

# Baystate Health

## BC 1.005 - Vendor Code of Conduct

### A Message to our Vendors:

At Baystate Health, “doing the right thing” means more than just following laws, policies, and procedures - it means maintaining the highest standards of ethics and integrity in everything we do. Our high standards are consistent with Baystate Health’s goal of delivering excellent patient care. In keeping with these core values, Baystate Health shall make every reasonable effort to contract with Vendors meeting the standards prescribed by this Code of Conduct.

This Baystate Health Vendor Code of Conduct (“Code of Conduct”) applies to all Vendors who provide goods or services to Baystate Health, Inc. and its affiliates (individually and collectively referred to as “Baystate Health”). This Code of Conduct is a general statement of the expectations of Baystate Health with respect to its Vendors; it is not in lieu of, but rather is in addition to any other Vendor obligations to Baystate Health under law, contract, or otherwise. Please review this Code of Conduct carefully and become familiar with the principles that guide the conduct of you and your organization as a Baystate Health Vendor. If you have any questions, contact the Baystate Health Office of Corporate Compliance at 413-794-7955.

**Commitment to Compliance:** Baystate Health expects its Vendors to conduct their business according to the highest ethical standards and to act ethically, legally, fairly, and responsibly, at all times. Vendors are expected to comply with all relevant laws, including statutes, codes, and regulations, applicable to their operations, including those summarized in this Code of Conduct. In addition to this Code of Conduct, Baystate Health expects Vendors to comply with other applicable policies which can be found on-line in the “Information for Vendors” section of [BaystateHealth.org](http://BaystateHealth.org), including Baystate Health’s *BC 5.110 Vendor Policy*. Vendors shall, upon request, cooperate with Baystate Health to demonstrate and confirm compliance with this Code of Conduct and/or other applicable policies.

**Vendors Onsite:** Vendors that come onsite to any Baystate Health facility must:

- Schedule an appointment in advance.
- Check in at designated locations before traveling on any BH campus.
- Stay out of patient care areas, except in limited circumstances where otherwise approved.
- Comply with applicable Baystate Health visitor policies and infection control policies.
- Wear Vendor or Visitor badges *at all times*.

**Sanction Screening:** Baystate Health will not conduct business with any Vendor (or subcontractor to a Vendor) that is excluded, debarred, or ineligible to participate in federal or state health care programs such as Medicare and Medicaid, or whose officers, directors or employees are excluded from participating in such programs. Vendors are responsible for taking all necessary steps to ensure Vendor and Vendor subcontractor personnel providing goods and services to Baystate Health, directly or indirectly, are eligible to participate in federal and state health care programs and must immediately report any sanctions to Baystate Health’s Office of Corporate Compliance.

### **Government Contractor Requirements related to Equal Opportunity, Affirmative Action, and**

**Nondiscrimination:** Vendors working directly or indirectly on government contracts (e.g. Medicare, Medicaid, etc.) have a special obligation to know and comply with all the terms of the government contract as well as laws that are applicable to individuals and entities receiving Medicare, Medicaid or other federal funds.

**24 Hour Hotline: 877-874-7444**

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Vendors shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a), and 60-741.5(a), if applicable. These regulations require government contractors to take affirmative action to employ, advance in employment and otherwise treat employees without discrimination based on their status as protected veterans, individuals with disabilities, or based on their race, color, religion, sex, sexual orientation, gender identity, or national origin.

Vendors shall not subject workers to any sexual or other unlawful harassment or hostile work environment, whether physical, verbal, or psychological, in connection with their employment, either on or off the job.

Vendors shall comply with all laws pertaining to labor practices including, if applicable, the rights set forth in the National Labor Relations Act, the Federal Fair Labor Standards Act, the Federal Davis-Bacon Act, the Federal Family and Medical Leave Act, and any state laws defining such labor standards.

Each Vendor shall be an equal employment opportunity employer and during the performance of any work for Baystate Health, it will comply, if applicable, with Federal Executive Order 11246, as amended; the Rehabilitation Act of 1973, as amended; and Public Law 101-507 for the benefit of socially and economically disadvantaged individuals.

**Health and Safety:** Vendors shall provide a safe and healthful working environment to prevent accidents and injury to health arising out of or occurring in the course of work or resulting from the operation of Vendor's facilities. During the performance of any agreement, all products, services, use of equipment, working conditions, employee training or licensing requirements, and activities performed by the Vendor or the Vendor's subcontractors shall be in full compliance, if applicable, with the Federal Occupational Safety and Health Act, and all other applicable federal, state, and local laws, rules, regulations, and ordinances, including but not limited to the environmental safety and health requirements set forth in 29 Code of Federal Regulations, 40 CFR, and 49 CFR. If working on Baystate Health's premises, Vendor shall abide by Baystate Health's rules pertaining to safety and security.

**Privacy and Security:** Federal and state laws require Baystate Health and our Vendors to maintain the privacy and security of Baystate Health patient health information ("PHI"). If your business relationship with Baystate Health will require access to or use of PHI, you will be required to sign a business associate agreement with us. In addition, you will be responsible for ensuring that all Vendor employees who provide services to Baystate Health are aware of and familiar with the requirements of both the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules and, where applicable, those state laws that provide more stringent protection of PHI.

**Environmental Protection:** Vendors shall comply with relevant law concerning environmental compliance, including statutes, codes, and regulations, applicable to their operations. Such compliance includes obtaining and maintaining appropriate environmental permits; proper handling and disposal of hazardous materials; monitoring, controlling, and treating discharges generated from operations; and conducting operations in a manner that conserves resources.

**Gifts:** Baystate Health prohibits Vendors from giving money, tips, cash (or cash equivalents such as checks, gift cards, or stocks), gifts given to influence a purchasing decision, gifts or other incentives to encourage or reward patient referrals, or other gifts to Baystate Health employees, physicians or contractors. Vendors may obtain a copy of the current Baystate Health policies relating to business gifts and gratuities from Baystate Health's Office of Corporate Compliance at 413-794-7955. In addition, Baystate Health expects all Vendor representatives in the pharmaceutical, medical supply and device industries to adhere to the codes of conduct on interactions with healthcare professionals as published by the Pharmaceutical Manufacturers Association of America (PhRMA) and Advanced Medical Technology Association (AdvaMed), as applicable.

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**Conflicts of Interest:** Vendors shall avoid the appearance of, or actual, conflicts of interest. Vendors and their employees or representatives shall not deal directly with any Baystate Health employee, board member or medical staff member, who holds, or whose spouse, domestic partner, or other family member holds, a significant financial interest, or other relationship (e.g., employment, investment, consulting) in the Vendor's organization. Baystate Health also expects our Vendors to bring any actual, potential, or perceived conflicts of interest to the attention of the Office of Corporate Compliance at 413-794-7955.

**Workplace Behavior:** We expect all Vendors to behave appropriately and do not tolerate violence, threats, intimidation, discrimination, discriminatory bias, or other disruptive or harassing behavior on Baystate Health property.

**False Claims Act:** Baystate Health is committed to preventing fraud, waste and abuse (FWA) and will promptly investigate any reports of alleged FWA. As part of that commitment, it is important that Vendors we conduct business with understand the State and Federal False Claims Acts (MGL ch. 12 §§ 5A - 5O and 31 USC 3729-3733) and know how to report any suspected fraud, waste or abuse. Both the Commonwealth of Massachusetts and Federal Government make it a crime for any person or organization to knowingly make a false record or file a false claim with the government for payment. "Knowing" can include deliberate or reckless ignorance of facts that make the claim false. Examples of possible false claims include:

- presenting to the Federal Government a false or fraudulent claim for payment or approval;
- making or using a false record or statement in order to have a false or fraudulent claim paid or approved by the government;
- conspiring to defraud the government by getting a false or fraudulent claim allowed or paid;
- knowingly making or using a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the government.

A person or entity found liable under the State or Federal False Claims Act may be subject to a civil monetary penalty of between \$11,000 and \$22,363 per claim. Both laws also provide for the recovery of triple damages.

The False Claims Act protects anyone who files a false claim lawsuit in good faith. If you are aware of or have suspicion of a false claim for payment being made at Baystate Health, it is our expectation that you will report that suspicion immediately to the Office of Corporate Compliance at 413-794-7955 or through the hotline at 877-874-7444. These laws also protect "whistleblowers" - people who report noncompliance or fraud, or who assist in investigations - from retaliation. Baystate Health policy also prohibits retaliation of any kind against individuals exercising their rights under the Federal False Claims Act or similar state laws.

**Reporting Potential Misconduct:** If Vendor or any Vendor employee has knowledge of any actual or potential violation of the terms and conditions of the Vendor agreement, this Code of Conduct, or applicable laws and regulations that apply to the work being done for Baystate Health, Vendor has an obligation to report the violation to the Baystate Health Hotline at 1-877-874-7444, email: [complianceoffice@baystatehealth.org](mailto:complianceoffice@baystatehealth.org) or online at: <https://baystatehealth.cqs.symplr.com/Portal/CreateForm/450020>. Baystate Health will not retaliate against those who, in good faith, report suspected wrongdoing. Likewise, Baystate Health expects Vendors not to retaliate against their employees, who in good faith, report potential wrongdoing.