Introduction

Avera Queen of Peace Health Services has adopted a Corporate Compliance Program that covers every Avera Queen of Peace Health Services employee and individual acting on behalf of Avera Queen of Peace Health Services or any of its affiliate organizations. Its purpose is to assist us in assuring that we continue our commitment to high ethical standards and comply with all applicable laws and regulations as we do our jobs.

The Corporate Compliance Program

"Know, Ask, Report"

Know and follow the policies and procedures relating to your role within the organization. Ask questions if you’re not sure about something or if it doesn’t seem right. Report the concern if you don’t get resolution or an adequate answer, or still feel there is a problem. Report to your supervisor, department director, the Corporate Compliance Officer, any member of the Corporate Compliance Committee, or use the Toll Free Compliance Help Line, 1-888-881-8395.

Employee Support of Corporate Compliance Program

The success and effectiveness of Avera Queen of Peace Health Service’s Corporate Compliance Program depends on the support and complete participation of all employees and individuals affiliated with Avera Queen of Peace Health Services. Everyone, regardless of job title, plays a part in maintaining the Avera Queen of Peace Health Service culture of high ethical standards.

All employees of Avera Queen of Peace Health Services are expected to:

- Participate in required educational and training sessions relating to the Corporate Compliance Program;

- Be aware of all procedures relating to the Corporate Compliance Program, including the mandatory duty of all employees to report actual or possible violations of laws and regulations; and

- Understand and adhere to the policies relating to the Corporate Compliance Program, especially those which relate to the employee's functions within the hospital;

- Report any actual or potential violations of rules and regulations to their employer.
**Reporting Methods**

All individuals affiliated with Avera Queen of Peace Health Services and its member entities are required to report any policy, procedure or activity which they believe may not be in compliance with laws and regulations, or our own policies. Reporting is vital, because management cannot fix a problem if it doesn't know about it. Employees are encouraged to report any situation that seems wrong.

Reports may be submitted to:
1. Your supervisor, manager or director;
2. Avera Queen of Peace Health Services Corporate Compliance Officer;
3. Corporate Compliance Officer for Avera; or
4. Toll Free Confidential Compliance Help Line, 1-888-881-8395

Any person who receives a report of an actual or potential violation shall be responsible for assuring that such report is communicated promptly to the Corporate Compliance Officer for Avera Queen of Peace Health Services.

Avera Queen of Peace Health Services believes that good faith reporting is a key component of our Corporate Compliance Program. No one should be punished for trying to do the right thing. To assure that everyone feels safe to make good faith reports, the Board of Directors of Avera Queen of Peace Health Services has adopted this policy:

> Individuals shall not be subject to retaliation by any persons affiliated with Avera Queen of Peace Health Services based on reports which are submitted in good faith. Any such retaliation shall be considered to be a violation of the Corporate Compliance Program and should be reported immediately to the Corporate Compliance Officer.

Any individual who makes a report under this policy may request information from the Corporate Compliance Officer regarding the follow-up and investigation of the report. The response will be as thorough as possible without violating the confidentiality of an employee.

Additional information may be found in the False Claims Act Policy regarding “whistleblower” or “qui tam” procedures and rights. The False Claims Act Policy may be found in the General Policy and Procedure Manual and a link may be found on the Avera Queen of Peace website.

Contractors and vendors have been made aware of Avera Queen of Peace’s False Claims Act Policy. The False Claims Act Policy is on the Avera Queen of Peace website, and all contractors and vendors are notified of how to access it through Accounts Payable and/or the Compliance Department.

Avera Queen of Peace Health Services takes its commitment to organizational ethics and compliance very seriously. Failure to follow the standards of the Corporate Compliance Program (including the duty to report) may be grounds for disciplinary action, including termination of employment when warranted.

**Anonymous Reporting**
Even though retaliation for good faith reporting is prohibited, some employees may prefer to make an anonymous report. The CONFIDENTIAL COMPLIANCE HELP LINE is the best way to do this. This is a line that can be accessed only by the Avera Health Compliance Office Staff. Anyone wishing to remain anonymous can leave a message explaining the concern, and it will be investigated. **1-888-881-8395**

Anyone can use the CONFIDENTIAL COMPLIANCE HELP LINE, not just people who wish to be anonymous. Leaving a name and number makes it easier to ask follow-up questions and of course, it is very difficult to give follow-up reports to anonymous callers. Nonetheless, all calls to the CONFIDENTIAL COMPLIANCE HELP LINE will be investigated.

**Charitable Mission**

Avera Queen of Peace Health Services is a nonprofit, tax-exempt organization dedicated to providing health, education and related services to the communities served. All of our businesses serve or support that purpose.

Being a non-profit organization does not mean that we do not make a profit. It means that the money we make cannot be used to benefit any individual person (the way a dividend provides a benefit to a stockholder). Instead, the money we make must be used to advance our charitable mission. At Avera Queen of Peace Health Services we use the profit we make to:

- Subsidize our Charity Care and Community Benefits Programs.
- Support our community outreach programs.
- Maintain and upgrade our facilities and equipment used in patient care.
- Operate full service Emergency Departments.
- Develop new programs and services to make a difference in the health of the community we serve.

To insure the community's interests are served, the governing board of Avera Queen of Peace Health Services is comprised of prominent civic leaders who do not have any direct economic interest in the facility, but represent the community being served.

**Private Inurement**

The use of revenues for the benefit of an individual is called "private inurement". Avera Queen of Peace Health Services will not use any part of the net earnings to inure to the benefit of its directors, officers, physicians or other private persons.

Examples of arrangements that would violate the Inurement Standard are:

- Charging physicians rental fees at a rate less than fair market value.
- Intentional purchasing of supplies from a vendor at a premium rate where the vendor receives the excess benefits.
- Providing loans to related individuals with an interest rate below market.
- Payments made for referral of patients.
• Offering free services to directors, physicians or other related individuals when they do not meet the criteria for charity care.

Any employee knowledgeable of an arrangement that may violate the Private Inurement Standard must report it to the Avera Queen of Peace Health Services Compliance Officer, the Avera Corporate Compliance Officer, or Office of General Counsel. The reported arrangement will be reviewed for compliance with the tax exempt laws and regulations.

Conflict of Interest

Webster defines "Conflict of Interest" as: Conflict between the private interests and the official responsibilities of the person in a position of trust.

All individuals acting on behalf of Avera Queen of Peace Health Services have been placed in a position of trust and are expected to conduct themselves with the highest level of integrity. Such individuals, in dealing with others on behalf of Avera Queen of Peace Health Services and its related entities, shall act honestly and fairly; they shall not use their positions or knowledge gained from those positions in such a way that a conflict of interest might arise between the organization and the individual's interest. Potential conflict of interest situations may include:

• Avera Queen of Peace Health Services employees working with or for a competitor - including a business of their own.
• Working with or for an organization that does business with Avera Queen of Peace Health Services.
• Acceptance of gifts, favors or hospitality from actual or potential suppliers that are more than nominal value.
• Misuse of information obtained while an employee with Avera Queen of Peace Health Services.

The above examples of potential situations are not exhaustive. Avera Queen of Peace Health Services relies on the honesty and integrity of the individuals employed to avoid conflict of interest. Conflicts of interest or potential conflicts of interest must be reported to Human Resources, the Corporate Compliance Officer, the Chief Executive Officer or General Counsel.

Confidentiality

It is the policy of Avera Queen of Peace Health Services to honor the privacy of patient records and protect the confidentiality of business records as required by the HIPAA Privacy and Security regulations. Each patient/resident will receive our Notice of Privacy Practices which explains how their Protected Health Information (PHI) may be used. It also explains their rights to gain or restrict access to their PHI.

Every employee of Avera Queen of Peace Health Services has access to a variety of data - patient information, financial information, personnel records. This data is disclosed on a Need-to-Know basis only.

Patient care data is essential for the delivery of patient care. Avera Queen of Peace Health Services has policies which address when, how, and to whom patient data may be disclosed. Disclosure for an inappropriate reason, such as casual gossip, not only violates policy but in some cases, may violate the law.
Other confidential information includes:
- medical staff data (credentials, quality);
- financial information; and
- human resources and personnel information.

As an Avera Queen of Peace Health Services employee, it is likely you will be entrusted with confidential information. It is your responsibility to protect that information. Disclosure to anyone - inside or outside your facility - should be made only as permitted per Avera Queen of Peace Health Services policy. Breaking confidentiality may result in disciplinary action, including termination. If you have any doubt about how to respond to a request for disclosure, ask your department director, Health Information Director (Privacy Officer), the Avera Queen of Peace Health Services Compliance Officer or the Corporate Compliance Officer for Avera. If you are requested to send PHI electronically outside of the Avera network, you must verify with the I.S. Director (Security Officer) or designee to ensure that it can be encrypted or sent to a secure website before it is sent.

If you believe that confidential information has been disclosed improperly, report that to your supervisor, department director, Health Information Director (Privacy Officer), Vice-President, or the Corporate Compliance Officer.

**Fraud and Abuse**

Avera Queen of Peace Health Services’ policy has always been to uphold the laws that govern our industry. Consistent with this policy, all employees are required to abide by the Medicare and Medicaid Fraud and Abuse laws and Avera Queen of Peace Health Services policies relating to records, payment and billing.

Employee fraud may include actions such as embezzlement, theft, identity theft, etc. In addition to facility disciplinary actions, consequences may also include criminal and/or civil prosecution.

All company and patient records shall be prepared and maintained accurately and truthfully adhering to applicable standards.

Bills and claims are only to be submitted when services are actually rendered and fully documented in patients' medical records. Bills and claims are to contain accurate diagnosis and service codes (ICD-9 and CPT codes).

It is the duty of employees with knowledge of actual or potential deviation from submission of complete and accurate bills or claims, to promptly report the problem to the Avera Queen of Peace Health Services Corporate Compliance Officer, their Vice-President, Department Director, or a supervisor authorized to address the concern.

**Antitrust**

Antitrust laws were written to promote free and competitive business practices. Violations of antitrust laws carry serious criminal and civil penalties.

This section is not intended to explain the antitrust laws in detail but to make employees aware of potential antitrust concerns.
Antitrust laws prohibit any business arrangements between competitors or potential competitors intended to restrict competition in the market. Such practices that would violate antitrust laws include: price fixing, division of territories or customers, boycotting of third parties and exclusive dealings with suppliers or physicians.

For example, an antitrust violation would occur if competing healthcare organizations in the same geographical area got together and agreed upon prices they would charge for services. Competition based on price for services would be eliminated between the organizations. The patient/customers would be forced to pay the higher fixed prices.

The antitrust laws are complex and violations are determined on the facts and circumstances of each situation. If an employee is aware of a possible antitrust arrangement, they are required to seek the advice from the Office of General Counsel.

Government Investigations

Any number of federal and state governmental agencies may become involved in investigating health care providers for various reasons. The fact that a governmental agency investigates the affairs of Avera Queen of Peace Health Services or its affiliates does not mean they have concluded that a civil or criminal offense has occurred. Because we have confidence that all members of Avera Queen of Peace Health Services strive to comply with applicable laws, Avera Queen of Peace Health Services’ general policy is to cooperate with all government investigations.

To further its compliance efforts, Avera Queen of Peace Health Services should be fully informed about any pending governmental investigations concerning the facility when contacts have been made to facility employees.

Avera Queen of Peace Health Services encourages its employees to immediately notify either the Corporate Compliance Officer or their Director or Vice-President after receiving a contact from governmental agencies who are or may be conducting an investigation of the facility. These contacts could occur either while the employee is working at the hospital or during off hours at the employee's home. A governmental contact for the purposes of this policy includes a request made of the employee for a future interview.

Whether contacted at work or at home, the government investigator may request an interview. Unless the investigator has a subpoena or court order, you have the right to accept or decline the interview as you choose. If you accept the interview, you also have the right to have an attorney present. Both of these decisions whether to be interviewed and whether to have a lawyer present are yours and yours alone. Neither Avera Queen of Peace Health Services nor the government can force you to do one or the other.

This policy is not meant to deter Avera Queen of Peace Health Services employees from cooperating or assisting with any governmental investigations. It is meant to advise you of your rights and to encourage you to tell us if you become aware of an investigation.

Code of Conduct
This document is not all inclusive of the policies of Avera Queen of Peace Health Services or the laws and regulations we must follow. All employees are expected to comply with all the laws, regulations and ethical business practices that apply to Avera Queen of Peace Health Services as well as compliance with all statements of policy and procedures of the organization.

Employee conduct, in accordance with the Avera Queen of Peace Health Services policies contained in this document, is the minimum expectation of Avera Queen of Peace Health Services. The organization trusts that all employees act honestly and with integrity. The Corporate Compliance Program is available to provide guidance in situations regarding ethical dilemmas or regulatory compliance.

Avera Queen of Peace Health Services Code of Conduct is a living document which will change and be updated periodically. **If you have any comments or suggestions for additional content or improvement, please contact the Avera Queen of Peace Health Services Corporate Compliance Officer.**

(See Exhibit A for phone numbers of Avera General Counsel, Avera Corporate Compliance Officer and Avera Queen of Peace Health Services Compliance Officer.)

Submitted and updated by: **Vicki Lehrman – Corporate Compliance**

Written 11/98
Reviewed: 8/02, 7/04, 2/08, 4/09, 4/10
Revised 4/01, 8/03, 3/05, 3/06, 2/07, 7/07, 4/11
EXHIBIT “A”

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Confidential Compliance Hotline
1-888-881-8395

Submitted and updated by: Vicki Lehrman – Corporate Compliance

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Revised 4/01, 8/03, 4/11
ADDENDUM

Individual Compliance Programs have been developed for the following areas:

Laboratory
Health Information and Coding
Durable Medical Equipment
Home Health
Hospice
Long Term Care

Information regarding these additional programs can be obtained from the respective department director or the Corporate Compliance Officer.

Submitted and updated by: Vicki Lehrman – Corporate Compliance

Written 11/98
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