UTHSC-Tyler Standards of Conduct Guide & Institutional Compliance Program

Including Political Activities and Standards of Conduct
Texas Government Code
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Employee Acknowledgment Form 28
The University of Texas Health Science Center at Tyler
Office of the President

To All Employees:

It is important that The University of Texas Health Center at Tyler (UTHCT) clearly articulate not only its mission and philosophy, but also its commitment to ethical conduct and integrity in the workplace. We must have a sincere effort to comply with all federal, state, and local laws and regulations. Also, we must provide appropriate oversight and review to ensure compliance.

This brochure sets forth an overview of the Institutional Compliance Program. The principal functions of the Program are as follows:

✓ To perform a risk assessment of UTHCT’s compliance issues.
✓ To monitor the implementation of UTHCT’s Compliance Program.
✓ To communicate instances of noncompliance to the Institutional Compliance Officer and the Institutional Compliance Committee.
✓ To follow-up on compliance issues to insure that appropriate corrective action has been taken.
✓ To continuously assess the effectiveness of compliance activities.

It is our intention that all employees understand how to do their job properly and safely within applicable legal, regulatory, and ethical standards. We all share the responsibility of behaving ethically, identifying any internal problems, and reporting them to the right people. This booklet describes some of the systems and resources in place to assist you in understanding and carrying out your obligations.

Our goal is to provide the highest level of patient care, education, and research and to carry out our responsibilities with integrity. Your efforts in complying with all standards will ensure that we meet our goal. Thank you.

Kirk A. Calhoun, M.D.
President
UTHSC-TYLER History

The site where the UT Health Science Center stands today – 614 acres located northeast of Tyler, Texas – is rich in history. Activated in 1943 as Camp Fannin, a World War II infantry-training base, more than 100,000 men were prepared for combat. During the height of the war, troop capacity was slightly over 18,000 soldiers. A camp hospital had 1,074 beds. The camp also served as a prisoner of war camp.

The genesis of the University of Texas Health Center at Tyler was established in 1947, when the 50th Texas Legislature chartered it as the East Texas Tuberculosis Sanatorium. The first tuberculosis patients were admitted in 1949. The 62nd Texas Legislature renamed the institution the East Texas Chest Hospital in 1971, and designated it a primary referral facility in Texas for treatment of pulmonary and heart disease.

In 1977, the institution joined The University of Texas System, becoming The University of Texas Health Center at Tyler. The primary mission of this academic medical center – governed by the UT System Board of Regents -- is three-fold: patient care, research, and education in the treatment of pulmonary and heart disease. The academic medical center consists of a 100-bed hospital and associated outpatient clinics.

MISSION

UTHSC-Tyler’s mission is to serve East Texas and beyond through excellent patient care and community health, comprehensive education, and innovative research.

VISION

We will be a great institution, unified in common purpose, to benefit human health and to improve quality of life.

VALUES

**Excellence:** I will work every day to improve UTHSC-Tyler and the job that I do.

**Servant Leadership:** I will put the needs of our patients and my co-workers first.

**Diversity:** I will respect and appreciate diversity in ideas, peoples, and cultures.

**Accountability:** I will use the resources of UTHSC-Tyler wisely.
Employee Compliance in the Workplace

UTHSC-Tyler is committed to conducting business with the highest standards of integrity and ethical conduct. With this in mind, a Standards of Conduct Guide was developed to provide guidance on ethical issues and to emphasize that it is the responsibility of each employee to ensure compliance with laws, regulations, policies, and procedures.

At times it is difficult to determine the right decision to make in certain situations. Each employee is expected to know the legal and ethical requirements of their job. Follow your instincts and make sound ethical decisions. Each employee is expected to comply with the Standards and conduct all business affairs in a way that ensures that there is no real or apparent conflict between personal and UTHSC-Tyler interests.

Institutional Compliance Program

Background

In 1998, committed to the highest ethical standards and compliance with applicable laws, policies, rules, and regulations, The Board of Regents of The University of Texas System approved an Action Plan to Ensure Institutional Compliance. In 2003, this Action Plan was revised to enhance institutional compliance. To comply with the Plans, The University of Texas Health Center at Tyler implemented an Institutional Compliance Program.

Goals

UTHSC-Tyler is committed to effectively communicating our standards, policies, and procedures to all to ensure that UTHSC-Tyler’s mission is accomplished. Compliance awareness and guidance is offered to staff members to meet our ethical standards and comply with applicable laws and regulations.

Structure and Committee

Responsibility for implementing the Institutional Compliance Program rests with a multidisciplinary Executive Institutional Compliance Committee. The committee is responsible for the execution of the Compliance Program and for ensuring that the institution has a risk-based process that builds compliance consciousness into daily operations, monitoring effectiveness of compliance activities, communicating instances of noncompliance to appropriate administrators for corrective actions, performing follow-up procedures on compliance findings, providing necessary training, and continually reviewing and assessing compliance effectiveness.
Purpose of the Standards of Conduct Guide

The purpose of UTHSC-Tyler’s Standards of Conduct Guide is to communicate to all UTHSC-Tyler employees, including administration, faculty, fellows, residents and students an expectation and requirement of ethical conduct and compliance with all applicable laws, policies, rules and regulations. Ethical conduct and compliance is a personal responsibility, and every employee will be held accountable for his or her conduct. The UTHSC-Tyler Standards of Conduct Guide is a framework within which we are expected to operate. The UTHSC-Tyler Standards of Conduct Guide represents policies of UTHSC-Tyler, the University of Texas System, and the Rules and Regulations of the Board of Regents of the University of Texas System, known as Regents’ Rules and Regulations.

This document does not include all general compliance issues, nor does it contain the special compliance issues that are job specific. Instead, the UTHSC-Tyler Standards of Conduct Guide should be regarded as a set of guiding principles that apply to everything we do. Questions about specific ethical or compliance issues should be directed to your supervisor, the UTHSC-Tyler Office of Compliance, or the UTHSC-Tyler Compliance Officer.

Compliance & Ethics Hot Line

Reporting Suspected Noncompliance

Employees are obligated and encouraged to report instances of suspected noncompliance with laws, regulations, or policies. In most instances, compliance issues should be addressed through normal administrative channels. However, a confidential reporting mechanism that is outside the normal chain of command has been established at UTHSC-Tyler for employees to report instances of suspected noncompliance, including healthcare fraud and abuse, theft, privacy violations, questionable accounting, internal accounting controls, auditing matters or other unethical behaviors.

Confidential reporting is achieved by the use of the Compliance & Ethics Hotline, which provides a confidential hotline service 24 hours a day, 365 days a year. Non-UT, professionally trained personnel handle the calls and forward the information to the Institutional Compliance Officer. Anonymity is maintained since employees are not required to identify themselves. The Executive Institutional Compliance Committee has developed procedures to ensure that all reports are investigated and addressed appropriately. The toll-free phone number to report suspected noncompliance on the job is 1-800-500-0333 or information may be faxed to 1-800-500-0993. Look for Compliance Hotline posters displayed on bulletin boards throughout the Health Center.
Compliance Hotline 1-800-500-0333  
Or  
Information May Be Faxed to 1-800-500-0993

Protection from Retaliation for Reporting Suspected Wrongdoing

Because employees are expected to report allegations of wrongdoing and to be truthful and cooperative in subsequent investigations, they must be protected from retaliation for making such reports. Any employee experiencing unlawful retaliation for reporting allegations of wrongdoing or assisting in associated investigations should report it according to the procedures provided in the Human Resource policy titled: Protection from Retaliation for Reporting Suspected Wrongdoing. Reporting incidents of unlawful retaliation does not automatically initiate the appeals process with regard to termination of employment, suspensions without pay, and demotions. The complainant alleging unlawful retaliation must submit the allegation in writing to the Retaliation Complaint Officer.

The University of Texas System Ethics Policy

High ethical standards and compliance with the law are of critical importance to The University of Texas System. UTHSC-Tyler administration, medical staff, faculty, employees, and those with whom it contracts, are obligated to conduct all business activities at the highest level of ethical conduct and in the best interests of the citizens of the State of Texas. In order to achieve such standards and compliance the Standards of Conduct Digest, published by the U. T. System Office of General Counsel, is available on the World Wide Web at www.utsystem.edu/ogc/ethics and provides greater detail.

- **Conflicts of Interests:** Officers, faculty, and employees (collectively “employees”) of the U.T. System may not have a direct or indirect interest, financial or otherwise, that is in conflict with the proper discharge of their duties. Potential conflicts of interest must be disclosed.
- **Adherence to Law:** Employees shall adhere to applicable laws, rules, regulations, and policies of governmental and institutional authorities. The failure to do so will be grounds for disciplinary action, up to and including termination of employment.
- **Gifts:** No employee shall accept or solicit any gift, favor, service, or loan that might reasonably appear to influence the employee in the discharge of duties.  
  *Note: Making or receiving gifts, including honoraria, may constitute a criminal offense under certain circumstances.*
- **Confidential Information:** No employee shall disclose confidential information or use such information for his or her personal benefit.
- **Self-Dealing:** No employee shall transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member, or in which the employee owns a substantial interest.
• **Personal Investments:** No employee shall make personal investments that could reasonably be expected to create a conflict between the employee's private interest and the public interest.

• **Outside Employment:** No employee shall accept other outside or dual employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's public duties.

  *Note: Outside employment is further limited by other policies, laws, and regulations.*

• **Sexual Harassment and Misconduct:** Sexual misconduct and sexual harassment are unacceptable behaviors. Such unacceptable behavior includes verbal or physical conduct of a sexual nature. Incidents of sexual misconduct or sexual harassment should be reported to the office charged with reviewing such complaints where the incident occurred.

**Workplace Conduct & Employment Requirements**

**Fraud & Abuse**

Each employee at UTHSC-Tyler is responsible for elimination of fraud, waste and abuse. Employees are expected to adhere to all laws, rules and regulations, statutes, and UTHSC-Tyler policies that apply to the activities of the Institution. In support of this policy, UTHSC-Tyler has adopted a zero tolerance policy toward any illegal activity, knowing or reckless non-compliance with federal and state laws, and regulations and institutional policies.

It is every employee's responsibility to report a potential or actual violation of the laws, regulations, or policies as well as situations involving waste or abuse to the Compliance Office or the independent compliance hotline. Failure to report any violation or potential violation may be subject to disciplinary action for failure to report.

**False Claims Act**

The False Claims Act (FCA) is a federal statute covering fraud involving any federally funded contracts or programs, including Medicare & Medicaid. It establishes a liability for anyone who knowingly presents or causes to be presented a false or fraudulent claim (request or demand for money) to the US government for payment.

The penalty for making a false claim ranges from $5,500 to $11,000 for EACH false claim submitted, plus 3 times the amount of damages sustained by the Government.

**Whistleblower Protection**

Federal law prohibits an employer from discriminating against an employee in the terms or conditions of his or her employment because the employee initiated or otherwise assisted in a false claims action. The employee is entitled to all relief necessary to make the employee whole. Texas law also has a whistleblower provision which prevents employers from retaliating against employees who report their employer’s false claims.
Question: What are some examples of fraud and abuse?

Answer: Intentionally falsifying any type of record, i.e. time records or providing false receipts and documentation for any type of reimbursement are examples of fraud. Abuse includes taking products or supplies belonging to UTHSC-Tyler, collecting more money than due on expense reimbursements, or excessive personal use of telephones, e-mail, and the Internet.

Question: I suspect my supervisor is taking illegal bribes from a vendor with whom we do a lot of business. I’m afraid if I report it, I will lose my job. What should I do?

Answer: You can report suspected fraud by using the confidential Compliance Hotline staffed by trained professionals 24 hours per day, 365 days per year. (Phone 1-800-500-0333 or Fax: 1-800-500-0993) You do not have to provide your name.

Question: How can I report suspected False Claim Act violations?

Answer: Report it to your supervisor for further investigation. You can also report to your administrator or UTHSC-Tyler’s Compliance Officer. If you are not comfortable doing this, or do not see action in response to your report, call the Compliance Hotline at 1-800-500-0333.

Billing and Reimbursement Compliance

Employees who submit claims for reimbursement made by or on behalf of UTHSC-Tyler will follow all legal and regulatory guidelines for billing hospital and physician services. UTHSC-Tyler shall collect only those amounts to which the institution is entitled and promptly refund amounts billed and/or collected in error.

Each patient's medical record should accurately reflect the healthcare services provided. All billing claims and patient records shall be accurately coded and timely billed according to all payer requirements, complete and detailed to the extent required by law and professional standards.

The code(s) billed for the healthcare services must be supported by adequate documentation in the patient's medical record.

Question: What is Medicare?

Answer: Medicare is a federal health insurance program for persons 65 years of age and older and disabled persons. Medicare has two parts, Hospital Insurance (Part A) and supplemental medical insurance (Part B), which helps pay for physician charges.

Question: Is it okay to bill for an incorrect co-payment or deductible amount?

Answer: No, Civil monetary penalties can be imposed on healthcare providers who collect in excess of the appropriate co-payment or deductible amount.
Misconduct/Fraud in Research - Scientific Misconduct

Scientific Misconduct involves deviations, such as fabrication, falsification, or plagiarism, from accepted practices in carrying out research or in reporting the results of research. Misconduct may also involve the substantial failure to comply with requirements affecting specific aspects of the conduct of research, e.g., the protection of human subjects and the welfare of laboratory animals. UTHSC-Tyler maintains an atmosphere that promotes the highest ethical standards in conducting research at the institution.

When there is ample reason to suspect misconduct, that information should be brought to the attention of individuals responsible for assuring that scientists connected with the institution are behaving responsibly. To that end, UTHSC-Tyler has established a policy on scientific misconduct, has designated an officer responsible for receiving allegations of scientific misconduct, and has created a process for resolving such allegations.

**Question:** To whom do I report matters of suspected scientific misconduct?

**Answer:** Report these matters to your department head or the Ethics Officer.

**Question:** I have two different Federal grants, and I am running low on funds from one of the grants. Can I buy supplies from the grant that has a lot of money available to support the grant that is running low on funds?

**Answer:** No. The Federal Office of Management and Budget (OMB) Circular A-21 only allows costs that can be identified specifically with a particular grant to be charged to that grant.

**Question:** There is an electron microscope in my research area that is used by several different research projects. The annual maintenance contract is coming due. We want to divide the cost of the contract evenly among all users. Is there a problem with that?

**Answer:** Yes. The cost of the maintenance contract must be charged to the research projects based on an amount that represents the benefit directly received by each individual research project. This amount must be documented in some reasonable manner as required by OMB A-21.

**Equal Employment Opportunities**

UTHSC-Tyler abides by applicable laws and regulations and may not discriminate against employees or job applicants based upon race, color, national origin, religion, sex, age, veteran status, or disability.

**Question:** I feel like I was passed up for a promotion because of my age. Who do I call when I feel I have been discriminated against?

**Answer:** The Office of Human Resources handles all allegations of discrimination.
Sexual Harassment and Sexual Misconduct

All employees have a right to work in an environment free from any type of discrimination, including sexual harassment. Sexual misconduct and sexual harassment are unprofessional behaviors and employees who engage in such behavior are subject to disciplinary action including termination.

**Question:** My supervisor repeatedly makes remarks laden with sexual innuendo clearly directed at me. I feel very uncomfortable. What can I do?

**Answer:** Verbal sexual innuendo may create a hostile work environment. If you feel you can do so, you should first ask the supervisor to stop making the remarks because it makes you feel uncomfortable. If this does not resolve the matter, you should immediately contact Employee Relations in Human Resources.

Exempt and Non-Exempt Time Keeping

Non-exempt employees are employees who occupy positions subject to the provisions of the Fair Labor Standards Act (FLSA). Exempt employees are employees who occupy positions not subject to provisions of the FLSA. This includes employees in positions that qualify as executives, administrators or professionals under FLSA job content and salary tests. Vacation and sick leave must be reported for all benefits-eligible employees and sick leave must be taken according to UTHSC-Tyler policies. The FLSA requires non-exempt employees to maintain accurate time and leave records that account for hours worked, vacation, sick leave, compensatory, equivalent and unallocated holiday balances. Contracts or grants may require more detailed time keeping requirements for both exempt and non-exempt employees.

**Question:** My co-worker does not work 8 hours a day, but this information is not recorded on the roster. Should I do something?

**Answer:** You can discuss this issue with your supervisor. Be aware that depending on the employee classification (exempt, non-exempt, and faculty) some employees are not paid according to the specific number of hours they work.

Overtime Compensation

UTHSC-Tyler’s policy allows for compensation of all non-exempt employees for time actually worked during a workweek. Employees will receive pay for hours worked over forty in a week at a rate of time and one-half the regular hourly rate. Overtime must be approved in advance by the employee's supervisor.

**Question:** Several non-exempt employees in my department worked in excess of 40 hours one week on a special assignment. My supervisor wants to pay us for our overtime with a gift certificate from a local merchant. Can he do that?

**Answer:** Absolutely not. Under the FLSA, UTHSC-Tyler is required to compensate all employees who work in excess of 40 hours per week with overtime wages. All overtime must be
recorded on your time report. Report this situation immediately to Human Resources or the Compliance Office.

**Family and Medical Leave Act**

UTHSC-TYLER acknowledges the importance of family issues and recognizes that employees may find it necessary to take a leave of absence from their jobs. An employee may be eligible for unpaid leave of absence for up to twelve weeks per year for family or medical reasons. The request for family or medical leave should be made through your supervisor and an application must be submitted for approval.

**Question:** When am I eligible to apply for Family and Medical Leave?

**Answer:** After you have been employed by a state of Texas agency for 12 months and have worked at least 1,250 hours.

**Outside Employment**

All UTHSC-Tyler employees are primarily responsible to UTHSC-Tyler and outside employment commitments must not conflict with the proper discharge of their duties. Employees should refrain from outside professional commitments that could result in a conflict of interest. Specific forms must be completed and filed with Human Resources when seeking outside employment.

**Question:** May I work in my uncle’s bakery when I am not on my normal working hours at UTHSC-Tyler?

**Answer:** Probably. Your uncle’s bakery probably does not present a conflict of interest for UTHSC-Tyler employees. If UTHSC-Tyler is your permanent full or part-time employer, you should still check with your supervisor to be certain that outside employment will not interfere with your scheduled work times. Your supervisor may require that you work specific hours at UTHSC-Tyler.

**Financial Interests**

Personal investments that could create a conflict between the employee's private financial interest and the interests of the institution are prohibited. Employees are prohibited from accepting or soliciting any gifts, favors, services, or benefits that might reasonably tend to influence employees in the performance of their duties.

**Question:** If I own stock in a computer company that provides products and services to UTHSC-Tyler, does a conflict of interest exist?

**Answer:** No. Investments in publicly traded companies are not generally considered to be a conflict of interest. However, if you own substantial holdings in the company and you are the person negotiating a contract with the company, you will need to contact your supervisor and
follow the Conflict of Interest disclosure policy located in the Handbook of Operating Procedures.

**Health, Safety & Protection of the Environment**

**Workplace Health and Safety**

Safety and health requirements are established and enforced to protect employees and visitors from injury and illness as well as provide a safe and healthful place of employment. UTHSC-Tyler is committed to a safety management program that establishes the expectation that doing a job safely is part of doing a job right. Safety is the responsibility of each employee, and each employee is responsible for their own actions and should become familiar with and understand how laws, standards, and policies apply to their specific job responsibilities. If questions arise, these should be directed to the supervisor or the Safety Officer. It is the supervisor's responsibility to ensure that all employees are trained to work safely and to conduct an inspection program that eliminates work hazards in the workplace.

**Question:** I slipped on a hall floor that was damp. I was not seriously injured, but my wrist is sore. Should I report this?

**Answer:** Yes. You should report your injury to your supervisor. Your supervisor will ensure that your department completes an Employer’s First Report of Injury/Illness. This form will be submitted to Human Resources. The Safety Department will also receive a copy of your injury report.

**Question:** I am shipping blood samples to another laboratory and some human pathogens to the Center for Disease Control. Can anyone in my lab ship these for me?

**Answer:** No. The law requires that persons who prepare biological materials for shipment be properly trained and certified. You need to contact the Safety Office for assistance in preparing these materials for shipment or for information about receiving the certification training.

**Drug, Tobacco, and Weapon Free Workplace**

The distribution, possession, or use of a controlled substance in or on any premises or property owned or controlled by UTHSC-Tyler is strictly prohibited. A controlled substance is any substance so defined by federal or state statutes or regulations. An employee who is found guilty (including a plea of no contest) or has a sentence, a fine, or other penalty imposed by a court of competent jurisdiction under a criminal statute for an offense involving a controlled substance that occurred in or on premises or property owned or controlled by UTHSC-Tyler shall report such action to the Human Resources Department within five (5) days.

An employee who unlawfully manufactures, sells, distributes, possesses, or uses a controlled substance in or on the premises or property owned or controlled UTHSC-Tyler, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, including termination, or will be required to participate
satisfactorily in an approved drug assistance or rehabilitation program, or both. Possession of any illegal or prohibited weapon on UTHSC-Tyler premises, including illegal knives and firearms, is prohibited. No person in any Health Center buildings or Health Center vehicles shall carry, either openly or concealed, except for his/her official capacity, any firearms, illegal knives, or prohibited weapons. Employees are also prohibited from using any objects to harass, intimidate, or injure another individual.

UTHSC-Tyler is a Tobacco-Free Campus. No employee is permitted to use tobacco products on campus, including vehicles. Employees are expected to practice good customer service in informing others of this policy if a violation is witnessed.

**Question:** I believe that I saw one of my coworkers using illegal drugs at the workplace. What should I do?

**Answer:** Report the suspected incident to your supervisor immediately or inform UTHSC-Tyler Police by calling 4444.

**Environmental Issues**

UTHSC-Tyler’s policy is to comply with all applicable environmental laws and regulations and to operate the facilities with the necessary approvals and controls. UTHSC-Tyler is committed to preserving our natural resources to the fullest extent reasonably possible. UTHSC-Tyler diligently follows and monitors proper handling procedures for hazardous wastes and materials to protect us as well as our environment.

**Question:** I am unsure of how to dispose of the chemicals in my lab. Who should I contact?

**Answer:** You should contact the Safety Department for any questions about laboratory and/or research procedures.

**Records and Information**

**Confidential Information**

The confidentiality and security of records at UTHSC-Tyler is appropriately assured and adhered to in accordance with state and federal laws. All documents generated in the regular course of business by UTHSC-Tyler are available to the public unless exempted or made confidential by law under the terms and conditions of the Texas Public Information Act. Written requests for documents under this Act should be directed immediately to the Office of Legal Affairs and handled pursuant to the provisions stipulated.

**Question:** My best friend asked me to use the computer system to look up some patient data about her mother. May I give this data to my friend?
**Answer:** No. All medical information is strictly confidential. You should never provide any health information to anyone without using the proper procedures. Contact the Department of Health Information Management for proper release of information procedures.

**Question:** An open records request was sent to our department. How do we handle this properly?

**Answer:** Immediately transmit this request to the Office of Public Affairs. It is very important that these requests be forwarded in a timely manner since there are strict legal requirements that a response be made by UTHSC-Tyler within a certain period of time.

**Health Insurance Portability & Accountability Act - HIPAA**

The University of Texas Health System at Tyler (UTHSC-Tyler) is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Under this federal law, applicable state law, and UTHSC-Tyler’s policies, we have a responsibility to protect our patient’s privacy. Communications involving patient health information should be limited to those who need the information for treatment, payment, or health care operations. By violating these laws there can be either civil or criminal sanctions imposed. If you become aware of a possible issue involving HIPAA please report it to your direct supervisor and the Privacy Official.

**Question:** One of my co-workers recognizes their neighbor in the E.R. and called her husband. Is this a breach of privacy?

**Answer:** Yes. Explain to the co-worker that this is a direct violation of the patient’s privacy and the co-worker could possibly lose their job.

**Question:** An employee finds out his medical information has been shared by his supervisor to other employees without his permission. Can he file a complaint?

**Answer:** Yes. The employee can file a compliant with UTHSC-Tyler by calling the Privacy Official or the Compliance Hotline at 1-800-500-0333.

**Confidentiality of Social Security Numbers**

It is the policy of UTHSC-Tyler, to protect the confidentiality of social security numbers without interfering with the business of the Health Center. UTHSC-Tyler employees may use, disclose, and collect social security numbers only when allowed by law. Appropriate Notice will be given upon request of social security numbers. Employees shall promptly report inappropriate disclosure of social security numbers to their supervisor, who shall report the disclosure to the Social Security Number Coordinator in the Compliance Office.

**Question:** Can we use Social Security Numbers as the primary way to identify patients or employees?
Answer: Except for applicable law, the use of an individual’s social security number, as a primary identification number is not allowed.

Accuracy of Records

Maintenance of the integrity and accuracy of business documents and records for which they are responsible is expected of each employee at UTHSC-Tyler. Alteration and falsification of documents is prohibited. Adequate records are developed and maintained to document UTHSC-Tyler’s compliance with all relevant laws.

Question: My supervisor asked me to change the date on a progress note on a patient chart so that we can submit a bill. Am I allowed to do that?

Answer: No. Once a document has been completed it may not be altered. An addendum may be made to the note, but the note should not be changed and the addendum must be dated with the date it is written.

Retention & Disposal of Records

UTHSC-Tyler recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule congruent with all state and federal laws and related regulations. All official records (paper, microform, electronic, or any other media) will be retained for the minimum periods stated in the Institutional Records Retention Schedule as approved by the State Library and Archives Commission and the Texas State Auditor’s Office in compliance with Texas Government Code, Chapter 441. After a specified period of time, official records must be disposed of in a manner that is consistent with, and systematically carried out in accordance with, prescribed records and information management guidelines and procedures. No employee may destroy or alter any UTHSC-Tyler documents in anticipation of a request for those documents from any government agency or court.

Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or non-record convenience copies should be destroyed when they cease to be useful and should never be kept longer than the official record copy.

State law requires each state agency to appoint a Records Management Officer (RMO) to act as the agency’s representative in all issues of records and information management policy, responsibility, and statutory compliance. The Chief Financial Officer serves as the RMO for UTHSC-Tyler.

Question: An outside auditor is on the way to look over some of UTHSC-Tyler’s financial records. I am asked to immediately destroy several boxes of records. What should I do?

Answer: Once you are notified an auditor is coming to view certain records, do not destroy any records requested for review by the auditor. UTHSC-Tyler has a formal Records Retention Schedule that includes appropriate times to destroy records. Contact the RMO or Internal Audit for information.
Question: We are moving our department and I need to throw away some old files. Do I need to tell anyone?

Answer: First, check with your supervisor to determine the proper procedures for records retention and destruction in your area. Documents, records, and files must be retained as long as the Records Retention Schedule requires. Your supervisor can contact the RMO about specific requirements.

Use of UTHSC-TYLER and State of Texas Resources

Contracts and Agreements

The authority to bind UTHSC-Tyler to any form of financial commitment comes from the agency granted by The Board of Regents of The University of Texas System in the Regent's Rules and Regulations. The regulations define that the President can delegate agency to individuals within the component to make financial commitments on their behalf.

The only individuals authorized to sign contracts at UTHSC-Tyler are the President and administrative officers designated by the President. In addition, only Purchasing is authorized to make financial commitments for goods and services other than through the use of contracts.

Question: After giving my department a presentation of his company's product, an outside sales representative asked me to sign a purchase agreement because the price would increase tomorrow. Is it all right for me to sign the purchase agreement in order to secure the sales price?

Answer: No. This is a contract for purchasing goods and services and must be approved by the UTHSC-Tyler Purchasing Department.

Use of State-Owned Property

The personal use of UTHSC-Tyler property is prohibited. Property, assets, and personnel time are recognized as something of value belonging to the State of Texas and should be used only for State purposes. Incidental personal use of UTHSC-Tyler telephones, e-mail, or Internet is permissible as long as such use complies with applicable policies and does not increase costs to UTHSC-Tyler.

All documents, communications, e-mail messages, data, or information acquired, created, stored, maintained, sent, or received, on any of UTHSC-Tyler’s information technology equipment are the property of the institution (and as a state agency, to the State of Texas). UTHSC-Tyler reserves the right to access, enter, search, inspect, monitor, and disclose any message or information on such equipment under circumstances covered by State Informational Security Standards. Due to state property rights to information and internal quality assurance programs, employees should have no expectation of privacy regarding the use of information technology.
**Question:** I am a volunteer for my son's Boy Scout troop. Can I use my computer to maintain a database for this organization and make copies on the copy machine?

**Answer:** No. While UTHSC-Tyler encourages employees’ involvement in service organizations, UTHSC-Tyler resources cannot be used to support external organizations. Only copies related to UTHSC-Tyler business can be made. You may not use the copy machine or computer for personal reasons.

**Question:** I use a UTHSC-Tyler-owned vehicle regularly. Occasionally I need to stop at the grocery store while using the vehicle. Is this okay?

**Answer:** No. UTHSC-Tyler vehicles are to be used for UTHSC-TYLER business purposes only. You may not use the vehicle to do any personal errands.

**Computer Software**

Only software licensed to or owned by UTHSC-Tyler is to be used for institutional purposes. Employees must abide by software license agreements and may copy software only as these agreements permit. Questions regarding software license agreements should be directed to the Information Systems department.

**Question:** In my office we all need the same software. Are we required to purchase a set for everyone or can we just make copies and save the money?

**Answer:** You cannot make copies and share the same program. This is a violation of federal copyright laws. Check with Information Technology Department to determine whether a more cost effective approach may be available to you.

**Security, Passwords, and Computer Access**

Automated information and information resources under management by UTHSC-Tyler are strategic and vital assets belonging to the people of Texas. All information resource users are responsible for creation and maintenance of passwords on their computer workstations. These passwords are considered exclusive to the individual and should never be shared with anyone. Any possible breach in security should be reported immediately to the Information Technology Department.

Employees may only disclose confidential or sensitive information as required by contract, state or federal law or regulation, as required within the scope of their employment, or as approved by UTHSC-Tyler policy. Confidential information such as identification numbers, bank account numbers, social security numbers, debit card numbers or other identifying information may not be revealed without prior consent of the appropriate individual.

**Question:** I was out of town and needed confidential information from my office computer. I called the office and asked my secretary to get the information for me. I had to tell her my computer security password. Was this all right?
Answer: No. Computer passwords should be considered highly confidential and should not be disclosed to anyone. You may forward e-mails to your secretary or other designee to be read while you are away, but you should not disclose your passwords.

Purchasing Authority

Authority to obligate institutional funds for purchases of supplies, materials, and equipment is granted to the Purchasing Department, unless otherwise specifically approved by the president of UTHSC-TYLER. Purchases must comply with applicable purchasing and bidding procedures and only authorized employees may purchase goods or supplies for UTHSC-Tyler. When possible, purchases must be from Historically Underutilized Business (HUB) providers. Purchases from and sales to employees, except purchases made at a public auction, must have prior approval of the President of UTHSC-Tyler or the UT System Chancellor.

Question: As a department head, I have been working with a vendor for several years. This vendor recently offered to do my landscaping work at a substantial discount. Can I let him landscape my yard?

Answer: No. A substantial discount would mean that the vendor was giving you a special service with the expectation that you could provide continued or more UTHSC-Tyler business for this vendor.

Question: Our department wants to purchase a new fax machine. Can we go to any store and purchase the fax and send a request for reimbursement to Accounting?

Answer: No. UTHSC-Tyler has strict guidelines for purchasing. Purchases over a certain amount must be placed for bid and should include HUB vendors. Contact your Purchasing Department.

Question: Can I take advantage of a vendor’s discounted UTHSC-TYLER price to buy an item personally? I will reimburse the department.

Answer: No. Discounted UTHSC-Tyler prices exclude tax. For employees to not pay sales tax would jeopardize UTHSC-Tyler’s tax-exempt status.

Copyright and Intellectual Property

Photocopying Copyrighted Materials

To adhere to United States Copyright Laws, no employee may make copies of copyrighted material without approval from the author or copyright owner. Most works should be presumed to be copyright protected unless notice is provided that the work is intended to be in the public domain.
**STANDARDS OF CONDUCT GUIDE**
**AND INSTITUTIONAL COMPLIANCE PROGRAM**
**THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT TYLER**

**Question:** I subscribe to RN Magazine. May I copy pertinent articles to give to the other nurses on my floor?

**Answer:** No. This is a violation of copyright laws. You may include quoted information in a memo or letter, written by you, provided you cite RN Magazine in a footnote or endnote.

**Intellectual Property**

Intellectual property is any invention, discovery, trade secret, technology, scientific or technological development, computer software, or forms of expression in a tangible form. Intellectual property created by employees within the scope of their employment belongs to UTHSC-Tyler. Included in these are copyrightable works made pursuant to a specific job assignment or copyrightable works made by a non-faculty member in the course of normal and continuing duties. Employees must disclose to The University of Texas System Office of General Counsel (OGC) the intellectual property created prior to publication or distribution.

**Question:** I have submitted a manuscript for publication in a scientific journal on a development that may be patentable. What is the next step?

**Answer:** Contact the Office of The Director of Research prior to submission of a manuscript or abstract for publication or presentation. Public disclosure prior to protecting the invention may result in loss of certain patent protection.

**Question:** Who owns the data from research conducted at UTHSC-Tyler?

**Answer:** Generally, The University of Texas System Board of Regents does unless it is under a research contract and the contract provides otherwise.

**Political Activities and Contributions**

Political activities performed by employees must not be conducted during work hours. The use of State funds for the purpose of influencing the outcome of any election or the passage or defeat of any legislative measure is strictly prohibited. Furthermore, the use of state-owned vehicles, equipment, or personnel time in connection with any political activity or campaign is expressly prohibited.

Contributions to candidates must come from personal funds. Political contributions from any source of UTHSC-Tyler funds are strictly prohibited.

**Question:** The physician I work for asked me to write a personal letter of complaint to a legislator on UTHSC-Tyler stationery. What do I do?

**Answer:** Politely remind the physician that personal letters to any senator, congressman, or legislator should not be typed on UTHSC-Tyler stationery or mailed with UTHSC-Tyler funds. Letters to any legislator must be done on personal stationery and on personal time.
**Question:** I work for the committee to re-elect a state political candidate. Can I distribute campaign brochures to other UTHSC-Tyler employees on campus?

**Answer:** No. You may not distribute campaign material on UTHSC-Tyler property or campaign for a candidate while on duty at UTHSC-Tyler. However, you are free to distribute these materials after hours and off campus.

### Gifts and Gratuities

Acceptance of gifts in return for a favor or service that influences an employee in the discharge of their duties is strictly prohibited. Employees should never accept gratuities or tips from patients or others. Gifts of nominal value and obvious propriety may only be accepted as long as their receipt does not influence any decision making process. Examples of acceptable gifts are T-shirts, pens, caps or other promotional materials.

Kickbacks are undisclosed payments, gifts, or services offered in return for something of value, increased business, or a business referral. It is a criminal offense for a UTHSC-Tyler employee to receive or solicit any remuneration, including a gift, cash, bribe, rebate, or discount in return for referring an individual or patient for services at UTHSC-Tyler or any other entity.

**Question:** I am a nurse working on one of the in-patient floors. A grateful patient offered me $20 in cash to thank me for the care they received at UTHSC-Tyler. May I keep the cash?

**Answer:** No. You may not accept any amount of money in the form of cash or a check from anyone in relation to your position or job performance at UTHSC-Tyler.

**Question:** The representative of a vendor who services my department wants to take me to lunch to discuss their products. May I go to lunch with the representative?

**Answer:** Be careful. Although this might not violate the ethics law, it may well be bribery; it depends on the context of the situation. If you are the guest of the representative and the representative is present you might go to lunch with him/her. However, you may not go to lunch and use a representative’s account at the restaurant or any other business if the representative is not present.

**Question:** I am responsible for the relationship between my department at UTHSC-Tyler and an equipment representative. At Christmas time, the representative sent me a large box of candy. May I accept the box?

**Answer:** Maybe. If the value of the gift is less than $50 you may accept it. However, you would want to be sure that the gift did not create some sort of obligation for you to the representative or their company. You should report vendors who offer inappropriate gifts to UTHSC-Tyler employees to the UTHSC-Tyler Compliance Office.
Honorarium

An employee must not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been asked to provide, except for the employee's official position or duties. If a classified employee is asked to present at a job-related conference/seminar and is paid an honoraria fee, it may be retained by the employee provided the travel expenses were paid by someone other than UTHSC-Tyler and the employee used annual vacation leave or leave without pay to attend. Otherwise, the fee must be given to UTHSC-Tyler to offset institution-paid expenditures.

**Question:** As an expert in grant applications, I recently spoke at conference representing UTHSC-Tyler’s Research Department. I am an exempt employee and did not use any personal leave. The organization that sponsored the seminar sent a check to my home for $500 as an honorarium. Can I keep the money?

**Answer:** No. You cannot personally accept the payment since you were representing UTHSC-Tyler and were paid with UTHSC-Tyler payroll funds. The check for honorarium should be deposited in the cashier’s office.

Contacts with the Media, Government, and Outside Investigators

UTHSC-Tyler expects to cooperate with the media in their efforts to report on public issues and events regarding UTHSC-Tyler and with the government regarding any investigation of UTHSC-Tyler or a UTHSC-Tyler employee. The Director of Public Affairs is the spokesperson for UTHSC-Tyler and all calls from the media should be referred to that office. If a subpoena, other legal document, or inquiry from a governmental agency related to UTHSC-Tyler business is received by an employee, that employee is obligated to contact their supervisor immediately. If contacted at home, without a search warrant or a subpoena, concerning UTHSC-Tyler business, request that the agent make contact at work the next business day, and immediately notify the supervisor. The legal and financial interest of other persons and/or UTHSC-Tyler could be seriously damaged by unauthorized comments about litigation.

**Question:** What should I do if a reporter approaches me about a UTHSC-Tyler lawsuit? Should I answer the reporter’s questions?

**Answer:** Calmly inform the reporter that you cannot comment and all relations with the media are handled by the Office of Public Affairs. You should contact the UTHSC-Tyler Police for assistance if you feel frightened in any way.

**Question:** I received a notice that the Texas Department of Health and Human Services will audit the grant I administer. Do I need to let anyone at UTHSC-Tyler know?

**Answer:** Yes. You should immediately notify your supervisor, the Compliance Office, and the Office of Internal Audits no matter who the agency is or the type of audit they are performing. They can be certain that all proper levels of management are notified of the audit and can be a part of the initial interview and exit conference, if necessary.
Question: What should I do if a government agent comes to my home and wants to speak with me about my work at UTHSC-Tyler?

Answer: If the agent does not have a search warrant or subpoena, you should ask the agent to contact you at the office on the next business day, then immediately notify your supervisor. If the agent has a search warrant of subpoena, notify your supervisor, if possible, before answering any questions.
Political Activities and Standards of Conduct
Texas Government Code

Section 556.004. Prohibited Acts of Agencies and Individuals

(a) A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).

(c) A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose.

(e) For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.

Section 556.005. Employment of Lobbyist

(a) A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003, Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.

(b) A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter 81.

(c) A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed $100,000 for each violation.

(d) A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.

Section 556.006. Legislative Lobbying

(a) A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.
Section 556.007. Termination of Employment

A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006 (b) or who violates Section 556.004 (c) or (d) is subject to immediate termination of employment.

Section 556.008. Compensation Prohibition

A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004 (a), (b), or (c) or Section 556.005 or 556.006 (a), or who is subject to termination under Section 556.007.

Standards of Conduct

SECTION 1. Section 572.051, Government Code, is amended to read as follows:

Section 572.051. Standards of Conduct; State Agency Ethics Policy

(a) A state officer or employee should not:

(1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;

(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or

(5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

(b) A state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's state employment or another employment-related sanction. Notwithstanding this subsection, a state officer or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(c) Each state agency shall:

(1) adopt a written ethics policy for the agency's employees consistent with the standards prescribed by Subsection (a) and other provisions of this subchapter; and

(2) distribute a copy of the ethics policy and this subchapter to:

(A) each new employee not later than the third business day after the date the person begins employment with the agency; and

(B) each new officer not later than the third business day after the date the person qualifies for office.

(d) The office of the attorney general shall develop, in coordination with the commission, and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (c). A state agency is not required to adopt the model policy developed under this subsection.

(e) Subchapters E and F, Chapter 571, do not apply to a violation of this section.

(f) Notwithstanding Subsection (e), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the commission of the status of the prosecuting attorney's investigation of the alleged violation. The commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

(g) Not later than November 1, 2007, the office of the attorney general shall:

(1) develop a model ethics policy as required by Subsection (d); and
Section 2113.014. Employee Standards of Conduct

(a) A state agency may not use appropriated money to compensate a state employee who violates a standard of conduct described by Section 572.051.

(b) A state agency shall provide each state employee it employs a copy of this section and the standards of conduct described by Section 572.051 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.

(c) A state agency shall maintain receipts collected from current state employees under this section in a manner accessible for public inspection.