



13.4 PHI Air Medical Code of Conduct

I. PURPOSE

PHI Air Medical continually strives to provide high quality emergency care and medical transportation services to our patients, and to maintain high standards of integrity in our dealings with our patients' families, as well as our own staff members and those with whom we do business. It is our philosophy that we provide all of our services in full compliance with all laws and regulations. This requires the highest standard of conduct from all of our staff members. This philosophy of total compliance is the foundation of all that we do, and consistent with that philosophy, PHI Air Medical has approved and adopted this Code of Conduct.

II. POLICY

A. STATEMENT OF COMMITMENT

PHI Air Medical has been, and continues to be, committed to conducting our activities in full compliance with all federal, state and local laws. Our reputation for quality service and excellent care has been achieved by the personal integrity, good judgment and common sense of our staff members. Staff members are expected to demonstrate appropriate ethical behavior when conducting activities with patients and their families, fellow staff members, suppliers, vendors, consultants and those with whom we do business. We commit to provide each staff member the policies, procedures and guidelines to be aware of his/her responsibility in ensuring compliance with this Code of Conduct.

B. PURPOSE OF THE COMPLIANCE PLAN

The Compliance Plan provides the approach to guide our conduct in all that we do. It is intended to provide overall guidance for us in providing EMS and medical transportation services in a legal, ethical, and appropriate manner; however, it does not supersede the more specific policies of PHI Air Medical. The Compliance Plan is a supplement to the standards of conduct as presented in general staff member policies and procedures, such as in our personnel handbook, where applicable. Each staff member and all supervisory and administrative personnel should read and understand the Code, and subscribe to its standards and procedures.

PHI Air Medical has an important relationship with Golden Hour Data Systems, Inc., which provides a number of critical services to PHI Air Medical as an independent contractor, including data management, electronic charting software management, *and* records retention services. Golden Hour Data Systems, like PHI Air Medical, is committed to complying with all applicable regulations and laws, and has its own Compliance Program and Employee Code of Conduct. PHI Air Medical strives to work cooperatively on compliance issues with Golden



Hour Data Systems. At times employees of Golden Hour Data Systems may offer support and educational programs to PHI Air Medical employees on key issues that have significant compliance implications, including medical and demographical documentation. While employees of PHI Air Medical are encouraged to work with Golden Hour Data Systems employees to the greatest extent possible in assisting them in all areas of compliance, their primary responsibility is to PHI Air Medical. Should any inconsistencies or conflicts occur with respect to the compliance policies of the respective organizations, PHI Air Medical employees should follow the policies established by PHI Air Medical, and any inconsistencies or conflicts found should be reported to the PHI Air Medical Compliance Officer immediately.

This Code of Conduct does not address every aspect of PHI Air Medical activities and the applicable legal issues they may entail. Because of changes in PHI Air Medical structure and operations or changes in regulatory requirements, the document is inherently subject to change.

Each staff member, supervisor, and manager will participate in an initial training program explaining the Code. New staff members will receive compliance training during new staff member orientation. Annually, each staff member may receive a minimum of one hour of compliance training. Upon completion of each training session or orientation, staff members are required to sign a statement of participation and attendance or if trained electronically will have an electronic tracking record of participation.

Each staff member is expected to be familiar with the applicable laws and regulations that govern the matters set forth in the Code of Conduct as it pertains to his or her duties. That familiarity should be part of every staff member's job performance and a regular part of that staff member's review.

C. STANDARD OF COMPLIANCE WITH LAWS

1. PHI Air Medical personnel, including, where applicable, managers, staff members, agents, consultants and other representatives, should conduct their activities in compliance with applicable laws, rules and regulations. If there is reasonable doubt as to the appropriateness of an activity, staff members should seek advice within the PHI Air Medical chain of command. Staff members may also contact the PHI Air Medical Compliance Officer at any time if they have questions about the appropriateness of any particular action or course of conduct.

2. Policies and procedures regarding certain laws and regulations important to the provision of health care services are a part of the Compliance Plan.



a) Patient Rights

PHI Air Medical is dedicated to protecting its patients' personal privacy and confidentiality of information consistent with PHI Air Medical's mission, applicable laws (including HIPAA, Red Flag Rules [a Red Flag is a pattern, practice or specific activity that indicates the possible existence of Identity Theft.], etc. where applicable) and quality standards.

b) Disclosure

PHI Air Medical and its agents will deal honestly and fairly with patients, community members, vendors, competitors, mutual aid companies, payors and other outside contractors. Communication and disclosure information should be clear, accurate and sufficiently complete.

Financial and operational reports should be prepared in accordance with applicable rules and regulations and prepared within PHI Air Medical's normal system of accountability.

c) Patient Billing

PHI Air Medical will deal honestly with all payors (e.g., self-pay, insurance companies, HMOs, Medicare, Medicaid, etc.). Claims submitted to Medicare and other governmental and private payors should be complete and accurately reflect the services rendered. PHI Air Medical should submit claims for services that are supported by the necessary documentation, while maintaining prompt and proper billing practices.

Billing issues should be resolved according to applicable laws, regulations, organizational policies and, where applicable, payor contracts. Questions regarding patient billing should be resolved expeditiously. If staff members are unsure of the proper response to a question or inquiry, the staff member should contact the Compliance Officer or other responsible person in the organizational chain of command.

d) Integrity of Workforce

We recognize that the personal integrity, good judgment and common sense of our staff members are responsible for our reputation of quality service. To maintain that reputation, prior to entering into a relationship with PHI Air Medical, all staff members, contractors, vendors and others will be subject to a reasonable and prudent background investigation, including a reference check.

Applicants (career and/or volunteer, as applicable) will be asked to disclose any criminal convictions, (as defined by 42 U.S.C. 1320a-7(i) and state law) or any action taken by the government to exclude the individual from participation in federal health care programs. Individuals who have been recently convicted of a criminal offense related to health care or who are listed as debarred, excluded or otherwise ineligible for participation in federal health care



programs (as defined in 42 U.S.C. 1320a-7b(f)) may not be considered for employment or a volunteer position with PHI Air Medical. Additionally, applicants may be required to divulge their driving record, particularly if their work involves the operation of PHI Air Medical vehicles.

e) Conflict of Interest

Staff members are to conduct themselves in a manner that encourages and preserves the trust of those we serve. Staff members should not have financial relationships with parties with which PHI Air Medical does business. Prompt disclosure of conflicts of interest should be made to PHI Air Medical administration. Violations should be handled in accordance with applicable PHI Air Medical disciplinary procedures.

f) Confidentiality

No member of the organization should use confidential or proprietary information for his or her own personal gain or for the benefit of another person or entity, while associated with PHI Air Medical or at any time thereafter.

Information concerning a patient is confidential. PHI Air Medical personnel should not obtain or divulge details of a patient's condition without a specific professional reason, except as required by law. Violations should be handled in accordance with PHI Air Medical disciplinary policies, and/or our HIPAA compliance plan, where applicable.

All new personnel, prior to performing any substantial duties with PHI Air Medical that involve patient interaction or information, shall undergo the mandatory privacy training as required under the HIPAA Privacy Regulations (where PHI Air Medical is a "covered entity" in accordance with HIPAA). Training shall also include the prevention and detection of identity theft, once the Red Flag Rules become effective.

g) Compliance with Federal, State and Local Laws and Regulations

PHI Air Medical will take all actions necessary to ensure compliance with all applicable federal, state and/or local laws and regulations, as well as with the public policies they represent.

h) Anti-Kickback Laws

PHI Air Medical will take all actions necessary to ensure compliance with Federal and State anti-kickback laws regarding the acceptance or payment of any remuneration for the inducement of referrals of services or the generation of other business, and shall comply with all applicable regulations regarding self-referrals and kickbacks. Staff members should not give or receive kickbacks, rebates or anything of value to a vendor, patient, physician or other health care provider in exchange for a referral for services or the generation of other business.



i) Business Arrangements With Physicians or other Referral Sources

PHI Air Medical will take all actions necessary to ensure compliance with federal and state laws regarding self-referral and business arrangements. Business arrangements with any referral sources should be set forth in a written contract and should be in accordance with applicable federal and state laws. Payments by PHI Air Medical to any referral source should be equal to the fair market value of the services rendered or items being purchased by PHI Air Medical and should not be based on the volume of transports or the value of referrals generated by the referral source.

j) Environment

PHI Air Medical strives to manage and operate in ways to ensure there is minimal risk to patients, staff members, visitors and the community environment within the confines of PHI Air Medical. Every staff member should comply with the safety, hazardous waste and other environmental care policies established by PHI Air Medical.

k) PHI Air Medical Transactions

PHI Air Medical transactions should be completed at fair market value and should not result in a direct or indirect monetary benefit to a staff member. PHI Air Medical assets should not be used for the benefit of private individuals or staff members.

l) Anti-Competitive Practices

PHI Air Medical will take all actions necessary to ensure compliance with federal, state and/or local laws and regulations that prohibit price-fixing and other anti-competitive practices. This includes compliance with all laws and regulations related to the procurement of EMS or ambulance service for a municipality or other government entity.

m) Gifts to Government Representatives

Staff members should not provide gifts or pay for meals, refreshments travel or lodging expenses for government or public agency representatives, with the intent to influence an official action or decision in an illegal, unethical or unlawful manner.

n) Government Investigation

PHI Air Medical has established prescribed procedures and guidelines to ensure an appropriate response to government inquiries. Information disclosed without proper authorization jeopardizes the rights of our patients. We also do not want to hinder in any way a legitimate government investigation. If federal or state law enforcement officials request



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information from a PHI Air Medical staff member, the staff member should direct the federal or state law official to contact the PHI Air Medical Compliance Officer. The PHI Air Medical Compliance Officer should then communicate with the staff member to ensure that the appropriate documents are provided.

Whenever there is any indication that a government investigation may be underway, under no circumstances will any records or documents that could have a bearing on that investigation be destroyed or altered in any way. Any question about disposition of documents or records should be directed to the Compliance Officer.

o) Individual Judgment

Staff members are often faced with making critical decisions based on activities in the workplace. Remember to always respect others and use good judgment and common sense. If anything within this Code of Conduct goes against your own good judgment, you are encouraged to discuss it with the Compliance Officer or other member of PHI Air Medical management.

III IMPLEMENTATION OF THE CODE

A. COMPLIANCE COMMITTEE/COMPLIANCE OFFICER

PHI Air Medical has appointed a Compliance Officer and a Compliance Committee. The Compliance Officer, and/or Committee where applicable, are responsible for working with the appropriate personnel to ensure that the Code and related policies and procedures govern the business activities of PHI Air Medical.

The Compliance Officer's responsibilities are to develop, implement and maintain the plan, oversee the staff member education, investigate issues in a confidential manner, and report periodically to the Board of Directors or other governing body of the organization.

Designation of a Compliance Officer and Compliance Committee does not lessen each staff member's responsibility to comply with the Code and related policies and procedures.

B. REPORTING OF VIOLATIONS

It is the duty of every PHI Air Medical staff member to report any known or suspected violation of law, this Code or related compliance policies and procedures in the manner specified in this Code. It is important to first attempt to resolve issues within the area of responsibility in which they arise. If the staff member knows of a violation or possible violation of law, this Code or related policies and procedures, it is the staff member's responsibility to report that information immediately to the staff member's Supervisor (if applicable) or the Compliance Officer.



Ultimately, potential violations should be brought to the attention of an appropriate Administrator or Manager within the organization. The Administrator or Manager, in turn, should report potential violations to the Compliance Officer. If the staff member is not comfortable reporting a possible violation to their Supervisor or Administrator, the staff member may report such violations to a member of the Compliance Committee or may report anonymously to the confidential “hotline” established under the compliance program. Information on making “hotline” reports shall be disseminated to all personnel. Hotline reports may be made via telephone, e-mail or in other forms established by PHI Air Medical. Reported violations are logged, assigned a tracking number and investigated by the Compliance Officer and members of the Compliance Committee as applicable.

In reporting violations to the Compliance Officer, if staff members wish to remain anonymous, they may express that preference by either using the Compliance Hotline and not disclosing identifying information, or by requesting that their confidentiality be protected. The Compliance Officer should not make an effort to identify an individual making an anonymous report, unless additional information is needed from that individual or it is subsequently determined that the person engaged in improper conduct. Reasonable efforts shall be used to comply with anonymity requests; however, there may be a point where the individual’s identity may become known in connection with the investigation or may have to be revealed, e.g., if governmental authorities become involved.

C. DISCIPLINARY ACTIONS

Failure to comply with the standards established by the Code may have severe consequences. Appropriate discipline for violations of the Code, up to and including suspension or termination, may be imposed. Personnel will be subject to disciplinary action if they authorize or participate directly or indirectly in actions that constitute a violation of the law, the Code or related policies and procedures.

D. NO RETALIATION FOR GOOD FAITH REPORTING OF VIOLATIONS

The success of any compliance policy, including this Code, depends on the prompt and accurate reporting of violations and suspected violations without fear of retaliation. PHI Air Medical’s policy, as well as both federal and state law, does not condone retaliation against a staff member for reporting, in good faith, an actual or suspected violation of the law. Reports should remain confidential except when the nature of the complaint requires disclosure and then should be disclosed only to the extent necessary or advisable to resolve the complaint.

E. MONITORING OF COMPLIANCE EFFORTS

An integral component of the Compliance Code and Compliance Plan is the continual monitoring, auditing and evaluation of PHI Air Medical’s compliance efforts. An initial audit of compliance should be conducted to determine the areas in which area-specific compliance



programs should be focused. Thereafter, audits may be authorized by the Compliance Committee or Compliance Officer in response to reports received through the compliance reporting system or through other means. In addition, overall compliance efforts should be reviewed on an annual basis.

IV. QUESTIONS REGARDING THE CODE

PHI Air Medical wants to provide timely guidance to its staff members with respect to the Code. If staff members have a question concerning the Code or related policies or feel the need to seek guidance with respect to a particular issue, staff members should consult their supervisor, administrator or manager, or the Compliance Officer.

V. ACKNOWLEDGMENT

All employees, volunteers, vendors, contractors, consultants and others with a business relationship to PHI Air Medical shall complete the following acknowledgment:



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I acknowledge that I have received the PHI Air Medical Code of Conduct, that I have read it, and that I will comply with its terms, to the extent applicable and relevant to my duties or responsibilities, throughout my employment or association with the organization. I understand that the Code represents mandatory organization policies and that violation will result in termination of my employment/membership/business relationship with PHI Air Medical.

Name (print): _____

Business/Organization Name (if vendor or consultant): _____

Signature: _____ Date: _____