



# ADMINISTRATIVE/FISCAL/CLINICAL/PHF POLICY AND PROCEDURES

COUNTY OF SANTA BARBARA  
ALCOHOL, DRUG AND MENTAL HEALTH SERVICES

<b>Section -</b> QUALITY ASSURANCE	<b>Effective:</b> 7/1/08
<b>Policy -</b> #37 CODE OF CONDUCT	<b>Revised:</b> 12/1/2009
<b>Director's Approval</b> <u><i>Ann DeHock</i></u>	<b>Date</b> <u>12/1/09</u>
<b>Deputy Director's Approval</b> <u><i>Wendy Gray</i></u>	<b>Date</b> <u>12/1/09</u>
<b>Form Ref.</b> -	<b>Reviewed:</b>

## POLICY:

It is the policy of the Santa Barbara County Department of Alcohol, Drugs, and Mental Health Services that all department employees and contractors conduct themselves in a manner which is ethical, professional, responsible, and productive. Such conduct is an essential component of sensitive, consumer-directed, high-quality services.

## PROCEDURE:

1. The attached Code of Conduct will be provided to each employee of the Department. Organizational providers are responsible for adopting and enforcing a Code of Conduct for their employees.
2. At the time of hire or contract finalization, and prior to issuance of a Department identification number, employees and individual contractors of ADMHS will be required to sign the statement at the end of the Code of Conduct affirming receipt and understanding.
3. Existing employees will be required to sign the affirmation annually at the time employees complete the mandatory annual training on the Code of Conduct and Compliance Plan. Signed affirmations will be forwarded to the Quality Assurance program, which will maintain records of the affirmations. The affirmations for Department employees will then be forwarded to Human Resources for inclusion in employee files.
4. Should an employee express concerns over any portion of the Code of Conduct, this shall be a subject for discussion between the employee and his or her manager. If, after that discussion, the staff member continues to have concerns, he/she may submit a Memorandum for the record noting all aspects of the discussion, and a copy will be filed as an addendum to the signed affirmation. Such memoranda shall not exempt any employee of the Department or a contracted provider from adherence to the Code of Conduct.
5. A list of all employees and contractors who have attended the annual training will be forwarded by the Quality Assurance Manager to the Compliance Officer and placed on the Compliance Committee agenda for further action.
6. Violation of the Code of Conduct may result in disciplinary action up to and including termination of employment.

**ALCOHOL, DRUG & MENTAL HEALTH SERVICES  
COUNTY OF SANTA BARBARA**

**CODE  
OF  
CONDUCT**



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## **ADMHS Mission and Core Values**

### **Mission Statement**

The mission of ADMHS is to promote the prevention of and recovery from addiction and mental illness among individuals, families, and communities by providing effective leadership and delivering state-of-the-art, culturally competent services.

### **Core Values**

ADMHS decisions and service delivery reflect the following core values:

1. Quality services for persons of all ages with addiction and/or mental illness
2. Integrity in individual and organization actions
3. Dignity, respect, and compassion for all persons
4. Active involvement of clients and families in treatment, recovery, and policy development.
5. Diversity throughout our organization and cultural competence in service delivery
6. A Recovery oriented Model of Care
7. Emphasis on prevention and treatment
8. Integrated fiscal and clinical strategy to deliver care in partnership with Community-based Organizations
9. Parity across regions of the County
10. Teamwork among ADMHS employees in an atmosphere that is creative and optimistic
11. Collaboration with county partners and other community agencies
12. Continuous learning and improvement in service delivery and administration
13. Wellness modeled for our clients at all levels, i.e., staff who regularly arrive at the workplace healthy, energetic and resilient
14. Safety for everyone to include trainings, promotion of safety practices, and well-maintained facilities

## **Introduction to Code of Conduct**

Each employee, contractor, and volunteer, acting on behalf of ADMHS, is expected to act in an ethical and lawful manner, to follow the Code of Conduct, and to read, understand, and follow applicable County and Departmental policies.

The Department has designed and implemented a Compliance Program to strengthen the awareness of compliance issues to all employees, and to prevent, detect, and respond to compliance violations. Adhering to licensure requirements, Federal, State, local laws and regulations are viable to the success of our mission. This Code of Conduct is intended to express our core values related to:

1. Quality of Care and Services
2. Adhering to Laws and Regulations
3. Conflict of Interest
4. Records Maintenance
5. Workplace Conduct
6. Workplace Relationships
7. Protecting County Assets

Violations of Federal and/or State healthcare regulations carry serious consequences to both the organization and to the individual. In addition to criminal penalties, violations can result in being excluded from Federal healthcare program participation.

You are encouraged to ask questions if you are not sure about how things should be done. Review the Code of Conduct, the policies and procedures, and discuss any questions you have with your supervisor, manager, or other supervisory/management staff. Employees may also contact the Chief of Compliance at 805.681.5220. This Code of Conduct and the related policies will be reviewed and updated annually or as circumstances warrant. Your input and support is welcome. Our success is shared by everyone's commitment to adhering to these standards.

## **Responsibility of Public Service**

### **Agents of the Public**

Public officials and employees are agents of the public and serve for the benefit of the public. We shall uphold the Constitution of the United States, the Constitution of the State, the ACE values of the County, and the rules, regulations and policies of the County, as well as those of the Federal and State governments. Moreover, we shall discharge our duties faithfully and impartially, recognizing that the public interest is paramount. Public officials and employees must demonstrate the highest standard of ethics consistent with the requirements of our position and consistent with the law.

## **Leadership Responsibilities**

While all ADMHS employees are obligated to follow our Code, our leaders are expected to set the example, to be in every respect a model. Each supervisor is expected to create an environment that encourages staff to bring forth concerns as they arise and to propose new ideas.

Our leaders must ensure that those they supervise have sufficient information to comply with laws, regulations, and policies, as well as the resources and guidance necessary to resolve ethical dilemmas. Leadership must help to create a culture within ADMHS which promotes the highest standards of ethics and compliance.

## **Client Care and Rights**

Part of our mission is to provide high quality, cost-effective behavioral healthcare to all of our clients, to the extent resources are available. We treat all clients with warmth, respect, and dignity and provide care that is necessary, appropriate, and culturally competent. We make no distinction in the availability of services; the admission, transfer or discharge of clients; or in the care we provide based on age, gender, disability, race, color, religion, or national origin.

ADMHS seeks to involve clients in all aspects of their care, including giving consent for treatment and making healthcare decisions. As applicable, each client or client representative is provided with a clear explanation of care including, but not limited to, diagnosis, treatment plan, right to refuse or accept care, explanation of the risks, benefits, and alternatives associated with available and recommended service options.

Clients have the right to request transfers to other services and/or providers. In the promotion and protection of each client's rights, each client and his or her representatives are accorded appropriate confidentiality, privacy, security and protective services, as well as opportunity for resolution of complaints.

Clients are treated in a manner that preserves their dignity, autonomy, self-esteem, civil rights, and involvement in the planning and delivery of services. ADMHS services maintain processes to support client rights in a collaborative manner. These processes involve the managers, supervisors, staff and those who provide direct services. Based on policies and procedures, these processes are the framework for addressing client care and organizational ethics. Our structures include informing each client or, when appropriate, the client's representative, of the client's rights for input on providing, changing or discontinuing care.

Clients and, when appropriate, their families are informed about the outcomes of care, including unanticipated outcomes. Additionally, clients are involved, to the full extent possible, in resolving dilemmas about care decisions. Additionally, programs maintain processes for prompt resolution of client grievances, which include informing clients of the grievance process and informing clients regarding the grievance resolution.

## **Client Information**

To provide quality care, ADMHS collects information about the client's current behavioral health condition, and service records to verify personal history. ADMHS realizes the sensitive nature of this information and is committed to maintaining client confidentiality to the full extent of the individual's rights and applicable laws and regulations. Consistent with HIPAA, employees must not use, disclose or discuss client-specific information with others unless it is necessary to serve the client or required by law.

ADMHS employees must never use or disclose confidential information that violates the privacy rights of our clients. In accordance with our appropriate access and privacy policies and procedures, which reflect HIPAA requirements, no ADMHS employee, affiliated physician, or other healthcare partner has a right to any client information other than that necessary to perform his or her job.

Subject only to emergency exceptions, clients can expect their privacy to be protected. Client-specific information will be released only to persons authorized by law or by the client's written authorization.

## **Legal and Regulatory Compliance**

ADMHS provides behavioral health services in many locations across Santa Barbara County. These services are provided pursuant to appropriate Federal, State, and local laws and regulations, and the conditions of participation for Federal healthcare programs. Such laws, regulations, and conditions of participation may include, but are not limited to, subjects such as certificates of need, licenses, permits, accreditation, access to treatment, consent to treatment, medical record-keeping, access to medical records, confidentiality, clients' rights, and Medicare and Medi-Cal program requirements. ADMHS is subject to numerous other laws in addition to these healthcare laws, regulations, and the conditions of participation.

ADMHS has developed policies and procedures to address many legal and regulatory requirements, including the prevention of healthcare fraud and false claims. The ADMHS Compliance Program outlines the Department's commitment and procedures for this area. However, it is impractical to develop policies and procedures that encompass the full body of all applicable laws and regulations. In addition, there is a range of expertise within the organization, including County Counsel and numerous functional experts, who should be consulted for advice concerning human resources, legal, regulatory, and the conditions of participation requirements.

Anyone aware of violations or suspected violations of laws, regulations, the conditions of participation, or ADMHS policies and procedures must report them immediately to a supervisor or member of management, the Human Resources, the ADMHS Chief of Compliance, or the Compliance Hotline 805.884.6855.

## **Adhering to Laws and Regulations**

**ADMHS follows all laws and regulations and conducts business in an ethical and honest manner. The Code of Conduct does not require you, as an ADMHS employee, to be a legal expert; however, you are expected to be familiar with the laws that apply to your specific job, licensure where appropriate and level of responsibility.**

### **ADMHS employees must:**

- Comply with all applicable laws, rules, regulations, standards, and other requirements of Federal, State and County governments. Comply with all requirements of Federal healthcare program statutes, regulations, and guidelines.**
- Not engage in any illegal activity or behavior that violates regulations and standards.**
- Take reasonable precaution to ensure that billing and/or coding of claims are prepared and submitted accurately, timely, and are consistent with Federal, State and local laws and regulations and ADMHS policies and procedures and/or agreements.**
- Bill only for eligible services actually rendered and fully documented.**
- Ensure that no false, fraudulent, inaccurate, or fictitious claims for payment or reimbursement of any kind are submitted. Federal and State false claims laws protect government programs from fraud and abuse. False claims laws also protect employees who cooperate in reporting, investigating and identifying false claims from retaliation.**
- Act promptly to investigate and correct problems if errors in claims or billings are discovered.**
- Voluntarily disclose to third party law enforcement or regulatory agencies violations of law, regulations or standards where appropriate and legally required.**
- Not intimidate, threaten, coerce, discriminate against, nor take other retaliatory action against any patient, constituent, client or employee who exercises the right to file a complaint or who participates in an investigation or proceeding relative to a complaint.**
- Not reveal medical, clinical, or business information unless such release is supported by a legitimate clinical or business purpose, patient/client request, or court or agency order and is in compliance with applicable laws, rules, regulations, as well as our policies and procedures.**
- Exercise care to ensure that confidential and proprietary information is always maintained and managed to protect its privacy and value.**
- Dispose of medical and hazardous wastes properly and lawfully.**

## **Coding and Billing for Services**

ADMHS has implemented procedures and systems to facilitate billing to government payers, commercial insurance payers, and clients. These procedures and systems conform to pertinent Federal and State laws and regulations.

In support of accurate billing, medical records must provide reliable documentation of services rendered. It is important that all individuals who contribute to medical records provide accurate information and do not destroy any information considered part of the official medical record. Accurate and timely documentation depends on the diligence and attention of employees who serve clients in our programs. ADMHS expects our staff to provide complete and accurate information in a timely manner.

Any subcontractors engaged to perform services are expected to have the necessary skills, quality control processes, systems, and appropriate procedures to ensure all billings for services are timely and complete. ADMHS expects such entities to have their own ethics and Compliance Programs and code of ethics or may adopt ADMHS' code as their own.

For billing questions subcontractor employees may contact their supervisor, the Fiscal Division, the Chief of Compliance, or Compliance Hotline 805.884.6855.

## **Deficit Reduction Act**

In order to comply with Section 6032 of the Deficit Reduction Act of 2005 and with the Federal False Claims Act, ADMHS has established a Compliance Plan, as well as policies for all employees, detailing our commitment to detect and prevent waste, fraud, or abuse in Federal, State, and local health care programs.

It is the policy of ADMHS to submit only valid claims for services performed in an efficient, effective, and professional manner. All ADMHS employees, contractors and other workforce members have a duty to participate in efforts to prevent waste, fraud, and abuse, and ensure that public resources are used ethically, prudently, and for legally designated purposes.

## **The Federal False Claims Act**

prohibits any person from submitting a false claim for payment or approval from the Federal government. False claims can include overcharges, underpayments, providing inappropriate or unnecessary medical procedures in order to increase reimbursement, upcoding, unbundling services to increase revenue, or charging for one service when providing another. Under the False Claims Act, those who knowingly submit, or cause another person or entity to submit, false claims for payment of government funds are liable for three times the government's damages, plus civil penalties of \$5,000 to

\$11,000 per false claim. In a civil lawsuit, the government does not have to prove intent to defraud for financial gain, only that the claims submitted were not valid.

Criminal lawsuits for willful misrepresentation can take many forms, including deliberately falsifying documentation for payment, deliberately covering up or hiding information about a false claim, lying to an investigator, or obstructing an ongoing investigation related to false claims action. If a person is found guilty, there are both financial penalties and possible imprisonment of up to five years.

Any person who becomes aware of an entity filing false claims with the government may bring an action in court under this law for up to six years after

the false claim. That person becomes known as a “*qui tam*” or “whistleblower.” Employers cannot retaliate or punish an employee who initiates a *qui tam* lawsuit.

ADMHS employees are required to report any suspected inappropriate activity to their immediate supervisor or the Chief of Compliance at 805.681.4092 or the Compliance Hotline 805.884.6855.

#### Federal Definitions of Abuse and Fraud:

**Abuse** means provider practices that are inconsistent with sound fiscal, business or medical/clinical practices, and result in an unnecessary cost to the Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Medicaid program.

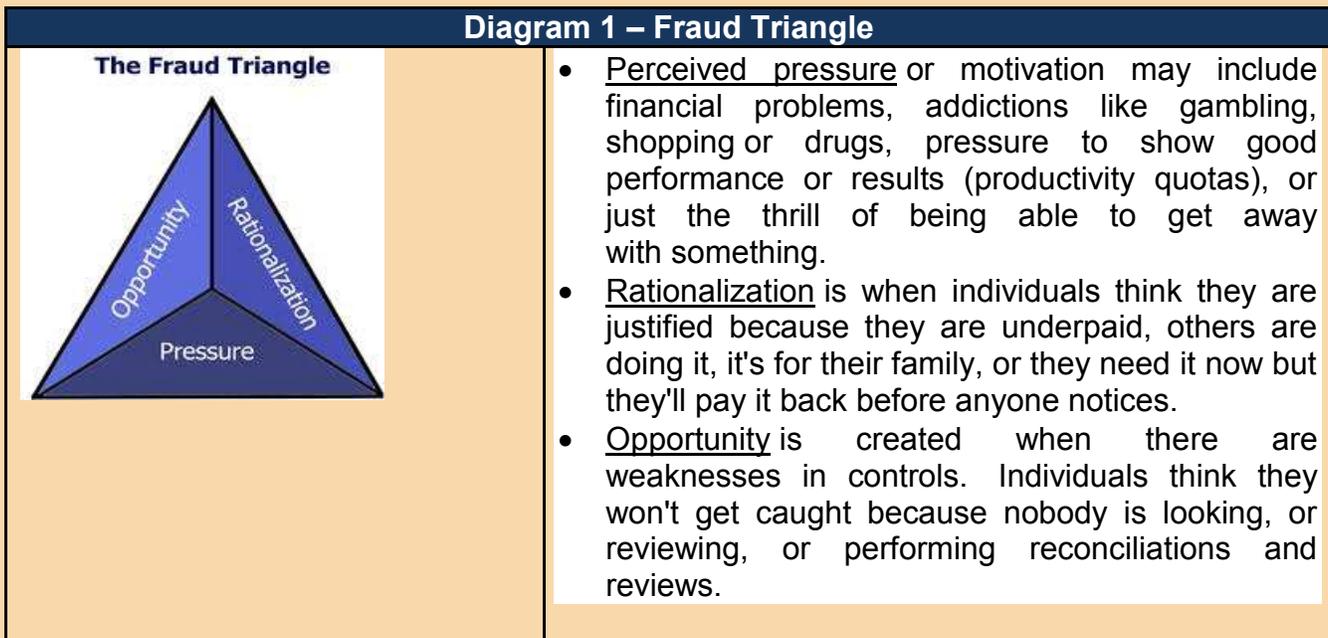
**Fraud** means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable Federal or State law.

## Examples of Fraud and Abuse:

**Abuse** Abuse usually occurs as a result of poor and/or inefficient utilization of resources. Examples are the overutilization of services (such as the provision of too many services and insufficient proof that they are having a positive impact or that the services are the reason for improvements; billing for excessive documentation and travel time; and claims for services that are not medically necessary to the extent provided).

**Fraud** is intentional and examples are “knowingly” billing for services that were not provided, misrepresenting the services provided/billing for a costlier service (upcoding), billing for more time than it took to provide the service, misrepresenting the diagnosis to justify the service, etc. Continuation of abuse or repeated unnecessary care problems could be deemed fraud.

**Diagram 1 – Fraud Triangle**



## **Antitrust**

Antitrust laws are designed to create a level playing field in the marketplace and to promote fair competition. These laws could be violated by discussing ADMHS business with a competitor, such as disclosing the terms of supplier relationships, or agreeing with a competitor to refuse to deal with a supplier. Our competitors are other health systems and facilities in markets where we operate.

ADMHS must manage our subcontractor and supplier relationships in a fair and reasonable manner, free from conflicts of interest and consistent with all applicable laws and good business practices. ADMHS promotes competitive procurement to the maximum extent practicable. Our selection of subcontractors, suppliers, and vendors will be made on the basis of objective criteria including quality, technical excellence, price, and delivery, adherence to schedules, service, and maintenance of adequate sources of supply.

Our purchasing decisions will be made on the supplier's ability to meet our needs, and not on personal relationships and friendships. ADMHS employs the highest ethical standards in business practices in supplies selection, negotiation, determination of contract awards, and the administration of all purchasing activities.

## **Stark Regulations**

To comply with Federal Stark regulations, ADMHS prohibits physician referrals considered a designated health service (i.e. laboratory) to an entity in which they hold financial interest. Financial interest also includes physician's family members. This regulation applies to physicians only. Any questions regarding the parameters of the Stark law may be directed to the Chief of Compliance or Compliance Hotline 805.884.6855.

## **Health Insurance Portability and Accountability Act (HIPAA)**

"HIPAA" is an acronym for the Health Insurance Portability & Accountability Act of 1996 (August 21), Public Law 104-191, which amended the Internal Revenue Service Code of 1986. Also known as the Kennedy-Kassebaum Act, the Act includes a section, Title II, entitled Administrative Simplification, requiring:

1. Improved efficiency in healthcare delivery by standardizing electronic data interchange, and
2. Protection of confidentiality and security of health data through setting and enforcing standards.

More specifically, HIPAA called upon the Department of Health and Human Services (HHS) to publish new rules to ensure:

1. Standardization of electronic patient health, administrative and financial data
2. Unique health identifiers for individuals, employers, health plans and health care providers
3. Security standards protecting the confidentiality and integrity of "individually identifiable health information," past, present or future.

HIPAA is designed to standardize the way all healthcare organizations electronically exchange client data and to protect clients from unauthorized disclosure of their medical records. HIPAA regulations require healthcare organizations to formalize a plan that complies with auditability, security, privacy, and transaction exchange standards.

ADMHS has implemented policy and procedures for electronic data and the protection of health information of our clients. Training has occurred with all employees and continuing education will occur as new guidelines come from the Federal government.

## **Business and Financial Information**

### **Accuracy, Retention, and Disposal of Documents and Records**

Each ADMHS employee is responsible for the completeness and accuracy of the organization's documents and records, not only to comply with legal and regulatory reporting and disclosure requirements but also to document compliance with our business standards and guidelines. No one may alter or falsify information on any record or document. No one may destroy a record in an effort to deny governmental authorities that which may be relevant to a government investigation.

"Medical and business documents and records" must be retained in accordance with the law and with ADMHS' record retention policy, which includes comprehensive retention schedules. "Medical and business documents and records" include paper documents such as letters and memos, computer-based information such as e-mail or computer files on disk or tape, and all other media that contain information about ADMHS, its clients or business activities.

## **Confidential Information**

ADMHS employees may use “confidential information” only to perform their job responsibilities and shall not share such information with others unless the individuals and/or entities have a legitimate need to know the information in order to perform their specific job duties or to carry out a contractual business relationship, provided disclosure is not prohibited by law or regulation.

“Confidential information” includes but is not limited to payroll, personnel files, and information on disciplinary matters.

If an individual’s employment or contractual relationship with ADMHS ends for any reason, the individual is still bound to maintain the confidentiality of information viewed, received, or used during the employment or contractual business relationship with ADMHS. This provision does not restrict the right of an employee to disclose, if he or she wishes, information about his or her own compensation, benefits, or terms and conditions of employment. Copies of confidential information in an employee’s or contractor’s possession shall be left with ADMHS at the end of the employment or contractual relationship.

## **Electronic Media and Security Requirements**

Each ADMHS employee must protect our computer systems and the information contained in them by not sharing passwords and by reviewing and adhering to our information security policies and guidance.

All communications systems, including but not limited to computers, electronic mail, Intranet, Internet access, telephones, and voice mail, are the property of the County and are to be used for business purposes in accordance with the following electronic communications policies and standards:

No user should assume these electronic communications are private, nor expect privacy in anything they create, store, send, or receive on the computer systems. The Department reserves the right to monitor and/or access the use and content of communications.

Employees may not use internal communication channels or access to the Internet at work to post, store, transmit, download, or distribute any threatening materials; knowingly, recklessly, or maliciously false materials; obscene materials; or anything constituting or encouraging a criminal offense, giving rise to civil liability, or otherwise violating any laws. Also, these channels of communication may not be used to send chain letters, personal broadcast messages, or copyrighted documents that are not authorized for reproduction.

Employees who abuse our communications systems or use them excessively for non-business purposes may lose these privileges and be subject to disciplinary action.

Employees shall comply with ADMHS' security policies governing use of information systems. Passwords shall never be shared or disclosed. Employees shall not use tools or techniques to break or exploit ADMHS information security measures, or those used by other companies or individuals. ADMHS information systems shall not be used to access inappropriate or prohibited websites.

### **Workplace Conduct and Employment Practices**

**Ethics** are relevant to all aspects of service delivery. ADMHS clients and the public depend upon the decisions we make and the actions we take each day. Our values define how we will evaluate our decisions and actions and how we will conduct our operations. As ADMHS employees, working in a demanding, ever-changing service environment, the Department recognizes that all employees encounter ethical challenges in their work. All the activities of our Department's employees rest on the foundation of integrity, innovation, and commitment. Together we must move our Department forward, one good decision at a time. A workplace culture of trust, openness, and strong values is vital. Each of us shares a personal responsibility to protect, preserve and enhance their workplace culture.

### **Fair Treatment of Employees**

ADMHS employees provide a wide complement of talents, which contribute greatly to our ability to carry out our mission and preserve the public trust. ADMHS is committed to providing an equal opportunity work environment where everyone is treated with fairness, dignity, and respect. ADMHS complies with all laws, regulations, MOU's, and policies related to non-discrimination in all of our personnel actions. Such actions include hiring, staff reductions, transfers, terminations, evaluations, recruiting, compensation, corrective action, discipline, and promotions.

No one shall discriminate against any individual with regard to race, color, religion, sex, national origin, age, disability, or sexual orientation. ADMHS makes reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities.

## **Protect Assets**

ADMHS protects the County's property and assets. As employees, we:

- Are responsible and accountable for the proper expenditure of County funds and for the proper use of County assets and property which include time, material, supplies and information. We recognize that the County's assets and property are to be used for business-related purposes only.

Have a duty to participate in efforts to prevent fraud, waste, and abuse and ensure that public resources are used ethically, prudently and for legally designated purposes.

- Obtain appropriate authorization prior to accessing restricted or secure work areas.
- Dispose of surplus, obsolete, or inoperable property in accordance with the County's procedures. We acknowledge that unauthorized disposal, including scrapping, selling or transferring of property without appropriate approval, is a misuse of assets.
- Safely store, secure, document, transport, relocate the inventory controlled and fixed assets and report missing assets promptly to the assigned asset control officer in accordance with County policy.
- Use computer systems, networks, and software consistent with ADMHS license(s) and/or rights, and store equipment, data files and software in a secure manner in accordance with County policies and procedures.
- Report any observed misuse of ADMHS property or funds to an appropriate supervisor or manager, Human Resources, the Chief of Compliance, or the confidential Compliance Hotline 805.884.6855.

## **Individual Conduct**

Our greatest strength lies in the talent of our staff who foster our success and reputation. We treat our colleagues with respect, dignity, and courtesy.

We must:

- Maintain a working environment free from all forms of harassment or intimidation, sexual or otherwise, showing respect and consideration for each other. Discriminatory treatment, abuse, violence or intimidation is not tolerated.
- Provide equal employment and advancement opportunities to all applicants and employees pursuant to ADMHS and County policies.
- Conform to the codes of ethics and standards of our respective professions and exercise sound judgment in the performance of duties.

- Comply with work and safety policies in accordance with County and ADMHS policies and procedures, including but not limited to the County of Santa Barbara drug and alcohol policy prohibiting the use of alcohol or drugs in the workplace.
- Not bring dangerous weapons to the workplace, out to the work location or onto any County operated worksite, including parking lots. A dangerous weapon is a firearm or any other instrument capable of causing bodily harm when used in a manner and under circumstances that manifest intent to harm, or to intimidate another person, or that would cause a reasonable person to have concern for their safety or the safety of another.
- Respect the privacy of our patients, constituents, clients, and colleagues recognizing that we have access to the information of others on a “need to know” basis only.
- Refrain from discussing sensitive or confidential information in any public area, including elevators, hallways, restrooms, lobbies or break rooms.
- Use work hours to perform County duties and assignments in a productive and professional manner.

## **Work Relationships**

ADMHS is committed to establishing and maintaining ethical and supportive work relationships. As employees, we:

- ✓ Seek positive and cooperative relationships within ADMHS, as well as other County agencies/departments, government programs, vendors, contractors, community groups, and industry to enhance services and resources available to the public.
- ✓ Practice integrity in our dealings with customers, vendors, payors, other employees or agents, and the community.
- ✓ Report any observed non-compliance with ADMHS policies and procedures, laws or regulations to an appropriate supervisor or manager, Human Resources, the Office of Compliance, or the confidential Compliance Hotline.
- ✓ Disclose to the supervisor or manager involvement in any relationships that compromise objectivity, accountability, or judgment, or give the appearance thereof.
- ✓ Maintain a work culture that promotes the prevention, detection, and correction of instances of conduct that do not conform to ethical standards and our Code of Conduct.
- ✓ Ensure that no employee is required to compromise appropriate professional integrity, standards, judgment or objectivity in the performance of his or her duties.

- ✓ Ensure that all reports or other information provided to any internal or external entities including Federal, State, or local government agencies are accurate and submitted in a timely manner.
- ✓ Perform duties in a way that promotes the public trust and encourages participation and access to County programs and resources.

### **Dual/Personal Relationships with Clients**

The Department prohibits staff from engaging in dual relationships with clients. Dual Relationships occur when provider staff exceeds professional boundaries with clients allowing a personal connection with a client to develop outside of the scope of providing services. For example, providing services to a client and/or engaging in socialization activities that are beyond the therapeutic/case management relationship.

Provider staff has an influential position with clients and it is expected that provider staff establish and maintain appropriate professional boundaries with clients in order to avoid the exploitation of a client's trust and dependency. Further, failing to set appropriate boundaries with clients may impair the professional judgment of provider staff.

Staff is advised that engaging in the following activities with clients, clients' relatives, or other individuals with whom clients maintain a close personal relationship are considered "boundary" issues and may result in disciplinary action up to and including termination:

- Accepting gifts (regardless of value),
- Accepting favors,
- Renting rooms to/from clients,
- Hiring a client to work for you personally,
- Discussing personal issues not related directly to a client's recovery, and
- Purchasing gifts for clients that are beyond the therapeutic/case management relationship and that are not approved by a supervisor.

Staff is expected to report and discuss any and all concerns/questions or potential issues regarding professional boundaries or client interactions with their supervisor immediately.

### **Sexual Relationships**

Under no circumstance will ADMHS Workforce members engage in any sexual activities or sexual contact with current clients, clients' relatives, or other individuals with whom clients maintain a close personal relationship. Providers assume the full burden of setting clear, appropriate, and culturally sensitive boundaries.

Under no circumstance will ADMHS Workforce members engage in physical contact with clients when there is a possibility of physical or psychological harm to the client as a result of the contact.

### **Conflict of Interest**

A conflict of interest may occur if an ADMHS employee's outside activities, personal financial interests, or other personal interests influence or appear to influence his or her ability to make objective decisions in the course of the employee's job responsibilities. A conflict of interest may also exist if the demands of any outside activities hinder or distract an employee from the performance of his or her job or cause the individual to use ADMHS resources for other than ADMHS purposes.

ADMHS employees are obligated to ensure they remain free of conflicts of interest in the performance of their responsibilities at ADMHS. If employees have any question about whether an outside activity or personal interest might constitute a conflict of interest, they must obtain the approval of their supervisor before pursuing the activity or obtaining or retaining the interest.

### **Business Courtesies**

#### **General**

This part of the Code of Conduct should not be considered in any way as an encouragement to make, solicit, or receive any type of entertainment or gift. For clarity purposes, please note that these limitations govern activities with those outside of ADMHS. This section does not pertain to actions between ADMHS and its employees or actions among ADMHS employees themselves.

#### **Receiving Business Courtesies**

##### **Policy**

County Counsel sets forth office policy with regards to gifts from persons or entities to a County employee. "Gift" means any item of value, of whatever nature, and includes meals, refreshment, transportation, or entertainment.

All decisions must be made and actions taken with complete impartiality and without favoritism and the appearance of partiality or favoritism must be avoided. To this end, the following standards shall be observed.

1. No person in ADMHS shall accept from any person or entity with whom the recipient is dealing as a County employee any gift the cash value of which exceeds \$10.00, or gifts the aggregate value of which exceeds \$50.00 in any twelve-month period.

2. The provisions of paragraph 1 shall also apply where the recipient reasonable anticipates dealing with the donor in an official capacity in the near future, or has done so within the past six months.
3. In the event a gift (or gifts) are received in excess of the amounts set out in paragraph 1, from a person or entity with whom official dealings are not anticipated, but such dealings in fact arise within six months of the receipt of the gift(s), the recipient shall inform County Counsel in writing of the nature and value of the gift, and the time and circumstances of its receipt.
4. In applying the above provisions, the following shall apply:
  - a. Gifts from other employees of Santa Barbara County are exempt.
  - b. Gifts for which the recipient would otherwise be entitled to reimbursement from the County, e.g., transportation on County business, are exempt.
  - c. Gifts to members of the employee's immediate family shall be considered gifts to the employee.
  - d. Meals provided to an employee in a setting where the price is not set forth (non-restaurant dinner or buffet) shall be valued at \$10.00.

## **INCOMPATIBLE OUTSIDE EMPLOYMENT**

### **Purpose**

The County's policy is to control the practice of outside employment by employees, particularly when a conflict of interest exists or when such employment would impair an employee's effectiveness or ability to perform County duties.

### **Prohibiting Conditions**

County employees are prohibited from holding employment outside the County service when one or more of the following conditions exist:

- a. The employment interferes with satisfactory service because of time away from the job or causes physical or mental fatigue which impairs regular County service.
- b. Such employment is incompatible with the proper discharge of official duties, or would tend to impair the employee's judgment or action in the performance of those duties.

c. A conflict of interest would exist which is prohibited by law or which would be detrimental to the County.

### **Notification**

A written notification must be given to the Department head for all regular outside employment and for all occasional outside employment. Failure to provide such information may be cause for disciplinary action. An outside work statement must

contain the name of the employer (or statement of self-employment), the hours worked, the nature and the duration of employment.

### **Order to Cease Working**

A Department head shall disapprove outside employment if the employment is in violation of the provisions of this Rule.

### **Harassment and Workplace Violence**

Each ADMHS employee has the right to work in an environment free of harassment and disruptive behavior. ADMHS does not tolerate harassment by anyone based on the diverse characteristics or cultural backgrounds of those with whom we work. Degrading or humiliating jokes, slurs, intimidation, or other harassing conduct is not acceptable in our workplace.

**Sexual harassment is prohibited.** This prohibition includes unwelcome sexual advances or requests for sexual favors in conjunction with employment decisions. Moreover, verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment has no place at ADMHS.

Harassment also includes incidents of workplace violence. Employees who observe or experience any form of harassment or violence should report the incident to their supervisor, the Human Resources Department, a member of management, County EEO Manager, the Chief of Compliance or the Compliance Hotline 805.884.6855. For forms and information refer to the County's Anti-harassment policy.

## **Substance Abuse**

The Department is committed to providing a safe work environment. This commitment is placed in jeopardy when any employee participates in the illegal use or abuse of drugs or alcohol on or off the job. Substance abuse is a serious problem that can endanger County operations and the safety of employees and those who seek services from the County. Employees who abuse drugs and/or alcohol, on or off duty, tend to be less productive and have substandard performance, are less reliable, and prove to have greater absenteeism, accidents, injury to themselves and others, resulting in the potential for increased loss, delay, risk, and liability.

The Department strictly prohibits the possession, consumption, sale, purchase, distribution, manufacture, or being under the influence of, alcohol and/or illegal drugs (or prescription drugs, if use adversely affects the employee's ability to perform County employment safely and effectively) during employee's work hours, in County vehicles, personal vehicles used for County business, while in County uniform as applicable, or on County property.

## **Diversity and Equal Employment Opportunity**

ADMHS actively promotes diversity in its workforce at all levels of the organization. Our Department is committed to providing an inclusive work environment where everyone is treated with fairness, dignity, and respect. We will make ourselves accountable to one another for the manner in which we treat one another and for the manner in which people around us are treated. ADMHS is an equal opportunity workforce, and no one shall discriminate against any individual with regard to age, ancestry, race, color, religion, sex, national origin, marital status, physical or mental disability, economic status, appearance, medical condition, or sexual orientation with respect to any offer, or term or condition, of employment. ADMHS makes reasonable accommodations to the individual needs of qualified individuals with disabilities.

## **Ineligible Persons**

ADMHS does not contract with, employ, or bill for services rendered by, an individual or entity excluded or ineligible to participate in Federal healthcare programs; suspended or debarred from Federal government contracts; or convicted of a criminal offense related to the provision of healthcare items or services, and has not been reinstated in a Federal healthcare program after a period of exclusion, suspension, debarment, or ineligibility, provided that we are aware of such criminal offense. ADMHS routinely searches the Department of Health and Human Services' Office of Inspector General and General Services Administration's lists of such excluded and ineligible persons. Employees, vendors and contract agency employees are required to report to ADMHS if they become excluded, debarred, or ineligible to participate in Federal healthcare programs, or have been convicted of a criminal offense related to the provision of healthcare items or services. When a new staff comes into the system or re-enters the system, ADMHS assigns a staff identification number. Before assignment of the number, ADMHS conducts a number of fraud checks on the new staff.

## **ADMHS Ethics and Compliance Program**

### **Program Structure**

It is the policy of ADMHS to comply with Federal and State laws and regulations, and to promote and enforce adherence to this policy. One of the means ADMHS will use to promote and gain adherence to this policy is the development and maintenance of a Compliance Program.

This policy establishes a Compliance Program, standards, and policies and procedures, which promote adherence to Federal and State laws and regulations.

The Compliance Program is designed, and will be implemented and enforced in order to promote ADMHS' understanding of, and adherence to, State and Federal statutes and regulations that are applicable to ADMHS business, as well as to detect, respond to, and prevent violations of those requirements. The Program's design incorporates the seven elements that represent industry standards for scope of a Compliance program:

1. Standards and procedures
2. High level of oversight and delegation of authority
3. Employee training
4. Communication
5. Auditing & monitoring
6. Enforcement & discipline
7. Corrective actions & prevention

### **ADMHS Chief of Compliance**

The ADMHS Chief of Compliance is responsible for the daily oversight of the Compliance Program. The primary responsibilities of the Chief of Compliance include:

- Receiving, investigating, and following-up on concerns, questions, and issues raised by employees or others related to the Compliance program, including potential violations of the Code of Conduct, policies and procedures, laws and regulations.
- Maintaining auditing and monitoring mechanisms to promote compliance.
- Ensuring an ongoing compliance education program for all employees and other designated individuals.
- Monitoring the operation of the Compliance Hotline.
- Maintaining the Code of Conduct and compliance policies and procedures.

## **Compliance Committee**

Providing direction, guidance and oversight are functions of the ADMHS Compliance Committee. The Compliance Committee provides organizational support, creates Department-wide awareness of the ethics and Compliance Program, and advises the Chief of Compliance, ADMHS Director, and the ADMHS Executive Team on the development and implementation of the Compliance Program. The Compliance Committee meets regularly and is comprised of management representatives from all divisions throughout the Department.

## **Setting Standards**

The Compliance Program addresses the following goals and objectives:

1. Maintain a working environment that promotes ethical values, exemplary behavior, and compliance with the letter and spirit of all applicable laws.
2. Encourage employees, affiliated professionals and contractors to demonstrate the highest ethical standards in performing their daily tasks.
3. Establishes a Code of Conduct.
4. Operates a disclosure system (Hotline) that requires ADMHS to respond to reports by employees or others of a suspected violation of law or the principles of the Program.
5. Identifies those situations in which the laws, rules and standards of Federal and State programs or other applicable laws may not have been followed, and facilitation of the correction of any such practices.
6. Implements procedures to assure future compliance with all laws and regulations of the Medicare and Medicaid programs and all other applicable laws.
7. Train and communicate to assure employees, affiliated professionals and contractors understand and comply with all State and Federal laws and regulations, and endeavor to reduce the likelihood that violations will occur through appropriate screening of potential employees and agents of ADMHS.
8. Assure that documents are retained and kept secure, as required by Federal and State regulation, for the appropriate length of time.
9. Establish disciplinary policies related to compliance issues that are prompt, effective, and consistent, and will discipline employees based on the severity of the violation, and not on the basis of their position or tenure with ADMHS.
10. Assure that government inspections proceed in a smooth and professional manner, and that all requests and concerns are addressed promptly and appropriately.

## **Training and Communication**

Training and education has been developed to ensure that employees throughout the organization are aware of the standards that apply to them. Code of Conduct training shall be conducted annually for all employees. All training will be tracked for attendance. It will be the responsibility of the employee and the employee's supervisor to ensure attendance at mandatory training in a timely manner.

## **Initial Hire and Annual Compliance Training Required**

Compliance training is required for new staff members on initial hire, and training shall be conducted annually for all employees.

## **Confidential Disclosure Program**

You have an obligation to report, to the supervisor or manager within your chain of command, any known or suspected violations to this Code of Conduct, as well as known or suspected violations of any law, statute, regulation, policy, procedure or guideline applicable to the Federal healthcare programs.

## **Questions or Concerns Related to Matters of Compliance**

The Department of ADMHS recognizes the critical importance of identifying and appropriately responding to actions or behaviors that are not consistent with the Code of Conduct, Department Policies and Procedures, or other codes, rules, regulations, or laws that relate to or govern business and clinical operations.

Errors or non-compliant actions or behaviors are frequently a result of lack of clarity in rules, regulations, or procedures. The Department believes that most questions or concerns related to matters of compliance can be resolved promptly on a division or organizational level. Employees are encouraged to contact their immediate supervisor or manager to discuss questions or concerns related to compliance.

In addition to contact with an employee's immediate supervisor or area manager, an employee may raise questions regarding compliance or report perceived ethical or legal violations to the Chief of Compliance or may contact the County Compliance Hotline at 805.884.6855.

If consultation with an employee's immediate supervisor or manager does not clarify or address the issue raised by the employee, or if the nature of the question or concern directly involves actions or behaviors of the supervisor or area manager, the Department has created an alternate means for employee's to raise questions, express concerns or report perceived ethical or legal violations.

Chief of Compliance: Celeste Andersen  
Telephone 805.681.4092  
E-mail: [candersen@co.santa-barbara.ca.us](mailto:candersen@co.santa-barbara.ca.us)  
Compliance Hotline Telephone 805.884.6855

ADMHS makes every effort to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports concerns or possible misconduct. There is no retribution or discipline for anyone who reports a concern in good faith. Any employee who deliberately makes a false accusation with the purpose of harming or retaliating against another employee is subject to discipline.

## **Anonymous Reporting**

If you want to report a suspected violation and wish to remain anonymous, you may call the 24-hour Compliance Hotline or fill-out an electronic report online. The Compliance Hotline 805.884.6855 provides a confidential means to report compliance related concerns or violations after hours and/or when you are away from the office/clinic. You can also report anonymously via the ADMHS website: <http://www.countyofsb.org/admhs/compliance.aspx>

Calls will be treated as confidentially as practical or allowed by law.

**You are not required to identify yourself when reporting a concern.**

## **Internal Investigations of Reports**

ADMHS is committed to investigating all reported concerns promptly and confidentially to the extent possible. The ADMHS Chief of Compliance coordinates any findings from Department investigations and immediately recommends corrective action or changes that need to be made to the Compliance Committee and/or ADMHS Director. All employees are expected to cooperate with investigation efforts.

### **How to report improper acts**

If after exhausting internal reporting channels, including the Chief of Compliance, an individual has not been able to satisfactorily resolved concerns about possible violations of Federal or State statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, you may call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.

## **Statement of Non-retaliation**

Committing or condoning retaliation for good faith reporting of a perceived or suspected Code of Conduct violation, or retaliation for participation in an investigation of an alleged violation, will not be tolerated. Any employee who commits or condones any form of retaliation may be subject to discipline up to and including suspension or discharge.

The phrase "in good faith" means that the employee honestly or truthfully believes or perceives the information reported to be true. Individuals who knowingly and intentionally report false or misleading information in order to harm or retaliate against another may be subject to discipline.

## **Corrective Action**

Where an internal investigation substantiates a reported violation, it is the policy of ADMHS to initiate corrective action, including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting whatever disciplinary action is necessary, and implementing systemic changes to prevent a similar violation from occurring in the future.

## **WHISTLE BLOWERS**

In order to ensure that the conduct of ADMHS is ethical, professional, responsible, and productive, employees and contractors agree to promptly report

any activity which they believe might violate these policies and procedures or any other applicable law, regulation, rule or guideline, to their supervisor or to the Compliance Hotline.

### **Whistleblower Protections in the Federal False Claim Act:**

31 USC Section 3730 (h) protects employees against discharge demotion, suspension, threats, harassment, or discrimination by the employer because of lawful acts done by the employee in cooperating with the False Claims Act, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section.

## **WHISTLEBLOWERS ARE PROTECTED**

It is the policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency when they have reason to believe their employer is violating a Federal or State statute, or violating or not complying with a State or federal rule or regulation.

### **Who is protected?**

Pursuant to California Labor Code Section 1102.5, employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to individuals employed by the State or any subdivision thereof, any County, city, city and County, including any charter city or County, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. [California Labor Code Section 1106]

## **What is a whistleblower?**

A 'whistleblower' is an employee who discloses information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses:

1. A violation of a Federal or State statute.
2. A violation or noncompliance with a Federal or State rule or regulation, with reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

## **What protections are afforded to whistleblowers?**

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a Federal or State statute, or a violation or noncompliance with a Federal or State rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

Under California Labor Code Section 98.6, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

## **Summary**

The Code of Conduct specifies and clarifies the Department's commitments, values, and expectations of employees in conducting Department business. In addition, the Code of Conduct offers employees reference points upon which to focus in carrying out the highest quality of service delivery.

The Department, as a public entity, is committed to serving the needs of our community. The Department believes that the Code of Conduct will assist in meeting its goals with the highest integrity and in a manner that is responsive to our employees, clients and their families, and other stakeholders. The Code of Conduct affirms the commitment of the Department to uphold the highest ethical and legal standards.

# Alcohol, Drug & Mental Health Services Code of Conduct

## Acknowledgment

I certify that I have received the ADMHS Code of Conduct. I understand it represents mandatory practices and policies of the organization, and I agree to abide by them.

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Signature

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Printed Name (as listed in personnel records)

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Facility

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Date