How to Use the Code of Conduct

The MSK Code of Conduct describes the governing values and standards of conduct for everyone associated with Memorial Sloan Kettering Cancer Center (MSK). 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. The Code of Conduct is your guide to continued appropriate conduct at work.

At the end of each section of the Code of Conduct, you will find a box that lists contact phone numbers for the individuals at MSK who can answer questions or provide more information about that section, as well as instructions for how to find more information on the MSK intranet. You will also see brief scenarios that describe situations that you might experience while doing your job.

Purpose of the Code of Conduct

For more than a century, Memorial Sloan Kettering has been a leader in the fight against cancer. Close collaboration between our physicians and our scientists enables us to provide patients with the best care available today, as we work to discover more effective strategies to prevent, control, and ultimately cure cancer. Our education programs train future physicians and scientists. The integration of research with patient care is at the heart of everything we do.

None of this happens successfully, however, without the highest standards of ethics and integrity. As individuals, everyone in our workforce — our employees, our Board members, volunteers, vendors, contractors, and consultants — plays an important role in upholding these standards.

MSK’s Code of Conduct has been developed to help you understand and meet these standards. Please take a moment to read it. This is the commitment we all make as we work in support of our mission.

Thank you for the part you play in assuring MSK continues to be an institution of which we can all be proud.


Compliance Begins with You. Healthcare compliance means making sure we follow the rules in our everyday work activities. In order to achieve this important goal, the Corporate Compliance Department needs everyone’s commitment to:

1. avoid situations that are improper or that even give the appearance of being improper; and
2. report any activities that may violate MSK policies.

It is a condition of your employment that you report activities that may violate MSK policies, even if you only suspect that a violation has occurred.

Corporate Compliance Program. The Corporate Compliance Program is led by the Compliance Officer and Corporate Compliance Department staff. Our goal is to prevent and detect situations in which our behaviors do not follow policies, laws, or regulatory and federal healthcare program rules. We do this by:

- training and educating our workforce,
- monitoring high-risk areas,
- maintaining anonymous and confidential ways to report concerns,
- responding promptly to compliance complaints,
- protecting individuals who report concerns in good faith, and
- taking corrective action when the rules are not followed.

Corporate Compliance Department

CONTACT
Chief Compliance Officer: 646-227-2955

RESOURCES
Visit the Corporate Compliance website for more information.
Compliance Matters: Know What’s Right. Do What’s Right. Speak Up. (cont.)

Who Makes the Rules? Healthcare compliance programs are mandated by both federal and state laws. In the early 1990s, the federal government began a massive campaign to prevent, detect, and correct fraud and abuse in billing. You are likely aware that the Health Insurance Portability and Accountability Act (HIPAA) sets standards for the privacy and security of patient data. HIPAA also created the Health Care Fraud and Abuse Control Program, a far-reaching government program to combat fraud and abuse in healthcare. Other laws have been passed that have increased federal and state governments’ efforts to address concerns about improper activity in federal healthcare programs, including the Federal Deficit Reduction Act (2005), the Fraud Enforcement Recovery Act (2009), and the Health Care Reform Laws (2010). Healthcare regulations are enforced at the federal level by the Office of the Inspector General in the Department of Health and Human Services, and at the state level by the Office of the Medicaid Inspector General.

What Are Fraud and Abuse?

**Fraud** means intentionally misrepresenting facts, knowing that the deception could result in some unauthorized benefit — usually payment from a healthcare program such as Medicare, Medicaid, or a private insurer.

**Abuse** involves actions that are inconsistent with accepted sound medical, business, or fiscal practices. Abuse directly or indirectly results in unnecessary costs or improper payments.

Both fraud and abuse carry significant penalties. A hospital, doctor, or other healthcare provider can be found guilty of fraud or abuse if they knew or should have known something was wrong.

What Are the Penalties? If MSK or you are found guilty of violating compliance regulations, we and you could be subject to:

- financial penalties ranging up to $11,000 per improper claim;
- exclusion from participation in Medicare/Medicaid and other federal healthcare programs;
- criminal penalties including imprisonment; and/or
- government oversight of a mandatory compliance plan.

**Internal Audit Department**. The Internal Audit Department’s job is to review key activities to make sure they are effective. Internal Audit gives feedback to management, staff, and the Board about how well we are identifying and controlling risk. It is important that Internal Audit be independent and objective in its work.

**Auditing and Monitoring.** The Corporate Compliance and Internal Audit Departments review key activities on an ongoing basis to make sure they are effective and that no laws are being broken. Compliance performs routine reviews of billing, privacy, and other standards to monitor and assess adherence. For example, the Privacy Office works with Information Security to monitor certain electronic communications to prevent the inadvertent disclosure of protected health information.

Compliance and Internal Audit serve two distinct but complementary functions, both aimed at helping MSK be the best it can be.

**Q** Internal Audit is reviewing activities in my department. Does this mean my supervisor did something wrong?

**A** No. Internal Audit’s job is to identify processes and activities that are important to MSK and periodically evaluate them to be sure they are working correctly. Just because Internal Audit is reviewing an area does not mean that there is anything wrong.

**Internal Audit Department**

**CONTACT**

Internal Audit Director: 646-227-3194

**RESOURCES**

Visit the Internal Audit website for more information.
Speak Up: How to Report a Concern

If you are making a report of non-compliance, it is important that you provide us with as much information as possible. Please tell us:

- who is involved,
- what the involved parties are doing,
- when the improper acts occurred or are occurring,
- where they occurred or are occurring,
- why you think they are occurring, and
- how you have come to know about the problem.

MSK Confidential Compliance Hotline. If you are not comfortable raising an issue in your department, or if you have raised a concern and feel that it has not been addressed, you can call the MSK Confidential Compliance Hotline. You can report anonymously — without identifying yourself — when you make a report to the Hotline. The MSK Confidential Compliance Hotline is available 24 hours a day, every day of the year, and is managed by an outside company.

You Are Protected from Retaliation. You may be worried that other staff will know you came forward and may retaliate against you. However, MSK wants all staff to be able to speak openly about how work is conducted. Employees who are found to have engaged in retaliation will be subject to disciplinary action up to and including loss of their job. If you report a problem or concern in good faith, you will be protected from retaliation, retribution, and harassment.

We Respect Your Confidentiality. All reports are treated as confidential. If you report a concern, your identity will only be revealed if it is absolutely necessary. On rare occasions, we must reveal the identity of the person who reported a concern in order to complete our review. Situations in which the identity of someone who has reported must be revealed are taken very seriously. Your name will be revealed only to those who have a clear need to know to address and resolve the concerns.

You Don’t Have to Give Your Name. If you decide to report a concern anonymously (that is, without giving your name), please be sure to provide as many details as possible. Without details, it is often difficult to investigate. Even if you chose to report a concern anonymously, we still need to know who, what, when, where, why, and how.

Q You suspect that there are several people in your department who are sharing their MSK network passwords, which is against MSK policy. You have mentioned this to your supervisor, who has told you not to worry about it. Should you report this even though you are not certain that there is a problem?

A Yes. You do not need to be certain that a problem exists in order to report a concern. In fact, you are obliged to report activities even if you only suspect they are improper, so long as you have a good reason for your suspicions. You should contact the MSK Compliance Hotline or the Compliance Program.

How to Report a Concern

If you have a good reason to believe that an activity is improper, it is your duty — and a condition of your employment — to report it as soon as possible. There are several ways that you can report a concern:

- Speak with your supervisor, your manager or your HR Generalist.
- Contact the Corporate Compliance Department directly at 646-227-2955.
- Call the Confidential Compliance Hotline at 866-568-5421.
- Submit a concern online at https://mskcc.alertline.com/gcs/welcome.

RESOURCES
Visit the Corporate Compliance website for more information about reporting a concern.

KEY POLICY
Reporting Compliance Concerns and Non-Retaliation
Meeting the Challenges of a Regulated Environment

Healthcare is one of the most heavily regulated sectors of the U.S. economy. We are committed to following the many laws and regulations that affect our daily work. These laws and regulations address a wide range of activities. They affect how we deliver and document patient care and how we bill patients and insurers. They also require that employees have the proper credentials and licenses to perform their jobs. We must also provide documentation of our work to outside agencies that conduct audits and inspections. Some of the government and private agencies responsible for overseeing what we do include:

» the Joint Commission,
» the Centers for Medicare and Medicaid Services (CMS),
» the Equal Opportunity Employment Commission (EEOC),
» the Occupational Safety and Health Administration (OSHA),
» the Environmental Protection Agency (EPA),
» the Office of Federal Contract Compliance Programs (OFCCP), and
» the New York State Department of Health.

We Cooperate with Regulatory Site Visits and Reviews. Any of these agencies may conduct on-site visits or ask us for documentation. Often, we do not know when the agencies are going to come on-site or ask for documents. Staff from government or private regulatory agencies may visit you at work or ask for information by phone or mail. When this happens, you should immediately notify the appropriate department. Staff in those areas will coordinate responses or designate others who will. Talk with your supervisor if you are not sure where to direct the request.

» Letters requesting medical records for billing audits should be sent to the appropriate billing department.
» Inquiries or on-site visits from the Joint Commission, CMS, or the New York State Department of Health related to patient care should be directed 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.

Our responses to regulatory agencies must be truthful and open; you should never lie or make misleading statements during a site visit or review. You should never hide, destroy, or alter any documents during an inspection or audit by one of these agencies. Violations can subject MSKCC and those involved in the violation to significant fines as well as criminal penalties.

If you are presented with a subpoena or search warrant, contact the MSK Office of General Counsel immediately.

Q You are approached at your desk by someone who says that he works for the New York State Department of Health and is conducting an unannounced visit. He wants to ask you a few questions. What should you do?

A Be polite and respectful. Explain that it is MSK policy for all outside inquiries or site visits to be handled by Regulatory Affairs. Contact the Administrator for Regulatory Affairs immediately.

Regulatory Affairs

CONTACTS
Regulatory Affairs: 212-639-8810 or 212-639-5988
Office of General Counsel: 646-888-4040
Executive Vice President, Finance: 646-337-3413

RESOURCES
Visit the Regulatory Affairs website for more information.

POLICY
HA-1002: Code of Ethical Behavior; Adherence to Rules and Regulations of Agencies.
How We Care for Our Patients

MSK is a worldwide leader in the treatment of cancer. Our belief in the importance of providing the highest quality patient care is central to our mission. It is what drives our commitment to patients’ rights, patients’ privacy, and access to care.

We Respect Our Patients’ Rights. We are committed to treating all of our patients with dignity and respect. This means recognizing that each patient has his or her own personal values, beliefs, and choices. Respect for patients’ rights includes involving patients and their families in decisions about their care. Obtaining proper consent for treatment and recognizing the rights of those designated by our patients to make decisions on their behalf are also things we do to protect patients’ rights. Patient Representatives are advocates who represent patients’ interests, assist with advance directives, and are available to answer questions about hospital policies and procedures.

A patient approaches you following a recent follow-up visit with her doctor. She is extremely upset and says that she is concerned that she is not receiving appropriate care from her doctor. She wants to file a complaint. What should you tell her?

You should direct her to the Department of Patient Representatives. All patients have a right to file a complaint and to have that complaint reviewed.

Patients’ Rights

CONTACT
Visit the Patient Representatives website for more information.

POLICIES
- PP3001: Patients’ Bill of Rights/Patients’ Responsibilities – New York
- PP3001-NJ: Patients’ Bill of Rights/Patients’ Responsibilities – New Jersey
- PP3201: Advance Directives
- PP3002: Interpreters

We Seek to Do Better, Always. Our commitment to excellence in patient care includes a dedication to ensuring that patients are safe. We continuously work to improve the quality of care we provide. Our Quality of Care Initiative focuses on improving care by defining, measuring, and researching the quality of care we provide. Data and information are shared and discussed so that everyone involved in the delivery of care at MSK is aware of improvement initiatives.

A patient recently fell and broke her leg when she slipped in a puddle created by a visitor’s wet umbrella. How could staff members on the floor address this problem?

These staff members could speak with their supervisor about forming a team to analyze the problem and come up with solutions. Members from other units could be included because this problem probably exists in other places at MSK. By taking responsibility for solving the problem, the staff have both improved the quality of patient care and saved MSK time and resources.

Quality of Care

CONTACT
Administrator, Quality Assessment: 646-888-5633
RESOURCES
Visit the Quality of Care Initiative website for more information.
How We Care for Our Patients (cont.)

**We Learn from Our Mistakes.** When mistakes happen or nearly happen, we want to learn from them. We believe open discussion of the issues that affect safety will lead to creative solutions that help to prevent problems in the future. An important part of this effort is the Reporting to Improve Safety and Quality (RISQ) application. You should use this system to report actual events. It is also the place to report near misses that have the potential to cause harm but that have been caught and corrected before they reach the patient.

**We Protect the Privacy of Our Patients’ Health Information.** Our privacy policies are designed to ensure that access to patient information is provided only to those who have a right to this information. You should access patient health information only when you need this information to perform your job.

- Patient information should only be shared with individuals or organizations that are authorized to have it.
- Always follow procedures when faxing, mailing, or e-mailing patient data outside of MSK. This helps to keep patient information secure and safe.
- You should not talk about patients in public areas where private information may be overheard by others.
- Never share passwords, and always log off computer applications that contain patient or other sensitive information.

**A patient has just been brought to Radiation Oncology for treatment. The nurse in Radiation Oncology conducts patient identification and realizes that this is the wrong patient. Should she report this in RISQ?**

Yes. Reporting “near misses” in RISQ is very important because it helps us to identify potential problems and system vulnerabilities, and to understand how to prevent errors before they occur.

**A friend asks you for information about a mutual friend who is being treated at MSK. Can you look up information about the patient in her Medical Record?**

No. You may look at a patient’s Medical Record only if you are involved in the patient’s care and you need to do so in order to do your job. You may not share that information with your mutual friend or with anyone who is not involved in the patient’s care. If you are not involved in this patient’s care, you are not permitted to look at her Medical Record.

**Patient Privacy**

**CONTACTS**
Privacy Officer: 646-227-2034 or privacy@mskcc.org
Information Security Officer: 646-227-2723 or infosecurity@mskcc.org

**RESOURCES**
Visit the Corporate Compliance website for more information about MSK’s privacy policies.
Visit the Information Security Office website for more information about information security at MSK.
How We Care for Our Patients (cont.)

We Provide Access for Patients with Financial Need. MSK offers a Financial Assistance Program for patients who have trouble paying their medical bills. This program helps those who do not have insurance if they do not qualify for Medicaid and cannot afford to pay their medical bills. The program can also help patients who have insurance. The Financial Assistance Program requires patients to provide information about their finances. It is confidential. Patients or visitors with an emergency medical condition are treated based on their medical needs, not on their ability to pay. In these cases, we request financial information only after the patient’s immediate medical needs have been assessed.

We Accept Only Limited Gifts from Patients. Many patients are grateful for the care and service that we provide. Some want to express their appreciation by offering us gifts. Although we respect and appreciate patients’ gratitude, gift-giving can be misinterpreted. It is sometimes allowable to accept a modest gift, but valuable gifts or gifts in cash may never be accepted.

A physician in your clinic wants to accept insurance payment as payment in full for his services because the patient is saying she cannot afford to pay. What should you do?

Patients who express financial hardship should be referred to Patient Financial Services (PFS) for assistance. Only the billing departments are authorized to assess patient need and make decisions about payment options.

You receive a thank-you card from the husband of a patient who has just been discharged. There is $100 in the envelope with the card. Can you keep the money?

No. You should report the gift to your supervisor or manager, who will arrange to return the gift to the patient.

Gifts from Patients

CONTACT
Corporate Compliance Department: 646-227-2622

POLICY
Policy and Procedure for Gifts from Patients to Staff

Patient Financial Assistance

CONTACTS
Patient Financial Services: 212-639-3810

POLICY
PP5112: Financial Assistance Program
How We Treat Our Employees

Our employees are our greatest asset. We recognize that every individual makes an important contribution to our mission and to our success. All employees should be treated respectfully and professionally, at all times. We seek to foster each individual’s professional development. Our recruitment and talent management activities are focused on individual performance and merit.

We Expect the Best from You. We expect everyone at MSK to behave in a professional and cooperative manner while at work or involved in MSK business. Holding everyone to this high standard helps us to provide the best possible care to our patients. It also helps us to protect the rights, health, and safety of fellow employees and visitors.

We Are Committed to Equal Opportunity. It is MSK’s policy to provide equal opportunity to all employees and applicants for employment. This means we do not discriminate based on a person’s race, color, religion, gender, age, national origin, marital status, citizenship status, disability, veteran status, or sexual orientation.

Q: You have been employed at MSK for several years but have twice applied for, and been turned down for, positions that would constitute a promotion. In the past, you have reported concerns about how your department works and suspect that this may be affecting your supervisor’s decision not to promote you. What should you do?

A: You should report your concern to Employee Affairs or your HR Generalist, knowing that you are protected by MSK’s non-retaliation policy.

We Do Not Tolerate Harassment or Discrimination in the Workplace. We are committed to a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere free from harassment and discrimination. Work relationships among employees and between employees and persons outside of MSK should be businesslike and free of harassment and discrimination. If you feel you are being harassed or discriminated against in the workplace, you should contact Employee Affairs, your Human Resources Generalist, or your supervisor. Employees who report harassment or discrimination in good faith are protected by MSK’s non-retaliation policy.

Q: You have been in the United States since coming here as a young child and speak without an accent. Some of your colleagues have been making jokes about the country you come from, not realizing that you are originally from there. You know that they are only joking, but sometimes it bothers you. Is it right for you to tell your supervisor about this? You don’t want to get them in trouble.

A: Yes. While your co-workers may not intend it, their behavior is creating a work environment that makes you uncomfortable. It is appropriate to tell your supervisor or to contact Employee Affairs or your HR Generalist, knowing that you are protected by MSK’s non-retaliation policy.
How We Treat Our Employees (cont.)

We Conduct Employee Background Checks. All job applicants are required to tell us if they have been excluded from participation in federal healthcare programs, and MSK checks government databases to confirm whether a job applicant has been excluded. We do this because our policies prohibit us from employing individuals who have been excluded. Job applicants are also required to tell us whether they have been convicted of a crime when they apply for a job, and we run criminal background checks with their written permission.

As an MSK employee, you must tell us if you become excluded from any federal or state healthcare program (e.g., Medicare or Medicaid), or if you are convicted of a crime, while you work at MSK. MSK checks government databases on a regular basis to ensure that current employees have not been excluded. An employee who becomes excluded while employed at MSK is subject to immediate termination.

You referred someone for a job at MSK, and she has been told that Human Resources will perform a background check on her as part of the application process. Is this allowed?

Yes. MSK performs background checks to ensure that prospective job applicants have not been excluded from participation in Federal healthcare programs and to confirm the accuracy of information reported on their application.

Employee Health and Safety

CONTACT
Director of Safety: 646-888-2280

Q Your supervisor has just assigned you some new job duties that include handling some hazardous chemicals that you have never heard of. What should happen next?

A Your supervisor should arrange for you to receive chemical safety training, which includes informing you of the hazards associated with the chemicals you will be handling and how to protect yourself and others if a spill or exposure does occur.

Employee Resources

CONTACTS
Human Resources: 646-227-3456
Associate General Counsel & Director, HR Legal & Regulatory Affairs: 646-227-2890

RESOURCES
Visit the Human Resources website for more information.
Visit the Corporate Compliance website for more information about employee background checks.

We Work Together to Ensure Everyone’s Health and Safety. We follow all health and safety policies and procedures in order to maintain a physical environment free of hazard. This also reduces the risk of injury to patients, employees, and visitors, and it protects MSK property. MSK follows all federal, state, and city safety and environmental protection regulations. In order to protect our employees and our patients, we also provide special training in:

▶ handling and storing hazardous materials,
▶ disposing of hazardous wastes,
▶ fire prevention, and
▶ response to accidents and emergencies.

It is important that everyone exercise good judgment and act to prevent accidents and injury.
How We Treat Our Employees (cont.)

We Are a Drug-Free Workplace. MSK prohibits the unauthorized manufacture, possession, use, sale, and distribution of drugs in the workplace. MSK also prohibits workforce members from being under the influence of alcohol, any illegal drug, or any non-prescribed controlled substance while at work or conducting business as a representative of MSK. MSK reserves the right to search employees’ belongings while employees are on MSK premises. This helps to ensure the safety and protection of our employees, as well as our patients and visitors.

Employees with substance abuse problems can find help through MSK’s Employee Assistance Program. If you or another staff member shows signs or symptoms of illness or impairment, you should notify your supervisor, Human Resources, Employee Health & Wellness Services, or the MSK Compliance Hotline.

Drug-Free Workplace

CONTACTS
Employee Assistance Program: 212-746-5890
HR Services: 646-227-3456
Employee Health and Wellness Services: 646-888-4000
MSK Confidential Compliance Hotline: 866-568-5421

RESOURCES
Visit the Employee Health & Wellness Services website for more information.

We Are a Violence-Free Workplace. We do not tolerate any aggression or violence on MSK premises or by anyone working with or on behalf of MSK. If you see someone being violent or threatening, you must report it immediately to a manager or to the Security Department. This includes someone who is being disruptive or aggressive. MSK reserves the right to perform searches to ensure a violence-free workplace. Employees must permit a search when requested by a supervisor, manager, or security officer. If you refuse to cooperate in such a search, you may be subject to corrective action up to and including termination of employment.

You observe a fellow employee nodding off repeatedly at work; she is sometimes incoherent. You suspect that she is under the influence of an illegal drug. What should you do?

You should report your concerns to your supervisor, who should confirm your observations and then notify Human Resources or Employee Health and Wellness Services for further assistance.

You are on your way home after work, and you overhear two employees engaged in a heated argument. One threatens to assault the other. It is after hours, and they are not on Center property. What should you do?

You should report this to your supervisor, who should immediately contact Human Resources and Security, even though it is after hours and not on Center property.

Violence-Free Workplace

CONTACTS
Security Department: 212-639-7866
Associate General Counsel & Director, HR Legal & Regulatory Affairs: 646-227-2890
How We Treat Our Employees (cont.)

**MSK Resources Are for MSK Business.** MSK’s resources are to be used for MSK business purposes only. These resources include time, materials, supplies, equipment, and information. As a general rule, the personal use of MSK resources is prohibited. MSK resources may not be used to support political campaigns or parties, unions, or other outside organizations that are not connected to MSK’s mission. You should report known or suspected misuse or theft of MSK resources to a department manager or to the Director of Internal Audit.

**One of my colleagues has sent me a mass email using his MSK email address asking for contributions to support his son’s sports team’s trip to Canada for summer sports camp. Is this o.k.?**

**A**
No. MSK resources include email and telephone usage as well as employee time. It is not appropriate to use these resources for personal reasons, even if they are well-intentioned. You should report this event to your supervisor.

How We Conduct Our Research

Our research informs and makes vital contributions to the development of new and better therapies for the treatment of cancer. Our mission requires us to follow the highest professional standards for conducting clinical research. We also comply with all relevant statutes and regulations.

**We Protect Our Human Subjects.** We are committed to protecting the rights of people who participate in our medical research. People who participate in clinical research at MSK do so voluntarily. They are informed about the potential risks and benefits of their participation before they agree to participate. We protect the privacy and confidentiality of research study participants. Participants are kept informed as new findings, risks, and alternatives become known.

MSK’s Institutional Review Board/Privacy Board monitors all research activity to ensure that our research policies are followed. This includes reviewing:
- research protocols,
- informed consent documents,
- grant submissions, and
- reporting connected with our research activities.

**A patient in clinic who is enrolled in a clinical trial says that she does not want to continue in the study. What should you tell her?**

**A**
You should encourage the patient to speak with her attending physician. She can also call the Director of Patient Representatives, whose name and phone number are included in the informed consent that she signed when she was enrolled in the study.

Protecting Human Subjects

**Q**

**A**

Visit the Clinical Research Portal for more information.
We Protect Our Animal Subjects. The thoughtful and humane care and use of animals is very important to us. The staff of the Research Animal Resource Center (RARC) makes sure that animals used in research and teaching at MSK are well cared for.

The Institutional Animal Care and Use Committee (IACUC) oversees MSK’s Animal Care and Use Program. The IACUC reviews all proposed research activities involving animals to make sure that these projects follow all federal and MSK policies and guidelines. All research involving animals is conducted by employees with appropriate skill and training. The IACUC also inspects MSK’s animal facilities and laboratories where animals are used. You should report any concern about the humane treatment of animals or suspected misuse or abuse of animals at MSK. MSK’s policies on confidentiality and non-retaliation apply to those who report concerns about animals.

Q Your supervisor asks you to conduct a procedure on a research animal subject, but you are not certain that this procedure has been approved. What should you do?

A You should confirm that the technique has been included on the research protocol and that the IACUC has approved it by checking with the Principal Investigator or your supervisor.

Protecting Animal Subjects

CONTACTS
Chair or Vice-Chair, Institutional Animal Care and Use Committee: 646-888-2165
Director, Research Animal Resource Center: 646-888-2400
Senior Vice President, Research & Technology Management: 646-888-1060
Compliance Officer: 646-227-2617
Director, Sloan-Kettering Institute: 646-888-2044

RESOURCES
Visit the Research Animal Resource Center website for more information.

We Are Committed to the Responsible Conduct of Research. The medical and scientific communities depend on the reputation and integrity of our research scientists. That is how they know that they can trust the results of our scientists’ research. Everyone involved in the research process must follow MSK policies on responsible research conduct and guidelines for investigators in scientific research. This helps to ensure the quality and integrity of our research. Proper research conduct includes, but is not limited to:

- how research results are recorded and reported,
- the supervision of laboratory employees and trainees,
- the maintenance and storage of laboratory records and specimens, and
- accurate authorship including acknowledging the intellectual property rights of others.

Q You have generated a significant amount of data in the course of a laboratory research project that has just been completed. Can you dispose of the data now that you are finished?

A No. Research data must be archived for a minimum of three years after the final close-out or publication, whichever occurs last, with original data retained whenever possible.

Responsible Conduct of Research

CONTACTS
Office of Director, SKI Administration: 646-888-3701
Research & Technology Management: (646) 888-1120
Director, Office of Clinical Research: 646-735-8018

RESOURCES
Visit the Research and Technology Management website or the Office of Clinical Research website for more information.

POLICY
Policy for Interaction with Industry
How We Conduct Our Research (cont.)

We Protect Our Inventions, Discoveries, and Intellectual Property. We do not undertake research or developmental work principally for the purpose of developing patents and commercial applications, but sometimes commercially valuable patentable inventions result from research or other work conducted at MSK. The rights to inventions, patentable or not, resulting from research or other work that is conducted by MSK employees or with use of significant MSK resources are the property of the Center. The Office of Technology Development manages and protects MSK’s intellectual property by filing patent applications, negotiating license agreements, helping to start new companies as appropriate, and reviewing all contracts and arrangements that affect intellectual property including consulting agreements, material transfer agreements, industry-sponsored research, and clinical trial agreements.

Q
Your research at MSK has produced a result that you think might be patentable. Can you pursue a patent on your own?

A
No. The rights to inventions resulting from research conducted by MSK employees or with use of significant MSK resources are the property of the Center. You should contact the Office of Technology Development, which will assign a licensing professional to work with you to determine the appropriate next steps.

Inventions, Discoveries, and Intellectual Property

CONTACT
Office of Technology Development: 646-888-1120

POLICY
Policy on Inventions, Patents, Copyrights, Tangible Property, and Technology Transfer
How We Work with Industry

Our work with industry provides many benefits to society. It helps to promote the science of medicine and improves patient care. We are committed to these relationships because they offer positive benefits. However, we are also committed to ensuring that these relationships do not compromise our scientific or clinical judgment or influence purchasing decisions.

We Actively Manage Conflicts of Interest. MSK encourages staff to participate in activities outside of the Center that further our mission, provide productive collaborations, and promote the practical application of scientific discoveries.

At the same time, these activities can create conflicts of interest that may compromise — or appear to compromise — our work. We require staff to disclose those outside activities that may create conflicts of interests in order to safeguard the integrity and objectivity of our research, education, clinical judgment, and business decision-making.

We then review those activities and manage any conflicts through the Outside Activities Reporting System (OARS).

**Q** You have been asked to consult with a company that makes surgical equipment and supplies. You are on your department’s purchasing committee, but your department does not buy products from this company. Can you agree to consult?

**A** Before proceeding, you must first request prior approval from the Corporate Compliance Department. All consulting activities with for-profit companies must be approved in advance.

We Limit Our Acceptance of Business Courtesies. In general, our employees may not accept gifts or other business courtesies from industry. We do not accept grants or other support from industry for professional educational activities. This includes meetings, MSK-sponsored events, and other joint MSK-industry activities. These rules are important because we do not want our relationships with industry to influence our purchasing decisions or our scientific objectivity. We do permit industry to participate in MSK events if the focus of these events is the educational and scientific work being done. We do not engage in promotional or marketing activities.

**Q** A biotech company wants to sponsor a seminar at MSK about one of their new products. The firm offers to pay all costs and provide lunch for the MSK staff attending the meeting. Is this permitted?

**A** The company may offer the seminar only if a manager or someone else with appropriate expertise determines that it is in MSK’s interests to participate. The vendor may not pay for lunch or other meeting costs, and no marketing of vendor products or services is permitted.

Conflicts of Interest

**CONTACTS**
Institutional Compliance Manager, Conflicts of Interest: 646-227-2035
Office of Technology Development: 646-888-1120

**RESOURCES**
Visit the Corporate Compliance website for more information about conflicts of interest.

**POLICY**
Policy on Financial Conflicts of Interest and Conflicts of Commitment.

Business Courtesies

**CONTACT**
Corporate Compliance Department: 646-227-2622

**RESOURCES**
Visit the Corporate Compliance website for more information about working with industry.
How We Conduct Business

We conduct our business with all outside organizations ethically and legally. We comply with all federal and state regulations. We always conduct our business in support of our mission. We regularly monitor and audit our business practices to ensure compliance with both internal and external standards and best practices.

We Bill Accurately. Our billing policies follow all federal and state regulations and private payer rules. We bill only for medically necessary services that have been ordered and documented in patients’ medical records. Accurate and timely billing supports patient care and strengthens our patients’ trust in us. We have programs to detect inaccuracies, and we correct any errors in a timely fashion. We do not misrepresent information provided for reimbursement, whether on claims, in cost reports, or in other forms, in order to get around the billing rules.

Q You are processing an insurance claim and see a charge being denied because of the diagnosis code. You think if you changed the diagnosis code, the charge would be payable. Can you change the code?

A No. Only a physician or a certified coder may choose or change a diagnosis code, based on a review of the medical record. Tell your supervisor about the situation so it can be reviewed.

We Make Contracting and Purchasing Decisions Fairly. We are committed to fair competition among prospective suppliers. We choose our vendors, contractors, and suppliers based on objective criteria. These criteria include:

- quality,
- technical standards,
- price,
- ability to meet schedules, and
- the quality of service and support.

Employees who make purchasing decisions maintain the highest ethical standards when they negotiate, award contracts, and administer purchasing activities. All such decisions are made in ways that best serve our scientific and clinical mission. MSK will not knowingly enter into contracts with vendors, suppliers, or subcontractors who have been excluded from participation in any government programs.

Q You need to hire an outside contractor to perform some specialized work in your department. You call someone you have worked with in the past because you know that the quality of their work is very high, and you can get them started immediately. Is this o.k.?

A No. You should contact the Corporate Procurement Department to make these arrangements. Corporate Procurement will ensure that there is no intended or unintended bias in your vendor selection. Working with Corporate Procurement also helps to protect you, the employee.

Billing for Services

CONTACTS
Physician Billing Department: 646-227-3275
Patient Accounts Department: 646-227-3228

RESOURCES
Visit the Patient Accounts website or the Corporate Compliance website for more information about billing policies and procedures.

POLICY
PP5102: Patient Accounts – General Description

Contracting and Purchasing

CONTACTS
Associate Hospital Administrator: 212-639-8238
Corporate Procurement: 646-888-0500

RESOURCES
Visit the Corporate Procurement website for more information.
How We Conduct Business (cont.)

Our Financial Reporting Is Accurate and Complete. We are accurate and complete when documenting and reporting our financial records. Our financial information conforms to generally accepted accounting principles. We manage outside vendors and contractors to protect our financial integrity. We are careful to ensure that all transactions are correctly authorized and properly recorded. These activities help to maintain the accountability of MSK’s assets.

Financial Reporting

CONTACTS
Senior Vice President, Finance: 212-227-3413
Controller: 646-227-3414

RESOURCES
Visit the Finance website for more information.

Our Marketing and Advertising Are Truthful and Accurate. Our marketing practices are conducted with truth, accuracy, fairness, and a commitment to safeguarding the privacy of our patients and the integrity of the Center. Our marketing activities are designed to:

- educate the public,
- provide information to the community,
- increase awareness of our services, and
- recruit physicians, researchers, and employees.

We are honest and truthful about our services, capabilities, and treatment outcomes in our marketing and advertising activities and materials. We do not make guarantees or promises about treatments or results.

Marketing and Advertising

CONTACT
Marketing: 646-227-3573

POLICY
PP8214: Marketing

We Are Accurate, Truthful, and Candid in Our Development and Fundraising Activities. We are grateful for the generous donations from our many benefactors. We are also committed to following all rules and regulations governing charitable fundraising. Inquiries about making a donation to MSKCC should be referred to staff in the Development Office.

A grateful patient leaves a card for his physician when he is discharged. The physician opens it and discovers a generous check with a note that it is to be used to support his research. What should the physician do?

The physician should give the check to someone in the Development Office or take it to the MSK cashier for appropriate handling as soon as possible. All gifts to support research or hospital operations must come through the Development Office and should be processed in a timely manner.

Development and Fundraising

CONTACT
Senior Vice President, Development: 646-227-3529

POLICY
PP8213: Contributions to the Center and Fund Raising Inquiries

You are working with the Marketing Department on an ad promoting a new treatment approach used at the Center and want to say that this approach is the most successful in the country. Is this ok?

You may only make this claim if we have impartial and authoritative sources to validate it, including a clear definition of what “successful” means and of the patient population on which it was tested.

Marketing and Advertising

CONTACT
Marketing: 646-227-3573

POLICY
PP8214: Marketing
How We Conduct Business (cont.)

**We Do Not Make Endorsements.** MSK and its employees do not express support for or endorse products or commercial ventures. This includes vendors with whom we do business. Requests or proposals to use MSK’s name, logo, or likeness for an endorsement must be reviewed and approved by the Vice President of Public Affairs. Vendor requests to include comments, quotes, or referrals from MSK staff, or an MSK case study, in any publication must also be reviewed and approved by the Vice President of Public Affairs. This includes press releases, marketing materials, and websites.

**We Observe Antitrust Laws.** Antitrust laws are designed to preserve fair market competition. Antitrust laws do this by limiting the information that may be shared among and used by competitors. MSK’s competitors include other healthcare organizations that offer similar services in the same markets used by MSK. Antitrust laws prohibit sharing information among competitors that might result in:

- price fixing,
- allocation of markets among competitors, or
- boycotting of other entities and suppliers.

Contact the Office of the General Counsel or the Compliance Office if you have questions about what information can be shared with other organizations.

**Endorsements**

**CONTACT**
Senior Vice President & Chief Communications Officer: 646-227-3580

**POLICY**
PP8215: Endorsements

**Antitrust**

**CONTACTS**
Office of the General Counsel: 646-888-4040
Chief Compliance Officer: 646-227-2955
How We Conduct Business (cont.)

We Do Not Engage in Insider Trading. Securities laws make it strictly illegal to buy or sell securities (stock or bonds) using nonpublic information. It is also illegal to pass nonpublic information along to others for the purpose of purchasing or selling securities. Everyone associated with MSK must avoid using or sharing nonpublic information that might result in illegal buying or selling of securities. In general, MSK employees should avoid disclosing information that would encourage others to buy or sell securities (stock or stock options) based on information that is confidential. This information may have been gained through research or through other means within MSK. Because nearly all research agreements require confidentiality, sharing such information with others could also result in contract violations.

Q You work on a research project in which the data on a new drug suggests it is very effective. The results have not yet been released or published. You are having dinner with family and you want to share this exciting news with them. Is it o.k. to tell them?

A No. You should not share information about research results that have not yet been made public. Sharing this information could constitute a tip, even an inadvertent tip, and might violate insider trading laws, which are very strict.

Insider Trading

CONTACTS
Office of the General Counsel: 646-888-4040
Research & Technology Management: (646) 888-1120
Chief Compliance Officer: 646-227-2955