



VENDOR CODE OF CONDUCT

**UTMB Office of Institutional Compliance (OIC)
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<http://www.utmb.edu/compliance/>**

Doing Business with UTMB

UTMB is committed to conducting business in a professional and respectful manner and in full compliance with all local, state, and federal laws. To this end, UTMB strives to manage its procurement activities with its consultants, subcontractors, suppliers, and vendors in a fair and reasonable manner free from conflicts of interest and consistent with good business practices.

Creating and reinforcing a corporate culture that embraces compliance is a top priority for UTMB's leadership. Our values of compassion, integrity, respect, diversity, and lifelong learning are the very foundation of all that we do at UTMB for our patients and for each other. These values are held dear by our organization and are introduced to employees, volunteers, students, and vendors alike. We strive to foster a culture of trust within UTMB, and with our vendors, which encourages monitoring, detecting, and correcting fraudulent, elusive, or wasteful practices.

UTMB has developed this Vendor Code of Conduct in order to assist vendors in avoiding actual, or the appearance of, improper corporate activities and to ensure that all applicable laws are followed as our much needed business partners conduct business with UTMB. This Code of Conduct is intended to serve as a guide so that UTMB and its vendors may provide the best service possible.

William R. Elger, CPA
Executive Vice President
Chief Business and Finance Officer

Introduction

The purpose of this Code of Conduct is to define the UTMB policies and procedures by which all vendors, their representatives and agents must conduct themselves when interacting with any UTMB contract personnel, employee, student, volunteer, or entity. This policy is intended to minimize the disruption of patient care, research, and/or student education and will:

1. Provide guidelines for fair and uniform access to UTMB facilities, staff and physicians;
2. Support the vendor credentialing process, which allows vendors and their representatives and agents access to conduct business with UTMB;
3. Provide for periodic reviews and revisions to ensure that all policies are current, clear, and consistent with applicable corporate policies and procedures, as well as all applicable regulations and laws;
4. Foster a program to protect medical staff and employee efficiency and integrity, and ensure patient privacy and confidentiality; and
5. Provide for appropriate penalties for organizations, vendors, their respective representatives and agents, which/who may violate UTMB corporate policies.

UTMB expects its employees, students, volunteers, contract personnel, vendors, and their respective representatives and agents to conduct themselves, and the business of their respective organization(s), in accordance with the highest ethical and moral standards.

Prior to conducting any business with the institution, all vendors and/or organizations desiring to provide goods and/or services to UTMB must obtain privileges by completing all requirements set forth in the UTMB [Vendor Application](#).

Organizations or individuals wishing to obtain business privileges with UTMB must demonstrate the absence of any sanctions and/or convictions pertaining to a federal health care program and/or a federal procurement or non-procurement program; fiduciary responsibility; financial stability; the willingness to conduct business in a fair, equitable and ethical manner; and the willingness to conduct all business affairs in accordance with all policies of UTMB. Those individuals, vendors, their agents and/or representatives, failing to comply will be subject to having all privileges to call upon and/or to do business with UTMB revoked either temporarily or permanently, depending upon the severity of the offense.

Finally, we pursue and encourage competitive procurement within our organization. Our selection of consultants, subcontractors, suppliers, and vendors is based upon both, subjective and objective criteria which includes such metrics as quality, technical excellence, total cost, delivery, reputation, adherence to schedules, service, and maintenance of adequate sources of supply.

Code of Conduct

All members of UTMB, members of the Medical Staff, organizations doing business with UTMB, as well as UTMB leadership, are expected to conduct their work-related activities in accordance

with the highest personal and ethical standards. Individually and collectively, each vendor is accountable for conducting UTMB activities with integrity, operating in compliance with the applicable UTMB policies and all applicable laws, and to avoid situations where personal interests are, or appear to be, in conflict with the interests of UTMB. All members of the UTMB family are expected to comply with all federal healthcare program requirements for all programs in which UTMB participates. UTMB's vendors are expected to know the applicable guidelines for their particular line of business and to adhere to them when conducting business with UTMB. A copy of UTMB's [Institutional Compliance Plan](#) is available from the UTMB Procurement Department or the OIC. The following provides a summary of certain standards of conduct, which are included in various UTMB policies, publications and guidelines.

Conflict of Interest

The term "conflict of interest" refers to situations in which financial or other personal considerations may compromise, or have the appearance of compromising, one's professional judgment. Such conflicts may affect the collection, analysis and interpretation of data, as well as the hiring of staff, procurement of materials, issues related to public relations and misuse of the UTMB name and/or funds.

Generally, a conflict of interest occurs if one's activities or personal interests influence, or appear to influence the business decisions required by one's responsibilities. Conflicts of interest are detrimental to the business of UTMB and sometimes result in an improper or illegal gain for an employee or a third party.

The mere appearance of a conflict of interest may be as serious and potentially damaging as a known conflict of interest and should be evaluated and managed with the same degree of consideration. Anyone having knowledge of a known or potential conflict of interest shall give prompt notification to the Purchasing Department or the OIC.

Confidential Information

All vendors have a responsibility to keep information concerning their business dealings with UTMB confidential. Vendors should refrain from revealing any personal or confidential information concerning other vendors at UTMB, UTMB employees, or UTMB business or financial operations. In some instances, vendors may be exposed to confidential information concerning patients at UTMB. This confidential information (Protected Health Information or PHI), should never be transcribed, communicated, relayed, or released to others unless the vendor has obtained the express authority to do so and/or has signed a UTMB Business Associate Agreement (BAA) that indicates an agreement to be bound by its terms. Any inappropriate release of such information is not only wrong ethically, but may result in legal action against the vendor, an individual, and/or UTMB.

Professional Relationships

UTMB does not seek to gain any advantage through the improper use of business courtesies or other inducements. Good judgment and moderation must be exercised to avoid misinterpretation and adverse effects on the reputation of UTMB. Offering, giving, soliciting, or receiving any form of compensation (cash or in-kind) outside the scope of the contractually agreed terms is prohibited.

Commissions, rebates, discounts and allowances are customary business inducements, but careful attention is needed to avoid illegal or unethical payments. Such payments must be reasonable in value, competitively justified, properly documented and disclosed, and made to the business entity to which the original agreement or invoice was made or issued. Inducements of any kind will not be made to individual officers, employees or agents of UTMB, nor should a vendor or its employees accept any inducements from UTMB, or any of its employees or agents. No such compensation, commissions, rebates, discounts, or allowances will be given/received in order to induce referrals of patients to UTMB.

Tips, Gratuities and Gifts

UTMB takes pride in its reputation in providing excellent healthcare and service to its patients.

Employees' acceptance of tips, personal gratuities, or expensive gifts from vendors is considered improper, is highly unprofessional, and will not be allowed. If a vendor wishes to present a monetary gift, the vendor should be referred to the UTMB Development Office. Employees should refrain from accepting inexpensive, non-monetary gifts (ex. pens, pencils, note pads) that cannot be shared with co-workers. However, such practice is not prohibited. Whenever there is doubt about the appropriateness of an inexpensive gift, the Purchasing Department or the OIC should be consulted.

Vendors hosting an educational opportunity regarding their products or services may provide a meal/food in conjunction with that program. As with all vendor interactions, frequency and expense are a consideration. Discounts that are available to all UTMB employees and employees of other companies may be accepted.

UTMB employees who deal with vendors must do so in a reputable, professional, and legal manner. It is both improper and illegal for any UTMB employee to request that a tip, gift, or gratuity be provided as a condition of doing business, or continuing business with UTMB. Any such request received by a vendor should be immediately reported to the OIC. For more information please see [IHOP 2.6.5 "Acceptance and/or Solicitation of Gifts or Benefits from Vendors"](#).

Government Relations

Vendors are encouraged to be aware of government policies affecting their business relationship with UTMB and to direct any concerns to Administration or the OIC. It is UTMB's intent to adhere to all such rules, regulations, and policies. Vendors shall not make any representation to any government agency concerning their business relationship with UTMB without first informing UTMB of their intent to do so, or as otherwise provided by law or contract.

Valuing Individual Diversity

It is a UTMB principle to promote cultural diversity and equality of opportunity. Therefore, vendors should respect the rights, dignity, and cultural differences of individuals at all times. Vendors shall not discriminate against others on the basis of race, color, sex, pregnancy, age, or disability. Harassment of any type will not be tolerated.

Behaviors that Undermine a Culture of Safety

UTMB is committed to providing a respectful working environment and a workplace that is free from threats of violence. UTMB affirms the basic right of everyone to have a safe and humane working environment with every person treated with dignity and respect. Acts of aggression, intimidation, or disruptive behaviors will not be tolerated.

Acts of aggression include verbal or physical actions that are intended to create fear or apprehension of bodily harm. Examples include, but are not limited to: psychological traumas such as threats, oral or written statements, obscene phone calls, intimidating presence and harassment of any nature to include stalking, swearing or shouting. Intimidating and disruptive behaviors include overt actions such as verbal outbursts and physical threats, as well as passive activities such as refusing to perform assigned tasks, condescending language, or refusal to answer questions. Overt and passive behaviors can undermine team effectiveness and can compromise the respectful working environment and the safety of patients/students/staff.

Compliance

All vendors are expected to comply with these UTMB standards of conduct, and with all applicable UTMB policies and procedures related to their business relationship with UTMB. When in doubt, it is an individual's responsibility to seek clarification from the Purchasing Department or the OIC. Vendors, or an individual representing a vendor, who conduct themselves in ways incompatible with these standards, risk termination of the business relationship. Vendors who are aware of suspected misconduct, fraud, abuse of the institution's assets, or other violations of the ethical standards of UTMB are responsible for reporting such matters to the Purchasing Department or the OIC. Every effort will be made to protect the identity of the reporting individual if desired, or an individual may elect to report anonymously by calling the Fraud, Abuse and Privacy Hotline at 1-800-898-7679. The OIC shall be primarily responsible for investigating such reports. At the conclusion of the investigation, upon recommendation by the OIC, management shall take timely action as warranted by the circumstances.

Reporting Process

All members of the UTMB family are encouraged to report concerns or questionable conduct. There are many ways to do this.

Fraud, Abuse, and Privacy Hotline (Hotline)

The purpose of the Hotline is to encourage the reporting of possible unethical or illegal conduct. Calls to the Hotline should be thorough and contain enough information to conduct a proper investigation. Confidentiality is ensured to the extent possible. No retaliation or harassment will be taken against anyone for using the Hotline to make a report or to ask a question. The Hotline number is 1-800-898-7679. For information regarding online reporting, go to <http://www.utmb.edu/compliance/Hotline.asp>.

You can also contact the OIC directly by calling 409-747-8700.

Purchasing Department

Always feel free to report any perceived or known compliance issues to the Director of Purchasing at 409-747-8000.

Ethical Conduct in the Workplace

All of UTMB's business affairs must be conducted with honesty, fairness, and integrity. These qualities are evidenced by truthfulness and the absence of deception or fraud. No set of standards, written rules, or procedures can substitute for the personal integrity, good judgment, and common sense required to meet the challenges of daily work at UTMB. It is essential that vendors and their employees, agents, and/or representatives have a sense of workplace ethics and honesty and that they are committed to those ideals.

Proprietary UTMB Information

Proprietary or confidential information developed or acquired by UTMB and not generally available to others is a valuable asset of UTMB and must be kept confidential and be protected against theft, loss, or improper disclosure. Vendors shall not disclose or permit the disclosure of proprietary UTMB information, data, systems, pricing, finances, or policies to any competitor of UTMB, or to any person who might be in a position to disclose such matters, to UTMB's competitors.

UTMB Resources

Vendors shall not use UTMB property for personal reasons or for reasons not associated with their contractual obligations with UTMB. UTMB's assets, such as equipment and supplies, must not be taken out of UTMB facilities except in circumstances that contribute to the provision of appropriate patient care or as necessitated by contractual obligations.

No Payments for Patient Referrals; No Prohibited Arrangements with Physicians

UTMB will comply with all laws pertaining to Medicare and Medicaid and other federal programs, including all laws involving fraud, waste, and abuse of these programs.

There are a number of laws governing Medicare and Medicaid and other federal health programs. These laws prohibit the payment of remuneration (cash or in-kind) in return for the referral of Medicare or Medicaid patients or to induce the purchase of goods or services to be paid for by Medicare or Medicaid. They also prohibit making false claims for Medicare or Medicaid reimbursement.

No vendor shall solicit or receive, or offer to pay or pay for, remuneration of any type (including kickbacks, bribes or rebates) in return for referring or recommending the referral of an individual to another person, hospital or medical facility for services, or in return, for the purchase of goods or services.

No vendor shall offer or grant any benefit to a UTMB physician or other referral source on the condition that such physician or referral source utilizes a particular vendor's products or

services. No vendor shall offer or grant any benefit to any physician or other referral source in return for the physician referring patients to UTMB for care and/or services.

UTMB expects vendors to closely examine relationships that involve referral sources. Every agreement involving compensation or cross referrals with a physician or other referral source should be disclosed to UTMB prior to entering into any business relationship with UTMB. Vendors will not enter into improper arrangements with any member of the Medical Staff at UTMB.

Compliance with Environmental Laws

UTMB is committed to promoting sound corporate environmental practices that will prevent damage to the environment, enhance human and community resources, and reduce or avoid exposure to environmental liabilities. If an existing or potential condition hazardous to human health or the environment is detected, you should report the condition immediately to the Director of Environmental Health and Safety, the OIC, or the department head or administrator with whom you have a business relationship.

Prompt disclosure of such events is critical to timely prevention and helps to ensure effective remedial action is promptly taken.

Compliance with Antitrust Laws

Under the antitrust laws of the United States, certain agreements, whether explicit or implicit, with vendors, competitors, customers or others may constitute punishable crimes and result in severe personal and institutional civil damages if they produce an unreasonable restraint of trade or substantial lessening of competition.

Examples of conduct that may be anti-competitive include exclusive buying or selling agreements and certain mergers and acquisitions. The facts of a particular course of conduct are important to an evaluation of the anti-competitive consequences of such conduct and require expert legal guidance.

UTMB recognizes that routine communications with competitors are appropriate and reasonable in many instances, but communications with competitors about matters that could be perceived to have the effect of lessening competition should take place only after consultation with legal counsel.

General business information about its competitors is important to the UTMB's efforts to maintain and improve upon its competitive position in the markets in which UTMB operates. However, only legal and ethical means should be used to gather information about existing and potential competitors.

Payments or Gifts to Government Officials

There should not be any payments to government officials to secure sales or obtain favorable treatment made by any vendor on behalf of UTMB. Gifts of substantial value to, or extravagant entertainment of, government officials or employees is prohibited because these actions could be construed as attempts to influence favorable government decisions. Gifts, assistance, or

entertainment provided for any government official or employee should not compromise or appear to compromise that person's integrity.

Safety and Health

UTMB, its employees, volunteers, students, and vendors and their representatives and/or agents, are responsible for maintaining a safe and healthy work environment. The parties must strive to comply with all local, state, and federal safety laws, rules, and regulations, including but not limited to those administered by the Occupational Safety and Health Administration (OSHA).

Detection and Prevention of Fraud, Waste and Abuse

UTMB is committed to complying with all applicable federal, state, and local laws and regulations. To ensure compliance with such laws, UTMB has policies and procedures in place to detect and prevent fraud, waste, and abuse, and also supports the efforts of federal and state authorities in identifying incidents of fraud, waste and abuse. It is every employee's responsibility to prevent fraud, waste and abuse. [The University of Texas System Fraud Policy](#) specifies UTMB responsibilities and actions regarding fraud/dishonest acts. UTMB [IHOP 3.10.1, Discipline and Dismissal](#), also addresses certain fraudulent activities.

Fraud is defined as knowingly and willfully attempting to receive financial gain by making false statements or developing a scheme to receive anything of value.

Abuse is defined as activities that result in excessive or unreasonable costs to UTMB or other state or federal agencies.

Employees, students, volunteers, vendors, and/or agents or representatives who are found to be involved in any type of fraudulent, wasteful, or abusive activity will be subject to disciplinary action, which may include termination, dismissal or contract revocation, and possible prosecution by state or federal agencies if applicable.

In addition to UTMB's own compliance policies and procedures to prevent and detect violations of federal and state health care program requirements, the federal government and the State of Texas have also enacted criminal, civil, and administrative laws that prohibit the submission of false or fraudulent claims, and the making of false statements, to the federal and state governments. These laws contain various criminal, civil, and administrative penalties and provide governmental authorities with broad authority to investigate allegations of fraud, waste, and abuse and to enforce compliance with federal and state health care program requirements. An overview of some of these laws is detailed below.

Background

The submitting of false information and claims to the Federal Government may constitute a fraud that is actionable by enforcement agencies. The Office of Inspector General (OIG), U.S. Department of Health and Human Services (DHHS) conducts a large number of Medicaid audits and evaluations due to improper or fraudulent payments which result in a substantial drain on State and Federal funds. The Deficit Reduction Act (DRA) of 2005 mandated that any entity receiving or making annual payments under a State Medicaid plan of at least \$5 million must:

- Establish written policies for all employees of the entity (including management), and of any contractor or agent of the entity, that provide: detailed information about the False Claims Act (FCA) established under sections 3729 through 3733 of title 31, United States Code; information about the administrative remedies for false claims and statements established under chapter 38 of title 31, United States Code; detail State laws pertaining to civil or criminal penalties for false claims and statements; and information about whistleblower protections under such laws, with respect to the role of such laws in preventing and detecting fraud, waste, and abuse in Federal health care programs (as defined in section 1128B(f)); and,
- Include as part of such written policies, detailed provisions regarding the entity's policies and procedures for detecting and preventing fraud, waste, and abuse; and
- Include in any employee handbook for the entity, a specific discussion of the laws described by the Act and the rights of employees to be protected as whistleblowers, and the entity's policies and procedures for detecting and preventing fraud, waste, and abuse.

Vendors who perform services at UTMB are expected to promptly notify the OIC concerning any instance where Vendor believes, has actual knowledge of, or has been put on notice that Vendor and/or UTMB has submitted, or caused to be submitted, any claims that are considered false or fraudulent, as more fully outlined below. Prompt notice shall mean within five (5) business days of Vendor learning that a false claim has been, or may have been, submitted by Vendor and/ or UTMB.

Federal and State False Claims Laws

The Role of Federal and State Laws in Preventing Fraud, Waste and Abuse

The Federal Government and the State of Texas have enacted criminal and civil laws pertaining to the submission of false or fraudulent claims for payment or approval to the federal and state governments and to private payers. The laws, which provide for criminal, civil, and administrative penalties, give governmental authorities broad authority to investigate and prosecute potentially fraudulent activities. The false claims laws also provide anti-retaliation provisions for individuals who make good faith reports of fraud, waste, and abuse.

The Federal Civil False Claims and Program Fraud Civil Remedies Acts, applicable State laws, and anti-retaliation provisions are summarized in the following sections:

1. Federal Civil False Claims Act

The **Civil False Claims Act (31 U.S.C. 3729 et seq.)** is a statute that imposes civil liability on any person who:

- knowingly presents a false or fraudulent claim for payment or approval;
- conspires to defraud the government by getting a false or fraudulent claim allowed or paid;

- uses a false record or statement to avoid or decrease an obligation to pay the Government;
- commits fraudulent acts enumerated in the statute.

The term "**knowingly**" as defined in the Civil False Claims Act ("FCA") includes a person who has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.

The term "**claim**" includes any request or demand for money or property if the United States Government provides any portion of the money requested or demanded.

Potential civil liability under the FCA currently includes penalties of between \$5,500 and \$11,000 per claim, treble damages, and the costs of any civil action brought to recovery such penalties or damages.

The **Attorney General of the United States** is required to diligently investigate violations of the FCA, and may bring a civil action against a person.

The FCA also provides for **Actions by Private Persons** (or *qui tam* lawsuits), and the private person can bring a civil action in the name of the government for a violation of the Act. The action is filed and served on the United States Government, and remains under seal for at least sixty days. The United States Government may choose to intervene in the lawsuit and assume primary responsibility for prosecuting the action. If the Government chooses not to intervene, the private party who initiated the lawsuit has the right to conduct the action.

In the event the government proceeds with the lawsuit, the *qui tam* plaintiff may receive between 15 to 25 percent of the proceeds of the action or settlement. If the *qui tam* plaintiff proceeds with the action without the government, the plaintiff may receive between 25 to 30 percent of the recovery. In either case, the plaintiff may also receive an amount for reasonable expenses plus reasonable attorneys' fees and costs.

Whistleblower Protection. The Civil False Claims Act also provides for protection for employees from retaliation. An employee who is discharged, demoted, harassed, or discriminated against because of lawful acts conducted in furtherance of an action under the FCA may bring an action in Federal District Court to seek reinstatement, back pay, and other enumerated costs, damages, and fees.

2. Federal Program Fraud Civil Remedies Act of 1986

The **Program Fraud Civil Remedies Act of 1986** ("Administrative Remedies for False Claims and Statements" at 38 U.S.C. 3801 *et seq.*) is a statute that establishes the provision for the placement of an administrative remedy against any person who submits a claim or written statement that the person knows, or has reason to know, is false, fictitious, or fraudulent to certain federal agencies (including the Department of Health and Human Services). The Act or "PFCRA" is applicable to allegations of program fraud when the claims are less than \$150,000.

The term "**knows or has reason to know**" is defined in the Act as a person who has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the

information, or acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.

The term "**claim**" includes any request or demand for money or property if the United States Government provides any portion of the money requested or demanded or will reimburse such recipient or party for any portion of the money paid on such request or demand.

The PFCRA allows for **civil monetary sanctions** to be imposed in administrative hearings, including penalties of \$5,500 per claim and an assessment, in lieu of damages, of not more than twice the amount of the original claim.

3. State Medicaid Fraud Prevention Act

The Texas Medicaid Fraud Prevention Act (TMFPA) (TEX. HUM. RES. CODE ANN. §§ 36.001–36.132) provides for criminal, civil, and administrative penalties and sanctions related to health care providers who defraud the Medicaid program. The actions that trigger civil and criminal penalties under the Act generally mirror those of the federal False Claims Act, and include provisions making it illegal to make a false statement or conceal information that affects the right to a Medicaid benefit, to the Medicaid program or its fiscal agent. In addition, under the Act, a person may also be liable if he/she presents a claim for payment under the Medicaid program for a product or service that was rendered by an unlicensed provider or that has not been approved by the patient's treating health care practitioner. The Texas law also differs from the federal False Claims Act in that the civil penalty is greater for unlawful acts that result in an injury to an elderly person, a disable person, or someone younger than eighteen.

Like the federal False Claims Act, the Texas law has a provision that permits private individuals ("whistleblowers") to bring an action on behalf of the state and receive a portion of the recovery if the case is successful. The private individual's share could be reduced or eliminated altogether, however, if the individual planned and initiated the activity upon which the lawsuit was based or if the individual is convicted of criminal conduct arising from his/her role in the illegal activity. Like the federal False Claims Act, the Texas law also includes provisions to prevent employers from retaliating against employees for their involvement in TMFPA actions.

4. State Administrative Sanctions

Pursuant to the Texas Health and Human Services Commission's Regulations, "**FRAUD OR ABUSE AND ADMINISTRATIVE ENFORCEMENT INVOLVING MEDICAID AND OTHER HEALTH AND HUMAN SERVICES PROGRAMS**" (TEX. ADMIN. CODE ANN. § 371.1603), the Inspector General may take action against any provider or person associated with any HHS program or service as it relates to fraud, abuse, overpayments, waste, or program violations that rise to the level of fraud, abuse, or waste of those HHS programs or services, or for any of the violations for which the Inspector General may take action against providers or persons associated with the Medicaid program. The Inspector General may also take an administrative action, sanction, impose damages or penalties, or abate, deny, or postpone a decision to enroll a provider or person in a Medicaid program or for a Medicaid service, based upon the investigative findings related to an investigation or finding of a provider or person or their principals or affiliates within a Medicaid or HHS program or receiving a Medicaid or HHS service

5. State Employment Protection Act

State employees who, in good faith, report violations of state or federal laws or regulations are provided protection against retaliation or disciplinary action related to the report pursuant to the "**Texas Whistleblower Act**" (TEX. GOV. CODE ANN. §§ 554.001 *et seq.*). The law (which does not apply to nonpublic, private corporations) prohibits a public body from dismissing, suspending, demoting, or taking other adverse actions against an employee based on the employee's filing of a report of wrongdoing with an appropriate law enforcement authority. A report is made to an appropriate law enforcement authority if the authority is a part of a state or local governmental entity or of the federal government that the employee in good faith believes is authorized to (1) regulate under or enforce the law alleged to be violated in the report; or (2) investigate or prosecute a violation of criminal law.

A supervisor, who in violation of this chapter, suspends or terminates the employment of a public employee, or takes an adverse personnel action against the employee, is liable for a civil penalty not to exceed \$15,000. A public employer may also impose disciplinary sanctions against any supervisory employees who retaliate against another employee for having filed a good faith report.

If an employee suffers adverse actions related to employment within ninety (90) days after having timely reported alleged wrongdoing, the employee may institute a non-jury civil action against the public employer. Notwithstanding the filing of a report, however, a public employer may dismiss, suspend, demote, or decrease the compensation of an employee for causes independent of the filing of a protected report.

6. Securing Execution of a Document by Deception

Texas law imposes criminal penalties against a person who, with intent to defraud or harm any person, causes another person, by deception, to sign or execute any document affecting property or service or the pecuniary of any person interest. Under the terms of this statute, this law may be used by the State to pursue suspected fraud in the Texas Medicaid program. (Tex. Bus. & Comm. Code Ann. §§ 17.01 *et seq.*)

Additional Resources

Relevant laws and rules include, but are not necessarily limited to:

- Section 6032 of the Deficit Reduction Act of 2005 (Public Law 109-171) (establishes Section 1902(a)(68) of the Social Security Act, 42 U.S.C. 1396a(a)).
- The Civil Monetary Penalties Law, 42 U.S.C. 1320a-7a.
- The False Claims Act, 31 U.S.C. §§3729-3733: 31 U.S.C. Sections 3729, 3730, 3731, 3732, 3733 and 3801-3812.

Pertinent Texas Statutes and Rules

- Texas Human Resources Code, Chapter 32, Sections 32.039 and 32.0391.
- Texas Human Resources Code, Chapter 36.
- Texas Government Code, Chapter 531, Subchapter C, Sections 531.101 *et seq.*
- Texas Administrative Code, Title 1, Part 15, Chapter 371.
- Texas Government Code Chapter 554, Sections 554.001 *et seq.*
- Texas Business & Commerce Code, Chapter 17, Sections 17.01 *et seq.*

Centers for Medicare and Medicaid Services (CMS) Guidance

- State Medicaid Directors Letter #06-025;
- State Medicaid Directors Letter #07-003;
- Texas Waste, Abuse, and Fraud Hotline: 1-800-436-6184
- Texas Health and Human Services Office of Inspector General:
<http://oig.hhsc.state.tx.us/oigportal/>

CODE OF CONDUCT

All staff members, employees, officers, volunteers, students, consultants, sub-contractors, agents, suppliers and vendors (i.e. covered persons) of UTMB are expected to conduct their work-related activities in accordance with the highest personal and ethical standards.

- A. UTMB has been, and continues to be, committed to conducting its business in full compliance with all federal, state and local laws. UTMB has long been committed to preventing and detecting noncompliance. The mission of the Institutional Compliance Program is to aid in this prevention and detection.
- B. Each covered person must know what is expected by the Institutional Compliance Program, abide by these expectations, and be sensitive to situations that could lead to violations of these expectations. Each covered person is expected to comply with Federal health care program requirements and with UTMB's own Policies and Procedures. Every effort will be made to convey each covered person's responsibilities.
- C. According to UTMB's Institutional Compliance Program requirements, all covered persons are expected to report to the OIC or the appropriate individual, with whom the covered person is interacting, any and all suspected violations of any federal health care program requirements or UTMB's own Policies and Procedures, and/or any breaches of this Code of Conduct.
- D. Failure of UTMB and/or any covered person to comply with Federal health care program requirements and/or UTMB's own Policies and Procedures can result in serious consequences. Consequences for the covered person may result in termination, fines or penalties, or criminal charges. Criminal prosecution, administrative penalties, substantial monetary fines and the loss of UTMB's reputation for integrity are possible consequences for noncompliance for UTMB as an institution.
- E. UTMB has, and continues, to maintain a Fraud, Abuse and Privacy Hotline, service accessible to all covered persons. A thorough and complete explanation of this service is discussed at all compliance training sessions and additional detail can be found at <http://www.utmb.edu/compliance/Hotline.asp>. This service is bolstered by [IHOP policy 6.1.2 Non-Retaliation Policy](#).

This is to certify that I have received, read, and understand UTMB's Vendor Code of Conduct.

Print, Vendor's Authorized Representative Date

Signature, Vendor's Authorized Representative Date

Compliance Officer Date

**** Execution of any contract which has a link to this Vendor Code of Conduct will be deemed to be an acknowledgement and agreement to be bound by the terms contained here-in. As such, a separate signed copy of this Vendor Code of Conduct is not necessary.*