

**AdvantageCare Physicians
Vendor Code of Conduct
2016**

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To assure vendor compliance with the policies of AdvantageCare Physicians, P.C. and its affiliated professional corporations (“ACPNY”), vendor representatives who work on site with ACPNY or who have access to sensitive information created or maintained by ACPNY are required to follow the ACPNY Vendor Code of Conduct and Compliance Program. Vendors furnishing goods and services to ACPNY are required to comply with ACPNY policies designed to promote ethical conduct and facilitate regulatory compliance.

ACPNY’s Compliance Program provides a framework which helps ACPNY ensure that it conducts business in an honest and ethical manner in accordance with state and federal laws, rules and regulations. The Compliance Program also establishes a mechanism to detect, correct and prevent errors that result in violations of the laws, rules and regulations applicable to ACPNY, as well as violations of ACPNY policies. Ongoing auditing and monitoring projects are completed to assess compliance with all laws, rules, regulations and ACPNY policies. Open communication of possible violations of ACPNY policies and procedures or the federal and state laws, rules and regulations governing health care is an important part of the success of ACPNY’s Compliance Program.

We have created this ACPNY Vendor Code of Conduct to communicate the minimum standards by which all ACPNY vendors are expected to conduct themselves when providing goods or services to our organization.

Gifts

ACPNY discourages vendors from providing any gifts or other items of value to our employees, physicians or contractors. The following items are never acceptable:

- Gifts given to ACPNY employees for the purpose of influencing a purchasing or contracting decision;
- Gifts that reasonably could be perceived as a bribe, payoff, deal, or any other attempt to gain a competitive advantage;
- Cash or items redeemable for cash such as checks, gift cards, stocks, etc.;
- Gifts to, or from, government representatives;
- Gifts or other incentives given for the purpose of encouraging or rewarding patient referrals;
- Gifts that may violate a law, rule or regulation.

Conflicts of Interest

Conflicts of interest, in which an ACPNY employees' relationship with a vendor conflicts, or could appear to conflict, with ACPNY’s business interests, must be avoided. We recognize there are circumstances in which a member of an ACPNY household may work for a vendor. ACPNY

requires our employees to disclose such relationships to the Compliance Department in a timely manner. We also expect our vendors to bring any actual, potential, or perceived conflicts of interest to the attention of someone at ACPNY (Director level or above) other than the person who has a relationship with the vendor.

Compliance with Laws

Vendors are required to conduct their business activities in compliance with all applicable laws, rules and regulations, including laws, rules and regulations that are applicable to individuals and entities receiving Medicare, Medicaid and other federal or state funds.

Privacy and Security

Federal and state laws require ACPNY and our vendors to maintain the privacy and security of ACPNY personal health information (“PHI”). Vendors are responsible for ensuring that all vendor personnel who provide services to ACPNY are aware of, and familiar with, the requirements of both the Health Insurance Portability and Accountability Act (“HIPAA”) Privacy and Security Rules and, where applicable, those state laws that provide more stringent protection of PHI. If the business relationship with ACPNY will require access to or usage of PHI, the vendor will be required to sign a Business Associate Agreement with ACPNY.

Fraud, Waste and Abuse (“FWA”)

ACPNY will promptly investigate any reports of alleged violations of laws, rules, regulations or ACPNY policies involving a supplier or a supplier’s personnel, including allegations of FWA involving federal or state health care programs. Vendors are expected to fully cooperate in such investigations and, where appropriate, take corrective actions in response to confirmed violations. The Federal False Claims Act and similar state laws make it a crime to present a false claim to the government for payment. These laws also protect “whistleblowers” – people who report noncompliance or fraud, or who assist in investigations - from retaliation. ACPNY policy prohibits retaliation of any kind against individuals exercising their rights under the Federal False Claims Act or similar state laws.

Vendors may use the ACPNY Compliance and Ethics Hotline to report any actual or suspected violations of this Vendor Code of Conduct, including FWA matters, or other matters, on an anonymous basis without fear of retaliation. The ACPNY Compliance and Ethics Hotline is available 24 hours a day, 365 days a year, at 1-844-7-COMPLY (1-844-726-6759). Judith Heiman is ACPNY’s Chief Compliance Officer and can be reached at 646-680-1818 or heimannj@acpny.com. Vendors may also file reports online at www.ACPNY.ethicspoint.com.

Eligibility for Participation in Government Business

Vendors must verify that their employees engaged in work for ACPNY are eligible to participate in ACPNY’s government business, and must certify that those employees have been screened against OIG’s List of Excluded Individuals/Entities (“LEIE”), the System for Award Management (“SAM”), OMIG’s List of Restricted, Terminated or Excluded Individuals or Entities (“RTEIE”), and any other applicable state healthcare exclusion lists. This must occur prior to the hiring or

contracting of any new employee, temporary employee, volunteer, consultant, and/or governing body member, and monthly thereafter, to ensure that none of these persons or entities are excluded or become excluded from participation in federal or state programs. If any vendor employee is found to be excluded from participation in government business, vendors are required to immediately notify ACPNY's Chief Compliance Officer and immediately remove the person from his/her assignment at ACPNY.

Use of ACPNY Resources

Vendors must use ACPNY's assets with care and respect, guarding against misuse, waste, abuse, loss, and theft, when authorized by ACPNY to use such assets. Any use may be further regulated in accordance with the provisions of the Vendor's contract with ACPNY. ACPNY's assets include, but are not limited to, corporate data, business strategies and plans, financial or clinical data, and other trade secrets or confidential information about ACPNY business or its employees, as well as equipment, furniture, office supplies, corporate funds, credit cards, employee time, and computer supplies and software.

Contacts with the Public

Vendors must not speak to the public or to representatives of the media about or on behalf of ACPNY without first receiving express written authorization to do so from ACPNY's President or Chief Operating Officer unless another approach is required or permitted by the Vendor's contract with ACPNY.

Employment Practices

Vendors are expected to conduct their employment practices in compliance with all applicable laws, rules and regulations. Additionally, vendors must respect ACPNY's commitment to maintaining a work environment where we treat each other with honesty, dignity, and respect. ACPNY values diversity and the cultural contributions of all employees, regardless of their position, sexual orientation, family status, age, race, sex, disability, religion, or national origin.

ACPNY respects its employees' right to work in an environment free from harassment and discrimination, and will not tolerate sexual advances, actions, comments, inappropriate physical contact, or any other conduct that is intimidating or otherwise creates an offensive or hostile work environment. Employees and agents of vendors must comply with this policy at all times.

ACPNY maintains a drug-free work place. Employees or agents of a vendor may not possess, distribute, or use illegal drugs or be under the influence of illegal drugs or alcohol at any time while on ACPNY premises or providing services on behalf of ACPNY.

Vendors are expected to act in a manner that will not disturb ACPNY business. To this end, vendors' employees or agents, if on-site at ACPNY facilities, must only engage in duties they are

specified to perform, and not in other business, or in political, charitable or other duties. Vendors must not recruit on ACPNY's premises and are responsible for maintaining satisfactory standards for employee competency, conduct, appearance and integrity. Vendors are expected to take such disciplinary action with respect to its employees or agents as may be necessary.

Vendor Code of Conduct Acknowledgment

When you enter into a contract with ACPNY, you must certify that:

- You acknowledge that you have received, read and understand the ACPNY Vendor Code of Conduct.
- You understand that the Vendor Code of Conduct has been adopted as a guide designed to alert those who do business with ACPNY to the types of conduct expected of them.
- You understand that as a vendor doing business with ACPNY, you are expected to abide by applicable provisions of the Vendor Code of Conduct and to act legally and ethically at all times.
- You understand that it is your responsibility to report questions or concerns regarding compliance with laws, rules, regulations, contract provisions, or ACPNY policies to ACPNY's Chief Compliance Officer or his/her designee.
- You understand that there will be no retaliation or intimidation for raising a compliance issue in good faith.
- You understand that any violation of the Vendor Code of Conduct may result in the termination of your contract with ACPNY.

Name of the Company: _____

Name and Title of Signatory: _____

Signature: _____ Date: _____