

ENT and Allergy Associates, LLP

Compliance Program

Code of Ethics and Standards of Conduct

A Brief Summary

This Brief Summary sets forth some of the more important highlights of the Compliance Manual for ENT and Allergy Assoc., LLP (the "Practice"). The Manual contains the Practice's complete Code of Conduct and Standards of Conduct, and can be found in the Compliance Office. The Manual is available to all employees.

A. CODE OF ETHICS. The Practice is committed to the following:

1. ENT and Allergy Associates, LLP requires compliance by all employees and other agents of ENT and Allergy Associates, LLP with all laws and regulations to which it is subject. When the application of a law or regulation is uncertain, the employee or agent shall seek guidance and advice in accordance with the ENT and Allergy Associates, LLP Compliance Plan.
2. ENT and Allergy Associates, LLP maintains accurate and reliable clinical documentation to insure that all patient care services are medically necessary and conform to all requirements for the delivery of patient care services. The best interest of the patient is the foremost concern of the physicians and the staff of ENT and Allergy Associates, LLP.
3. ENT and Allergy Associates, LLP maintains accurate and reliable corporate records which disclose all disbursements and other transactions to which ENT and Allergy Associates, LLP is a party. Furthermore, ENT and Allergy Associates, LLP is committed to ensuring the accuracy of all filings with the government.
4. ENT and Allergy Associates, LLP maintains contacts with physicians and other sources of referrals, whether directly or indirectly, as proper business relationships. Under no circumstances shall ENT and Allergy Associates, LLP enter into a compensation arrangement with a physician or any other referral source except as expressly approved by ENT and Allergy Associates, LLP's management.
5. ENT and Allergy Associates, LLP's representatives shall maintain contacts with governmental officials and other government personnel, whether directly or indirectly, as proper business relationships. Such contacts must never suggest undue influence upon such persons or cast doubt on ENT and Allergy Associates, LLP's integrity.
6. ENT and Allergy Associates, LLP requires the undivided loyalty of its employees and other agents in the exercise of their responsibilities. Except as may be otherwise approved by the ENT and Allergy Associates, LLP Board of Trustees or an appropriate committee thereof, personal investments or other activities which may create a conflict of interest are prohibited, and circumstances that may give the appearance of a conflict of interest are to be avoided.

ENT and Allergy Associates, LLP's Board of Trustees has adopted the foregoing Code of Ethics to apply to ENT and Allergy Associates, LLP. All employees and other agents of ENT and Allergy Associates, LLP are expected to adhere to its terms.

B. STANDARDS OF CONDUCT. As set forth more fully in the Practice's Compliance Manual, all personnel, both owners and employees, or agents associated with the Practice are required to adhere to the following standards of conduct and to avoid any conduct that might reflect adversely upon the integrity or reputation of the Practice.

1. Coding and Billing Standards

- a. General: All federal and state regulations governing coding and billing procedures will be meticulously followed for all services billed by the Practice.
- All billing must be accurate and truthful.
 - No personnel should ever misrepresent charges to, or on behalf of, a patient or third-party payor. False statements and intentional omissions of material information by any personnel to government agencies or other payors will expose the personnel involved to termination and criminal penalties.
 - If a claim is denied, or if the payor requests additional information about a claim, any changes made to the codes that have been submitted will have record documentation to support the change. The Practice will never change a code to bypass a payor's edit.
 - If personnel have any question as to the truth or accuracy of the documentation for billing purposes, or if there is material information missing, the bill for services in question must be held until the uncertainties are resolved.
 - All diagnosis and procedure codes for health services shall be based on the patient's medical record and other documentation, as well as comply with all applicable coding rules and guidelines.
 - At a minimum, all billing documentation should record the activity leading to the entry, the identity of the individual providing the services, and any information to support medical necessity and reimbursement coverage criteria, and all billing documentation shall be maintained in an organized manner, in legible form, and available for audit and review.

b. Collection of Medicare Deductible and Coinsurance Amounts

ENT and Allergy Assoc., LLP policy is to bill patients promptly for the services provided by ENT and Allergy Associates and to take all necessary and appropriate action to collect its patient accounts.

ENT and Allergy Assoc., LLP shall not routinely waive collection of deductible and coinsurance amounts.

2. Reasonable and Necessary Standards

a. Medical Necessity

The Practice will submit claims to Medicare, Medicaid or any other federally funded health care program, only for services that were medically necessary or that otherwise constituted a covered service.

Medical necessity will be determined individually for each service or test provided or ordered by the responsible physician.

b. Advance Beneficiary Notice (ABN)

ABNs will be appropriately utilized, and appropriate modifiers (GA and GZ) used, when the physician reasonably believes that a service will not be considered reasonable and necessary by Medicare.

3. Documentation

- a. Justification and Clarity. Billing must always be based on adequate documentation of the medical justification for the service provided and for the bill submitted, and this medical documentation must comport with all applicable regulations.

A bill may not be submitted to a payor if the documentation of the nature or scope of the service is unclear or if it is otherwise unclear what the appropriate code is.

- b. Accuracy. In order to ensure accurate documentation, ENT and Allergy Associates will compile medical records that:
- Are clear and legible;
 - Include the reason for the encounter, any relevant history, physical examination findings, prior diagnostic test results, assessment, clinical impression or diagnosis, plan of care, and date and identity of the observer;
 - Clearly show the rationale for ordering diagnostic and other ancillary services; and,
 - Support the CPT and ICD-9-CM codes used for claims submissions.
- c. Addendums. If the physician has a clear and specific memory of the patient encounter and addendum may be added. They should be written after the last date of entry in the patient's chart—preferably on a separate sheet. All addendums must contain the date the addendum was written. Alternatively they can be added on blank spots on the sheet containing the original date of service information provided that the date of the addendum is clearly indicated.

4. Improper Inducements, Kickbacks & Self Referrals

- a. Relationships with Potential Patients and Referral Sources

All contacts with patients and referral sources must be maintained as arm's length business relationships and should avoid even the appearance of impropriety.

Employees, subcontractors, agents, or other representatives of the Practice are expressly prohibited from making any direct or indirect payments to sources of referrals on behalf of the Practice, or within the scope of their employment or engagement with the Practice without express approval by the Practice.

- b. Fair Market Value of Goods or Services

It is ENT and Allergy Associates policy that it will not provide goods, services, or other items of value to patients or referral sources for a value other than fair market price in order to influence the flow of business to the Practice.

Employees and other agents are expected to report to the Administrative Liaison to the Compliance Committee any practices they observe which amount to the provision of goods or services to patients or referral sources at a price above or below fair market value, or free of charge, in order to influence the flow of business to the Practice.

- c. Bribes and Improper Payments

Employees are prohibited to enter in any agreement or arrangement where that employee should know or suspect that the intent or probable result of such agreement is to improperly reward, directly or indirectly, any individual or entity that is in a position to refer or induce business for the Practice.

- d. Antitrust Laws

ENT and Allergy Associates competes vigorously but fairly within the industry and complies with all applicable antitrust laws and regulations.

Agreements with any competitors to fix prices charged to customers or to allocate territories or customers are strictly prohibited.

5. General Business Practice Standards

a. Accounting and Financial Reporting

Accurate and reliable business records shall be maintained at all times in conformity with prescribed financial and Medicare reimbursement accounting principles.

Employees shall make full disclosure of all relevant information and otherwise fully cooperate with internal or external auditors, or legal counsel, in the course of compliance audits or investigations with respect to this guideline.

b. Promotion of ENT and Allergy Associates, LLP's Services

All employees and independent contractors engaged in educating the general public regarding ENT and Allergy Associates services in the community will do so in an ethical manner and within the limits of applicable law.

c. Political Activity

Employee Activity. No partisan political activities by employees shall be conducted on the premises or time of ENT and Allergy Associates or under any circumstances that could create the appearance that such activity is sponsored by the Practice.

d. Engagement of Independent Contractors, Agents, and Consultants

Under no circumstances shall ENT and Allergy Associates engage the services of any person or entity, directly or indirectly, who is currently excluded from participation in the Medicare or Medicaid programs. All agents will be given and required to acknowledge receipt and understanding of the portions of this Summary and agree to be bound thereby.

e. Environmental Safety

Appropriate steps will be taken to ensure that the disposal of all medical and hazardous waste produced by the Practice is conducted pursuant to all local, state and federal laws.

f. Conflicts of Interest

Employees and agents should avoid situations in their personal activities which are, or appear to be, in conflict with their responsibilities to ENT and Allergy Assoc., LLP. A conflict exists when an employee's or agent's personal interests or activities may influence his or her judgment in the performance of his or her duty to the Practice.

g. Document Retention

Corporate, Clinical and Compliance documents created by the Practice or submitted to the Practice are retained to the time required by law and in the manner required by law. Documents shall be held beyond the legal minimum only if required for reasons set forth in the Compliance Plan.

C. COMPLIANCE PROCEDURES: As set out more fully in the Compliance Plan, the following are some of the compliance procedures available to Practice personnel:

1. Compliance Officer and Administrative Liaison to the Compliance Committee. The Compliance Officer is a physician partner and member of the Compliance Committee who also promotes awareness and understanding of positive ethical and moral principles consistent with the mission and values of ENT and Allergy Assoc., LLP and those required by federal and state law. An Administrative Liaison has been appointed to run the day-to-day operations of the Compliance Program

and will be overseen by the Compliance Committee. The Administrative Liaison is responsible for receiving and responding to all reports, complaints, and questions about compliance issues.

2. Compliance Contacts and Numbers. Any Practice personnel may contact the Compliance Officer or Administrative Liaison with any compliance question or issue.

a. Administrative Liaison to the Compliance Committee: Katie Owens (914) 333-5896

b. Compliance Officer: Lee Eisenberg, M.D. (201) 567-2771

3. Reporting and Complaint Procedures. All personnel can and should raise any question they might have about potentially unethical or illegal conduct with the Administrative Liaison to the Compliance Committee or the Compliance Officer.

a. Compliance Hotline. The Compliance Hotline has been established as a means of facilitating any reports of wrongdoing and allows for personnel to make such reports anonymously if they choose.

COMPLIANCE HOTLINE NUMBER: (914) 333-5894

4. Confidentiality. Your report or question may be raised anonymously, if you choose, and will be held in the strictest confidence possible, consistent with the need to investigate any allegations of wrongdoing.

5. Inquiry by the Administrative Liaison. Upon receiving a report of possible unethical or illegal conduct, the Administrative Liaison will conduct an inquiry, as appropriate, in consultation with the Compliance Committee and/or Senior Management to determine what plan of action will be taken. If directed, legal counsel will be contacted.

6. No Retaliation Allowed. Retaliation in any form against an individual who in good faith reports possible unethical or illegal conduct is strictly prohibited and is itself a serious violation of the Compliance Plan.

7. Responses, Remedial or Corrective Action, and Discipline. Violations of the Code of Conduct can result in remedial action, including: additional training for personnel; personnel being disciplined, including discharges; modification or improvement of the business practices of the Practice; and modification or improvement of the Compliance Program itself to better ensure continuing compliance with applicable federal and state laws and regulations.

D. MONITORING AND AUDITING The Administrative Liaison will be responsible for continued monitoring of compliance with this Plan and all applicable federal and state rules, laws and regulations.

1. Tracking New Developments. On a continuing basis, the Administrative Liaison will keep abreast of, and review, all new regulatory or legal requirements issued by the federal or state government.

2. Periodic Chart Audits. The Compliance Committee will perform periodic and focused chart audits of all physicians.

3. Review of Billing Denials and Patient Complaints. Periodic reviews will be performed of denials from Medicare and other third-party payors in order to determine whether any patterns exist of improper billing that need correction. Billing complaints from patients will also be tracked to determine whether such complaints reflect the existence of possible patterns of improper billing or other compliance issues.

4. Response to Third Party Audits. Following resolution of audits by third-party payors, the results of the audit, if known, will be reviewed to determine if those results reflect any systematic deficiency or problem in our compliance with state or federal rules, regulations or laws.

5. **Review of Exclusion Lists.** The Administrative Liaison will conduct periodic reviews of the OIG's List of Excluded Individuals/Entities (LEIE) to ensure that all current and potential employees have not been excluded from participation in Medicare, Medicaid or any other governmentally funded plan.

6. **Training.** The Administrative Liaison will ensure that all staff receive compliance training, and will develop a schedule of occasional training on compliance issues, as necessary, for new and old personnel.

E. GOVERNMENT INQUIRIES. It is the Practice's policy to cooperate fully in connection with all government audits and investigations and to respond in a timely manner to all requirements imposed by involvement in litigation. Personnel may speak voluntarily with government agents, and ENT and Allergy Associates, LLP will not attempt to obstruct any government inquiry or prevent any personnel from speaking with government agents, should the personnel desire to do so. It is recommended to all personnel, however, that, before speaking with government agents, they contact the Compliance Officer or Administrative Liaison first.

1. **Contact with Government Agents/Investigators.** Although personnel may voluntarily speak to government agents if they choose, it is recommended that personnel contact the Administrative Liaison or Compliance Officer first.

2. **Responding to Subpoenas, Summonses and Complaints.** Personnel may not respond to subpoenas or requests for documents belonging to the Practice without first speaking to the Administrative Liaison or Compliance Officer.

3. **Search Warrants.** Personnel should not interfere with government agents presenting with a search warrant. Demand a copy of the search warrant and name of the agent in charge. Be sure a physician, office manager, or highest ranking ENT and Allergy Associates employee on premises is informed of the situation. Do not be afraid to assert your right to legal counsel or to speak with the Administrative Liaison to the Compliance Committee.