

# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

## Operating Policy and Procedure

HSC OP: 52.06, Standards of Conduct and Ethics Guide

PURPOSE: The purpose of this Health Sciences Center operating policy (HSC OP) is to support the [TTUHSC Institutional Compliance Plan](#) (HSC OP 52.01) which is based upon federal and state laws and regulations, including [Texas Executive Order RP36](#) and the [Rules and Regulations of the Board of Regents of the Texas Tech University System](#) (“TTUS” or “Regents’ Rules) and

## POLICY/PROCEDURE:

### 1. Introduction

In support of TTUHSC's commitment to promote ethical, honest and lawful conduct by its employees within the workplace, each new TTUHSC employee shall receive a copy of this Standards of Conduct and Ethics Guide, [Sections 3.01 and 3.02, Regents' Rules](#), and Texas Government Code 572.051. This policy will also be posted on the Institutional Compliance website at [https://www.ttuhsoc.edu/compliance/compliance\\_symposium.aspx](https://www.ttuhsoc.edu/compliance/compliance_symposium.aspx).

### 2. Reporting Violations , Fraud and Misconduct Hotline and Non-Retaliation

TTUHSC employees are required to report suspected or known fraud ([Section 07.03](#) and [Section 03.01.2](#), Regents' Rules), violations of law or TTUHSC policies. There are various reporting resources available, including these administrative channels: a supervisor, an appropriate administrator or TTUHSC Institutional Compliance Office, or the Office of Audit Services (OAS) or Texas Tech Police Department. Alternatively, reports can be made using the confidential and anonymous hotlines:

- TTUS Fraud and Misconduct Hotline at [www.ethicspoint.com](http://www.ethicspoint.com), or by the toll-free telephone number, 1-866-294-9352
- Texas State Auditor's Office Fraud Hotline at the toll-free telephone number, 1-800-TX-AUDIT (1-800-892-8348); on-line report form at <https://sao.fraud.texas.gov> by mail at:  
State Auditor's Office  
ATTN: Investigations and Audit Support  
P.O. Box 12067  
Austin, TX 78711-2067

No TTUHSC employee shall retaliate or take adverse action against any person, including whistleblowers (See section 3.b below), who in good faith, report suspected fraud, violation of law and/or TTUHSC policy.

Relevant Policies:

[HSC OP 52.03, Fraud and Misconduct Hotline](#); and [HSC OP 52.04, Report & TTUHSC Internal Investigation of Alleged Violations, Non-Retaliation](#)

### 3. Preventing Fraud, Waste and Abuse

- a. TTUS Fraud Policy. Fraudulent activity of any kind, including for the benefit of the TTUS and TTUHSC, is expressly prohibited. The Board of Regents defines fraud as:

An intentional perversion of truth to induce another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Any kind of artifice employed by one person to deceive another.

TTUHSC employees are required to report suspected or known fraudulent activity. See Section 2 above. The TTUS Fraud Policy located in [Chapter 07 of the Regents' Rules](#) provides detailed information about individual responsibilities and actions to prevent minimize and report fraud.

- b.

- 1) Federal False Claims and Statements Law. As summarized from 31 U.S.C. §3802, it is illegal to knowingly make, present, submit or cause to be made, presented or submitted to the federal government, a false, fictitious or fraudulent claim or written statement. This includes, but is not limited to, the omission of material facts that a person must disclose which makes the claim or statement false, fictitious or fraudulent, and submitting claims for payment of services not provided. A violation of this law can result in civil penalties of up to \$5,000 per claim and possible exclusion from participation in any federal health care program, such as Medicare, Medicaid, TriCare and the Veterans Administration. Violations can also result in exclusion from federal health care programs for the organization and/or individuals.
  
- 2) Federal False Claims Act. Civil penalties for violating the civil FCA may include recovery of up to three times the amount of damages sustained by the Government as a result of the false claims, plus financial penalties per false claim filed. Additionally, under the criminal FCA, 18 U.S.C. Section 287, individuals or entities may face criminal penalties for submitting false, fictitious, or fraudulent claims, including fines, imprisonment, or both. The civil FCA imposes civil liability on any person who:
  - Presents a false or fraudulent claim to a federal health care payer for payment or approval;
  - Makes, or causes to be made or used a false record or statement to get a false claim paid or to avoid or decrease an obligation to pay money to the government, such as failure to refund known overpayments; or
  - Conspires to defraud the government by getting a false or fraudulent claim paid or allowed.

In addition, 31 U.S.C. §3730 allows private citizens, known as whistleblowers, to file a civil lawsuit against persons who violate this law.

- 3) Texas False Claims Act. The Texas law, similar to the Federal False Claims Act described above, applies to Medicaid claims and payment with civil penalties not less than \$5,500 (or the minimum amount imposed as provided by 31.U.S.C. Section 3729 (a), if that amount exceeds \$5,500) to not more than \$15,000 (or the maximum amount imposed as provided by 31.U.S.C. Section 3729 (a), if that amount exceeds \$15,000), per false claim, plus two times the amount of any payment or the value of the benefit. In addition, a person is subject to civil penalties under the Texas False Claims Act for submitting claims for payment to Medicaid for services provided by an unlicensed individual or that were not ordered by a health care provider. Similar to the Federal False Claims Act, private individuals can file a civil lawsuit against any person who violates this law. Texas Human Resources Code, Chapter 36
  
- 4) Under the federal law, the term “knowing or knowingly” includes actual knowledge or acting with deliberate ignorance or in reckless disregard of the truth or falsity of the information contained in the claim or statement. 31 U.S. 3729(b). The term “knowing” under Texas law is similar to the federal definition, except that it includes “conscious indifference” to the truth or falsity of the information instead of “deliberate ignorance”. Tx. Human Resources Code §36.0011

#### 4. Texas Public Information Act – Records Requests.

Any documents generated or created by or on behalf of TTUHSC, unless protected by law, are subject to release upon written request. If a request is received by a TTUHSC employee, the TTUHSC employee shall immediately contact the TTUS Office of General Counsel at (806-742-2155) or forward the request by email to publicinfo@ttu.edu. Under the Public Information Act, if a document is not subject to release, the employee shall provide a written explanation of the reasons why the document is not subject to release.

General's Office makes the final determination whether or not requested information is to be disclosed, on a case by case basis, after reviewing the materials and assertions against disclosure.

Relevant Policy:

[HSC OP 01.03, Custodian of Public Records](#)  
[TTUS Regulation 07.01](#)

5. Investigations

- a. Office of Audit Services. The TTUS Office of Audit Services (OAS) is an independent body that reports directly to the Audit Committee of the TTUS Board of Regents. Its mission is to assist the Board of Regents and other units of TTUS and its components, including TTUHSC, in identifying, avoiding and mitigating risks. No TTUHSC employees shall interfere with an OAS audit or investigation.
- b. Government Investigators. TTUHSC shall cooperate in any government investigation of

8. Political Activities

TTUHSC employees shall not participate in political activities during work hours or otherwise spend TTUHSC funds, or use TTUHSC property in support of any political activities, including, but not limited to influencing the outcome of any election or the defeat or passage of any legislative matter. Unless prohibited by law, TTUHSC employees may contribute their personal funds to political organizations or campaigns.

Relevant Policies:

[Section 03.01.6, Regents' Rule](#) and [HSC OP 61.03, Posting of Notices on HSC Property](#)

9. Clinical Health Care Compliance

TTUHSC follows federal and state laws, regulations, policies and procedures, as well as private payer contractual obligations in providing and billing for health care services and items. TTUHSC has established a Billing Compliance Plan, [HSC OP 52.07](#), which provides oversight of all TTUHSC health care billing to minimize the risk of fraud, waste and abuse. Failure to properly document and/or bill for health care services/items may constitute fraud, waste and abuse, resulting in possible loss of professional license, institutional and/or individual civil fines, criminal penalties and/or exclusion from participation in federal or state health care programs.

Relevant Policies:

[HSC OP 52.07, Billing Compliance Plan](#)  
[Billing Compliance Policies and Procedures](#)

10. Information Technology/Security

All information technology resources at TTUHSC (including, but not limited to, computers and other electronic devices) are owned by the State of Texas and administered by the TTUHSC Information Technology Division. The purpose of implementing Information Technology (I.T.) policies and standards is to establish a common framework for adopting and deploying Information Technology resources within the TTUHSC environment.

These policies and standards have been established in order to:

- provide constituents with an integrated I.T. environment that supports the mission of TTUHSC;
- p

- Employee personal data that is not designated directory information;
- Student information protected under the Federal Educational Rights and Privacy Act (FERPA) (For more information go to [HSC OP 77.13, Student Education Records](#));
- Patient information protected under the Health Insurance Portability and Accountability ACT (HIPPA) and Health Information Technology for Economic and Clinical Health (HITECH) Act (For more information go to [HPP 1.0](#));
- Financial information, including information protected under the Gramm-Leach-Bliley (GLB) Act;
- Medical Committee and Medical Peer Review Committee documents generated by or created for fulfilling Committee duties which are confidential and privileged under the Texas Health and Safety Code, Chapter 161, and the Texas Occupations Code, Chapter 151; and
- Alumni and donor data maintained in the TTUHSC ADVANCE system.

It is illegal for a TTUHSC employee to use confidential information for the personal benefit/gain of himself/herself or another or to harm another person. TTUHSC employees are expected to know and follow applicable laws, regulations, policies and contracts about the collection, use, disclosure and protection of confidential information related to their job responsibilities for TTUHSC and shall sign a Confidentiality Agreement at the time of employment and when requested by institutional administration as part of the yearly evaluation process.

#### Relevant Policies

[Section 03.02.1.m, Section 03.02.3 and Section 03.11.2, Regents Rule; HSC OP 52.09, Confidential Information; HSC OP 52.08, Social Security Number Policy; TTUHSC Privacy Policies; and HSC OP 02.05, Confidentiality of Information on ADVANCE system](#)

## 12. Workplace Conditions

To meet TTUHSC's commitment of providing a safe, healthy and environmentally responsible work environment, health, safety and environmental protection responsibilities are sh-8 ( ar)-8g08 Tc -0.0.e ei [(o)-

13. Human Resources and Work Environment

Relevant Policies:

[Section 03.01.8 , Regents' Rules ; 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure; 51.03, Sexual Misconduct](#) and









Relevant Policies:

[HSC OP 72.01, Purchasing Supplies, Equipment and Services](#); [HSC OP 72.03, Direct Pay Expenditures](#); and [HSC OP 72.13, Historically Underutilized Businesses](#)

18. Intellectual Property

- a. Intellectual Property Rights & Disclosures. The Texas Tech University Office of Research Commercialization has responsibility for the administration and implementation of TTUS' intellectual property program in accordance with [Chapter 10, Regents' Rules](#) and advising TTUHSC employees and students regarding TTUS' intellectual property policies. Intellectual property includes, but is not limited to inventions, innovations, discoveries, improvements, biological material, proprietary materials, plants, copyrightable works, trademarks and tangible research property. Generally, intellectual property made with the use of TTUS/TTUHSC facilities or during the course of an employee's regularly assigned duties for TTUHSC is the property of the Texas Tech University System. All intellectual property shall be promptly disclosed to the (OTC).

Relevant Policy:

[Chapter 10, Regents' Rules](#)

- b. Copyright and Fair Use. Although materials may not contain the copyright notice symbol ©, the material may still be protected. Generally, material published after March 1, 1989 does not require a copyright notice and should therefore be presumed to be under copyright protection unless it is published by the federal government or otherwise in the public domain. TTUHSC recognizes the doctrine of "Fair Use" for education purposes which allows legal copying of copyrighted materials in certain situations without the need for obtaining permission or payment of a fee for use of the material. The concept of copyright protection and the "Fair Use Doctrine" are more fully explained in [TTUHSC OP 57.02, Guidelines for the Educational Use of Copyrighted Works](#).

19. Protecting University Resources

TTUHSC employees shall protect and conserve public property and shall not use it for anything other than authorized activities. TTUHSC employees shall be subject to discipline for theft or damage to the tangible property of TTUHSC or TTUHSC students, employees, patients, or visitors.

- a. Private use of State Property and Services of TTUHSC Employees Prohibited. Use of TTUHSC property, services, or personnel for personal benefit or to harm another is prohibited. TTUHSC facilities, equipment, supplies and services are to be used only for duly authorized University purposes. Equipment TTUHSC owns or for which it is responsible shall not be removed from the University premises, except in accordance with TTUHSC policies.

The use of TTUHSC employees for personal work is strictly prohibited. This includes, but is not limited to, typing and secretarial services on personal and/or private consulting correspondence, running personal errands, and other like personal services.

Relevant Policy:

[HSC OP 61.01, Use of TTUHSC Facilities, Equipment, Supplies and Services for Private Purpose Prohibited](#)

- b. Travel. All official travel must be for the use and benefit of TTUHSC. TTUHSC employees are responsible for knowing the travel rules and policies applicable to state employees prior to traveling. Travel (including meals, lodging, transportation and incidental expenses) shall be planned so as to achieve maximum savings and efficiency. Reimbursement for travel expenses shall only be made in accordance with state law and TTUHSC policies.

Relevant Policy:  
[HSC OP Section 79, Travel](#)

20. Records Management

- a. Financial Reporting. All TTUHSC accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including those submitted to government agencies must be accurate, clear and complete.
- b. Accuracy of Records. TTUHSC employees shall not falsify, alter or use without authority, TTUHSC documents, records or identification materials.

Relevant Policy  
[Section 03.02, Regents' Rules](#)

- c. Retention and Maintenance. TTUHSC documents and records and electronic data shall be retained and maintained in accordance with TTUHSC policies.

Relevant Policy:  
[HSC OP 10.09, Records Retention](#)

21. Right to Change Policy

TTUHSC reserves the right to interpret, change, modify, amend or rescind this policy in whole or in part at any time without the consent of employees.