

HCCA Compliance 101, 4th Edition

APPENDIX J | Code of Ethics for Health Care Compliance Professionals

Preamble

Health care compliance programs are ultimately judged by how they affect, directly or indirectly, the delivery of health care to the patients, residents, and clients served by the health care industry and, thus, by how they contribute to the well-being of the communities we serve. Those served by the health care industry are particularly vulnerable, and therefore health care compliance professionals (HCCPs) understand that the services we provide require the highest standards of professionalism, integrity, and competence. The following Code of Ethics expresses the profession's recognition of its responsibilities to the general public, to employers and clients, and to the legacy of the profession.

The Code of Ethics consists of two kinds of standards: Principles and Rules of Conduct. The Principles are broad standards of an aspirational and inspirational nature, and as such, express ideals of exemplary professional conduct. The Rules of Conduct are specific standards that prescribe the minimum level of conduct expected of each HCCP. Compliance with the Code is a function both of the individual professional and of the professional community. It depends primarily on the HCCP's own understanding and voluntary actions, and secondarily, on reinforcement by peers and the general public.

A Commentary is provided for some rules of conduct, which is intended to clarify or elaborate on the meaning and application of the rule. The following conventions are used throughout the Code: "Employing organization" includes the employing organization and clients; "Law" or "laws" includes all federal, state, and local laws and regulations, court orders and consent agreements, and all foreign laws and regulations that are consistent with those of the United States; "Misconduct" includes both illegal acts and unethical conduct; and "Highest governing body" of the employing organization refers to the highest policy and decision-making authority in an organization, such as the board of directors or trustees of an organization.

Principle I

Obligations to the Public

Health care compliance professionals should embrace the spirit and the letter of the law governing their employing organization's conduct and exemplify the highest ethical standards in their conduct in order to contribute to the public good.

R1.1 HCCPs shall not aid, abet, or participate in misconduct.

R1.2 HCCPs shall take such steps as are necessary to prevent misconduct by their employing organizations.

R1.3 HCCPs shall exercise sound judgement in cooperating with all official and legitimate government investigations of or inquiries concerning their employing organization.

Commentary: *While the role of the HCCP in a government investigation may vary, the HCCP shall never obstruct or lie in an investigation.*

R1.4 If, in the course of their work, HCCPs become aware of any decision by their employing organization which, if implemented, would constitute misconduct, adversely affect the health of patients, residents, or clients, or defraud the system, the professional shall: (a) refuse to consent to the decision; (b) escalate to the highest governing authority, as appropriate; (c) if serious issues remain unresolved after exercising “a” and “b”, consider resignation; and (d) report the decision to public officials when required by law.

Commentary:*The duty of a compliance professional goes beyond other professionals in an organizational context, inasmuch as his/her duty to the public includes prevention of organizational misconduct. The compliance professional should exhaust all internal means available to deter his/her employing organization, its employees, and agents from engaging in misconduct. HCCPs should consider resignation only as a last resort, because compliance professionals may be the only remaining barrier to misconduct. In the event that resignation becomes necessary, however, the duty to the public takes priority over any duty of confidentiality to the employing organization. A letter of resignation should set forth to senior management and the highest governing body of the employing organization the precise conditions that necessitate his/her action. In complex organizations, the highest governing body may be the highest governing body of a parent corporation.*

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