

**Standards of Conduct
for
Ulster County
Government
Contractors and
Vendors**

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Standards of Conduct for Ulster County Government Contractors and Vendors

Intent

The “Standards of Conduct for Ulster County Government Contractors and Vendors” applies to all Ulster County (hereinafter, the “County”) Contractors and Vendors. This document, approved by the Ulster County Executive, is a formal statement of the County’s commitment to the standards and rules of ethical conduct.

The County is committed to (1) preventing the occurrence of unethical or unlawful behavior, (2) stopping such behavior as soon as possible after discovery, and (3) taking corrective action against Contractors and Vendors who violate these Standards of Conduct, including Contractors and Vendors who fail to report a violation.

All Contractors and Vendors must (1) comply with these Standards of Conduct, (2) immediately report any alleged violations or wrongdoing, and (3) assist management and compliance personnel in investigating allegations of violations or wrongdoing.

The Standards of Conduct addressed in this document are intended to guide Contractors and Vendors in the course of their interaction with the County. Other policies, procedures and applicable federal or state laws and/or regulations may also apply. This document exists in conjunction with those policies and laws. If any conflicts seem to occur, please contact the Ulster County Compliance Officer for advice.

1. Commitment to the Delivery of High Quality Programs and Services

Ulster County provides quality programs and services

The County:

- Will operate and provide programs and services in compliance with all applicable federal, state, and local regulatory requirements.
- Is committed to providing high quality care and services in a responsible, reliable, ethical and appropriate manner.
- Is committed to the goal of excellence in service delivery to the community.
- Expects that services and decisions rendered by Contractors and Vendors will be made in accordance with customary and recognized standards of care and acceptable business practices.

Ulster County treats service/program recipients with dignity and respect

The County requires that service and program recipients be treated with dignity and respect. Contractors and Vendors must maintain the confidentiality of all recipient related information, as required by law.

Ulster County does not discriminate

The County provides programs and services to individuals in accordance with program eligibility and/or individual needs, and does not unlawfully discriminate on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, marital status, or disability. Contractors and Vendors must abide by this policy.

2. Integrity of Business Practices

Ulster County will conduct its business in an ethical manner

It is the policy of the County to observe all laws and regulations applicable to its business and to conduct business with the highest degree of integrity. To accomplish this, all Contractors and Vendors must obey the laws and regulations that govern their work and always act in the best interest of program participants, service recipients and the County.

Each Contractor and Vendor must:

- Maintain the highest levels of integrity and honesty when doing business with and providing services to the people of Ulster County.

- Ensure personal and professional conduct does not reflect adversely on the integrity of the County.
- Perform all job duties in a manner they reasonably believe to be in the best interest of the County.
- Document all transactions accurately as may be specified in applicable agreements.
- To the extent possible, comply with the County's policies and procedures, accounting rules, and internal controls.

Ulster County will not allow inappropriate entertainment or gifts

Contractors and Vendors may not make unauthorized gifts of any kind or any value – to any County personnel. Contractors and Vendors will not make or offer to make any payment or provide anything of value to another person with the understanding or intention that such payment or item of value will influence decision-making, or that such payment is to be used for an unlawful or improper purpose.

Ulster County requires Contractors and Vendors to market services in an ethical manner

The County and its Contractors and Vendors will not engage in any unethical, abusive, or illegal marketing or advertising practices in connection with the offering or provision of services.

3. Relations with government and suppliers

Ulster County deals with government officials honestly and fairly

Contractors and Vendors:

- Will be honest in all dealings with government officials.
- Will comply with all laws regarding political contributions and gifts to government officials.
- Other than payments for goods and/or services provided, will not offer, make, accept, or receive payments or anything of value that involves the provision of health care services to beneficiaries of any federal, state or local government care program, including Medicare or Medicaid.

Ulster County negotiates contracts fairly

Contractors and Vendors are expected to deal fairly with providers, contractors, people served, and competitors. Incentives, such as kickbacks and rebates, whether cash, credit, or anything of value, are prohibited.

The County must assure that agreements with Contractors and Vendors clearly and accurately describe the services to be performed or items to be purchased. Performance standards, and the applicable compensation, if any, must be reasonable in amount, not be excessive in terms of industry practice, and must equal the value of the services rendered.

The County will not make or receive payments from anyone in exchange for entering into contracts or extending favorable rates.

Contractors and Vendors will obtain supplies and equipment from suppliers who provide high quality products and services at a reasonable cost.

4. Maintenance of Records

Records: General

Contractors and Vendors must record and report all information fully, accurately, and honestly. Records include, but are not limited to records of the people served by the County, documentation of services, accounting books or records, financial statements, timesheets or records, expense reports, vouchers, bills, payroll, claims payment records, written correspondence, and any other method of communication (e.g., email, fax, etc.). Contractors and Vendors must not omit or conceal any information. If there is any doubt as to the required retention period for a document, please refer to the New York State Department of State's Records Retention and Disposition Schedule CO-2. This Schedule is available at http://www.archives.nysed.gov/a/records/mr_pub_co2_part1.shtml

No Contractor or Vendor should ever destroy or alter documents in anticipation of a request for those documents from any government agency or court. If any Contractor or Vendor believes such conduct has occurred, or may occur, the Contractor or Vendor should immediately is expected to take corrective action and make appropriate disclosures.

Requirements of government health programs and other third party payers

Contractors and Vendors are expected to comply with document retention requirements of state and/or federal government health care programs and other third party payers with regard to records relating to the provision of health care services to beneficiaries of government programs or the health care reimbursement plans of such third party payers.

All records concerning service recipients will be maintained as confidential and will be disclosed to third parties or other entities only as required or permitted by state or federal law.

Protection of Confidential Information

The County has a responsibility to assure that the confidentiality of County information, and information about the people we serve, is protected and released only with appropriate authorization and/or for lawful reasons. All Contractors and Vendors are required to comply with all privacy and confidentiality laws and regulations and policies of the County, including, but not limited to the following:

- Treat all County records and information as confidential.
- Do not release confidential information without proper authorization. Confidential information includes not only information about service recipients and their families, but also non-public information about the County that may be harmful to the County or its residents if released. Confidential information may include, but is not limited to the following: personal health information, samples, substances and other materials, conversations, correspondence, records, notes, reports, plans, drawings, specifications and other documents in draft or final form, including any documentation or data relating to the results of any investigation, testing, sampling in laboratory or other analysis, and all conclusions, interpretations, recommendations, and/or comments relating thereto.
- Protect County information and avoid discussing or disclosing County information purposefully or inadvertently (through casual conversation) to any unauthorized person inside or outside the County.
- Do not remove County information from County property without permission from a supervisor or administrator who has proper authority over the information.

Any questions concerning information security should be directed to the County's Compliance Officer.

5. Compliance with Regulatory Requirements Related to the Provision of Health Care Services

Familiarity and compliance with regulatory requirements

Certain County departments are subject to specific federal and state regulatory requirements relating to the provision of health care services. Contractors and Vendors are expected to be familiar with these requirements and with the associated penalties for failure to comply with such requirements.

Any question regarding federal and state regulatory requirements, written communications, or in-house training, should be directed to the County Compliance Officer.

Licenses, certifications, approvals, and accreditation

Contractors and Vendors must maintain all licenses, certifications, approvals, and accreditation necessary to their provision of services on behalf of the County. In addition, Contractors and Vendors must comply with all applicable requirements for participation in government health care programs, including Medicare and Medicaid and numerous private health insurance plans to which claims or requests for payment for health care services are submitted on behalf of the County.

6. Billing Compliance

General Billing Requirements

Bills must be accurate and complete

Contractors and Vendors have an obligation to ensure that all bills submitted are accurate and complete. All invoices, bills, claims, records and reports submitted should be clear and accurate and provide sufficient information and documentation to substantiate the total.

Guidelines Specific to Medical Billing

Contractors and Vendors must only bill for reasonable, necessary, and/or appropriate health care items and services rendered or provided. Invoices must substantiate the particular health care services rendered, including the medical necessity for such services, and the cost. Each patient's medical record must completely and accurately document the specific health care services rendered to the patient and the identity of the health care professional(s) providing such services.

The County must comply with specific billing requirements for government programs and third party payers. Contractors and Vendors must be familiar with the billing requirements under government programs and private insurance plans for all health care items and services provided. Any questions regarding billing requirements should be directed to the appropriate County Department Head.

7. Accounting

At a minimum, every Contractor and Vendor must:

- Ensure that assets and liabilities are accounted for in compliance with all tax and financial requirements, generally accepted accounting principles, and the established accounting and financial policies of the County. To help insure that this occurs, the County endorses the recommendations of the Government Accounting Standards Board (GASB).
- Ensure that its financial reporting system includes accurate entries that reflect all items of income and expense, all assets and liabilities, and all financial transactions.
- Be truthful in accounting practices.
- Never engage in any arrangement that will or may result in false, artificial, or misleading entries in any accounting records.

8. Employment Environment

Compliance with Employment Laws

All Personnel policies and procedures, including Personnel manuals, must comply with applicable federal and state laws.

Equal employment opportunities

It is the policy of the County to comply with all federal and state laws concerning equal employment opportunity. The County is committed to and expects its Contractors and Vendors to provide equal employment opportunities to all persons regardless of race, color, religion, sex, national origin, age, disability, sexual preference, marital status, genetic predisposition, or veteran/military status. This policy of equal opportunity is applicable to all aspects of employment including but not limited to hiring, promotion, transfer, compensation, benefits, training, layoff, recall, corrective actions, and suspensions.

Contractors and Vendors are required to make and to document their conscientious and active efforts to employ and utilize minority group members and women in their work forces, and to undertake or continue existing affirmative action programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Such affirmative action shall apply to recruitment, employment, job assignment, promotion, upgrades, demotions, transfers, layoffs, terminations and/or rates of pay or other forms of compensation.

Unlawful discrimination and harassment are prohibited

The County will not tolerate discrimination or harassment based on race, color, religion, sex, national origin, age, disability, or any other protected characteristic.

The County shall act according to the policies below with respect to incidents/reports of Workplace Violence and/or Harassment:

Ulster County Workplace Violence Prevention Policy

The Public Employer Workplace Violence Prevention Act as set forth in Section 27-b of the New York Labor Law and Code Rule 800.6 (12 NYCRR § 800.6) requires public employers to develop and implement programs to prevent and minimize workplace violence. Ulster County is committed to providing a safe workplace for all Contractors and Vendors. To ensure a safe workplace and to reduce the risk of violence, all Contractors and Vendors should review and understand all provisions of this workplace violence prevention law and the associated regulations. Ulster County does not tolerate any type of workplace violence committed by or against Contractors and Vendors. Contractors and Vendors and other parties are prohibited from making threats or engaging in violent activities.

Ulster County Policy on Harassment in the Workplace

Every person is entitled to work in an environment free from the damaging effects of unlawful harassment, including but not limited to sexual harassment. Therefore, it is the policy of Ulster County Government that unlawful harassment will not be tolerated. The County affirms its commitment to take appropriate action against individuals engaging in unlawful harassment, and against supervisory and managerial personnel who knowingly allow it to continue.

Prohibited Conduct under This Policy

Workplace harassment infringes on a Contractor's or Vendor's right to a safe and secure work environment. This policy prohibits harassment in the workplace as related to a person's race, religion, color, national origin, disability, age, sexual orientation, or any other basis prohibited by law, including sexual harassment. The County will take swift and appropriate action to address any violation of this policy. Harassment includes any unwelcome verbal, physical and visual conduct intended to demean, ridicule, degrade, offend, or intimidate another person. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Contractors and Vendors are expected to contact an appropriate supervisor or administrator if they believe that they or anyone else has been or is being harassed. The County will discipline and/or discharge those who violate this policy. Violation of this policy by a Contractor or Vendor may result in termination of contractual services.

Drugs, narcotics, and alcohol

It is County policy to maintain a workplace free from the unlawful use of controlled substances. The County prohibits the use, sale, manufacture, dispensing, or possession of illegal drugs and narcotics by Contractors and Vendors, and the writing of unauthorized prescriptions by professional staff members, whether on or off County property. It is also County policy that Contractors and Vendors must not possess, consume, or be under the influence of alcoholic beverages while providing services. Violation of this policy by a Contractor or Vendor may result in termination of contractual services.

Employment of sanctioned (excluded) individuals

The County reserves the right to reject Contractor and Vendor personnel who the County deems to be unqualified, dangerous, or in any way detrimental to the County or its endeavors. The Federal and New York State governments forbid any health care provider (e.g., Ulster County Government) from making payments to any party that has officers or employees, or that subcontracts with any individual or agent that has been barred, excluded, or otherwise prohibited from doing business with any federal, state, or local agency, municipality, or department. As a Vendor or Contractor doing business with Ulster County Government, you must immediately disclose any such debarment, exclusion, or other prohibition to the Ulster County Attorney and the Compliance Officer. Failure to disclose is grounds for contract termination.

In addition, the County will not do business with any Vendor or Contractor who employs individuals who provide services on behalf of the County, if said individual(s):

- Has been convicted of a criminal offense related to health care.
- Is listed on the New York State Central Registry as having been found guilty of child abuse or maltreatment.
- Is listed by a New York State or federal agency as debarred, excluded, or otherwise ineligible to participate in federally funded health care programs.
- Is listed on the New York State Nurse Aide Registry as having been found guilty of patient abuse, neglect, or misappropriation of patients' /residents' property.

Qualifications of health care professionals

Contractors and Vendors, through their credentialing processes, shall make appropriate efforts to verify that all physicians, nurses, and other health care professionals who provide health care services on behalf of the County are appropriately licensed and/or certified under New York State law to provide such services. Contractors and Vendors must be able to provide proper applicable documentation to the County, upon request.

All physicians, nurses, and other health care professionals must satisfy the applicable requirements for providing services to beneficiaries of government health care programs, including Medicare and Medicaid.

Contractors and Vendors must verify the credentials of all professionals on a regular basis to ensure that those who provide services on behalf of the vendor have not lost or allowed their credentials to lapse, leaving them unqualified to provide professional services.

9. Government Investigations

It is the policy of the County to comply with all applicable laws, and with all lawful and reasonable requests made in a government investigation. The County expects Contractors and Vendors to provide truthful responses to government inquiries and to cooperate fully with such investigations.

10. Reporting of Compliance Issues

How to report concerns regarding compliance issues

If a Contractor or Vendor has concerns regarding any ethical or compliance issue, including any aspect of this document, “Standards of Conduct for Ulster County Government Contractors and Vendors,” County policies, and/or procedures described in this document, he/she should immediately contact:

- The Head of the County Department to which the service is being provided (if applicable); or,
- The Ulster County Attorney; or
- The Ulster County Purchasing Director; or,
- The County Compliance Officer (Office of the Ulster County Executive); or,
- The Ulster County Government Compliance Hotline (**1-877-569-8777**; or see the Ulster County Government website).

Compliance Hotline

In order to provide Contractors and Vendors with every avenue possible through which to raise concerns, the County has established a **Compliance Hotline (1-877-569-8777)**. This Hotline phone number is serviced by a third party on behalf of the County, and is operational twenty-four hours per day, seven days per week.

When to Report Compliance Concerns

Contractors and Vendors are obligated to inform the Ulster County Government when they suspect or know of violations of or wrongdoing related to any of the following:

- Any/all applicable legal requirements;
- These Standards of Conduct;
- Any Contractor or Vendor who acquires information that gives him/her a reason to believe that another contractor, vendor, business partner or County employee is engaged in or plans to engage in prohibited conduct;
- Any information indicating that any other person or entity associated with the County plans to violate the Standards of Conduct or any other County or programmatic policy and/or procedure;
- Anyone who is influenced, instructed, directed, or requested to engage in prohibited conduct;
- Any other issues that Contractors or Vendors believe involve questionable activity;
- Other compliance policies and procedures that may be developed by the County.

Said information should be reported by the Contractor or Vendor to the head of the department of County Government the service is being provided to or on behalf of (if applicable); the Ulster County Purchasing Officer; the Ulster County Compliance Officer; or the Ulster County Government Compliance Hotline.

Confidentiality of Hotline

All calls received on the Compliance Hotline will be treated as confidentially as possible. The County will not permit any retaliation against any Contractor or Vendor for such reporting. Abuse of the Hotline, however, will not be tolerated.

Contractors and Vendors reporting compliance issues may be protected under various provisions of State and Federal law. For a listing of some of these applicable laws, please refer to the Federal False Claims Act (<http://www.taf.org/resource/fca/federal-law>)