



NUMBER: LD 102	Effective Date: January 2010	Page 1 of 7
SUBJECT: Code of Conduct - Conflict of Interest Acknowledgement and Disclosure Forms	Review Date: December 2010 April 26, 2023	Revise Date: August 2013 December 2017 October 2018 October 2021 May 16, 2023
ORIGINATING DEPT: Executive Team		
Approved by First Choice Community Healthcare, Inc. Board of Directors		
Grace Chavez, Board President		Date 05/16/2023

PURPOSE

The purpose of this Code of Conduct - Conflict of Interest Policy (“Policy”) is to set forth the general principles and standards to which each First Choice Community Healthcare, Inc. (“FCCH”) Officer, employee, and agent is expected to adhere. This Policy is a critical component of our overall Ethics and Compliance Program. FCCH has developed this Policy to ensure we meet our ethical standards and comply with applicable laws and regulations. *See Conflict of Interest Policy and Disclosure form (GOV) for matters concerning the Board of Directors and its Members.*

POLICY

It is the policy of FCCH to maintain the highest standards of business ethics, comply with all legal requirements, foster a culture of honesty and accountability and promote an environment that encourages mutual respect and is free of all forms of disruptive and inappropriate behavior. Officers, employees, and agents must avoid any conflict of interest that may affect their independent judgment in the impartial performance of their duties and may not use their positions to enhance their direct or indirect financial interest or use confidential information learned through their relationship with FCCH for anyone’s private gain.

This Policy will be evaluated annually or as needed.

INTRODUCTION

Each Officer, employee, and agent is expected to adhere to a high standard of ethical and professional conduct. The good name of FCCH depends on the way Officers, employees, and agents conduct business and the way the public perceives that conduct. Officers, employees, and agents are expected to be guided by the following principles in carrying out their responsibilities:

- A. Loyalty: Officers, employees, and agents should not be, or appear to be, subject to influences, interest or relationships that conflict with the interests of FCCH.
- B. Compliance with Applicable Laws: Officers, employees, and agents are expected to comply with all local, state and federal laws, rules and regulations, and policies and procedures applicable to FCCH and that individual's activities.
- C. Observance of Ethical and Behavioral Standards: Officers, employees, and agents are expected to adhere to the highest ethical and professional standards in the conduct of their responsibilities, including honesty, fairness, respect for others and avoidance of behaviors that create an environment that is detrimental to the delivery of quality care or has the potential to adversely affect the health or welfare of patients, employees, visitors, or the reputation of FCCH.

PROFESSIONAL CONDUCT

- A. Inappropriate or disruptive behavior, defined as conduct that creates an environment detrimental to the effective, efficient operation of FCCH, delivery of quality care or has the potential to adversely affect the health or welfare of patients, employees or visitors, is considered a violation of this Policy. The following are examples of infractions of the Code of Conduct and are not intended to be exhaustive:
 - 1. Threatening or abusive language directed at others, including belittling, berating attacks that are personal, irreverent or beyond the bounds of professional commentary;
 - 2. Degrading or demeaning comments regarding others;
 - 3. Inappropriate physical contact with another individual that is threatening or intimidating;
 - 4. Public comments of a derogatory nature outside of performance improvement associated activities regarding the quality of care provided by other physicians, clinical personnel or FCCH and/or FCCH operations;
 - 5. Inappropriate health care record entries concerning the quality of care being provided by FCCH or any other individual or organization;
 - 6. Inappropriate access to electronic health records;
 - 7. Inappropriate removal, possession or use of FCCH property;
 - 8. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty or while operating a FCCH-owned vehicle or equipment;
 - 9. Sexual or other unlawful or unwelcomed harassment; and
 - 10. Profanity.
- B. Officers, employees, and/or agents of FCCH may not discriminate against any employee, patient, vendor, volunteer, or visitor on the basis of race, color, religion, national origin, ancestry, physical or mental disability, pregnancy, age, sex (including sexual harassment), sexual preference, gender identity, spousal affiliation, veteran status, genetic information, immigration status, or any other characteristic protected under applicable law.
- C. With the exception of those employees responsible for creating, maintaining, and monitoring FCCH's social media activity, use of social media communication while at work is prohibited.
- D. Posting, commenting, reposting, or forwarding of comments, images, or other information deemed harmful or disruptive to FCCH's operation or reputation is prohibited.

CONFLICT OF INTEREST

- A. A conflict of interest arises when a Board member, employee, officer, or agent (including but not limited to any member of the governing board), any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. See: 45 CFR 75.327(c)1.

Additionally, a conflict of interest arises whenever the interest of a person competes with or has the potential to compete with the best interests of FCCH. A person has an "interest" if he or she has, directly, or indirectly through any party or an immediate family member:

1. No Member of the Board of Directors, his/her spouse, child, parent or sibling, by blood, adoption, marriage or domestic partnership shall be an employee. No person who is a Board Member's spouse, child, parent or sibling, by blood, adoption or marriage shall be hired as an employee while the Board Member is serving.
 2. A business relationship with FCCH: an entity with which FCCH has entered into or is negotiating to enter into a transaction or arrangement; or an entity that is a competitor or potential competitor of FCCH.
 3. A financial relationship with an entity with which FCCH has entered into or is negotiating to enter into a transaction or arrangement; an entity that is a competitor or potential competitor of FCCH.
 4. A fiduciary relationship (i.e., trustee or guardian) with an entity with which FCCH has entered into or is negotiating to enter into a transaction or arrangement; an entity that is a competitor or potential competitor of FCCH.
 5. A personal relationship with an individual who has a business, financial, or fiduciary relationship as defined above. A personal relationship means a relationship based on family or friendship.
- B. Any interest in a company through publicly traded stocks, bonds, or mutual funds available to the general public shall not constitute an interest, provided the ownership or investment interest is less than one percent of the company's shares.
- C. Officers, employees, and agents must avoid any activities or relationships that conflict with FCCH's interests or adversely affect FCCH's reputation. The types of activities and relationships that must be avoided include, but are not limited to:
1. Accepting, agreeing to accept, or soliciting gratuities, gifts, favors, service, money, anything of monetary value or other tangible or intangible benefits that are intended to, or might appear to, influence decision-making or other professional conduct.
 2. Accepting employment, compensation or engaging in any business or professional activity that could reasonably be expected to impair the individual's independent judgement in the performance of their FCCH duties or require disclosure of FCCH confidential information.
 3. Participating in any activity, including uncompensated activities, that may be perceived as a conflict with FCCH's interests or adversely affect FCCH's reputation.
- D. All contracts, agreements and relationships with other care providers, education institutions, suppliers and payers are considered in terms of potential or actual conflicts of interest and legal and regulatory compliance.
- E. No Officer, employee, or agent of FCCH may participate in the selection, award or administration of a contract supported in whole or in part by a federal award if he or she has a real or apparent conflict.
- F. Officers, employees and agents must sign a Conflict of Interest Acknowledgment Form annually. In the event of the occurrence of a real or apparent conflict, Officers, employees and agents must sign an Acknowledgement of Disclosure form.

- G. For purposes of this Policy, “immediate family member” is defined as an individual’s spouse, child, parent or sibling, by blood, adoption or marriage or domestic partnership.
- H. For purposes of this Policy, “agent” is defined as a contractor or other individual acting on behalf of FCCH.
- I. Officers, employees and agents who have any questions about this Policy must direct those questions to the CEO or his/her designee for a response.

CONFIDENTIALITY

Officers, employees, and agents shall follow the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (“HIPAA”) policies and procedures established by FCCH to maintain the confidentiality of information entrusted to them by FCCH and any other confidential information regarding FCCH, its business, patients or contractors that come to them, from whatever source, except when disclosure is authorized or legally mandated.

COMPLIANCE WITH LAWS, RULES AND REGULATIONS

Officers, employees, and agents shall comply with all federal, state and local laws, rules and regulations applicable to FCCH. Retaliation will not be tolerated, regardless of the status or tenure of the person responsible for the retaliation. Individuals who report concerns in good faith will be protected from retaliation.

Violations of this Policy, other FCCH policies, contractual obligations, laws or regulations will be taken seriously and may result in disciplinary actions, up to and including termination of employment.

PROCEDURE

REPORTING CONCERNS

- A. Officers, employees, and agents have a duty to report in writing to their immediate supervisor, senior leadership, the FCCH Compliance Department, or other appropriate department such as Human Resources, the following behaviors:
 - 1. Unethical or prohibited behavior including actual or suspected unethical behavior, illegal activity or violation of FCCH policies and procedures;
 - 2. Disruptive or inappropriate behavior including disrespectful language, sexual comments, inappropriate touching, name-calling, intimidation, and other behaviors that are disruptive or inappropriate;
 - 3. Action or inaction of caregivers that may pose a danger to patients or result in substandard care;
 - 4. Any retaliation for raising or reporting ethical, compliance or other concerns.
- B. Officers, employees, and agents are encouraged to report in writing safety and quality issues through the occurrence report process or to their immediate supervisor. If the matter is not satisfactorily addressed, individuals may report the concern in writing directly to the Chief Operations Officer or his/her designee. If concerns regarding patient safety and quality of care are not addressed by FCCH, Officers, employees, and agents may report any safety or quality concern directly to Joint Commission, Office of Quality Monitoring at 1-800-994-6610 or by e-mailing complaint@jointcommission.org.

COMPLIANCE

- A. Disclosure of conflicts of interest:
 - 1. All real, apparent, potential or perceived conflicts of interest violations must be disclosed in writing and discussed with the individual’s immediate supervisor, or in the case of an agent,

- the Chief Operations Officer or his/her designee, as soon as the conflict (real or apparent) is identified.
2. Failure to submit a required written disclosure or resolve a conflict of interest satisfactorily may result in disciplinary action, up to and including termination.
 3. Any questions regarding a real, apparent, potential or perceived conflict of interest should be directed in writing to the individual's immediate supervisor or the Chief Operations Officer.
 4. Once the conflict of interest is identified, it will be the responsibility of the Chief Executive Officer or his/her designee to develop and implement an appropriate plan of action that resolves or mitigates the identified real or apparent conflict of interest.
 5. In no event shall an Officer, employee, and/or agent with real or apparent conflict of interest with a given contract participate in the selection, award, or administration of such contract.
- B. All known or suspected violations of this Policy, or applicable laws, rules or regulations, must be reported immediately to the President of the Board, in the case of the Chief Executive Officer, the Chief Executive Officer or his/her designee, in the case of an Officer or employee, or to Chief Operations Officer, in the case of an agent.

IDENTIFYING CONFLICTS OF INTEREST (REAL, APPARENT, POTENTIAL, OR PERCEIVED)

- A. Relation in any of the following ways to a Member of the Board of Directors: spouse, child, parent or sibling, by blood, adoption, marriage or domestic partnership. No person who is a Board Member's spouse, child, parent or sibling, by blood, adoption, marriage or domestic partnership shall be hired as an employee while the Board Member is serving.
- B. Do you or an immediate family member own, work, or volunteer for a company that does business with FCCH? Examples include; clinical services, printing services, painting services, landscaping services, catering, etc.
- C. Are you (or any of your immediate family members) in a position to benefit personally, directly or indirectly, from your relationship with a person or entity conducting business with FCCH? Benefit includes anything of value: money, tickets to a sporting event, meals, etc.
- D. Do you or your immediate family member review, approve or control a contractual or business relationship between FCCH and a business with which you or your family member has a financial interest (i.e., ownership, or employment)?
- E. Do you or your immediate family member supervise, review, determine compensation or assign work to a family member at FCCH? Immediate family member includes; spouse, parents, children, brothers and/or sisters, including those relationships created by marriage or domestic partnership.
- F. Is/are there any other circumstance(s) that you feel is a conflict of interest involving any activity that involves you, or you and any other third party and FCCH?

If you answered "No" to all the questions above, please complete the Code of Conduct – Conflict of Interest Annual Acknowledgement Form.

If you answered "Yes" to any of the above questions, you are required to also complete the Acknowledgement Disclose Form and provide details about the relationship.



**CODE OF CONDUCT - CONFLICT OF INTEREST
ANNUAL ACKNOWLEDGEMENT**

In accordance with First Choice Community Healthcare, Inc. ("FCCH") Code of Conduct - Conflict of Interest Policy (LD 102), Members of the Board of Directors, officers, employees, and agents are required to disclose all real, apparent, potential or perceived conflicts of interest as soon as the conflict is identified.

A conflict of interest arises whenever the interest of a person competes with or has the potential to compete with the best interests of FCCH. A person may have an "interest" if he or she has, directly, or indirectly through an immediate family member, which includes an individual's spouse, parents, children, brothers and/or sisters, including those relationships created by adoption, marriage or domestic partnership:

1. Related in any of the following ways to a Member of the Board of Directors: spouse, child, parent or sibling, by blood, adoption or marriage. No person who is a Board Member's spouse, child, parent or sibling, by blood, adoption or marriage shall be hired as an employee while the Board Member is serving.
2. A business relationship with FCCH: an entity with which FCCH has entered into or is negotiating to enter into a transaction or arrangement; or an entity that is a competitor or potential competitor of FCCH.
3. A financial relationship with an entity with which FCCH has entered into or is negotiating to enter into a transaction or arrangement; an entity that is a competitor or potential competitor of FCCH.
4. A fiduciary relationship (i.e., trustee or guardian) with an entity with which FCCH has entered into or is negotiating to enter into a transaction or arrangement; an entity that is a competitor or potential competitor of FCCH; or
5. A personal relationship with an individual who has a business, financial, or fiduciary relationship as defined above. A personal relationship means a relationship based on family or friendship.

If you are not sure if your particular situation is reportable, or if you have any other questions about the Code of Conduct - Conflict of Interest Policy, contact your immediate supervisor or the Chief Operations Officer. Each employee/agent is responsible for reporting in writing any real, apparent, potential or perceived conflict of interest to FCCH. **Failure to submit the required Disclosure Form, resolve conflict of interest satisfactorily or violate any section of this Code of Conduct - Conflict of Interest Policy (LD 102) may result in disciplinary action, up to and including termination.**

- I have read and understand the Code of Conduct - Conflict of Interest Policy (LD 102).
 I do not have a conflict of interest to report.
 I have or believe I may have a real, potential or perceived conflict of interest to report. Please provide a detailed description of real, potential or perceived Conflict of Interest on the Acknowledgement Disclosure Form attached to this Policy.

Board Member/Employee Signature _____ **Date:** _____

Board Member/Employee Printed Name: _____



ACKNOWLEDGEMENT DISCLOSURE FORM

I have read the Code of Conduct - Conflict of Interest Policy (LD 102) and agree to comply fully with its terms and conditions. Members of the Board of Directors, officers, employees, and agents are required to disclose all real, apparent, potential or perceived conflicts of interest as soon as the conflict is identified.

If at any time, following the submission of this form, I become aware of any real or apparent conflict of interest, or if the information provided below becomes inaccurate or incomplete, I will promptly notify in writing the President of the FCCH Board of Directors and the Chief Executive Officer.

Disclosure of Real of Apparent Conflicts of Interest:

Board Member/Employee Signature: _____

Board Member/Employee Printed Name: _____

Date: _____