



# Integrity in Action

## Duke Health Compliance Program



**DukeHealth**





# Dear Colleagues:

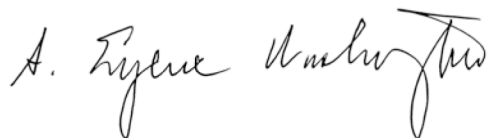
This Code of Conduct, “Integrity in Action,” presents the principles that guide our work at Duke University Health System (DUHS), Duke University Affiliated Physicians d/b/a Duke Primary Care, Duke Integrative Network, Inc., Duke Connected Care (DCC), the Private Diagnostic Clinic PLLC (PDC), Duke University School of Medicine (SOM), and the School of Nursing (SON) (hereinafter “Duke Health”).

We strive to achieve excellence and maintain the highest ethical standards in the way that we serve our patients and conduct business, research, and education.

Our Code of Conduct and our Compliance Program provide the framework to ensure that these high standards of conduct are demonstrated consistently across our organization and that we live out our common mission, vision, and values on a daily basis. We perform our responsibilities with honesty and integrity, and in compliance with applicable laws, regulations, licensing and accreditation standards, and Duke Health policies and procedures. These commitments are critical aspects of our Zero Harm culture.

Success in our mission to provide the very best of health care, medical education, and research depends upon the commitment of each one of us to these shared ideals. By demonstrating integrity in every action we take, we will continue to earn the trust of our patients, the loyalty of our colleagues, and the respect of the communities we serve.

Sincerely,

A handwritten signature in black ink, reading "A. Eugene Washington". The signature is written in a cursive style with a large, stylized initial "A" and a long, sweeping underline.

**A. Eugene Washington, M.D., M.Sc.**

*Chancellor for Health Affairs, Duke University*

*President and CEO, Duke University Health System*

# Introduction

Within Duke Health, we have created a Compliance Program and a Code of Conduct, Integrity in Action, to show our commitment to doing things the right way. Here are some key points about our Compliance Program:

## What is Compliance?

Compliance is doing the right thing by following the rules. It means we understand and comply with all the laws and policies that apply to our organization. We ask questions, report compliance concerns, and address issues.

## Who is Responsible for Compliance?

Every person here. This includes every employee, governing board member, administrator, physician, student, volunteer, as well as those with whom we do business.

## What Do I Do if I Think a Law or Policy is Not Being Followed?

You must report it. Every person is required to report suspected instances of Fraud, Waste and Abuse, as well as, noncompliance with laws or policies. You can:

- Contact your supervisor or other managers up the chain of command
- Contact your respective compliance officer. See the phone numbers for your contacts on the back of the Code of Conduct.
- Or if you want to report a concern anonymously, call the Integrity Line: **1-800-826-8109**

## What Will Happen if I Report a Compliance Concern?

The concern will be investigated and addressed appropriately. If you report a compliance concern in good faith, you are protected from retaliation or retribution. For reference see: [DUHS Compliance Reporting - Non-Retaliation/Non-Retribution](#).

### Integrity in Action:

#### Code of Conduct for

Duke Health

Duke University Health System, Inc.

Duke Integrative Network, Inc.

Private Diagnostic Clinic PLLC

Duke University School of Medicine

Duke University School of Nursing



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# Duke Health Compliance





# Section 1: Duke Health Compliance

## The Code of Conduct

The Code of Conduct is designed to provide you, a valued member of our organization, with a clear understanding of what is expected in the workplace.

The Code applies to every employee, governing board member, member of the medical staff, DCC provider and staff, student, volunteer, as well as to those with whom we do business. This Code does not cover every situation. Instead, it provides broad guidelines that are detailed in each entity's policies and procedures.

### **DUHS policies:**

Duke Health Policy Center

<https://dukeuniversity.policytech.com>

### **PDC policies:**

Private Diagnostic Clinic, PLLC

<https://intranet.dh.duke.edu/ent/pdc>

### **Duke University policies:**

<http://duke.edu/policies>

## Which Laws and Regulations Apply to Our Work

We strive to comply with the laws, regulations, standards, and policies that apply to Duke Health.

These address activities such as: (1) honoring patients' rights; (2) maintaining and retaining records; (3) billing and coding for services; (4) providing quality of care; (5) negotiating and complying with all aspects of grants and contracts; (6) provide a work environment which promotes behaviors which are conducive to a culture of safety and consistent with the DUHS value based culture; (7) ensuring physicians are consistently exhibiting behaviors that support our important health system values; (8) protecting the health and safety of human and animal subjects in research; (9) complying with licenses and permits; (10) protecting the confidentiality of patient, business, and personal information; and (11) complying with all laws governing federal and state-funded health care programs and the requirements of insurance companies (12) educating and teaching students and trainees.

## The Compliance Program

Compliance is understanding your job responsibilities and following the laws, regulations, licensing and accreditation standards, and Duke policies and procedures that apply to your role at Duke Health. Our Compliance Program was created to make sure that our workforce is properly trained to follow all the laws, regulations, and policies that relate to our operations and to provide a way for the workforce to raise compliance concerns and ask questions.

DUHS, PDC, and Duke University have compliance officers that oversee our Compliance Programs. The DUHS, PDC, and Duke University compliance offices are responsible for facilitating:

1) delivery of compliance training to all of our workforce members, including employees, physicians, volunteers, vendors, and others within our organization; 2) monitoring activities to review business practices to make sure we comply with applicable laws, regulations, and policies; 3) responding to questions and concerns of staff; 4) implementing corrective action, including reporting to governmental agencies, and discipline or other actions to prevent violations from recurring; and 5) processes that assure compliance problems are reported and addressed.

These compliance offices answer questions about compliance issues and work with the Office of Counsel to respond to government inquiries. Entities within our organization also have individual facility compliance officers who work with the DUHS, PDC, and Duke University compliance offices to support compliance activities within his or her facility, division or school.

Each entity within Duke Health has a Compliance Committee that is responsible for: (1) implementing, maintaining, and improving the Compliance Program and this Code; (2) making sure we uphold the standards in this Code; and (3) making sure that people can report compliance concerns without fear of retribution or retaliation.

## What if I Think A Law or Policy is Not Being Followed?

You must report it. If employees, governing board members, members of the medical staff, students, volunteers, or vendors suspect that a law, regulation, policy, or this Code is being violated:

- Contact management or your supervisor about your concern or problem.
- Voice your concern to the next supervisory level, up to and including the highest level of management if you feel uneasy talking to your supervisor.
- Contact the DUHS, PDC, or Duke University Compliance Office. See their phone numbers on the back of the Code of Conduct.
- Call the Integrity Line at **1-800-826-8109** to report any concern, including anonymously.



## The Integrity Line

Sometimes you may wish to report a compliance concern anonymously and not through the normal chain of authority. In that case, report your concern through the Integrity Line: **1-800-826-8109**.

Calls to the Integrity Line are not traced. Callers do not have to give their name; however, they may do so in order to provide additional information if needed. If callers do identify themselves, their confidentiality will be protected to the extent permitted by law.

## What Will Happen if I Report a Compliance Concern?

Duke Health Compliance Offices evaluate all reports promptly, completely, and fairly. The respective office does not act on any report until it makes sure the report is valid.

- Duke Health Compliance Offices protect the confidentiality and other rights of all personnel, including anyone who is the subject of a compliance complaint.
- Anyone who violates applicable policies, laws, regulations, or this Code may be disciplined. People may also be disciplined if they do not report a compliance violation. Disciplinary action may include being terminated or having a contract revoked.
- You may ask the respective Compliance Office how your report was investigated and what the results were. The office will provide information to the extent permissible.

**The Compliance Reporting Non-Retaliation and Non-Retribution Policy** ensures that no one is penalized for reporting what he or she honestly believes is a compliance problem. However, if someone purposely falsifies or misrepresents a report of wrongdoing, — whether to protect him or herself or to hurt someone else, — that person will not be protected under this policy.

See: [DUHS Compliance Reporting - Non-Retaliation/Non-Retribution policy](#).

## Non-Retaliation/Non-Retribution Policy

- There will not be any retaliation as a result of reporting in good faith, regardless of whether or not a violation is found to have occurred.
- Retaliation is a violation of the Compliance Program and will not be tolerated and must be reported.
- Reports of retaliation will be investigated thoroughly and quickly and can result in disciplinary action, up to and including termination of employment.

DUHS policies can be found at: [dukeuniversity.policytech.com](http://dukeuniversity.policytech.com)

Duke University Statement of Ethical Principles and Code of Conduct can be found at: [oarc.duke.edu/compliance](http://oarc.duke.edu/compliance).

## Expectations for Consultants and Vendors

Consultants, service providers, vendors, and independent contractors (“vendors”) are an integral part of Duke Health’s performance of its activities, and it is a priority of ours to ensure that vendors, along with us, participate in the Compliance Program and uphold the Code of Conduct, Duke Health policies, applicable laws and regulations, and accreditation standards when providing services to and for us. Vendors are required to participate in the Duke Health Compliance Program as demonstrated by vendors’ review and acknowledgment of the Code of Conduct. To ensure vendors’ participation, all vendor staff is required to register and complete the necessary training prior to entering one of our facilities. In accordance with the Conflict of Interest and Gifts and Courtesies policies, vendors are prohibited from providing gifts or courtesies, including entertainment, travel, food, business luncheons, mugs, pens, or any other marketing materials regardless of value. Duke Health makes available the Code of Conduct to vendors. We make relevant training and education programs available to vendors. It is required that vendors also abide by our Vendor Policy.

Information regarding the policy and other visitation requirements is available at [finance.duke.edu/procurement](https://finance.duke.edu/procurement).



# Our Responsibilities Toward Others



# Section 2: Our Responsibilities Toward Others

## DUHS Mission, Vision & Values

The culture at Duke Health is a reflection of the DUHS Mission, Vision and Values.

### **Mission**

As a world-class academic and healthcare system, Duke Health strives to transform medicine and health locally and globally through innovative scientific research, rapid translation of breakthrough discoveries, future clinical and scientific leaders, advocating and practicing evidence-based medicine to improve community health, and leading efforts to eliminate health inequalities.

### **Vision**

Duke Health seeks to transform health care, teaching, and to benefit society. We believe we can accomplish this vision by:

- Making important advances in biomedical science and fundamental research. Fostering a multidisciplinary environment in the lab and clinic that unites our efforts to prevent illness, treat disease, and care for our patients.
- Translating discoveries into clinical practice.
- Designing clinical interventions and measuring their effectiveness.
- Creating innovative approaches to health and wellness
- Addressing health disparities in our community and around the world.
- Sharing our vision and advances globally through wide-reaching programs and collaborations.
- Training the scientists, clinical professionals, administrators, and community advocates who will lead this work in the future.
- Investing in technologies, tools, infrastructure, and people—the foundations of success.

### **Values**

Core Value: Caring for our Patients, Their Loved Ones, and Each Other through:

Excellence: We strive to achieve excellence in all that we do.

Safety: We hold each other accountable to constantly improve a culture that ensures the safety and welfare of all patients, visitors and staff.

Integrity: Our decisions, actions, and behaviors are based on honesty, trust, fairness, and the highest ethical standards.

Diversity: We embrace differences among people.

Teamwork: We have to depend on each other and work well together with mutual respect to achieve common goals.



## Patient Care and Patients' Rights

We are committed to delivering high quality care and treating patients with dignity and respect. Here are some specific ways:

- We deliver safe, high-quality medical care in compliance with the requirements of state licensing boards and Duke Health credentialing standards.
- We provide non-discriminatory, compassionate care in a manner that respects personal dignity, values, and beliefs.
- We provide clinical care to our patients without regard to an individual's race, color, national origin, religion, gender, age, sexual orientation, gender identity, genetic information, veteran status or disability.
- We honor patients' rights to participate in and make decisions about their care and pain management, including the right to refuse care when permitted by law.
- We provide our patients with information about their illness, treatment, pain, alternatives, and outcomes in a manner they can understand. Interpretation services are provided when needed.
- We are committed to transparency and disclosure of unexpected outcomes and errors to ensure a safe and trusted environment where patients and families feel secure. We track, analyze and make process changes to support excellence in patient care and safety through Safety Reporting and Good Catch programs.
- We identify ourselves to our patients, giving our name and role as a health care provider (doctor, nurse, etc.).
- We advise our patients that they have the right to request a family member, friend, and/or physician be notified that they are under our care.
- We will not commit any act or omission, nor adopt any policy that inhibits our Medicare beneficiaries aligned with DCC from exercising their basic freedom of choice to obtain services from health care providers and entities.
- We ensure that our patients receive timely information about transfers to other facilities or organizations, including alternatives to transfer.
- We provide patients with after care instructions.

We provide patients the opportunity to participate in research or decline to participate in research. Patients may decline to participate at any time without compromising access to care, treatment, or services.

- We respect patients' right to private and confidential treatment, communications, and medical records in accordance with all legal requirements.
- We welcome receipt of patient concerns and complaints so they can be addressed. Sharing concerns and complaints will not compromise a patient's access to care, treatment, and services.
- We respect patients' right to receive visitors, including but not limited to, spouse, domestic partner (including same sex partner), other family members, or friends.

Additional information on patients' rights is available in DUHS Policies: [Patient's Rights and Responsibilities Policy](#), [Interfacility Inpatient Transfers Policy](#), and [Emergency Medical Treatment and Active Labor Act Policy](#).

## Interactions with Physicians and Other Health Care Providers

We strive to maintain the highest standards in accepting patient referrals and interacting with other providers. We accept referrals and admissions based upon patient's clinical needs and our ability to provide the appropriate care.

- We abide by laws that relate to patient referrals.
- We make and accept patient referrals and consultations based on medical needs.
- We do not pay anyone or offer benefits to anyone for giving or asking for a referral or consultation.
- Our relationships with physicians comply with all applicable laws.
- Any business relationship or professional services arrangement with a physician must be in writing and in accordance with DUHS policies and procedures and applicable laws and regulations.

If you have a question about relationships between DUHS, PDC, Duke University, and any referring/consulting physician, contact one of the Compliance Offices or the Office of Counsel, or review the DUHS Policies. See [DUHS Gifts and Courtesies](#) and [Compensated Physician Services Agreements](#).

## The Work Environment

We make every effort to provide all employees and others at our organization with the best possible work environment.

- We follow all federal, state, and Equal Employment Opportunity Commission laws and regulations for recruiting and retaining qualified employees.
- We adhere to the Duke University Guiding Principles and Workforce Rules.
- We strive to resolve conflict through mediation and our dispute-resolution process.
- We cooperate with the respective Compliance Offices in the investigation of any allegations.
- We maintain a harassment-free work environment and conduct ourselves appropriately, treating each other with dignity and respect. Harassment is defined as the creation of any hostile or intimidating environment in which verbal or physical conduct is severe or persistent enough to cause significant interference with a staff member's work, education, or on-site living condition. Harassment is not limited to conduct of a sexual nature. We prohibit harassment based upon an individual's race, color, national origin, religion, gender, age, sexual orientation, gender identity or expression, genetic information, veteran status, or disability.
- We make reasonable accommodations of known physical and mental limitations of otherwise qualified individuals with disabilities.
- We report to work free of impairment from drugs and alcohol.
- We follow all laws, regulations, and policies related to environmental health and safety, including fire, chemical, biological, ergonomic, radiation, and electrical safety.
- We make sure that medical waste and hazardous materials are handled, transported, and disposed properly.
- We take reasonable steps to keep our workplace safe and avoid harming co-workers, patients, visitors, and ourselves through behaviors which are conducive to a culture of safety and consistent with the DUHS value based culture.
- We report all incidents and accidents according to department policies.
- We understand our responsibilities during emergency situations, including severe weather and disasters.
- We follow practices that reduce the spread of infection, such as washing hands, wearing personal protective equipment, and following isolation procedures.
- We store all drugs, pharmaceuticals, chemicals, and radioactive materials safely and maintain proper records.

For a more comprehensive list of Duke University policies, including those relating to human resources matters (e.g. Workplace Expectations and Guidelines), go to [policies.duke.edu](https://policies.duke.edu).

We are committed to making sure that our employee hiring, screening, and disciplinary procedures and policies meet the requirements of the Compliance Program. We do not contract with, employ, or bill for services rendered by an individual or entity that is excluded from participating in federal health care programs, has been suspended or debarred from federal contracting, or has been convicted of a criminal offense related to the provision of health care.

## Controlled Substances

Various regulatory agencies govern and monitor prescription drugs, controlled substances and other medical supplies. Drugs and supplies that require a provider's order should be administered and handled by authorized staff, and in accordance with all applicable requirements of the Drug Enforcement Administration and other authorities.

## Professional Accountability Program (PACT)

Building community among our providers and staff at Duke increases job satisfaction, supports professional and personal wellness for employees, and creates a culture that is inclusive and respectful. The Professional Accountability Program (PACT) provides a framework for ensuring providers and staff consistently exhibit behaviors that support Duke Health's value-based culture. This program helps improve peer communication through the use of strategies that promote teamwork, reflect professionalism, and encourage open, honest, and timely dialogue.



## Education and Teaching

Education and teaching are part of the core mission of Duke Health. We provide and encourage continued learning for our personnel and associated health care providers. We educate future health care providers and leaders. We educate patients and their families, significant others, or caregivers about a patient's condition and care. We educate the communities we serve about health care topics of concern to them.

- When students or trainees participate in patient care, we provide the supervision needed to ensure that all aspects of patient care are appropriate.
- We provide meaningful and practical learning experiences for health care students and trainees.
- We provide training and education that support individuals' career development and advance the performance of the organization as a whole.
- We complete all training (e.g. Compliance, HIPAA, Lab Safety, and Fire & Safety) that is required for us to do our work, as well as to ensure that Duke Health is compliant with all applicable laws, regulations, and policies.
- Our compliance education program works to ensure that every employee, governing board member, member of the faculty, medical staff, student, vendor, and volunteer acknowledges this Code of Conduct and the basic principles of the Compliance Program. All of these individuals sign a statement showing that they have received a copy of this Code and agree to abide by its terms.

## Research

We follow the highest ethical standards and comply with federal and state laws and regulations, as well as with our own policies in any research, investigations, and clinical trials involving human subjects or animals. Research misconduct, including fabricating or falsifying results, is not tolerated.

We educate all personnel who serve on or would be expected to interact with the Institutional Review Boards (for human subjects) and the Institutional Animal Care and Use Committee (for animal subjects) about applicable laws, regulations, and guidelines, including those of the Office for Human Research Protections, as well as our own policies and procedures, including informed consent and research and grant proposal policies. Procedures and guidelines for research can be found at [irb.duhs.duke.edu](http://irb.duhs.duke.edu), and [medschool.duke.edu/research](http://medschool.duke.edu/research).

# Integrity in Our Actions



# Section 3: Integrity in Our Actions

## Data Integrity

Data Integrity is essential to our everyday work as it is fundamental to ensuring the quality of our clinical care and medical research. Our providers and researchers make decisions and determine results based on the data gathered, therefore the trustworthiness of information over its entire life cycle is important to the work we do. We have responsibility to ensure that data is correct, consistent, accurate and complete. We have an obligation to create controls in the documentation, storage and use of data to ensure data quality and integrity, including security controls to protect the data and ensure that data is not improperly accessed, modified or destroyed. <https://dosi.duke.edu>, <https://www.hsq.dukehealth.org/duhs-quality-office>.

## Privacy/Confidentiality

We use confidential information—information that should remain private, whether medical, staff-related, business, financial, or personal—only as needed to do our jobs. We respect and maintain the confidentiality of patients’ protected health information.

Protected health information (PHI) is any health information that could identify a particular person. The person could be living or deceased. The information could be about the past, present, or future health of a person. The information could be written on paper, displayed or stored in computers, or it could be spoken. Examples include patient charts, reports, x-rays, billing systems, nursing notes, and conversations about patients. We are committed to complying with all applicable privacy and security laws and regulations (e.g., the HIPAA and HITECH Acts and relevant state laws and regulations), including the obligation to report breaches of PHI. A breach is generally presumed when an incident of an unauthorized use, access or disclosure unless the Compliance Office performs a risk analysis that reveals a low probability that PHI has been compromised. Upon the determination of a breach, Duke has reporting responsibilities to the patient, research subject, and the Department of Health and Human Services. ALL STAFF have a duty to report any allegation of a breach, including unauthorized accesses or disclosures, to their manager and/or to their respective Compliance Office.

Consistent with the North Carolina Identity Theft Protection Act, we have procedures in place to protect the confidential nature of Social Security Numbers (SSN) without creating unjustified obstacles to the conduct of the business of Duke Health. We take the appropriate measures to protect against unauthorized access or use of personal information.

To protect the confidentiality of patient information, we strictly follow our privacy and security policies and procedures.

- We access only the information that we need to perform our work.
- We do not share information with others unless there is a legitimate need for others to know the information in order to perform their work.
- We do not access the PHI of our colleagues, friends or family members without appropriate written authorization or when it is not part of our job responsibility.
- Because so much of our information is generated and contained within our computer systems, we protect our computer systems and the information contained in them by creating a strong password, not sharing passwords, and by adhering to our information security policies and procedures.
- When sending PHI electronically, we do so securely, using encryption as required by privacy and security policies.
- We protect electronic PHI by ensuring we only use mobile devices that are properly encrypted such as encrypted laptops, thumb drives and other mobile devices.
- We only use Duke's shared network or approved secure cloud storage to store files containing PHI. For more details, go to [security.duke.edu](http://security.duke.edu)

We also take steps to maintain the confidentiality of:

- Information about personnel actions.
- Private financial, pricing, and cost information not of public record.
- Information regarding intellectual property (such as inventions) of the organization that is not intended for public disclosure and similar information of other entities that is shared with the organization on a confidential basis.
- Computer software programs.
- Service provider, vendor, or contractor information.
- We do not discuss sensitive topics involving business operations with any competitors, service providers, vendors, or other contractors without the approval of the appropriate supervisor.
- We do not obtain confidential information about competitors through improper means.
- We do not post sensitive information, including PHI or patient pictures, on personal social media pages.

We do not disclose sensitive financial or other confidential business with a competitor per Antitrust law. When we have questions or wish to report concerns regarding confidentiality, contact your respective Compliance Office using the phone numbers listed on the back of the Code of Conduct. For more details, see the [Breach of Protected Health Information-Patient Privacy Policy](#), [DUHS Confidentiality Agreement Policy](#), [Protecting the Confidentiality of Social Security Numbers](#), [DHE Electronic Communication Policy](#), and [DUHS Antitrust Policy](#).



## Privacy and Security Tips

### Protecting Spoken Information

- Knock first and ask to enter patient room.
- Close doors or curtains when talking about treatments or performing procedures.
- Speak softly in semi-private rooms.
- Ask permission before speaking about a patient's care in front of visitors.
- Don't discuss patient information in waiting rooms, the cafeteria, and other public areas.
- Direct visitors to the information desk.
- Don't leave messages about patient conditions on answering machines.
- Don't post PHI, including images, on social media

### Protecting Information on Paper

- Find the owner of "lost" papers.
- Shred information no longer needed.
- Don't leave papers unattended.
- Use a cover sheet and check the fax number when faxing confidential information.

### Protecting Information on Computers

- Keep computer screens pointed away from the public.
- Log off or secure your workstations when leaving your work area.
- Keep passwords secure.
- Report computer viruses.
- Properly encrypt handheld devices and laptops.
- Store files containing PHI only on Duke's shared network or approved secure cloud storage.
- Use encryption when sending e-mails containing PHI and other confidential information.
- Contact the Office of Research Contracts prior to transfer of PHI outside of Duke Health.

## Marketing

We use many forms of communication to provide and receive information between our co-workers, those we serve, those with whom we conduct business, and the public. Communication may occur verbally or through written documents, electronic mail (e-mail), facsimile (fax), voice mail, by computer, audio and video recordings, and marketing.

- We make sure we use all forms of communication appropriately in accordance with our policies and procedures and applicable laws and regulations.

- We release information to the media, public, and courts only through the appropriate channels in accordance with the [DUHS Use and/or Disclosure of PHI for Communications, Media Policy](#).
- We present all communication regarding our services, including marketing and advertising, in a truthful and informative manner that provides a fair representation of services and care provided.
- We will adhere to all federal and state laws, regulations and rules governing marketing and advertising. Certain marketing materials, including those related to Duke Connected Care and Experience Health, will be submitted to the relevant governmental agency, including Medicare, for approval prior to use.

## Conflict of Interest and/or Commitment

All Duke representatives have a responsibility to protect Duke’s institutional integrity and reputation. In keeping with this principle, Duke seeks to avoid real or perceived conflicts of interest in all aspects of business, patient care, research and governance.

Individuals’ varied interests, activities and backgrounds, in conjunction with the breadth of activities undertaken by Duke, naturally create “dual interests” that may affect both Duke and the individual. Full dual interest disclosure, including those of immediate family members\*, along with applying customary conflict of interest management principles, will promote transparency and impartial decisions.

Duke defines “dual financial interests” and “dual commitment interests” as follows.

- Dual financial interests exist when an individual’s primary professional obligations to Duke conflict with actual or anticipated external interests. Real or perceived conflicts arising from dual financial interests can cause stakeholders to lose faith in Duke’s research objectivity, patient care quality, educational activities, and procured goods and services.
- Dual commitment interests exist when external influences take away from an individual’s primary time and energy obligations to Duke. Individual commitment expectations will vary greatly across entities, schools, departments and divisions. External influences such as consulting and other professional service obligations are common dual commitment interests. If a dual commitment interest arises, the individual should discuss the situation with their supervisor, department leader or entity senior leader. Please see the “Policy on Dual Interest and Outside Activity for Faculty and Staff of Duke University, Duke University Health System, DUMAC, Inc. and the Related Wholly Owned Subsidiaries, Support Corporations and Controlled Affiliates” at [policies.duke.edu](http://policies.duke.edu) for more information on Duke-wide conflict of interest policy and your accountabilities. Duke’s Office of Audit, Risk and Compliance (phone 919-613-7630 email [OARC@duke.edu](mailto:OARC@duke.edu)) is also available to help with any questions.

- In our business relationships with consultants, service providers, suppliers, vendors and other contractors, we base all of our decisions on quality of services and products, competitive pricing and organizational policy – not on personal relationships or personal benefit.
- We do not offer, solicit, or accept any gifts or gratuities that may influence or appear to influence our objectivity in performing our work.
- Duke, its providers, and its contractors are prohibited from providing gifts to patients or beneficiaries as inducements for receiving services or maintaining commercial relationships.

Please note that there is a separate Duke Health Gifts and Courtesies Policy, which all employees should review. Supervisors should consult with their respective Compliance Office for questions they may have about gifts.

See the Duke University and [DUHS Conflict of Interest - Financial policies](#) and the [Duke Health Gifts and Courtesies Policy](#) and Frequently Asked Questions attached to the policies.

## Political Activity and Contributions

Employees are encouraged to vote and take part in the political process. However, the use of DUHS, PDC, or SOM/SON property or funds to support a political cause, party, or candidate for public office is prohibited.

- We do not use Duke Health assets such as telephones, copiers, and our work time to support any political activity.
- We clearly indicate that the political views we express as individuals are our own, and are not provided in connection with our employment or other relationship with Duke.

## Government Investigations

We fully comply with the law and cooperate with any appropriate request by a government agency for information. Any non-routine inquiry, civil investigative demand, subpoena, or request of another agency regarding DUHS, PDC, SOM/SON or any facility, division, or person associated with DUHS, PDC, and SOM/SON should be reported immediately to the DUHS, PDC, or Duke University Compliance Office or the administrator on call. This notification will ensure that the appropriate individuals, including the Office of Counsel, are made aware of the request and can properly respond to it, and that all patient privacy rights are maintained. See [PDC Policies](#) and [DUHS Search Warrant, Subpoena, and Civil Investigative Demand Compliance Policy](#) and [DUHS Unannounced Visits by Investigators or Auditors](#).

# Financial and Business Standards



# Section 4: Financial and Business Standards

## Documentation

We are committed to timely and accurate documentation across all functions, which include patient/caregiver interventions, services provided, and/or goals or outcomes achieved.

- We do not falsify any record, charges, contract, correspondence, or other document.
- We truthfully and accurately maintain all paper and electronic data, including medical records and financial reports, in accordance with applicable laws, regulations, and policies.
- Only authorized individuals should access medical and billing records.
- We are responsible for the accuracy of clinical documentation, including any carried forward documentation. The clinician is responsible to update any carried forward content and verify the accuracy and medical necessity of current encounter. See [DUHS Professional Services Policy - Copy and Paste/Carry Forward Functionality Policy](#).
- We maintain all medical and billing records as required by law.
- All cost reports submitted are complete, accurate and comply with federal and state laws, regulations, and guidelines.
- We will submit accurate quality and other relevant data in accordance with federal and state laws, regulations and guidelines.
- We store medical and billing records in a safe and secure place for the time required by law or policy.
- We maintain and retain documents related to the respective Compliance Program. See [DUHS Retention, Preservation and Destruction of Records](#).
- All provider orders, whether verbal or written, include patient information, requested service, diagnosis, and time frame/frequency, and are signed with date and time by the ordering provider.



## Coding and Billing

Coding is the way we identify and classify health information (such as diseases and procedures) based on the care provided as documented in a patient's medical record. Submitting these codes in the billing process is the way we identify charges for services we have provided. Our coding and billing practices strive to comply with all laws governing federal- and state-funded health care programs, and with the requirements of insurance companies. We are committed to timely, complete, and accurate coding and billing. We bill only for services that we actually provide, document, and believe to be medically necessary.

- We select billing codes that we believe in good faith accurately represent the services that we provide and that are supported by documentation in the medical record according to regulatory requirements and guidelines.
- We accurately document and report diagnoses.
- We do not routinely waive patients' deductibles or copayments or otherwise provide prohibited financial inducements to patients to select Duke as their provider.
- Our contractors who perform billing or coding services are required to have necessary skills, quality control processes, procedures and systems to ensure billing and coding are complete and accurate.
- We address and respond to billing and coding inquiries and questions.
- We make every effort to correct inaccuracies in billing in a timely manner as required by applicable laws and policies.

You should report concerns regarding the appropriateness of coding and billing practices to the appropriate supervisor, or the DUHS, PDC, or Duke University Compliance Office or the Integrity Line.

## Fraud, Waste and Abuse

To prevent Fraud, Waste and Abuse: Follow DUHS' Code of Conduct, DUHS Policies and procedures, properly document the services performed, and report concerns regarding violations timely to your supervisor or to the Compliance Office. There is no retaliation for good faith reporting of concerns.

- **Fraud:** Intentionally submitting false information in order to get money or a benefit.
- **Waste:** Overutilization of services, or other practices that, directly or indirectly, result in unnecessary costs. Waste is generally not considered to be caused by criminally negligent actions but rather the misuse of resources.
- **Abuse:** Abuse involves payment for items or services when there is not legal entitlement to that payment and the provider has not knowingly and/or intentionally misrepresented facts to obtain payment.

If an improper payment occurs, we will notify the payer promptly and promptly refund any overpayment. See [Potential Overpayment Reporting policy](#).

## False Claims Act

It is a violation of the Federal and North Carolina False Claims Act to knowingly submit or cause another person or entity to submit false claims for payment of government funds, such as filing with Medicare a claim for payment for services that were not provided. Penalties for such action(s) may be three times the amount the government paid out as damages plus civil penalties of \$5,500 to \$11,000 per false claim, and criminal cases may include imprisonment. Health care organizations also can be excluded from participation in federal health care programs. The False Claims Act contains provisions that allow employees with original information of a False Claims Act violation to sue on behalf of the government. These individuals will be protected from retaliation, e.g. harassment, demotion, and wrongful termination, as a result of the employee's lawful acts in furtherance of a false claims action.

## Financial Reporting

Our organization's financial information serves as the basis for managing our business so that we are able to serve our patients, research participants, colleagues, and others. It is also necessary for compliance with tax and financial reporting requirements.

- We maintain accounting records according to generally accepted accounting principles.
- We maintain a system of internal controls to ensure accuracy and completeness in documenting, maintaining, and reporting financial information.
- We cooperate fully with internal and external auditors and any regulatory agencies that examine our books and records.

## Safeguarding Our Assets

Our "assets" include more than facilities, property, equipment, inventory, office supplies, and funds. Our assets also include employee time, business strategies, financial data, computer software, patents, trademarks, inventions and devices, as well as intangible intellectual property and other information. Everyone is responsible for using corporate assets properly.

- We take appropriate steps to protect corporate assets against loss, theft, or misuse. We report possible loss or theft to our supervisor.
- We handle any purchase, transfer, or sale of assets in accordance with applicable policies and procedures.
- We do not use materials, equipment, or other assets for purposes not directly related to business or without prior approval from our respective supervisors, except for limited personal convenience.
- We do not photocopy or distribute material from books, periodicals, computer software, or other sources if doing so would violate copyright laws.

- We follow intellectual property laws.
- We e-mail sensitive electronic information securely according to policies and procedures including encryption of PHI when emailing to third parties (outside Duke email system), and use encryption when storing sensitive information on mobile devices.
- We store PHI on encrypted mobile or portal devices or servers, including contracted cloud services.

## Contracts

We employ the highest business standards in selecting, negotiating, and approving all contracts with third parties.

- We maintain confidentiality regarding pricing and terms of contracts.
- In contracting with vendors, insurance companies, and other contractors, we comply with all laws and regulations, including the receipt of fair market value in the payment and receipt of services and products.
- We inform consultants, service providers, vendors, and other contractors that they are expected to comply with this Code.

## Antitrust

DUHS is committed to conducting business ethically, honestly and in compliance with applicable laws and regulations, including antitrust laws. Antitrust laws are designed to promote fair competition and equal opportunity in the marketplace. These laws prohibit sharing certain information regarding Duke Health's business with a competitor (e.g., prices charged for goods and/or services or how prices are determined), refusing to deal with a supplier, allocating markets among competitors or agreeing with a competitor not to compete in hiring employees. In general, DUHS does not disclose sensitive financial or other confidential business information with a competitor, unless such disclosure has been discussed with the Duke Office of Counsel. [See DUHS Antitrust Policy.](#)

## Export Controls

The Office of Export Controls answers questions about Duke's importing or exporting of research. We have the obligation to be compliant with laws controlling the export or disclosure of both goods and technology/software. Regulated activities include shipping goods or research materials to another country, custom clearance of materials from another country, and sharing sensitive or proprietary data with foreign visitors. We comply with prohibitions against doing business with sanctioned countries or debarred entities. Imports all need to be cleared by U.S. Customs and require paperwork from the shipper and Importer of Record. When exporting or importing research materials or technology, please contact the Office of Export Controls. <https://export.duke.edu/>

## Anti-Corruption

Duke Health engages in activities around the world. As part of that activity, we must comply with the Foreign Corrupt Practices Act (FCPA) and other applicable anti-bribery, anti-corruption laws and regulations. The anti-corruption laws make it illegal to offer a bribe to any US or foreign government official to obtain or retain business or to influence an official's action. Bribes may take the form of cash, gifts, services, entertainment or anything of value. If a government official asks you for anything of value for personal benefit, you should contact the Compliance Office. You also should seek approval from the Duke University Compliance Program before providing any form of hospitality for a foreign official at Duke to determine any restrictions that may apply. Please see the Duke University Office of Export Controls website. <https://export.duke.edu/>.



# Section 5: We Want Your Feedback

It is critical that our Compliance Program is effectively communicated throughout all levels of the organization. Compliance is the responsibility of all members of Duke Health. The Compliance Program and this Code may be modified to reflect future changes in laws and regulations or to improve compliance communication. Please submit your Compliance Program suggestions to the respective Compliance Office.

## Additional Resources

The Code of Conduct provides an overall framework and guidance with regard to the Duke Health Compliance Program, Further detail is provided in additional compliance resources available to you. These include the various issue-specific [Compliance Policies and Procedures](#) cited herein, [Human Resources Policies and Procedures](#), [Duke University Policies and Procedures](#), the [Faculty Handbook](#), as well as [Duke Learning Management System trainings](#). Additional information can be obtained through communication with your supervisor, visiting the DUHS Compliance Office webpage [intranet.dh.duke.edu/compliance](http://intranet.dh.duke.edu/compliance), calling Integrity Line at **800-826-8109**, or sending an email to [compliance@dm.duke.edu](mailto:compliance@dm.duke.edu).

## Integrity in Action

You may contact the Human Resource Office at your facility regarding Human Resources issues. If you have questions about the Code, the Compliance Program, a privacy or security issue, or need additional information, contact:

DUHS Compliance Office ..... **919-668-2573**

Integrity Line..... **1-800-826-8109**

Other Contacts:

Private Diagnostic Clinic Compliance Office ..... **919-613-6459**

Duke University Office of Audit, Risk & Compliance ..... **919-613-7630**

Office of Institutional Equity ..... **919-684-8222**

Duke Office of Scientific Integrity..... **919-668-5115**

# INTEGRITY In ACTION

## Compliance Program

By signing this form, I acknowledge that I have been oriented to the Duke Health Compliance Program, have received my personal copy of the Duke Health Code of Conduct, and agree to abide by its terms, as it may be amended from time to time.

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Signature (sign above)

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Name (as it appears on social security card; please print above)

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Date

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Employer/ Entity

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Department and Supervisor

Please complete, sign, and mail  
copy of form to:  
**DUHS COMPLIANCE OFFICE**  
**DUMC 3162**  
**DURHAM, NC 27710**

Keep a copy for your supervisor. Thank you.

