**Chapter:** Compliance
**Key Words:** Compliance, Conduct, Ethics, Incompatible Activities

---

SUBJECT: **Code of Conduct and Statement of Incompatible Activities**

NO: **HHSA-M-1.2**
PAGE Page 1 of 11
DATE: September 1, 2004

REFERENCE: 63 FR 8987 (February 23, 1998)
63 FR 70138 (December 18, 1998)
65 FR 59434 (October 5, 2000)
CAO Statement on Legal and Ethical Standards

SUPERSEDES: Policy HHSA-D-24

---

**PURPOSE**:
The County of San Diego Board of Supervisors has established a zero tolerance policy toward internal and external fraud (Board Policy A-120). Consistent with this policy, and in order to encourage its employees to demonstrate the highest standards of legal and ethical conduct in the workplace, the County of San Diego Health and Human Services Agency implements this Code of Conduct and Statement of Incompatible Activities.

**BACKGROUND:**
The County of San Diego Health and Human Services Agency ("HHSA") is committed to providing consistently high quality, skilled, compassionate, and reliable care and service to its patients, clients, facility residents, constituents and the larger community, regardless of race, creed, color, economic status or any other personal characteristic, and to maintaining a culture that promotes the prevention, detection and resolution of instances of conduct that do not conform to laws, rules, regulations, or County policies or procedures.

HHSA recognizes that its greatest strength lies in the talent of its employees and expects its employees to treat their patients, clients, facility residents and colleagues with respect, dignity, and courtesy and to avoid conflicts of interest, or the appearance of conflicts of interest, between their own personal interests and the best interests of the clients and taxpayers they serve. HHSA employees are expected to protect County assets and to maintain ethical and appropriate workplace relationships and to be committed to providing care and accurate and appropriate records in accordance with all federal, state and local laws, rules and regulations and HHSA policies and procedures.

The standards required by this Code of Conduct and Statement of Incompatible Activities can only be achieved through the efforts of dedicated employees who conduct themselves with honesty, integrity and professionalism and in adherence to the letter and the spirit of all applicable laws, rules, regulations, policies and procedures. Although each individual is ultimately responsible for his or her own conduct, HHSA is committed to assisting its employees in these efforts by maintaining a work environment that promotes these standards and encourages its employees to demonstrate the highest ethical standards in performing their daily tasks.

**POLICY**:
It is the policy of HHSA that all employees, officers and agents shall perform their duties in accordance with the following principles:

**A. Commitment to Patients, Clients and Facility Residents**

- Treat all patients, clients and facility residents with dignity, respect and courtesy.
- Provide appropriate care, treatment and service through the application of sound public health and social service principles in daily work activities.
- Provide patients, clients and facility residents with the information they need to make fully informed decisions, including allowing patients and clients access to information about HHSA services and its policies, procedures and charges.
- Provide all services in accordance with applicable federal, state and local laws, rules and regulations and, where applicable, in accordance with the recommendations of specialty organizations and the standards of practice in the community.
- Employ professionals with proper credentials and ensure that all individuals providing patient, client and facility resident care, treatment and services have appropriate experience and expertise in the area(s) in which they function.
- Accurately and completely document all patient, client and facility resident encounters in appropriate records in accordance with funding source requirements and County guidelines.
- Treat and serve patients, clients and facility residents without regard to race, religion, creed, color, gender, economic status, sexual orientation, age, source of payment, or any other non-treatment or non-service related characteristic.
- Participate in activities that promote quality assurance and quality improvement and bring concerns regarding possible deficiencies or errors in the quality of care, treatment or services provided to patients, clients and facility residents to the attention of those who can properly assess and resolve the concern.
- Perform services in a manner that seeks to avoid harm to patients, clients, facility residents, the community, other employees or the environment.

## B. Commitment to Co-Workers and Other Employees

- Maintain a working environment free from all forms of harassment, discrimination or intimidation.
- Afford equal employment and advancement opportunities to all applicants and employees pursuant to HHSA and County policies.
- Conform to the codes of ethics and standards for respective professions and licensure, and exercise sound judgment in the performance of duties.
- Comply with workplace safety policies in accordance with County and HHSA policies and procedures.
- Ensure that no employee is required to compromise his or her appropriate and established professional standards or objectivity in the performance of his or her duties.
- Promote a positive image for HHSA, its employees and its services.
- Cooperate in accomplishing HHSA's commitment to maintaining a work culture that promotes the prevention, detection and resolution of instances of conduct that do not conform to ethical or legal standards and to this Code of Conduct and Statement of Incompatible Activities.

## C. Commitment to Taxpayers and Funders

- Do not engage in any practice that involves illegal or unethical activity.
- Conduct themselves in a manner appropriate to their standing as representatives of local government, representing the best interests of the County's citizens.
- Comply with all applicable federal, state and local laws, rules, regulations, standards and other requirements, including all requirements of federal healthcare and social services program statutes, regulations and guidelines.
- Not enter into any joint venture, partnership or other risk sharing arrangement with any entity that is a potential or actual referral source to County programs unless the arrangement has been reviewed and approved by County Counsel or the

Compliance Office. Questions regarding these arrangements are addressed through County Counsel or the Compliance Office.

- Take reasonable precautions to ensure that billings and/or coding of claims are prepared and submitted accurately, timely, and in compliance with all applicable federal, state and local laws, rules and regulations and HHSA's policies and procedures and/or agreements with third party payers. This includes federal health care program regulations and procedures or instructions otherwise communicated by regulatory agencies (*e.g.*, the Centers for Medicare and Medicaid Services) or their agents.

- Provide that no false, fraudulent, inaccurate or fictitious claims for payment or other reimbursement are submitted, by billing only for eligible services actually rendered and fully documented. When coding for services, only billing codes that accurately describe the services provided will be used.

- Act promptly to report and correct problems if errors in claims or billings are discovered.

- 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.

- Maintain complete, accurate and thorough records, in appropriate media, in accordance with guidelines established by federal and state laws and regulations and applicable Board of Supervisors, County and HHSA policies, in order to provide factual information regarding the type, level, frequency and cost of services provided.

- Comply with all laws and regulations governing the confidentiality of information.

- Ensure that timesheets, mileage claims, reimbursement claims, and other cost records and reports are complete and reflect accurate information.

- Dispose of medical waste or other hazardous materials properly and lawfully.

- Perform duties in a way that promotes public trust and encourages participation in, and access to, County programs and resources.

- Voluntarily disclose to third party law enforcement or regulatory agencies, where appropriate and legally required, violations of law, rules, regulations or standards.

- Bring to the attention of supervisors and managers information related to non-compliance or non-adherence to HHSA and County policies and procedures as well as to required federal, state or local laws and regulations.

- Promptly report all suspected violations of this Code of Conduct and Statement of Incompatible Activities and applicable federal, state and local government laws, rules and regulations to a manager or supervisor, to the Compliance Office, HHSA Human Resources or to the Confidential Compliance Hotline.

**D. Commitment to Open and Impartial Decision-Making**

- Avoid any commitment that interferes with their ability to properly perform duties for HHSA, and avoid any activity that conflicts with the known interests of HHSA or its patients, clients or constituents, such as the solicitation of future employment with a company doing business with the County over which the employee has some control or influence in his/her official capacity or the use of County time, facilities, equipment, badge or uniform for private gain or advantage, or the private gain or advantage of another (e.g. using County telephones to receive or place calls relating to an outside business owned or operated by the employee).

- Avoid becoming involved in activities that improperly influence their actions or job functions. This includes taking outside employment or engaging in activities where the employee's judgment could be impaired in performing his or her duties for HHSA, or where there could be a perception that the employee's judgment could be impaired.

- In accordance with Board of Supervisors policy and applicable State and federal laws, do not accept or provide benefits that create conflict between personal interests and HHSA's interests. These benefits include, but are not limited to, accepting meals, gifts, refreshments, transportation, entertainment or any other item of monetary value provided or received in connection with assigned duties as an HHSA employee.

- Report any potential conflicts of interest to HHSA in accordance with HHSA and County policy. Concerns or questions regarding potential conflicts of interest shall be brought to the attention of a supervisor, manager, HHSA Human Resources, County Counsel, or the Compliance Office.

### E. Commitment to Protecting County Assets

- Be responsible and accountable for the proper expenditure of County funds and for the proper use of County assets and property.
- Perform cash handling and receipting duties in accordance with County policies and procedures.
- Obtain appropriate authorization prior to committing or spending County funds.
- Use work hours in a productive and professional manner.
- Safely store, secure, document and inventory supplies, and report missing supplies promptly to appropriate supervisors in accordance with County policy.
- Dispose of surplus, obsolete, salvaged or junked property in accordance with County procedures. Unauthorized disposal, including scrapping, selling or transferring of property without appropriate approval, is a misuse of assets and is strictly prohibited.
- Use computer systems, networks, and software consistent with HHSA's license(s) and/or rights, and store equipment, data files and software in a secure manner and in accordance with County policies and procedures.
- Be responsible for reporting any observed misuse of HHSA property or funds to an appropriate supervisor or manager, HHSA Human Resources, County Counsel, the Compliance Office, or the confidential Compliance Hotline. No disciplinary action or retaliation shall be taken against any employee for reporting in good faith a perceived issue, problem, concern or violation.

## PROCEDURE:

### A. Provision of Code of Conduct and Statement of Incompatible Activities

New employees will receive a copy of this Code of Conduct and Statement of Incompatible Activities during their orientation to the County and no later than thirty (30) days after beginning employment with HHSA. Employees must return a signed Code of Conduct and Statement of Incompatible Activities Certification Form to their supervisor who will then forward it to HHSA Human Resources and the Compliance Office within five (5) work days of receiving the Certification form. Employees will receive additional training on the Code of Conduct and

Statement of Incompatible Activities each year in accordance with HHSA Policy and Procedure HHSA-M.3.1.

Supervisors and managers will provide that employees under their supervision have sufficient information and training to comply with all applicable laws, rules, regulations, and policies as described in this policy and procedure and as relevant to the employee's responsibilities.

## B. Confidentiality Certification

All HHSA employees shall maintain strict confidentiality regarding client information and shall, upon hiring, and yearly thereafter, sign a certification agreeing not to divulge any confidential information or records concerning any client/patient/facility resident without proper authorization and/or in accordance with state and federal laws.

- Employees shall agree not to divulge any information or records concerning any client/patient/facility resident without proper authorization in accordance with state and federal law. Any discussion of, or release of, information concerning a client to any unauthorized person is prohibited.

- During the performance of assigned duties, employees may have access to confidential information, and/or may participate in procedures required for effective credentialing, peer review and quality assurance. Employees agree that all discussions, deliberations, records and information generated or maintained in connection with these activities shall not be disclosed to any unauthorized person.

Violation of the provisions of this section regarding confidentiality may result in disciplinary action, up to and including termination, in accordance with applicable civil service rules. Additionally, unauthorized release of confidential information may expose individual employees to personal civil and criminal liability under applicable state and federal laws.

## C. Disclosure Statements

### 1. Statements of Economic Interest

Employees shall complete Disclosure Statement cards (AUD 263) on a semi-annual basis. Employees are expected to use these cards to disclose all outside employment and continue reporting this activity on the Disclosure Statement cards twice a year. Required Employees will also complete an annual Statement of Economic Interests (Form 700).

Employees shall also report to their supervisor any other activity or income source which could conflict with their work assignment. Disclosures must be in writing to the employee's supervisor upon beginning participation in the activity. The supervisor will forward the disclosure to HHSA Human Resources.

Failure to fully and accurately complete the disclosures required above may result in disciplinary action, up to and including termination, in accordance with applicable civil service rules.

**2. Recipient or Payee of Public Assistance or Services**

Employees who apply for, or become recipients, payees, authorized representatives of an In-Home Supportive Services (IHSS) provider, conservators, foster parents, adoptive parents or key persons of public assistance or services administered by HHSA, shall:

- Report truthfully and fully all information required on public assistance or services reporting forms.
- Notify his or her eligibility worker or social worker immediately that he or she is an HHSA employee.

Case files for HHSA employees who report the information described above shall be transferred to a specialized caseload and the files will be assigned to confidential files.

**3. Employee/Client Relationships**

Employees shall report when they have knowledge that a relative or friend is an applicant or recipient of public assistance or services. Disclosures must be in writing to the employee's supervisor. The supervisor will forward the disclosure to HHSA Human Resources. Cases for these individuals may be maintained in a secured caseload, meant to protect both the employee and the client from inappropriate case access. Employees may also report other types of relationships for secured caseload consideration. Examples of other appropriate relationships to report include an eligibility worker's tenant who is receiving public assistance or a mental health case management clinician's tenant who is receiving HHSA mental health services.

Under no circumstances shall employees enter into any personal relationships with any client met as a result of their employment duties that may compromise the employee's objectivity, accountability or judgment.

**4. Employee/Employee Relationships**

Employees shall report when they are in a personal relationship with another employee in his or her chain of supervision that may compromise, or appear to compromise, either employee's objectivity, accountability or judgment. In the event of such a relationship, the employee(s) will arrange for a transfer, as appropriate. Personal relationships included within this policy and procedure include, but are not limited to, marital ties, in-law, relationships of blood, dating, roommate, or where personal relationships result in a bond that supersedes the working relationship.

## D. Solicitation

Employees shall exercise care when advising patients, clients, contractors and vendors of HHSA policies and procedures and federal, state and local laws and regulations relating to public assistance and services and programs administered by HHSA or its contractors. Soliciting information for patients, clients, facility residents, contractors and vendors is strictly prohibited. "Soliciting" is defined as the intentional act of advising individuals how to conceal information or provide false or fraudulent information in order to establish program eligibility, to obtain a greater benefit or to prepare for a fraud investigation. Soliciting is a misdemeanor in the State of California.

## E. Reporting Violations of the Code of Conduct and Statement of Incompatible Activities

Employees shall immediately report information regarding issues, problems, concerns or violations of the Code of Conduct and Statement of Incompatible Activities or indicating possible fraudulent activity by applicants or recipients of public assistance, or of contractors, vendors, volunteers or HHSA employees. Depending on the circumstances, failure to comply in reporting a known or suspected violation could subject an employee to disciplinary action in accordance with applicable civil service rules. When considering reporting a violation, employees should ask themselves:

- Do I have all of the facts?
- What is the action that I perceive violates standards as outlined in the Code of Conduct and Statement of Incompatible Activities?
- What is the action that I perceive violates any known law, rule, regulation, or policy and procedure?

- What opportunity has been given to my supervisor or manager to make them aware of and to address the issue (if appropriate)?

Employees cannot exempt themselves from the consequences of their own misconduct by self-reporting, although self-reporting may be taken into account in determining the appropriate course of action.

## F. Confidential Disclosure Program

HHSA employees have an obligation to report in good faith known or suspected violations of any statute, regulation or guideline applicable to federal health care or social service programs, any law, rule or regulation, the Code of Conduct and Statement of Incompatible Activities or policies and procedures to their supervisor, manager or other management staff within their chain-of-command. Employees may also report their concerns to HHSA Human Resources or to the Compliance Office. If an employee is uncomfortable reporting a suspected violation to any of the above-referenced resources or if he or she believes that the issue has not been handled appropriately, he or she is encouraged to call HHSA's 24 hour-a-day, 7 day-a-week toll-free Compliance Telephone Hotline at 1-866-549-0004. The Compliance Hotline provides a confidential means to report compliance related concerns or violations. The Hotline is operated by an outside firm specializing in compliance related issues and all calls will be treated as confidentially as practicable or allowed by law. Although providing their identity may aid in the course of the complaint investigation, employees are not required to identify themselves when reporting a concern. Callers who wish to remain anonymous will be assigned a private code that can be used for follow-up communication so that they may be advised on the process of investigating and resolving the reported concern. Calls received by the Compliance Telephone Hotline will be referred to the appropriate office for prompt and thorough investigation and resolution in as confidential a manner as possible.

## G. Non-Retaliation

No disciplinary action or retaliation of any kind or manner shall be taken against any HHSA employee, officer or agent who, in good faith, reports a perceived compliance issue, problem, concern or violation relating to any item covered by this Code of Conduct and Statement of Incompatible Activities. The phrase "in good faith" means that the employee honestly or truthfully believes or perceives the information reported to be true.

Committing or condoning retaliation for good faith reporting of a perceived or suspected Code of Conduct and Statement of Incompatible Activities violation(s), or for participation in an investigation of an alleged violation, shall not be tolerated. Any employee who commits or

condones any form of retaliation may be subject to discipline, up to and including termination, in accordance with applicable civil service rules.

**QUESTIONS/INFORMATION:**
Contact the Compliance Office at telephone at (619) 515-4244, or by e-mail at Compliance.HHSA@sdcounty.ca.gov.

**ATTACHMENTS:**
None

**SUNSET DATE:**
This policy will be reviewed for continuance by June 30, 2006.

Approved:

Jean M. Shepard
Director

APPROVED AND/OR AUTHORIZED BY THE BOARD
OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
DATE: 09.28.04 MINUTE ORDER NO: 6
THOMAS J. PASTUSZKA
CLERK OF THE BOARD OF SUPERVISORS
BY Claire Tosh
DEPUTY CLERK