

# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

Premier Lab Solutions, LLC (PLS) has always had a commitment to provide quality services to our clients. As part of this, we strive to ensure an ethical approach to delivering laboratory testing services. We must demonstrate consistently that we act with absolute integrity in the way we do our work and the way we live our lives.

This Code of Conduct provides guidance to ensure that our work is done in an ethical and legal manner. It emphasizes the shared common values which guide our actions. It contains resources to help resolve any questions about appropriate conduct in the workplace. Please review it thoroughly. Your adherence to its spirit, as well as, its specific provisions, is critical to our future.

If you have questions regarding this Code or encounter any situation which you believe violates provisions of this Code, you should immediately consult your supervisor, another member of management or your Compliance Officer. You have our personal assurance there will be no retribution for asking questions or raising concerns about the Code or for reporting possible improper conduct.

We are committed to those ideals reflected in our Mission and Values Statement and in this Code of Conduct. We are equally committed to assuring that our actions consistently reflect our words. In this spirit, we want this organization to be a family of men and women of shared values, and we expect all of our colleagues' actions to reflect the high standards set forth in this Code of Conduct. No code of conduct can substitute for our own internal sense of fairness, honesty, and integrity.

Thus, in your daily life and work, if you encounter a situation or are considering a course of action which may be technically within the guidelines of the Code of Conduct, but you are worried that the contemplated action simply "does not feel right," please discuss the situation with any of the resources listed above. In closing, we trust you as a valuable member of our team. We ask you to assist all of us in this organization in supporting the values and principles which are critical to achieving our mission.

Sincerely,



Kendall Oltrogge, CEO

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

## Premier Lab Solutions Mission Statement

Above all, Premier Lab Solutions is committed to the care and improvement of human life. We partner with healthcare providers to collaborate in the development of innovative diagnostic solutions that deliver the most advanced, accurate, rapid, and personalized information to improve patient outcomes and by reaching our community one family member at a time.

## PLS Values

**Integrity**

**Respect**

**Innovation**

**Collaboration**

**Excellence**

## Purpose of Our Code of Conduct

Our Code of Conduct provides guidance to all Premier Lab Solutions employees and assists us in carrying out our daily activities within appropriate ethical and legal standards. These obligations apply to our relationships with third-party payers, subcontractors, independent contractors, vendors, consultants, and one another. The Code is a critical component of our Compliance Program. We have developed the Code to ensure that we meet our ethical standards and comply with applicable laws and regulations. The Code is intended to be a statement that is comprehensive and easily understood. In some instances, the Code deals fully with the subject covered. In many cases, however, the subject discussed has so much complexity that additional guidance is necessary for those directly involved with the particular area to have sufficient direction. The policies set forth in this Code are mandatory and must be followed.

## Leadership Responsibilities

While all employees are obligated to follow our Code, we expect our leaders to set the example, to be in every respect a model. They must ensure that those on their team have sufficient information to comply with law, regulation, and policy, as well as the resources to resolve ethical dilemmas. They must help to create a culture within the organization which promotes the highest standards of ethics and compliance. This culture must encourage everyone in the organization to raise concerns when they arise. We must never sacrifice ethical and compliant behavior in the pursuit of business objectives.

*Version 1 - Updated: 5/9/2023*



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

## Our Fundamental Commitment to Stakeholders

**We affirm the following commitments to our organization's stakeholders:**

### To our Employees:

We are committed to a work setting which treats all employees with fairness, dignity, and respect, and affords them an opportunity to grow, to develop professionally, and to work in a team environment in which all ideas are considered.

### To our Third-Party Payers:

We are committed to dealing with our third-party payers in a way that demonstrates our commitment to contractual obligations and reflects our shared concern for quality healthcare and bringing efficiency and cost effectiveness to healthcare. We encourage our private third-party payers to adopt their own set of comparable ethical principles to explicitly recognize their obligations to patients as well as the need for fairness in dealing with providers.

### Coding and Billing for Services:

We will take great care to assure that billings to government and to private insurance payers reflect truth and accuracy and conform to pertinent Federal and state laws and regulations. We prohibit any employee or agent of our organization from knowingly presenting or causing to be presented claims for payment or approval which are false, fictitious, or fraudulent. We will operate oversight systems designed to verify that claims are submitted only for services actually provided and that services are billed as provided. Employee(s) engaged to perform billing or coding services must have the necessary skills, quality assurance processes, systems, and appropriate procedures to ensure that all billings for government and commercial insurance programs are accurate and complete.

### To our regulators:

We are committed to an environment in which compliance with rules, regulations, and sound business practices are woven into the laboratory's culture. We accept the responsibility to aggressively self-govern and monitor adherence to the requirements of law and to our Code of Conduct.

### To our suppliers:

We are committed to fair competition among prospective suppliers and the sense of responsibility required of a good customer.

## Regulatory Compliance

We will comply with applicable laws and regulations. Employees must be knowledgeable about and ensure compliance with laws and regulations and should immediately report violations or suspected violations to a supervisor or member of management or the Compliance Officer. We will be forthright in dealing with any billing inquiries. Requests for information will be answered with complete, factual, and accurate information. We will cooperate with, be courteous to government inspectors, and provide them with the information to which they are entitled during an inspection. During a government inspection, you must never conceal, destroy, or alter any documents, lie, or make misleading statements to the government representative. You should not attempt to cause another employee to fail to provide accurate information or obstruct, mislead, or delay the communication of information or records relating to a possible violation of law. In order to ensure that we fully meet regulatory obligations, our employees must be informed about stated areas of potential compliance concerns. The Department of Health and Human Services, and particularly its Inspector General, has routinely notified healthcare providers of areas in which these government representatives believe that insufficient attention is being accorded government regulations.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

We should be diligent in the face of such guidance about reviewing these elements of our system to ensure their correctness. We will provide our employees with the information and education they need to comply fully with applicable laws, regulations and must be followed.

## Business Information and Information Systems

### Accuracy, Retention, and Disposal of Documents and Records

Each employee is responsible for the integrity and accuracy of our organization's documents and records, not only to comply with regulatory and legal requirements but also to ensure that records are available to defend our business practices and actions. No one may alter or falsify information on any record or document. Medical, business documents and records are retained in accordance with the law and our record retention policy. Medical and business documents include paper documents such as letters and memos, computer-based information such as e-mail or computer files on disk or tape, and any other medium that contains information about the organization or its business activities. It is important to retain and destroy records appropriately according to our policy. You must not tamper with records, nor remove or destroy them prior to the specified date.

### Confidential Information

Confidential information about our organization's strategies and operations is a valuable asset. Although you may use confidential information to perform your job, it must not be shared with others outside of our organization or your department unless the individuals have a legitimate need to know this information and have agreed to maintain the confidentiality of the information. Confidential information includes personnel data maintained by the organization, patient lists, pricing, financial data, research data, strategic plans,

marketing strategies, techniques, employee lists and data maintained by the organization, supplier and subcontractor information, and proprietary computer software.

## Electronic Media

All communications systems, electronic mail, Internet access, or voice mail are the property of the organization and are to be primarily used for business purposes. Highly limited reasonable personal use of our organization's communications systems is permitted; however, you should assume that these communications are not private. Patient or confidential information should not be sent through the Internet until such time that its confidentiality can be assured. We reserve the right to periodically access, monitor, disclose the contents of e-mail, and voice mail messages. Access and disclosure of individual employee messages may only be done with the approval of the laboratory's legal representative. Employees may not use internal communication channels or access to the internet at work to post, store, transmit, download, or distribute any threatening; knowingly, recklessly, or maliciously false; or obscene materials including anything constituting or encouraging a criminal offense, giving rise to civil liability, or otherwise violating any laws. Additionally, these channels of communication may not be used to send chain letters, personal broadcast messages, or copyrighted documents that are not authorized for reproduction; nor are they to be used to conduct a job search or open misaddressed mail. Employees who abuse our communications systems or use them excessively for non-business purposes may lose these privileges and be subject to disciplinary action.

### Financial Reporting and Records

We have established and maintained a high standard of accuracy and completeness in the documentation and reporting of financial records. These records serve as a basis for

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

managing our business and are important in meeting our obligations to employees, shareholders, suppliers, and others. They are also necessary for compliance with tax and financial reporting requirements. Financial information must reflect actual transactions and conform to generally accepted accounting principles. No undisclosed or unrecorded funds or assets may be established. We maintain a system of internal controls to provide reasonable assurances that all transactions are executed in accordance with management's authorization and are recorded in a proper manner to maintain accountability of the organization's assets.

## Workplace Conduct and Employment Practices

### Conflict of Interest

A conflict of interest may occur if you're outside activities or personal interests influence or appear to influence your ability to make objective decisions in the course of your job responsibilities. A conflict of interest may also exist if the demands of any outside activities hinder or distract you from the performance of your job or cause you to use the organization's resources for other than the organization's purposes. It is your obligation to ensure that you remain free of conflicts of interest in the performance of your responsibilities at the organization. If you have any question about whether an outside activity might constitute a conflict of interest, you must obtain the approval of your supervisor before pursuing the activity.

### Copyrights

The organization's employees may only make copies of copyrighted materials pursuant to the organization's policy on such matters.

## Diversity and Equal Employment Opportunity

Our employees provide us with a wide complement of talents which contribute greatly to our success. We are committed to providing an equal opportunity work environment where everyone is treated with fairness, dignity, and respect. We will comply with laws, regulations, and policies related to non-discrimination in our personnel actions. Such actions include hiring, staff reductions, transfers, terminations, evaluations, recruiting, compensation, corrective action, discipline, and promotions. No one shall discriminate against any individual with a disability with respect to any offer, or term or condition, of employment. We will make reasonable accommodations to the known physical and mental limitations of otherwise qualified individuals with disabilities.

### Harassment and Workplace Violence

Each employee has the right to work in an environment free of harassment. We will not tolerate harassment by anyone based on the diverse characteristics or cultural backgrounds of those who work with us. Degrading or humiliating jokes, slurs, intimidation, or other harassing conduct is not acceptable in our workplace. Any form of sexual harassment is strictly prohibited. This prohibition includes unwelcome sexual advances or requests for sexual favors in conjunction with employment decisions. Moreover, verbal, or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment has no place in the organization. Harassment also includes incidents of workplace violence. Workplace violence includes robbery and other commercial crimes, stalking cases, violence directed at the employer, terrorism, and hate crimes committed by current or former employee. As part of our commitment to a safe workplace for our employees, we prohibit employees from possessing

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

firearms, other weapons, explosive devices, or other dangerous materials on the organization's premises. Employees who observe or experience any form of harassment or violence should report the incident to their supervisor, a member of management, or the Compliance Officer.

## Health and Safety

The organization must comply with government regulations and rules and with the organization's policies or required facility practices that promote the protection of workplace health and safety. Our policies have been developed to protect you from potential workplace hazards. You should become familiar with and understand how these policies apply to your specific job responsibilities and seek advice from your supervisor whenever you have a question or concern. It is important for you to advise your supervisor of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken to resolve the issue.

## Hiring of Former and Current Government Employees

The recruitment and employment of former or current U.S. government employees is subject to complex rules which change frequently and vary by employee. Similar rules may also apply to current or former state or local government employees or legislators and members of their immediate families. Each situation should be considered on an individual basis, and you should consult with the laboratory's legal representative on issues related to recruitment and hiring of former or current government employees.

## Personal Use of the Organization's Resources

It is the responsibility of each employee to preserve our organization's assets including time, materials, supplies, equipment, and information. Organization assets are to be maintained for business related purposes. As a rule, the personal use of any of the organization's asset without the prior

approval of your supervisor is prohibited. The occasional use of items, such as copying facilities or telephones, where the cost to the organization is insignificant, is permissible. Your supervisor must approve any community or charitable use of organization resources in advance. Any use of organization resources for personal financial gain unrelated to the organization's business is prohibited.

## Relationships among Employees

In the normal day-to-day functions of an organization, there are issues that arise which relate to how people in the organization deal with one another. It is impossible to foresee all of these, and many do not require explicit treatment in a document like this. A few routinely arise, however. One involves gift giving among employees' occasions. While we wish to avoid any strict rules, no one should ever feel compelled to give a gift to anyone, and any gifts offered or received should be appropriate to the circumstances. A lavish gift to anyone in a supervisory role would clearly violate organization policy. Another situation, which routinely arises, is a fundraising or similar effort, in which no one should ever be made to feel compelled to participate.

## Relationships with Subcontractors and Suppliers

We must manage our subcontractor and supplier relationships in a fair and reasonable manner, consistent with applicable laws and good business practices. We promote competitive procurement to the maximum extent practicable. Our selection of subcontractors, suppliers, and vendors will be made on the basis of objective criteria including quality, technical excellence, price, and delivery, adherence to schedules, service, and maintenance of adequate sources of supply.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

Our purchasing decisions will be made on the supplier's ability to meet our needs, and not on personal relationships and friendships. We will always employ the highest ethical standards in business practices in source selection, negotiation, determination of contract awards, and the administration of purchasing activities. We will not communicate to a third-party confidential information given to us by our suppliers unless directed in writing to do so by the supplier. We will not disclose contract pricing and information to any outside parties.

## Substance Abuse and Mental Acuity

To protect the interests of our employees, we are committed to an alcohol and drug-free work environment. All employees must report for work free of the influence of alcohol and illegal drugs. Reporting to work under the influence of any illegal drug or alcohol, having an illegal drug in your system, or using, possessing, or selling illegal drugs while on the organization's work time or property may result in immediate termination. We may use drug testing as a means of enforcing this policy. It is also recognized that individuals may be taking prescription drugs, which could impair judgment or other skills required in job performance. If you have questions about the effect of such medication on your performance, consult with your supervisor.

## Marketing and Advertising

We may use marketing and advertising activities to educate the public, provide information to the community, increase awareness of our services, and to recruit employees. We will present only truthful, fully informative, and non-deceptive information in these materials and announcements. All marketing materials will reflect services available and the level of licensure and certification.

## Political Activities and Contributions

Law limits the organization's political participation. The company's funds or resources are not to be used to contribute to political campaigns or for gifts or payments to any political party or any of their affiliated organizations. Organization resources include financial and non-financial donations such as using work time and telephones to solicit for a political cause or candidate or the loaning of company property for use in the political campaign. The conduct of any political action committee is to be consistent with relevant laws and regulations. It is important to separate personal and laboratory political activities in order to comply with the appropriate rules and regulations relating to lobbying or attempting to influence government officials. You may, of course, participate in the political process on your own time and at your own expense. While you are doing so, it is important not to give the impression that you are speaking on behalf of or representing the company in these activities. You cannot seek to be reimbursed by the company for any personal contributions for such purposes. At times, the company may ask employees to make personal contact with government officials or to write letters to present our position on specific issues. In addition, it is a part of the role of some of the company's management to interface on a regular basis with government officials. If you are making these communications on behalf of the organization, be certain that you are familiar with any regulatory constraints and observe them. Guidance is always available from the Compliance Officer and laboratory's legal representative.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

## The Laboratory Ethics and Compliance Program

### Program Structure

The Laboratory Compliance Program is intended to demonstrate in the clearest possible terms the absolute commitment of the organization to the highest standards of ethics and compliance. That commitment permeates all levels of the organization. There is a management team and a Compliance Officer. All of these individuals or groups are prepared to support you in meeting the standards set forth in this Code.

The leaders of the Laboratory Compliance Program at the time of the issuance of this Code are:

- *Chief Executive Officer*
  - Kendall Oltrogge
- *Compliance Officer*
  - Jamie Wood

### Resources for Guidance and Reporting Violations

To obtain guidance on an ethics or compliance issue or to report a suspected violation, you may choose from several options. We encourage the resolution of issues at a local level whenever possible. It is an expected good practice, when you are comfortable with it and think it appropriate under the circumstances, to raise concerns first with your supervisor. If this is uncomfortable or inappropriate, another option is to discuss the situation with another member of management in the organization. You are always free to contact the Compliance Officer.

The organization will make every effort to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports possible misconduct. There will be no retribution or discipline for anyone who reports a possible violation in good faith. Any employee who deliberately makes a false accusation with the purpose of harming or retaliating against another colleague will be subject to discipline.

### Personal Obligation to Report

We are committed to ethical and legal conduct that is compliant with relevant laws and regulations and to correcting wrongdoing wherever it may occur in the organization. Each employee has an individual responsibility for reporting any activity by any employee, subcontractor, or vendor that appears to violate applicable laws, rules, regulations, or this Code.

### Internal Investigations of Reports

We are committed to investigate all reported concerns promptly and confidentially to the extent possible. The Compliance Officer will coordinate any findings from the investigations and immediately recommend corrective action or changes that need to be made. We expect all employees to cooperate with investigation efforts.

Version 1 - Updated: 5/9/2023





# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

## Corrective Action

Where an internal investigation substantiates a reported violation, it is the policy of the organization to initiate corrective action, including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting whatever disciplinary action is necessary, and implementing systemic changes to prevent a similar violation from recurring in the future.

## Discipline

All violators of the Code will be subject to disciplinary action. The precise discipline utilized will depend on the nature, severity, and frequency of the violation and may result in any of the following disciplinary actions fully described in the Personnel Handbook:

*Verbal Warning → Written Warning → Written Reprimand → Suspension → Termination*

Disciplinary procedures are for convenience purposes only and are not binding. The employee will always remain an employee "at will".

## Internal Audit and Other Monitoring

The organization is committed to the aggressive monitoring of compliance with its policies. Routine internal audits of issues that have regulatory or compliance implications will be performed regularly. The organization also routinely seeks other means of ensuring and demonstrating compliance with laws, regulations, and the organization's policy.

## Applicability of The Program and Responsible Parties

The Compliance Program applies to all members of the workforce and includes administrators, directors, managers, physicians, health care professionals and staff. All laboratory personnel are required to follow Premier Lab Solutions Compliance Policies, relevant department policies, and applicable government laws and regulations. Laboratory Personnel must take responsibility for awareness of compliance policies and procedures relevant to their respective job descriptions and areas of responsibility.

## Education and Training

We strive to ensure compliance with applicable laws and regulations and promote the integrity of Premier Lab Solutions. In order to accomplish this, each employee is required to complete general compliance requirements that include HIPAA Privacy Training, HIPAA Security Training and a Compliance Quiz.

## OIG/GSA Exclusion Review

Federal law prohibits entities that participate in federal health care programs (including Medicare, Medicaid, and other governmental programs), from entering into or maintaining certain relationships with individuals or entities that have been excluded from participation in federal health care programs. The Medicare statute also excludes from coverage any item or service that has been ordered, supervised, or furnished by an individual or entity during time when the individual or entity has been excluded from the federal program.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

Premier Lab Solutions will perform initial, annual and/or ongoing exclusion reviews to ensure that employees, vendors, contractors, and physicians have not been sanctioned or excluded from participating in any federal health care program as prohibited by federal law.

- For purposes of this policy, an “ineligible individual/entity” is anyone who:
  - Is currently excluded, debarred, or otherwise ineligible to participate in the federal health care programs or in federal procurement or non-federal procurement programs; or
  - Has been convicted of a criminal offense related to the provision of health care items or services but has not yet been excluded, debarred, or otherwise declared ineligible.

If Premier Lab Solutions identifies an ineligible individual/entity in the exclusion’s verification process, the laboratory’s legal representative will be contacted for advice and direction on proceeding with an appropriate course of action.

## Acknowledgment Process

The organization requires all employees to sign an acknowledgment confirming they have received the Code and understand it represents mandatory policies of the organization. New employees will be required to sign this acknowledgment as a condition of employment.

Adherence to and support of the organization's Code of Conduct and participation in related activities and training will be considered in decisions regarding hiring, promotion, and compensation for all employees.

## Federal Law Concerns

There are two main laws that address compliance:

### Comparison of the Anti-Kickback Statute (AKS)

	<u>Anti-Kickback Statute (AKS)</u>	<u>Stark Law</u>
	AKS Statute (42 USC § 1320a-7b(b))	The Stark Law (42 USC § 1395nn)
Prohibition	Prohibits offering, paying, soliciting, or receiving anything of value to induce or reward referrals or generate Federal health care program business	Prohibits a physician from referring Medicare patients for designated health services to an entity with which the physician (or immediate family member) has a financial relationship unless an exception applies. Prohibits the designated health services entity from submitting claims to Medicare for those services resulting from a prohibited referral
Referrals	Referrals from anyone	Referrals from a physician
Item/Services	Any items or services	Designated health services
Intent	Intent must be proven (knowing and willful)	No intent standard for overpayment (strict liability) Intent required for civil monetary penalties for <i>knowing</i> violations

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

<b>Penalties</b>	<u>Criminal:</u> <ul style="list-style-type: none"> <li>• Fines up to \$25,000 per violation</li> <li>• Up to a 5-year prison term per violation</li> </ul> <u>Civil/Administrative:</u> <ul style="list-style-type: none"> <li>• False Claims Act liability</li> <li>• Civil monetary penalties and program exclusion Potential \$50,000 CMP per violation</li> <li>• Civil assessment of up to three times amount of kickback</li> </ul>	<u>Civil:</u> <ul style="list-style-type: none"> <li>• Overpayment/refund obligation</li> <li>• False Claims Act Liability</li> <li>• Civil monetary penalties an program exclusion for <i>knowing</i> violations</li> <li>• Potential \$15,000 CMP for each service</li> <li>• Civil assess of up to three times the amount claimed</li> </ul>
<b>Exceptions</b>	<i>Voluntary safe harbors</i>	<i>Mandatory exceptions</i>
<b>Federal Health Care Programs</b>	All	Medicare/Medicaid
<p><i>The Eliminating Kickbacks in Recovery Act ("EKRA") prevent paying a sales commission for laboratory referrals. Violating this provision can subject an individual or entity to liability under other federal statutes such as the False Claims Act.</i></p>		

If a health care provider arranges or contracts (by employment or otherwise) with a person that the provider knows or should know is excluded by OIG, the provider may be subject to CMP liability if the excluded person provides services payable, directly or indirectly, by a Federal health care program. The OIG may impose CMPs of up to \$10,000 for each item or service furnished by the excluded person for which Federal program payment is sought, as well as an assessment of up to three times the amount claimed, and program exclusion.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

## Questions & Answers

The Code of Conduct is not intended to provide answers to every question that you may have about the organization's policies, laws, or regulations. The following questions and answers are intended to increase your understanding of how the specific guidelines must be applied.

**These commonly asked questions about The Laboratory Ethics and Compliance Program are not all inclusive.**

***If I have a question about workplace conduct or saw something that I thought was wrong, whom should I contact?***

We have provided several resources for you to turn to with such concerns. We encourage you to talk to your supervisor first. However, if for any reason you do not feel comfortable talking to your supervisor or if your supervisor did not answer the question or address the problem to your satisfaction, you do have other options. You may wish to try to speak with someone else in management, or the Compliance Officer. We have established a compliance "hotline" and "compliance box" that can be used to express or ask about your concerns.

***If I report something suspicious, will I get in trouble if my suspicion turns out to be wrong?***

As long as you honestly have a concern, our policy prohibits you being reprimanded or disciplined. As an employee, you have a responsibility to report suspected problems. In fact, employees may be subject to discipline if they witness something but do not report it to the organization. The only time someone will be disciplined for reporting misconduct is if he or she knowingly and intentionally reports something that he or she knows to be false or misleading in order to harm someone else.

***What should I do if my supervisor asks me to do something that I think violates the Code of Conduct, organization's policy, or is illegal?***

Don't do it. No matter who asks you to do something, if you know it is wrong, you must refuse to do it. You must also immediately report the request to a level of management above your supervisor or to the Compliance Officer.

### Government Excluded Workers

***What happens if a person on the excluded list works at the laboratory?***

Federal law prohibits entities that participate in federal health care programs (including Medicare, Medicaid, and other governmental health care programs) from entering into or maintaining certain relationships with individuals or entities that have been convicted of certain offenses, excluded from the programs, or otherwise sanctioned under the civil money penalty law. The Medicare statute also excludes from coverage any item or service that has been ordered, supervised, or furnished by an individual or entity during the time when the individual or entity has been excluded from the program, as well as any ancillary costs (e.g., consulting, and legal services). As such, it is organization policy to not knowingly permit any sanctioned or excluded individual to participate in any government health care program.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

If a health care provider arranges or contracts (by employment or otherwise) with a person that the provider knows or should know is excluded by OIG, the provider may be subject to CMP liability if the excluded person provides services payable, directly or indirectly, by a Federal health care program. OIG may impose CMPs of up to \$10,000 for each item or service furnished by the excluded person for which Federal program payment is sought, as well as an assessment of up to three times the amount claimed, and program exclusion.

## ***How does the organization know if someone is excluded?***

The organization searches the excluded party's government data bases to determine eligibility prior to hiring or accepting laboratory test referrals.

## **Ethical Behavior Generally**

### ***How do I know if I am on ethical "thin ice?"***

If you are worried about whether your actions will be discovered, if you feel a sense of uneasiness about what you are doing, or if you are rationalizing your activities on any basis (such as perhaps the belief that "everyone does it"), you are probably on ethical "thin ice." Stop, step back, consider what you are doing, get advice, and redirect your actions to where you know you are doing the right thing.

## **Personal Use of Organization Resources**

### ***Can I type my spouse's resume on my computer?***

No. If you use the computer during working or non-working hours, you are not permitted to type personal documents.

### ***I volunteer for Big Brothers. May I copy a fundraising leaflet?***

We encourage all employees to participate in volunteer activities. Organization equipment, however, must not be used for charitable or other non-business purposes without prior approval from your supervisor.

## **Political Activities and Contributions**

### ***I do volunteer work for a local candidate for office. May I use the copy machine to make flyers?***

No. You may not use the organization's time or resources to support political activities that are undertaken on a personal basis, as is the case here.

## **Sales and Promotion**

### ***Can I offer a prospective client use of a free lab fax machine if it is only used to print lab tests reports?***

Yes. The laboratory has developed an agreement that the laboratory and client will follow. It specifically lists the terms of the equipment loan that both parties understand.

### ***Can the lab provide the client non-sterile gloves that can be used in the practice and collect laboratory specimens?***

No. Federal regulations specifically list non-sterile gloves as an item that a lab cannot provide a client.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

***If a client's test volume is enough, can the lab put a specimen collector in the client's office and have the collector do work for the client and the lab?***

No. State and Federal regulations consider this arrangement a violation of anti-kickback regulations and a form of inducement to obtain laboratory specimens. The collector can only perform tasks for the laboratory.

***Can the laboratory provide in-service for the new client to help facilitate a smooth transition?***

Yes. The laboratory can provide in-service and written material to help the client use our services.

***Can a client request meeting with the laboratory's pathologist or other personnel to discuss patient results or client's other questions?***

Yes. The Clinical Laboratory Improvement Amendments (CLIA) requires laboratory clinical consultants or other personnel to be available to answer client questions.

***An employee works in the lab's Customer Service Department. He has noticed that Dr. X's office manager calls him at least once a week and orders a case of sterile urine collection cups but only sends in 2 urine specimens back in these containers in a month's time. What should he do?***

Report this to your Supervisor and ask him / her to help with this concern and get back to him with what is to be done.

## Billing and Coding

***When a client orders a test and doesn't write a diagnosis code on the test requisition can I bill using a diabetes diagnosis code because I know the lab will get paid?***

No. The laboratory can only bill using a diagnosis code from the authorized provider ordering the test. This would be considered fraud and abuse resulting in sanctions against the laboratory and possibly the biller who submitted the claim.

***Can I routinely write off patient co-pays or deductibles?***

No. It is illegal to routinely waive copayments or deductibles per Special Fraud Alert, Fed Reg, 12/19/1994.

***Can I bill a Medicare patient for a test that Medicare denied even though the patient didn't sign an Advanced Beneficiary Notice (ABN)?***

No. The laboratory cannot bill a Medicare patient for a denied service unless a properly executed ABN form is obtained prior to collecting the specimen from the patient.

***What can happen if an employee notices that Medicare reimbursement for one of the tests performed in the lab is much higher for a method the lab doesn't use and decides to substitute the CPT code with the higher reimbursement when he bills Medicare for the test?***

Up-coding can lead to significant fines if an audit is performed, and it is discovered. It can also lead to criminal charges, including jail time and the OIG can then require the laboratory to comply with a very rigid compliance plan and/or close the laboratory.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

## Theft

*An employee saw his co-worker secretly stick a laboratory timer into her purse right before she left to go home. What should he do?*

The employee should report the incident to his / her Supervisor or Compliance Officer.

## Reporting Concerns

*Shortly after an employee brings a compliance concern to his / her supervisor, he /she is disciplined for something that he / she never had been written up for before. What should the employee do?*

Contact the Compliance Officer via the hotline, compliance box or directly and report that he / she feels that there has been retaliation because of his / her report of a compliance problem in the lab.

## External Audit

*What should you do if a person enters the laboratory and says they are from Medicare to perform an audit?*

First, ask for their identification and ask exactly what is the reason for the visit. Politely, ask them to have a seat and contact your supervisor telling them who and the reason for the visit.

Do not engage in any discussion or answer any questions. Say that your supervisor will provide the information.

Version 1 - Updated: 5/9/2023



# Premier Lab Solutions

3440 N 16th St | Phoenix, AZ 85016

## Acknowledgment Process

### Certification of Review of Premier Lab Solutions

Code of Conduct Employee Name / Number: \_\_\_\_\_ Job Title: \_\_\_\_\_

Date of Review \_\_\_\_\_

1. I have read Premier Lab Solutions “Code of Conduct and Compliance Program” and I have retained a copy for my guidance.
2. I understand and acknowledge that I am responsible for complying with the Code of Conduct and Compliance and any related policies and procedures, in all activities conducted on behalf of Premier Lab Solutions I understand I may request any policy and procedure for review for which I am responsible to abide by from my immediate supervisor.
3. I further understand and acknowledge that I am responsible for attending annual (or other regular) training sessions or workshops on issues related to compliance with the Code of Conduct and Compliance Plan.

Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Version 1 - Updated: 5/9/2023

