

COOPERATING WITH GOVERNMENT INVESTIGATIONS

Shore Memorial Hospital Shore Rehab Shore LifeCare Shore Health Care at Home MMC Lingle/Goldstein Surgical Assoc. Orthopedic Assoc.

Written: 11/98 Reviewed:5/2000 Revised: 11/2004, 3/05
Adopted by the Board: 4/28/99,3/30/2005

President / CEO

Chairman Board

Compliance Officer

Purpose: To outline policy and guidelines for the organization and staff in the event of government investigation.

Policy: It is the policy of Shore Health Services, Inc. to cooperate with all legitimate government *inquiries and* investigations. **Shore Health Services, Inc. will, however, invoke all protections for the organization, and its employees, available under the law.**

Any staff member approached by a person identifying him or herself as a government investigator should immediately notify the Compliance Officer. **If the Compliance Officer is not available, staff members should contact the Administrator On-Call.**

Guidelines: **Staff members should be polite and courteous to all government investigators.**

Staff members should not provide Shore Health Services’ documents or records to investigators without prior notification of the Compliance Officer and expressed approval of senior management. Notification of the Compliance Officer does not, in any way, suggest improper conduct

on the part of the staff member or the organization.

Staff members have the right to speak to any investigator should they so choose, but also have the equal right to decline an interview. Declining an initial interview may later result in a subpoena to testify.

Should a government investigation result in a staff member being in receipt of a subpoena, or other written request for information (such as a Civil Investigative Demand), the staff member should immediately contact the Compliance Officer or the Administrator On-Call. Response to the request will be facilitated by the Compliance Officer or his or her designee.

Staff members have the right to request that the investigator schedule an interview at a later date or alternate location.

Should a staff member agree to an interview, the staff member has the right to terminate the interview at any time.

Should a staff member agree to an interview, the staff member has the right to the assistance of legal counsel. Shore Health Services' counsel, or counsel of the staff member's choice, or both, may be present during the interview. Contact, assistance, or presence of legal counsel does not, in any way, suggest improper conduct on the part of the staff member or the organization.

Government investigators, or other persons presenting themselves as government investigators, may contact employees outside of the workplace, during non-work hours, or at home. DO NOT feel *additional* pressure to *respond* under such circumstances. The same rights and guidelines for on-premise interviews convey. The Compliance Officer, or Administrator On-Call should be consulted prior to proceeding with the interview. Staff members retain the right to request that the interview be moved to an alternate time or location.

Government authorities frequently perform routine inspections of health

care providers. Typically, these inspections pose no elevated threat to the organization. However, it may be difficult to determine when a routine government inspection or audit becomes an investigation. If there is any doubt on the part of the staff member, immediately contact the Compliance Officer *or Administrator On-Call*.

STAFF MUST NEVER UNDER ANY CIRCUMSTANCES:

Destroy or alter any company document or record in anticipation of a request for the document or record by *a* government agency or court.

Create fraudulent company documents or records to fulfill a request by a government agency or court.

Lie or make false or misleading statements to any government investigator.

Attempt to persuade any other company employee or *individual* to provide false or misleading information to a government investigator, or to fail to cooperate with a government investigation.

Summary: Government investigations are a fact of life in today's business environment, and procedures for cooperating with these investigations may be complex. While Shore Health Services, Inc. cooperates with all legitimate government investigations, no staff member should try to cooperate with such an investigation *until they have received* guidance from the Compliance Officer.

References: Council of Ethical Organizations, 214 South Payne Street, Alexandria VA 22314. Adapted from copyright, used with specific permission.

US Code: Title 18, Section 1347, "Health Care Fraud"

US Code: Title 18, Section 1035, "False Statements Relating to Healthcare Matters"

US Code: Title 18, Section 1518, "Obstruction of Criminal Investigations of Health Care Offenses"

US Code: Title 18, Section 24, “Definitions Relating to Federal Health Care Offense”

US Code: Title 18, Section 3486, “Use of Civil Investigative Demand”

Centers for Medicare and Medicaid Services, Manual Instructions for Fiscal Intermediary Fraud Units

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