

Memorial Sloan-Kettering Cancer Center

Code of Conduct



Memorial Sloan-Kettering
Cancer Center

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Dear MSKCC Workforce Member:

For more than a century, Memorial Sloan-Kettering Cancer Center has been a leader in the fight against cancer. As an organization, we are committed to the highest standards of ethics and conduct. As employees, Board members, volunteers, vendors, and contractors, we each play an important role in upholding these standards.

MSKCC's Code of Conduct has been developed to help you understand and meet the ethical and legal standards we must all follow. You will see that it covers a wide range of issues. The Code of Conduct is not intended to replace existing policies and procedures, but rather is to be used in combination with them.

If you have any questions about the standards set forth in the Code of Conduct or become aware of any situation that you believe may violate the Code's standards, you should immediately report the issue. You can report it to MSKCC's Compliance Officer at 646-227-2617. Additional contact information is listed by topic in the Code of Conduct.

Each one of us plays a part in supporting the principles described in the Code of Conduct. Thank you for your efforts to make MSKCC an institution of which we can all be proud.

Sincerely,



Douglas A. Warner III
Chairman of the Board



Harold Varmus
President



John R. Gunn
Executive Vice President

Purpose of the Code of Conduct

This Code of Conduct describes the governing values and standards of conduct for everyone associated with Memorial Sloan-Kettering Cancer Center (MSKCC). All MSKCC workforce members are required to follow the standards described in this Code when performing work in support of the Center's mission. The term *workforce members* includes all employees (including physicians, scientists, residents, fellows, and students), Board members, volunteers, vendors, contractors, and consultants. The Code does not eliminate or replace existing policies but should be used in combination with them.

The Code was developed to provide everyone associated with MSKCC with a clear statement of the ethical and legal principles under which we operate. By following these principles, each of us supports MSKCC's mission

of leading the fight against cancer through patient care, clinical and laboratory research, education, and training. The Code is revised periodically to reflect updates to our policies and procedures as well as changes in the industry guidelines with which we must comply.

How to Use the Code

Throughout the Code of Conduct, you will see boxes highlighting important contact information and directing you to additional information on key policies.

Remember that the Code is designed to set the institution's standards — you will still need to read and understand the specific policies that affect you and your job.

Statement of Principles

It is the policy of MSKCC to adhere to all applicable rules and regulations of federal, state, and local agencies and to the standards of all accreditation and regulatory agencies. The highest standards of ethics and integrity guide the behavior and activities of this institution and its workforce in all patient care, research, education, and business practices.

This responsibility extends to any entity with which MSKCC or its representatives have contact, including but not limited to patients, employees, students, volunteers, other healthcare providers, third-party payers, vendors, contractors, business contacts, educational institutions, and government and regulatory agencies.

Leadership Responsibility

While the Code of Conduct applies to all members of MSKCC's workforce, those in leadership roles — including those with executive, managerial, or supervisory duties — have a special responsibility to create and maintain a culture that promotes the highest standards of ethics and compliance.

Managers and supervisors are responsible for ensuring that our policies adhere to all applicable laws and regula-

tions, and that employees and other workforce members have sufficient training and resources to perform their jobs in a lawful and appropriate manner. Everyone in a leadership role must create an atmosphere that encourages workforce members to voice any concerns they may have about our work and that ensures that legal, regulatory, and ethical considerations are not compromised.

Vendor and Contractor Responsibility

MSKCC requires that its vendors, contractors, and their employees know and follow this Code of Conduct in the work they do for MSKCC. It is especially important that vendor employees and contractors understand that they

are obligated to contact MSKCC if they know or suspect that work performed by or for MSKCC is being carried out in a manner that is improper.

MSKCC'S Compliance Program

Healthcare compliance means following a set of ethical, moral, business, legal, and patient care guidelines when making decisions that are part of our everyday work activities. Our goal is to reduce or eliminate the likelihood of situations in which our behaviors do not conform to laws, regulatory and federal healthcare program requirements, or our own policies. While this is a goal to which we are all committed, that doesn't mean the goal is an easy one to achieve. Because healthcare regulations are complex, we need everyone's commitment to avoid situations that are improper or that give the appearance of being improper.

The Compliance Program contributes to the efficient and ethical management of the institution by carrying out a program of activities designed to detect instances of conduct that do not conform to federal, state, or local law; ethical standards; or MSKCC policies. These activities include training and education of all employees, vendors, and contractors, internal and external audits, internal monitoring of high-risk areas, the maintenance of anonymous and confidential reporting mechanisms, protocols for promptly responding to and investigating compliance complaints, enforcement of discipline against noncompliant behavior, and protection of workforce members who report potential fraud or abuse in good faith.

Workforce Member Responsibility. It is the responsibility of every member of MSKCC's workforce to follow compliance program standards as they apply to his or her job function. MSKCC's Compliance Department works to ensure that all workforce members are aware of their responsibilities and understand that ensuring compliance and reporting suspected noncompliance are part of their jobs. Our written policies and procedures describe how MSKCC works to prevent and detect instances of noncompliance.

The contacts listed in the shaded boxes that appear throughout the Code of Conduct are the MSKCC employees with primary responsibility and specialized knowledge about the relevant policy. Any workforce member can contact these individuals to obtain information or report concerns. Contacting the Compliance Department or calling MSKCC's Compliance Hotline are also options.

How to Report Concerns. Any workforce member who has a concern about the propriety or ethics of work conducted at MSKCC is obligated to report it. As a first step, all workforce members are encouraged to speak with their immediate supervisors. However, if a workforce member is not comfortable raising an issue in his or her department, or if he or she perceives that certain concerns have not been addressed, there are additional reporting resources available. MSKCC also has a Compliance Hotline to which anonymous reports can be made. See the shaded box on page 5 for more information on how to report your concerns.

Nonretaliation, Confidentiality, and Anonymity. MSKCC encourages open and candid discussion of employee concerns about the propriety or ethics of the manner in which work is conducted at MSKCC.

- ◆ **Employees and other workforce members who report problems or concerns in good faith will be protected from retaliation, retribution, or harassment.**
- ◆ **Employees who engage in retribution, retaliation, and harassment will be subject to disciplinary action up to and including termination of employment.**

MSKCC has the highest respect for the confidentiality of any workforce member who reports noncompliance. To the extent allowed by law and practicality, MSKCC will make every effort to treat all reports as confidential. The identity of the person who makes a report will only be revealed if it is absolutely required to conduct the investigation and will be revealed only to those who have a clear need to know.

Our policies on nonretaliation and confidentiality are intended to encourage employees to report concerns openly. Reports can also be made anonymously. Those who report an issue anonymously are encouraged to provide as many details as possible — without details, it is often difficult to conduct an investigation. Those who wish to report anonymously are encouraged to use the Compliance Hotline because it provides a means for those investigating the issue to communicate with the reporter.

MSKCC Compliance Hotline. MSKCC's Compliance Hotline is a confidential way for employees as well as vendors and contractors to report concerns about how MSKCC does business. It is available 24 hours a day, every day of the year, and is managed by an outside company that specializes in hotline services. All reports are confidential and calls can be made anonymously. MSKCC has policies that protect confidentiality and protect the caller from retaliation by another staff member.

How to Report Suspected Noncompliance

- ◆ Talk with someone in your department, such as your supervisor, manager, department head, department administrator, or lab head.
- ◆ Contact MSKCC resources outside of your department.
 - Compliance Officer:** 646-227-2617
 - Employee Affairs:** 646-227-3456
 - Privacy Office:** 646-227-2622
 - Patient Safety:** 212-610-0158
 - Office of Research Resources Management (for research misconduct):** 646-227-2206
- ◆ Contact the MSKCC Hotline: 866-568-5421 or nhs@hotlines.com.

Policies

MSKCC's compliance policies can be found on the MSKCC Intranet "Compliance Program" page at <http://mskweb5.mskcc.org/compliance>:

- ▶ Click on "Reporting a Concern" and select "Policy on Reporting of Compliance Concerns and Non-retaliation" (Personnel Policy and Procedure #1003)
- ▶ Click on "Fraud and Abuse Laws" and select "Policy on the Deficit Reduction Act of 2005"
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

MSKCC's Internal Audit Program

MSKCC's Internal Audit Department conducts a program of regular auditing and monitoring designed to provide MSKCC management and the Board of Managers with ongoing feedback. The department provides independent appraisal and guidance to all levels of management and staff on internal controls, assessment of risk, and evaluation of business processes to ensure that controls are adequately designed and are operating effectively.

Contact

Director of Internal Audit: 646-227-3445

Patients

MSKCC is a worldwide leader in the treatment of cancer in part because of our comprehensive patient-focused approach to the delivery of care. Our belief in the importance of the highest quality patient care is central to our mission and drives our commitment to patients' rights, patients' privacy, and access to care.

Respect for Patients' Rights. MSKCC is committed to treating all patients with dignity and respect. This means recognizing each patient as an autonomous individual with personal values, beliefs, and choices. We seek to involve patients and their families as informed participants in decisions about their care and to ensure their rights are respected and implemented. Patient Representatives are advocates who represent patients' interests, assist with advance directives, and are available to answer questions about hospital policies and procedures. We obtain proper consent for treatment and recognize the rights of those designated by our patients to make decisions on their behalf. MSKCC employees should seek to understand and respect their patients' rights and objectives for care.

Contact

Department of Patient Representatives: 212-639-7202

Policies

MSKCC's patients' rights policies can be found in the *Administrative Policy and Procedure Manual*, on the MSKCC Intranet at <http://mskweb5.mskcc.org/administrativepolicy>:

- ▶ Click on "Patient Rights (3001-3305)" and select
 - #3001** — Patients' Bill of Rights/Patients' Responsibilities
 - #3001-NJ** — Patients' Bill of Rights/Patients' Responsibilities – NJ
 - #3201** — Advance Directives
 - #3201-NJ** — Advance Directives – NJ
- ▶ Click on "Patient Services (5001-5112)" and select
 - #5001** — Patient Representative Department
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Quality of Care and Patient Safety. MSKCC's commitment to excellence in patient care includes a rigorous focus on continuous improvement of quality and a dedication to ensuring the safety of our patients.

MSKCC's commitment to quality of care is evident in our Quality of Care Initiative. This initiative provides forums for defining, measuring, and researching the quality of care we provide. A key part of our quality program is a focus on process improvement. Data and information is shared and discussed so all involved in the delivery of care are aware of improvement initiatives.

As part of its Quality Assurance and Patient Safety initiatives, MSKCC seeks to promote a culture that emphasizes learning from potential and actual errors and being candid with patients and employees about errors. We believe that safety goals are best achieved through open discussion of the issues that affect safety, such as reporting, analysis of errors and "near misses," and creative solutions that address underlying risks.

MSKCC has enhanced its systematic approach to capturing reports of patient care and safety concerns with the use of the Reporting to Improve Safety and Quality (RISQ) application, which allows for a comprehensive reporting of concerns.

Contacts

Administrator, Quality Assessment: 212-639-7781

Director, Patient Safety: 212-610-0158

Information

To report concerns related to patient safety, please see the "RISQ" (Reporting to Improve Safety and Quality) page on the MSKCC Intranet at <http://mskweb5.mskcc.org/risq>.

- ◆ If you do not have access to the Intranet, please ask your supervisor for information on RISQ.
- ◆ Staff members, patients, or family members who have concerns about quality of care and patient safety can also contact the Joint Commission via e-mail at complaint@jointcommission.org or through their Web site, www.jointcommission.org/GeneralPublic/Complaint.

Protecting Patient Privacy and the Security of Patient Information.

MSKCC is committed to protecting patients' privacy. In general, our privacy policies are designed to ensure that access to personally identifiable health information is provided only to those who have a right to such information. It is important that employees access only the information they need to perform their job.

Protecting patients' privacy also means that no one should talk about a patient in a public area where private information may be overheard by others. All MSKCC policies should be followed when handling or disposing of patient records. We all have an obligation to keep patient information secure and to not allow access to patient data by unauthorized individuals.

This includes, for example, never sharing passwords and taking steps to ensure that computer applications with patient or other sensitive information are logged off or locked from view when leaving a workstation. We also have policies in place to add to the security of protected health information.

Contacts

Privacy Officer: 646-227-2622 or privacy@mskcc.org
Information Security Officer: 201-635-5423 or infosecurity@mskcc.org

Policies

MSKCC's privacy and information security policies can be found on the MSKCC Intranet "HIPAA Information" page at <http://mskweb5.mskcc.org/hipaa>:

- ▶ Click on "Policies/Procedures" for privacy policies
- ▶ Click on "Information Security" and select "Information Security Handbook" (required reading for all employees)
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Charity Care: Access for Patients with Financial Need.

For MSKCC patients experiencing difficulty meeting their financial obligations, we offer a Financial Assistance Program. This program helps eligible uninsured and underinsured patients who do not qualify for

publicly funded health insurance and cannot afford to pay for their medical care. Hospital and physician fees can be reduced for patients who qualify for this program. Each application for assistance is handled confidentially and requires the cooperation of the applicant. The assessment takes into consideration the individual needs of each patient.

In the event emergency medical treatment is needed, MSKCC's practices adhere to the Emergency Medical Treatment and Active Labor Act (EMTALA). A patient or visitor with an emergency medical condition is treated based on medical necessity, and financial and demographic information will be obtained only after the immediate medical needs of the patient are met.

Contact

Patient Financial Services: 212-639-5880

Policy

MSKCC's financial assistance policy can be found in the *Administrative Policy and Procedure Manual*, on the MSKCC Intranet at <http://mskweb5.mskcc.org/administrativepolicy>:

- ▶ Click on "Patient Services (5001-5112)" and select **#5112** — Financial Assistance Program
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Accurate Billing. Accurate and timely billing supports patient care and strengthens trust between MSKCC and its patients. Patients have a right to an itemized bill and an explanation of all charges. If a concern, issue, conflict, or disagreement regarding a bill cannot be resolved, the matter will be referred to the Patient Representative Department for resolution.

Contacts

Physician Billing Department inquiries:
646-227-3275

Patient Accounts Department inquiries:
646-227-3228

Patient Representative Department: 212-639-7202

Compliance Department: 646-227-2622

Policies

MSKCC's patient billing policies can be found in the *Administrative Policy and Procedure Manual*, on the MSKCC Intranet at <http://mskweb5.mskcc.org/administrativepolicy>:

- ▶ Click on "Patient Services (5001-5112)" and select
 - #5102** — Patient Accounts – General Description
 - #5103** — Standard Patient Bills for Hospital Services
 - #5105** — Physician Billing Department
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Gifts from Patients. Many patients feel gratitude to workforce members for the care and service they provide. Some patients express their appreciation by offering gifts to workforce members. While we respect and appreciate patients' expressions of gratitude, gift-giving may also lead to misinterpretation or create confusing situations for the

recipient or the gift-giver. In some instances, it is appropriate to accept a gift, but there are circumstances where MSKCC's policies prohibit workforce members from accepting gifts from patients. For instance, gifts of cash or cash equivalents may not be accepted. The policy referenced in the shaded box provides guidance to workforce members on when they may accept a gift from a patient.

Contact

Compliance Department: 646-227-2622

Policy

MSKCC's policy on gifts from patients can be found on the MSKCC Intranet "Compliance Program" page at <http://mskweb5.mskcc.org/compliance>:

- ▶ Click on "Our Patients" and select "Policy and Procedure for Gifts from Patients to Staff"
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Employee Work Environment

MSKCC values its employees and recognizes that each individual makes important contributions to the Center's mission. MSKCC strives to ensure that its recruitment and talent management activities are focused on individual performance and merit, and that each individual is treated in a respectful and professional manner at all times. We seek to foster each individual's professional development, and we make every effort to safeguard each employee's health and safety.

Equal Opportunity. It is MSKCC's policy to provide equal opportunity, in accordance with all applicable federal, state, and local civil rights laws, to all of its employees and qualified applicants for employment without regard to race, color, religion, gender, age, national origin, marital status, citizenship status, disability, veteran status, or sexual orientation.

Antiharassment and Antidiscrimination.

MSKCC is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits harassment and discrimination. MSKCC expects that all work relationships among employees and between employees and persons outside the institution will be businesslike and free of harassment and discrimination.

Any employee who feels he or she is being harassed or discriminated against in the workplace should contact Employee Affairs. Employees who report harassment or discrimination in good faith are protected by MSKCC's nonretaliation policy.

Employee Conduct. In order to provide the best possible care to our patients and to protect the rights, health, and safety of fellow employees and visitors, MSKCC employees must conduct themselves in a professional and cooperative manner consistent with our performance expectations while in Center facilities or when involved in MSKCC business.

Contacts

Employee Affairs: 646-227-3456

Associate General Counsel & Director, Employee Affairs: 646-227-3494

Compliance Officer: 646-227-2617

Policy

MSKCC's work-environment-related policies can be found in the *Employee Handbook* on the MSKCC Intranet at <http://mskweb5.mskcc.org/employeehandbook>.

- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Information

MSKCC provides training on appropriate workplace behavior through its Web-based course "Respect in the Workplace." For more information, contact Employee Affairs.

Employee Background Checks. MSKCC's policies prohibit the employment of individuals who have been excluded from participation in federal healthcare programs. MSKCC may prohibit employment of an individual who has been convicted of a crime. Job applicants are required to report any criminal convictions in their employment application and to disclose if they have been excluded or debarred by the federal government. In order to fulfill its obligations to the federal government, MSKCC uses government databases of excluded individuals to check the status of job applicants, and to conduct a periodic check on employees.

It is the continuing obligation of each workforce member to inform MSKCC if he or she becomes excluded from federal healthcare programs during the course of his or her employment. An employee who becomes excluded while employed at MSKCC is subject to immediate termination.

Contacts

Compliance Officer: 646-227-2617

Employee Affairs: 646-227-3456

Policies

MSKCC's background check policies can be found in the *Employee Handbook* and on the "Compliance" page on the MSKCC Intranet:

- ◆ <http://mskweb5.mskcc.org/employeehandbook>
 - ▶ Click on "Table of Contents" and select "Background Checks"
- ◆ <http://mskweb5.mskcc.org/compliance>
 - ▶ Click on "Background/Exclusion Checks" and select "Verification of OIG Exclusion Status and Criminal Conviction Records for Employees and Contracted Residents"
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Health and Safety. In order to protect life, property, and the environment, compliance with all health and safety policies and procedures is mandatory. These policies are designed to ensure that we comply with federal, state, and city safety and environmental protection regulations, as well as with any voluntary standards that MSKCC has adopted. Training is provided to employees in order to foster the development and maintenance of health and safety skills in areas such as the handling and storage of hazardous materials, disposal of hazardous wastes, fire prevention, and response to accidents and emergencies.

It is important that each one of us exercises good judgment and acts to prevent physical accidents and injury. Everyone is encouraged to participate in health and safety performance improvement initiatives. Striving to maintain a physical environment free of hazards, reducing the risks of injury to patients, employees, and visitors, and protecting MSKCC property are responsibilities shared by everyone at MSKCC.

Contact

Director of Safety: 646-888-2286

A Drug-Free Workplace. As an employee, if you notice in yourself or another staff member signs or symptoms of illness or impairment that may interfere with one's ability to work here, you need to notify a supervisor, Human Resources, Employee Health Services, or the MSKCC Hotline. To the extent possible, we will treat these reports as confidential. Employees dealing with alcohol or substance abuse problems can also find help through MSKCC's Employee Assistance Program. See pages 4 and 5 for more information on the MSKCC Hotline and our policies on confidentiality.

MSKCC prohibits the unauthorized manufacture, possession, use, sale, and distribution of drugs in the workplace. MSKCC also prohibits workforce members from being under the influence of alcohol, any illegal drug, or any non-prescribed controlled substance while acting in any capacity as representatives of MSKCC. For the safety and protection of employees and other workforce members, as well as our patients and visitors, MSKCC reserves the right to search employees' belongings while the employee is on MSKCC premises. Lockers, desks, computers, and other furniture/equipment assigned to employees are the property of MSKCC, giving the Center the right to search them. Employees faced with substance abuse problems can find help through MSKCC's Employee Assistance Program.

Contact

Employee Assistance Program: 212-746-5890

Policy

MSKCC's policies on a drug-free workplace can be found in the *Employee Handbook* on the MSKCC Intranet at <http://mskweb5.mskcc.org/employeehandbook>:

- ▶ Click on "Day-to-Day Expectations" and select "Substance Abuse"
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Information

For additional information, please see the "Human Resources Services Guide" page on the MSKCC Intranet at <http://mskweb6.mskcc.org/hrservices>:

- ▶ Click on "Employee Assistance Program"

A Violence-Free Workplace. Any act of aggression or violence will not be tolerated on MSKCC premises or by any person engaged in Center-related activities. Anyone who observes an act of violence, assault, harassment, intimidation, threat, or any other disruptive or aggressive behavior while at work must report it immediately to a manager or to the Security Department. MSKCC reserves the right to perform searches to ensure a violence-free workplace. Employees are to permit a search when requested by a supervisor, manager, or security officer. Failure to cooperate in such a search may result in corrective action up to and including termination of employment.

Contacts

Security Department: 212-639-7866

Employee Affairs: 646-227-3456

Policy

MSKCC's policies on workplace violence can be found in the *Employee Handbook* on the MSKCC Intranet at <http://mskweb5.mskcc.org/employeehandbook>:

- ▶ Click on "Safety, Health, and Security" and select "Workplace Violence"
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Use of MSKCC Resources. It is the responsibility of each workforce member to preserve MSKCC's resources, including time, materials, supplies, equipment, and information. MSKCC's resources are to be used for Center business purposes. As a general rule, the personal use of MSKCC resources is prohibited. Furthermore, MSKCC resources are not to be used to support political campaigns or parties, unions, or other outside organizations that are not connected to MSKCC's mission. Known or suspected misuse or theft of MSKCC resources must be reported to a department manager or to the Director of Internal Audit.

Contacts

Director of Internal Audit: 646-227-3445

Compliance Officer: 646-227-2617

Compliance Hotline: 866-568-5421

Regulatory Compliance

MSKCC operates in a highly regulated environment. This requires that we follow many federal, state, and local laws and regulations in the course of our daily work. These laws and regulations address a wide range of activities, including delivering and documenting patient care services, billing patients and insurers, ensuring that employees have the proper credentials and licenses to perform their jobs, providing financial or billing documentation for audit, etc. Various government and private agencies, such as the Joint Commission, the Centers for Medicare and Medicaid Services, the Equal Opportunity Employment Commission, the Occupational Safety and Health Administration, the Environmental Protection Agency, and the New York State Department of Health are responsible for overseeing our compliance with these laws and regulations in our patient care as well as our laboratory research work. These agencies may conduct on-site visits (usually unannounced) or request documentation in order to perform an audit.

Federal laws, including the False Claims Act and the Program Fraud Civil Remedies Act, and New York State laws prohibit the knowing submission of false claims or statements to the government for payment. Although they differ in detail, these laws define false claims as “knowingly submitting false or fraudulent claims for payment to the federal or state government or making or using a false record or statement in connection with the submission of a claim for payment to the government.” Violations can subject MSKCC and those involved in the violation to significant fines as well as criminal penalties.

In the event that representatives of governmental or private regulatory agencies appear on-site or request information by phone or mail, MSKCC employees should immediately notify the appropriate department. (Contacts are listed in the shaded box at right.) Staff in those areas will coordinate responses or designate others who will. All MSKCC responses to regulatory agencies will be truthful and forthright. During an inspection or audit by one of these regulatory agencies, MSKCC employees must never conceal, destroy, or alter any documents, lie, or make misleading statements to an agency representative.

Contacts

Administrator, Regulatory Affairs (for Joint Commission, Department of Health, and patient-care related agencies): 212-639-8810

Legal Department: 212-717-3804

Compliance Officer: 646-227-2617

Senior Vice President, Finance (for tax and finance-related agencies): 646-227-3413

Associate General Counsel and Director, Employee Affairs (for employment-related agencies):
646-227-3494

Director, Laboratory Operations (for research laboratory agencies): 646-888-2261

Safety Director: 646-888-2280

Director, Research Animal Resource Center:
646-888-2400

Policy

MSKCC's regulatory compliance policies can be found in the *Administrative Policy and Procedure Manual*, on the MSKCC Intranet at

<http://mskweb5.mskcc.org/administrativepolicy>:

► Click on “Hospital Administration (1001-1009)” and select

#1002 — Code of Ethical Behavior; Adherence to Rules and Regulations of Agencies

◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Information

If presented with a subpoena or search warrant, immediately contact the MSKCC Legal Department. Letters requesting medical records for billing audits should be sent to the appropriate billing department.

Other governmental inquiries or on-site visits related to any patient care activities should be called to the attention of the Administrator of Regulatory Affairs. In particular, any on-site visits related to the Joint Commission, CMS, or the New York Department of Health require notification to the Administrator of Regulatory Affairs. Inquiries related to accounting or financial practices (except for billing) should be directed to the Senior Vice President of Finance.

Research

MSKCC's mission requires uncompromising adherence to, and implementation of, the highest professional standards for conducting clinical and laboratory research, as well as compliance with all relevant statutes and regulations.

Protecting Human Subjects. MSKCC is committed to protecting the rights of participants in medical research. Individuals participating in clinical or laboratory research at MSKCC do so voluntarily and are informed about the potential risks and benefits of their participation prior to giving consent. The privacy and confidentiality of research study participants are strictly protected. Participants are kept informed as significant new study findings, risks, and alternatives become known. Patients who are incapacitated or who are minors are allowed to consent through their legally authorized representatives in keeping with federal and state laws governing these issues.

MSKCC's Institutional Review Board/Privacy Board monitor all research activity and review all protocols, informed consent documents, grant submissions, and reporting connected with such activity in order to ensure that these policies are followed.

Through the Conflict of Interest disclosure process, MSKCC requires employees who are involved in clinical research to disclose any outside financial interests they hold that could influence their judgment when conducting research, including the recruitment of patients and the evaluation of research results.

Contacts

Chair, Institutional Review Board/Privacy Board:
212-639-8116

Institutional Review Board/Privacy Board Office:
212-639-6144

Director, Office of Clinical Research: 646-735-8018

Information

For additional information, please see the "Office of Clinical Research" page on the MSKCC Intranet at <http://mskweb5.mskcc.org/clinicalresearch> or the "Institutional Review Board" page on the MSKCC Intranet at <http://mskweb5.mskcc.org/institutionalreviewboard>.

- ♦ If you do not have access to the Intranet, please ask your supervisor for a copy of this information.

Protecting Animal Subjects. The thoughtful and humane care and use of animals is of utmost importance and is the stated objective of MSKCC's Research Animal Resource Center (RARC) and the Institutional Animal Care and Use Committee (IACUC). As federally mandated, the IACUC oversees MSKCC's Animal Care and Use Program. It reviews all proposed research activities involving animals to assure that all projects are conducted in accordance with established federal and institutional policies and guidelines by employees with appropriate skill and training. The IACUC also conducts routine inspections of MSKCC's animal facilities and laboratories where animals are used.

Any workforce member with concerns regarding the humane treatment of animals or suspicions about a misuse or abuse of animals at MSKCC should make a confidential report to the contacts below. MSKCC's policies on confidentiality and nonretaliation also apply to those who report concerns about animals.

Contacts

Chair, Institutional Animal Care and Use

Committee: 646-888-2165

Director, Research Animal Resource Center:

646-888-2400

Director, Sloan-Kettering Institute: 646-735-8614

Information

For additional information, please see the "Research Animal Resource Center" page on the MSKCC Intranet at <http://mskweb5.mskcc.org/animalsandresearch>.

- ♦ If you do not have access to the Intranet, please ask your supervisor for a copy of this information.

Responsible Scientific and Research

Conduct. To ensure the quality and integrity of the research conducted at MSKCC, it is imperative that all employees follow the Center's policy regarding responsible research conduct and guidelines for investigators in scientific research. Aspects of proper scientific conduct include the ways in which research results are recorded and reported, the supervision of laboratory employees and trainees, the maintenance and storage of laboratory records and specimens, and accuracy in authorship.

Acceptance of research results by the medical, scientific, and lay communities relies on the reputation and integrity of the scientist presenting them. Everyone involved in the research process must uphold the standards on which the reputation of MSKCC and its employees are based.

Contacts

Office of Director, SKI Administration:
212-639-5818

Office of Research Resources Management:
646-227-2206

Director, Office of Clinical Research: 646-735-8018

Policy

MSKCC's *Business Conduct Guidelines* can be found on the MSKCC Web site at www.mskcc.org/businessconduct

- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Inventions, Discoveries, and Intellectual Property. Although MSKCC does not undertake research or developmental work principally for the purpose of developing patents and commercial applications, sometimes commercially valuable patentable inventions result from research or other work conducted at MSKCC. It is the policy of MSKCC that all rights to inventions, patentable or not, resulting from research or other work that is conducted by MSKCC employees or with use of significant MSKCC resources shall be the property of the Center.

The Office of Industrial Affairs (OIA) manages MSKCC's intellectual property by interacting with MSKCC scientists to learn about and evaluate inventions for their commercial potential and protectability. OIA also supervises the protection of MSKCC's intellectual property by filing and prosecuting patent applications. In addition, the OIA seeks potential licensees to invest resources to develop the Center's inventions, negotiates and supervises license agreements, and advises researchers regarding intellectual property matters. The OIA also manages documents and contracts that involve industrial parties and contain intellectual property matters, such as consulting agreements, material transfer agreements, industrial-sponsored research, and clinical trial agreements.

Contact

Office of Industrial Affairs: 212-639-6181

Policy

MSKCC's intellectual property policy can be found on the "Office of Industrial Affairs" page of the MSKCC Web site at www.mskcc.org/industrialaffairs

- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Relationships with Industry

In accordance with long-standing practice in healthcare, MSKCC collaborates with industry in order to support research, patient care, and business initiatives. This collaboration provides many benefits to society by furthering the science of medicine and improving patient care. To ensure that industrial relationships do not compromise scientific or clinical judgment or influence purchasing decisions (or even appear to have such an effect), MSKCC has policies to prevent, review, and manage conflicts of interest.

Conflicts of Interest. MSKCC encourages its staff to participate in activities outside of the Center that further its mission, provide productive collaborations, and promote the practical application of scientific discoveries. There are many societal, institutional, and individual benefits that result from collaboration with industry. At the same time, this collaboration can give rise to conflicts of interest that can compromise — or appear to compromise — the integrity and objectivity of research, education, clinical judgment, and business decision making. Since even the appearance of a conflict of interest can cause concern for the public and affect its trust in the Center’s work, the Center has adopted a policy on conflict of interest in order to identify and manage situations that can give rise to conflicts. This policy does not seek to prohibit or prevent all potential conflicts. Rather, it establishes guidance for staff regarding disclosure of outside activities and establishes processes for review, management, and oversight of conflicts.

Contacts

Compliance Department: 646-227-2622

Office of Industrial Affairs: 212-639-6181

Policy

MSKCC’s conflict of interest policy can be found on the MSKCC Intranet “Compliance Program” page at <http://mskweb5.mskcc.org/compliance>:

- ▶ Click on “Conflicts of Interests”
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Business Courtesies. Collaboration between MSKCC and industry serves important and socially beneficial functions by furthering the science of medicine and improving patient care. To ensure that relationships with industry do not influence purchasing decisions or compromise scientific objectivity (or even appear to have such an effect), MSKCC has implemented policies that set standards for events and programs supported by industry. These are set forth in the policies referenced in the shaded box below.

Contact

Compliance Department: 646-227-2622

Policy

MSKCC’s policy on relationships with industry can be found on the “Compliance Program” page on the MSKCC Intranet at <http://mskweb5.mskcc.org/compliance>:

- ▶ Click on “Working with Industry” and select “Policy for Interaction with Industry”
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Contracting and Purchasing Decisions.

MSKCC is committed to fair competition among its prospective suppliers. Selection of vendors, contractors, and suppliers is made on the basis of objective criteria, including quality, technical standards, price, ability to meet schedules, and the quality of service and support.

MSKCC employees who make purchasing decisions are expected to respect the highest ethical standards in negotiation, awarding of contracts, and administration of all purchasing activities, and to make these decisions in ways that best serve the scientific and clinical mission of MSKCC.

MSKCC will not knowingly enter into contracts with vendors, suppliers, or subcontractors who have been excluded from participation in any government programs.

Federally maintained databases are checked prior to entering into any contract with a third party to ensure that the person or entity is not excluded or debarred from federal government programs. Vendors, contractors, and suppliers have a continuing obligation to inform MSKCC if they become excluded or debarred from federal programs while under a contract or in a relationship with MSKCC. In the event they are so excluded or debarred, the contract or relationship shall be terminated immediately.

Contacts

Director of Materials Management: 212-639-7713
Compliance Department: 646-227-2622

Policies

MSKCC's purchasing policies can be found on the MSKCC Intranet at <http://mskweb5.mskcc.org/corporateprocurement>:

- ▶ Click on "Policy-Procedures"
- ◆ If you do not have access to the Intranet, please ask your supervisor for a copy of these documents.

Business Practices

Billing and Coding for Hospital and Physician Services.

The rules for billing and coding of healthcare services cover a wide range of activities. These include the ordering of tests and services, how care is provided and documented, the assignment of billing codes, the development of claims and bills, the collection of payment, and the management of accounts. MSKCC also receives reimbursement under government programs that require the submission of certain reports of our costs and operations.

MSKCC is committed to conducting all of these activities in keeping with all applicable standards. We bill only for medically necessary services that have been authorized and documented in keeping with all billing rules of federal and private payers. Information provided for reimbursement, whether on claims, in cost reports, or in other forms, will not be misrepresented in order to circumvent billing rules. We have implemented programs to detect inaccuracies, and we ensure that any errors are corrected in a timely fashion.

MSKCC's billing policies are designed to be compliant with all federal and state regulations and with industry standards. All MSKCC workforce members are expected to know and follow the policies that apply to their jobs and to question or report billing activity that seems incorrect or unethical.

Contacts

Compliance Manager, Patient Accounts:
646-227-3306

**Compliance Manager, Physician Billing
Department:** 646-227-3694

Compliance Officer: 646-227-2617

Policy

MSKCC's policy on billing and coding can be found on the "Compliance Program" page at <http://mskweb5.mskcc.org/compliance> on the MSKCC Intranet:

- ▶ Click on "Billing Policies and Procedures"
- ◆ If you do not have access to the Intranet, please ask your supervisor for a copy of this document.

Information

For additional information, please see the "Patient Accounts" page on the MSKCC Intranet at <http://mskweb5.mskcc.org/patientaccounts>.

Financial Reporting. MSKCC adheres to the highest standards of accuracy and completeness in the documentation and reporting of all financial records. These records serve as the basis for managing our business and are important in meeting our obligations to patients, physicians, researchers, employees, suppliers, donors, creditors, and the public. They are also necessary for compliance with tax requirements, third-party reimbursements, and financial reporting requirements.

All financial information must conform to generally accepted accounting principles. MSKCC maintains a system of internal controls to provide reasonable assurances that all transactions are executed with the appropriate manager's authorization and are properly recorded in order to maintain accountability of the organization's assets.

Fundamentally, the integrity of MSKCC's financial

records relies upon the actions of employees throughout the Center. Check requests, purchase orders, travel vouchers, time sheets, and other business documents must be accurate, complete, and timely. Those responsible for receivables management must make sure that allowance codes are used correctly. Managers are responsible for ensuring that expenses are consistent with MSKCC's financial policies and that expenses are charged to the appropriate source, whether a grant, contract, an operating cost center, or a philanthropic fund. Certification of time and effort is required for research and cost reporting purposes and must be documented by an appropriate staff member. The integrity of financial records also depends on the proper management of the work products of outside vendors and contractors.

Contact

Senior Vice President, Finance: 646-227-3413
Controller: 646-227-3414
Director of Internal Audit: 646-227-3445

Development and Fundraising. MSKCC is grateful for the generous donations from its many benefactors and is committed to ensuring that our donors' contributions are given and utilized in conformance with all rules and regulations governing the conduct of charitable fundraising activities. All Development solicitation from MSKCC will be accurate, truthful, and candid. Inquiries about making a donation to the institution should be referred to staff in the Development Office, who will ensure that the donation reflects the donee's intent.

Contact

Vice President, Development: 646-227-3529

Policy

MSKCC's development policy can be found in the *Administrative Policy and Procedure Manual* on the MSKCC Intranet at

<http://mskweb5.mskcc.org/administrativepolicy>:

- ▶ Click on "Hospital Services (8001-8216)" and select **#8213** — Contributions to the Center and Fund Raising Inquiries
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Marketing and Advertising. Marketing initiatives seek to educate the public, provide information to the community, increase awareness of our services, and recruit physicians, researchers, and employees. MSKCC's marketing practices are conducted with truth, accuracy, fairness, and a commitment to safeguarding the privacy of our patients and the integrity of the Center.

MSKCC presents only truthful, substantiated, nondeceptive information regarding available services, capabilities, and treatment outcomes in its marketing and advertising activities and materials. We do not make guarantees or promises regarding treatments or their results.

Contact

Vice President, Marketing: 646-227-3070

Policy

MSKCC's marketing policy can be found in the *Administrative Policy and Procedure Manual* on the MSKCC Intranet at

<http://mskweb5.mskcc.org/administrativepolicy>:

- ▶ Click on "Hospital Services (8001-8216)" and select **#8214** — Marketing
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Endorsements. MSKCC and its employees do not express support for or endorse products or commercial ventures, including those of vendors with whom we do business. MSKCC may participate in projects that serve an academic, public health, or other useful purpose as long as the undertaking occurs in an appropriate setting and does not violate any laws, including the federal anti-kickback law or any other fraud and abuse law. Any request or proposal to use MSKCC's name, logo, or likeness for an endorsement or similar purpose, such as a press release, on a Web site, or in any publication, must be reviewed and approved by the Vice President of Public Affairs.

Contact

Vice President, Public Affairs: 646-227-3580

Policy

MSKCC's endorsement policy can be found in the *Administrative Policy and Procedure Manual* on the MSKCC Intranet at <http://mskweb5.mskcc.org/administrativepolicy>:

- ▶ Click on "Hospital Services (8001-8216)" and select **#8215** — Endorsements
- ◆ If you do not have access to the Intranet, please ask your supervisor to print a copy for you.

Antitrust. Antitrust laws are designed to create a level playing field among competitors in the marketplace. In our case, MSKCC's competitors include other healthcare systems and facilities providing similar services in markets in which we operate.

Antitrust laws could be violated by disclosing business information to a competitor, such as information on fees, costs, or related contract terms. It is illegal and unethical to allocate markets among competitors or to agree with a competitor to refuse to deal with a supplier.

It is best to avoid disclosing business information in any setting that could violate antitrust law. If you have questions about specific situations, please contact the Compliance Officer.

Contacts

General Counsel: 212-639-5800
Compliance Officer: 646-227-2617

Insider Trading. Securities law makes it illegal to buy or sell securities using nonpublic information or to pass nonpublic information along to others for the purpose of purchasing securities. Everyone associated with MSKCC must avoid using or sharing nonpublic information about companies sponsoring research at MSKCC, about research protocols or projects, or about research results before they have been made public.

In general, MSKCC employees should avoid disclosing information that would encourage others to trade in securities based on information that is confidential, whether gained through research or through other means within MSKCC. Since nearly all research agreements require confidentiality, sharing such information with others could also result in contract violations.

It is the responsibility of each individual to ensure that he or she acts in compliance with securities laws regarding equity ownership and insider trading.

Contacts

General Counsel: 212-639-5800
Office of Research Resources Management:
646-227-2206
Compliance Officer: 646-227-2617

Information

For additional information about compliance with securities laws you may wish to consult your private attorney.

Conclusion

MSKCC's mission is one of exceptional patient care, excellence in research, and superior training of the next generations of clinicians and scientists. We achieve that mission by consistently demonstrating our commitment to integrity and ethics in our work and by reporting concerns we may have about conduct that does not conform to these high standards. Each member of the MSKCC workforce supports the mission in this way. If you have

questions about the Code of Conduct or encounter any situation that you believe violates provisions of this Code, you should immediately consult your manager, department administrator, lab head, or the Compliance Officer. You may also report concerns using the MSKCC Compliance Hotline at 866-568-5421. Your commitment and support of these values and principles are critical to achieving our mission.



Memorial Sloan-Kettering
Cancer Center

Memorial Sloan-Kettering Cancer Center
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