compliance with this policy, these antitrust compliance guidelines identify some examples of permissible and impermissible topics of discussion at meetings (including conference calls) of NHCAA's employees and Members of the Board of Directors, its committees, subcommittees, interest groups and task forces, and all other meetings conducted under NHCAA's auspices. This policy, and these guidelines apply not only to formal NHCAA activities but apply as well to informal conversations, communications, or other activities conducted directly or indirectly in conjunction with NHCAA.

The purpose of NHCAA meetings and events is to discuss information and strategies related to the prevention, detection, investigation and prosecution of health care fraud and related crime, as well as the administrative operations of the Association. To ensure compliance with federal and state antitrust laws, meeting and event participants should abide by the following guidelines in all conversations, discussions or correspondence of any kind, written or oral:

NO exchange of information or discussions concerning current or future prices, rates, discounts, surcharges, rate structures or classifications, or other terms and conditions of sale;

NO exchange of information or discussions concerning current or future product design or coverage; any current or future marketing practices or responses; current or future underwriting practices or eligibility for insurance;

NO discussion or correspondence concerning prices or labor rates charged by, or whether to do business with, particular suppliers or service providers; and

NO discussion or correspondence concerning any forms of joint or cooperative action by insurers beyond which is that authorized by the antitrust laws for efforts directed at the investigation or detection of potential insurance fraud.

All attendees, and especially the chairperson/moderator and any legal counsel in attendance, shall be alert to discourage any discussion of the topics outlined above or any other potentially sensitive topics outside the scope of the overall purpose and objectives of the meeting.

All participants in any discussion or correspondence should immediately object to discussion which exceeds the limitations stated in these guidelines. Participants should discuss with the NHCAA Chief Executive Officer or Counsel any questions which they may have regarding these guidelines prior to engaging in any questionable discussions.

The following are some examples of anti-competitive activities which are prohibited:

1. No committee or activity of NHCAA, or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall be used for the purpose of reaching or attempting to reach any understanding or agreement, written or oral, formal or informal, express or implied, among competitors with regard to prices, premiums, terms or conditions of policies, territories or customers, or claims handling policies or procedures.

2. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include discussion for any purpose or in any fashion of price or premium setting methods, reserves, allocation of territories or customers or the terms of availability of any future insurance policies or line of insurance.

3. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include any discussion which might be construed as an agreement or attempt (a) to limit the individual decision-making authority of any insurer with respect to insurance claims, including but not limited to whether and when to settle and for what amount; (b) to prevent any insurer from employing any attorney, consultant, or other provider of goods or services which it chooses; or (c) to influence the availability, terms, provisions, prices, premiums or other aspects of any insurance policy or line of insurance that may be marketed by its member insurers.

4. Neither NHCAA nor any committee thereof shall make any effort to standardize any form of insurance coverage or exclusion from coverage or encourage or discourage the availability of any form of insurance coverage, or encourage or discourage any particular claims handling policy or procedure.

5. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include any discussion which might be construed as an agreement or understanding to refrain from offering insurance to any risks or classes of risks or on any particular terms and conditions.

6. No NHCAA activity or communication or any discussion or meeting conducted in conjunction with an NHCAA event, whether formal or informal, shall include any discussion which might be construed as an agreement or understanding to refrain from dealing or doing business with any person or entity.

Conflicts of Interest

NHCAA employees, members of the Board of Directors, and NHCAA members participating in NHCAA committees must avoid any situation where a conflict could occur, exist, or appear to exist between the personal interest of the employee or Board member and the interests of the Association. Employees and Board members should disclose any interest, including without limitation any financial or other interest, in any company or other entity, that could influence the employee's or Board member's business decisions or actions. Additionally, employees should avoid outside activities that interfere with regular work duties and work time, adversely affect the quality of work, or otherwise would be inconsistent with the interests of NHCAA.

The Association will not purchase goods or services from an employee or Board member or from a business in which an employee or Board member or an employee's or Board member's close relative has a substantial interest, defined as ownership of more than 10 percent. Similarly, the Association will not sell, give or lend any corporate equipment, furniture, supplies or materials to any employee or Board member for non-NHCAA business use. Occasional exceptions may be made when it is in the best interest of the Association, but only when documented and authorized in advance and in accordance with established procedures.

There are many situations in which potential conflicts of interest could arise:

I. Gratuities and Entertainment

Employees and NHCAA Board members should not accept cash, cash equivalents, unusual gifts, entertainment, gratuities or other favors from any outside concern that does or is seeking to do business with NHCAA or is a competitor of the Association.

Any gift valued at more than $100 (or series of gifts that in total are valued at more than $100) may be inappropriate, especially in cases where the employee or Board member has direct control over the outside relationship with the Association.

II. Improper Gifts, Discounts or Payments

NHCAA markets products, services, and membership based solely on price, quality and service. Employees or Board members should never use inappropriate gifts, unauthorized discounts on Association products or services, excessive entertainment, or any other inappropriate means to improperly influence anyone to do business or engage in any relationship with NHCAA. If you receive a request to provide a benefit that would conflict with this policy, immediately contact the NHCAA Chief Executive Officer.

No employee or Board member may pay a bribe, kickback or any similar improper payment to any person or entity for any reason.

III. Government Relations

A key mission of NHCAA is to foster a strong private-public partnership in the fight against health care fraud. To this end, NHCAA has significant participation by law enforcement liaisons and supports federal, state and local governments in their anti-fraud efforts. To maintain the integrity of NHCAA's relationships with government entities, no member should use his or her company's membership in NHCAA as a basis to improperly influence the actions of a government employee with respect to a matter of interest to that member's company. Likewise, it is unlawful under federal and state law to offer or give a government employee anything of value in return for that person's favorable influence or actions, and no such activity shall be conducted by or on behalf of NHCAA.

IV. Financial Interests

Employees and Board members and members of their immediate families who have financial interests, such as stock ownership, partnership participation, management, employment, consulting agreements or any other contractual arrangements with other firms where such involvement is or may appear to conflict with the employee's or Board member's duties to the Association must disclose this financial interest to the NHCAA Chief Executive Officer or to the Board Chair. For example:

- Having a direct or indirect financial interest (including employment or consultant agreements) in any outside concern doing business with or competing against the Association.

- Representing the Association in any transaction in which the employee or Board member has a material financial interest.

- Using an employee's or Board member's knowledge of Association business for the personal profit or advantage of the employee, Board member or anyone else.

V. Outside Employment

Although NHCAA does not prohibit its employees from engaging in outside employment, these guidelines should be kept in mind if such outside employment is undertaken. Outside employment shall not create a conflict of interest or the appearance of such a conflict and may not interfere with the employee's NHCAA duties and responsibilities.

Confidentiality and Protecting Information

NHCAA maintains a variety of confidential and proprietary information including but not limited to information about NHCAA business activities and strategies, information from and about its members, product development information, contractual arrangements, financial data, computer software programs and the Association's personnel data and salary information. All such information is to be kept confidential and not disclosed to anyone except for disclosures necessary for business purposes and authorized in writing by the Chief Executive Officer. Because electronic media can be subject to hacking or other intrusions, care should be exercised in placing confidential information in emails or other electronic media, including encryption where appropriate.

The following deserves special mention but is not an all inclusive list of categories of confidential information that must be protected:

- Software Licensing and Registration

Packaged software is generally licensed for use rather than sold outright and is normally protected by copyright laws. All employees must be aware of and conform to copyright laws and software licensing agreements for software packages purchased by NHCAA, particularly in the case of software packages for personal computers. NHCAA conforms to the requirements of the copyright laws and licensing agreements of the software vendors. NHCAA does not condone the unauthorized duplication of purchased software. The practice of illegally copying software is considered by NHCAA to be plagiarism and ethically wrong. In general, NHCAA restricts use of the software to the particular computer for which it was purchased.

The Association strictly enforces provisions designed to safeguard the confidentiality of proprietary computer data. Every precaution must be taken to ensure that identification codes and passwords do not become available to unauthorized individuals. Data system security violations should be reported to the NHCAA Chief Executive Officer immediately.

- Information Concerning Investigations or Allegations of Wrongdoing

In connection with its mission to combat health care fraud, NHCAA may come into possession of non-public information concerning ongoing criminal or other investigations or related to allegations of wrongdoing by companies or individuals. All such information is strictly confidential and is not to be disclosed other than as authorized by NHCAA in connection with its mission. Likewise, no such information is to be used for personal benefit, including without limitation, trading in securities.

- Personal Information

NHCAA respects the privacy of its employees and Members of the Board of Directors. Personal information is not to be used or disclosed improperly or used by someone not authorized to do so.

Statement of Corporate Obligations Regarding Copyright

NHCAA recognizes and respects intellectual property rights. As part of its mission to foster high standards of ethical conduct, NHCAA is committed to fulfilling its legal obligations with respect to the use of copyright-protected works.

Copyrighted works include, but are not limited to, printed articles from publications, TV and radio programs, videotapes, music, photographs, training materials, manuals, documentation, software programs, databases, and World Wide Web pages. In general, the laws that apply to printed materials are also applicable to visual and electronic media. Works are protected by copyright laws even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol ©.

Under federal law, material subject to copyright may only be reproduced or used under narrow circumstances known as the "fair use doctrine." As defined in the federal copyright law, such fair use includes:

> …. for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—
> (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
> (2) the nature of the copyrighted work;
> (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
> (4) the effect of the use upon the potential market for or value of the copyrighted work. (17 U.S.C.§ 107)

The following NHCAA policies apply to information subject to copyright:

1. No employee may reproduce any copyrighted work in print, video, or electronic form except that short excerpts may be quoted consistent with the "fair use" statute with proper citation and attribution to the source.

2. The easiest way to ensure no violation is to receive express written permission of the copyright holder. NHCAA therefore directs its employees to obtain permission from copyright holders directly, or their licensing representative, when the reproduction or duplication exceeds fair use.

3. Under no circumstances may publications such as trade magazines or materials to which NHCAA subscribes be duplicated for circulation to others in lieu of obtaining additional subscriptions.

4. NHCAA is itself a copyright holder and all materials published by NHCAA (including but not limited to its study manuals, research studies, white papers,

brochures, and its World Wide Web site) are protected by copyright law. The Association directs its employees and members to protect this intellectual property, and to seek guidance about when and how to grant permission for others to use this property.

Proper Use of Association Assets

The assets of NHCAA are to be used only for the benefit of the Association and for valid business purposes. NHCAA assets include concepts, business strategies and plans, financial data, intellectual property rights and other information about its business, as well as equipment, computer systems, electronic voice and data networks and office supplies. These assets may not be improperly used to provide personal gain for employees, Board members or others. Each employee and Board member has the responsibility of safeguarding Association assets.

Use of Association Electronic Media

Computers and similar electronic devices provided by NHCAA remain the property of NHCAA and are for use in connection with NHCAA business and activities. If occasional use of such equipment for personal matters occurs or is tolerated, it must be understood that THERE CAN BE NO EXPECTATION OF PRIVACY WITH REGARD TO SUCH USE and NHCAA has the right to examine and preserve any such communications or other personal information placed on its electronic media.

Drugs and Alcohol

Use of illegal drugs will not be tolerated and can lead to immediate termination. Use of alcohol during work hours or in connection with Association activities is prohibited unless in connection with an authorized social affair.

Media Relations and Public Statements

In order to maintain the consistency and accuracy of its message, media comments and similar public statements on behalf of NHCAA shall be made only by persons authorized by the Association to do so. NHCAA employees and Members of the Board of Directors are not authorized to make public statements, including statements to news or trade media, on behalf of the Association without the approval of the NHCAA Chief Executive Officer. This is not in any way to suggest that an individual may not express his or her personal views so long as they are not represented as being expressed on behalf of the Association.

Violation Reporting Procedure

Any NHCAA employee or member who has a reasonable basis to suspect that there has been a violation of any provision of this Code of Conduct should promptly report the matter to the NHCAA Chief Executive Officer. So long as acting in good faith, it is not necessary that you are certain a violation has occurred to be obligated to make a report. If the violation involves the Chief Executive Officer, then the report should be made to the Chair of the NHCAA Board of Directors.

The Chief Executive Officer (or Board Chair) will cause the reported violation to be investigated immediately. To the degree possible, all such reports will be treated in strictest confidence.

If the report is found to have merit, corrective action will be implemented. NHCAA will not retaliate against an individual for making a good-faith report of a violation of the Code of Conduct and will not tolerate or permit such retaliation by management, employees, or members. All NHCAA employees and members are expected to fully cooperate in an investigation of a reported violation. An employee or NHCAA member who fails to cooperate or who is dishonest during an investigation of a reported violation will be subject to discipline, up to and including termination (for employees) or removal from NHCAA membership (for members).

Any employee or member who is found to have violated any provision of the Code of Conduct or found to have retaliated against an employee or other NHCAA participant for reporting a violation will be subject to appropriate disciplinary action, up to and including termination (for employees) or removal from NHCAA membership (for members).

ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the **NHCAA Code of Conduct.** I understand that this Code of Conduct applies to all NHCAA work environments, committee meetings, programs and sponsored events, including education programs and conferences, and I agree to abide by its provisions. I currently am not aware of any violations of this Code and understand that any violations must be reported immediately.

_____
Name

_____
Organization

_____
Signature

_____
Date