

Corporate Compliance Plan

Mission Statement

The mission of The University of Texas MD Anderson Cancer Center (MD Anderson) is to eliminate cancer in Texas, the nation, and the world through outstanding programs that integrate patient care, research, and prevention, and through education for undergraduate and graduate students, trainees, professionals, employees, and the public.

To fulfill this mission:

- We are committed to meeting the highest standards of medical and business ethics.
- We recognize that, regardless of payor source, appropriate, medically necessary services must be delivered in the most efficient manner and meet all applicable local, state, and federal guidelines and regulations.
- We are intolerant of fraud, waste, abuse, and other violations of such guidelines and regulations.
- We are committed to providing education, monitoring, and oversight to ensure that faculty, employees, volunteers, trainees, contractors, and other persons whose conduct, in the performance of work for MD Anderson, is under the direct control of MD Anderson, whether or not they are paid by MD Anderson (collectively referred to as Workforce Members), are fully informed and committed to these standards.
- We promote an open work environment so that all individuals associated with MD Anderson feel free to communicate openly on such issues.

The mission of MD Anderson's Institutional Compliance Program is to support MD Anderson's mission, vision and core values and to help the institution fulfill its responsibilities to the people of Texas in an environment based upon ethical behavior and compliance with applicable laws, rules, and guidelines.

To that end, the Institutional Compliance Program will:

- Provide all workforce members with the most accurate, concise, and up-to-date information and advice to assure awareness of their responsibilities with respect to sustaining such an environment;
- Foster an environment of open communication by educating workforce members about their obligations to report compliance concerns;
- Protect workforce members from retaliation if they, in good faith, report suspected wrongdoing, participate in or with an institutional investigation pertaining to alleged wrongdoing, or assist appropriate authorities in investigating possible wrongdoing; and
- Continually assess the effectiveness and quality of its program to ensure all MD Anderson business is conducted with integrity and in compliance with the law.

Code of Conduct

MD Anderson requires all administration staff, medical staff, employees, and other workforce members to follow the [Standards of Conduct](#) adopted by the Board of Regents.

MD Anderson is committed to full compliance with all applicable laws, rules, and guidelines. To such end and in order to uphold MD Anderson's core value of Integrity, our workforce members are required to conduct themselves in accordance with the ten principles comprising [MD Anderson's Code of Conduct](#):

Know and follow the rules

Know and follow the letter and the spirit of applicable laws, rules, and guidelines, as well as UT System and MD Anderson rules, policies, procedures, and compliance plans.

Think and act ethically

Follow our ethical standards and those of your professional organizations. Before you say or do something, ask yourself: How would this look to our patients and our community? Would this harm our reputation?

Keep it confidential

Handle all MD Anderson information, especially patient information, in ways that meet applicable laws, rules, guidelines, and document retention schedules. Treat our information the same way you treat yours.

Commit to research integrity

Perform all research efforts in ways consistent with applicable legal, ethical and professional requirements, as well as MD Anderson rules, policies and procedures.

Avoid gifts

In general, you can't accept or give gifts, favors, benefits, services, or items of value — especially in return for preferential treatment or patient referrals.

Bill accurately

When you document and bill for the care you've provided, be accurate, be thorough, be honest — and be timely.

Focus on Making Cancer History

Don't use any MD Anderson resources, including your time and your colleagues' time, in a wasteful manner, for personal benefit, to harm someone, for political activity, or for illegal activity.

Be true to our mission: Avoid outside influences

Don't engage in activities or enter into contracts that could or could seem to interfere with your MD Anderson work, make you disclose confidential MD Anderson information, or affect your independent judgment.

Be a good colleague

Act with honesty and good faith in all matters. Don't engage in discriminatory, harassing, retaliatory, inappropriate, intimidating, or disruptive behaviors.

When in doubt, point it out

If you think or discover that someone isn't following our Code of Conduct, promptly notify the Chief Compliance and Ethics Officer or Institutional Compliance. And always cooperate fully with all inquiries and investigations related to reported issues.

Compliance Program Oversight

The purpose of the Corporate Compliance Plan is to ensure that MD Anderson complies with the framework of federal and state laws, regulations, and guidelines, as well as U.T. System and MD Anderson policies that govern our corporate functions (e.g., supply chain management, asset and inventory management, vendor and industry relations, financial controls, and non-research related financial conflicts of interest).

Responsibility for oversight of the Corporate Compliance Plan rests with a multi-disciplinary Corporate Compliance Committee (CCC), whose membership is appointed by the Vice President, Chief Compliance and Ethics Officer (CCO) and annually approved by the Executive Institutional Compliance Committee (EICC). All members of the CCC must sign a statement assuring total confidentiality in all dealings of the CCC. Minutes of all CCC meetings are maintained in a confidential manner and are provided to the EICC. Minutes are maintained in the Institutional Compliance office.

The CCC is charged with the following tasks:

- Prepare and submit to the EICC an annual work plan that outlines the major activities and initiatives of the CCC for the upcoming fiscal year.
- Prepare and submit to the EICC an annual report that summarizes the CCC's progress regarding each work plan objective contained in the CCC's annual work plan for the preceding fiscal year.
- Validate the annual Compliance Risk Analysis related to corporate compliance matters.

The responsibility for implementing and managing the Institutional Compliance Program and Corporate Compliance Plan is assigned to the CCO, who functions within MD Anderson's organizational structure. The CCO, or designee, will, with assistance of the CCC, perform the following activities:

- Develop or assist with developing risk management plans for high risk areas identified through the annual Compliance Risk Analysis.
- Review the laws, regulations, statutes, policies and guidelines related to our corporate functions.
- Recommend the creation of new, and revisions to, corporate policies and procedures to the CCC for approval.
- Investigate new business trends that may have corporate compliance implications.
- Develop, implement, and monitor practical methodologies and systems to optimize corporate compliance.
- Develop, implement, promote, ensure compliance with, and document educational training programs to ensure the understanding of federal and state laws and regulations involving ethical and legal business practices, financial processes, asset management, and systems and applications impacting corporate activities.
- Promote responsible guardianship of state funds and resources entrusted to MD Anderson
- Provide input and guidance, as needed, on investigations of alleged corporate-misconduct.
- Communicate regularly with the EICC on new and emerging issues.

Unless otherwise specified by the compliance committees in approved bylaws, and subject to consent by the committee chairs, [Robert's Rules of Order](#) will be used to resolve procedural issues.

Policy and Procedure Guidance

The CCC will review, develop, and monitor institutional policies and procedures, as needed, regarding our corporate functions and activities, including but not limited to the following:

- Accounts payable & travel
- Alcoholic beverages
- Enterprise asset management
- Compliance with Subchapter F, Chapter 2261 Texas Government Code, concerning ethics, reporting, and approval requirements for certain contracts.
- Controller's office
- Financial controls
- Financial planning and analysis
- Financial reporting
- General accounting
- Grants and contracts accounting
- Materials management
- Payroll services
- Physicians Referral Service
- State and system reporting
- Supply chain management
- Treasury services
- Vendor relationships
- CMS Conditions of Participation, including and especially those dealing with physical environment (42 C.F.R. §482.41 *et seq.*) and contracted services 42 C.F.R. §482.12(e)).

As applicable, the persons or departments on the CCC involved in the above-listed functions are responsible for:

- Providing timely communication to the CCC regarding operational issues that may have compliance related implications;
- Developing and implementing methodologies, systems, and necessary changes in practices to assure adherence to applicable laws, regulations, and policies in their respective areas;
- Recommending new or revised financial policies and procedures, on an as-needed basis, for approval by the CCC or other appropriate parties;
- Conducting a risk assessment to identify critical corporate compliance areas;

- Carrying out institutional business with integrity and in a manner to ensure MD Anderson's full compliance with the Federal, State, and local laws, regulations, and institutional policies and procedures;
- Recommending monitoring strategies for specific financial-related risk areas and assuring that financial compliance policies are being implemented as intended;
- Preparing and presenting reports, as necessary, to Institutional Compliance , EICC, MD Anderson executive management, the Board of Regents for The University of Texas System, and any other appropriate authority;
- Recommending, drafting, and/or implementing corrective and preventative actions plans, as necessary; and
- Communicating regularly with the CCC and Institutional Compliance regarding new and emerging issues related to corporate compliance.

Education

Compliance with all applicable laws and regulations is one of MD Anderson's priorities. Workforce members at MD Anderson must be knowledgeable about MD Anderson's Institutional Code of Conduct, policies, and plans regarding compliance issues. Compliance with applicable laws, rules, guidelines, as well as institutional policies and plans is a condition of employment. Failure to comply may result in disciplinary action, including termination.

The CCC is responsible for education and training programs related to the Corporate Compliance Plan. The training programs may include such topics as:

- Newly adopted, revised and established MD Anderson policies and procedures regarding financial processes
- Internal Controls
- Emerging regulatory compliance issues
- Purchasing, including and especially enterprise-wide software products and services
- Texas Penal Code provisions regarding Texas public officials and bribery, gift acceptance, and abuse of official capacity.
- Check Request Processing
- Travel
- Statistical Sampling and Reconciliation Requirements Grants Financial Management and Administration
- Budgeting
- Incoming Subcontracts
- GASB Statements, Concepts, and Interpretations
- Sourcing and Contract Management
- Vendor Relationships
- Gifts and Benefits to State Employees
- Supply Chain Administration and Support Services
- HUB and Federal Small Business Program

- Materials Management Services/Enterprise Asset Management
- CMS COP State Operations Manual.

With regard to equipment and asset management compliance in particular:

- The UTMDACC Property Manager/Designee is responsible for directing equipment compliance training programs. These training programs will focus on adherence to U.T. System procedures associated with the Regents' Rules for Physical Properties, Government Accounting Standards Board Statement No. 35, and the State Property Accounting User's Manual for all property and equipment.
- MD Anderson will provide specialized equipment compliance education to employees involved in asset management. The Departmental Property Officer is responsible for oversight of the implementation of specific departmental equipment compliance training and for monitoring the attendance and outcome of this training. Equipment compliance education is part of MD Anderson's ongoing commitment to compliance.

Ongoing Monitoring and Auditing

MD Anderson is committed to thoroughly monitoring institutional compliance through the CCO. The CCO, with the assistance of the appropriate member(s) of the EICC, conducts periodic audits or similar assurance activities of operations, including technical and professional billing, privacy, information security, research, financial operations, and other compliance-related issues. These audits or similar assurance activities are aimed at ensuring adherence to general compliance policies, applicable compliance plans, institutional policies and procedures, and applicable federal and state laws and regulations.

Audits may include on-site visits; interviews with personnel involved in administration, operations, billing, sales, marketing, and other related activities; review of documentation and other written materials; and other similar activities.

As needed, the CCO will report to the EICC, the President, and the Board of Regents audit findings and corrective action plans. Plans also are presented for subsequent audits or studies to ensure corrective actions have been effectively implemented.

In addition to monitoring its own efforts, MD Anderson's Internal Audit Department or an independent, outside organization whose staff has the appropriate knowledge and technical skills required to review a compliance program.

Reporting Plan – Assets

Asset and inventory reports are an essential part of the institution's asset management function, serving as assurance that the institution's review and monitoring plans function as intended. These obligations exist outside of the Corporate Compliance Plan, therefore, nothing in this Plan should be read to affect those independent obligations. However, this Plan and the CCC should support and facilitate compliance with state and UT System asset management rules. Therefore, in addition to its regular reporting responsibilities, and working through the Associate Vice President, Supply Chain Services, the Asset Control Department will report:

- On an as-needed basis to the President and members of the CCC; and
- At the CCO's direction, to the System-wide Compliance Officer in the fourth quarter compliance report.

Investigation and Remediation

The CCO, with support from legal counsel and the EICC, addresses any violation of the laws, regulations, and institutional policies and standards applicable to governmental compliance. Whenever a compliance issue has been raised through

MD Anderson's Compliance Hotline, direct contact, a third-party, or any other source, and a preliminary assessment suggests that an investigation is warranted, the CCO will initiate a confidential investigation to determine the facts and circumstances of the potential violation. Compliance investigations will involve only those individuals necessary to resolve a fact or issue. Barring exceptional circumstances, the CCO does not apprise complainants or reporters of the status of investigations.

The CCO may accept a previously conducted investigation if such investigation was conducted with knowledge and approval of the CCO. Compliance investigations will be performed with the assistance of legal counsel and MD Anderson subject matter experts, as needed, and will be reported immediately and confidentially to the EICC, as appropriate. If the CCO believes the integrity of the investigation is at stake, the appropriate workforce member(s) may be removed from duty until the investigation is completed. The CCO ensures that steps are taken to prevent destruction of documents or other evidence.

The CCO promptly and fully investigates all reports professionally and without prejudice. Consultations follow with the appropriate division head(s), department chair(s), manager(s), and/or workforce member(s), as appropriate. The corrective action plan to be implemented is determined after the outcome of each investigation. In determining the corrective action plan, MD Anderson should not take into consideration an employee's or faculty member's economic benefit to MD Anderson. All corrective action taken will be in accordance with MD Anderson's [Hospital Compliance Plan](#).

If an investigation indicates that corrective action is warranted, such action will be imposed in accordance with MD Anderson's written standards of disciplinary action.

Any misconduct that violates civil or criminal law, rules or regulations may be reported to the appropriate governing body after receipt of credible evidence of such misconduct, along with a description of the appropriate corrective action taken. If applicable, plans for repayment of federal funds will be included in the report.

Corrective and/or Disciplinary Action

MD Anderson upholds a "zero tolerance" policy towards any illegal activity or knowing, intentional or willing non-compliance. Any employee knowingly, willingly, and/or intentionally in violation of the federal and state laws, regulations, Regents' Rules and Regulations and/or institutional policies is subject to disciplinary actions, up to and including termination. All actions taken will be in accordance with MD Anderson's [Hospital Compliance Plan](#).

Sanctioned Individuals

MD Anderson prohibits the employment of or contracting with individuals or entities who: (a) have a criminal history related to health care; or (b) have been disbarred, excluded, or otherwise determined ineligible for participation by certain federal or state agencies ("Adverse Action Databases"). Sanction Checks are handled in accordance with the MD Anderson [Hospital Compliance Plan](#).

Reporting Compliance Concerns

Remaining silent and failing to report any violation or potential violation that a workforce member knows or should have known of may subject a person to corrective action up to and including termination. MD Anderson will not accept a workforce member's claim that improper conduct occurred for the benefit of MD Anderson. Any such conduct is not for the benefit of MD Anderson and is expressly prohibited.

To encourage open communication in all dealings with the CCO and the EICC, workforce members contacting Institutional Compliance are assured non-retaliation in accordance with the [Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#) and an atmosphere of confidentiality.

To report compliance concerns, workforce members and any other member of the MD Anderson community, including patients and their family members, may:

- Call the Compliance Hotline at 1-800-789-4448;
- Contact Institutional Compliance directly at 713-745-6636; or
- Contact the CCO via the Page Operator at 713-792-7090.

Suspected fraud, waste, and abuse involving state resources may be reported to the State Auditor's Office's Hotline at 1-800-TX-AUDIT (1-800-892-8348). The State Auditor's Office provides additional information at its website, <https://sao.fraud.texas.gov/>.

MD Anderson has established the Compliance Hotline, listed above, for workforce members and other members of the MD Anderson community to report all suspected violations or questionable conduct. The Compliance Hotline includes the following features:

- The hotline number is included in employment materials, employee badge cards, the Institutional Compliance Program website, MD Anderson's Standards of Conduct: Do the Right Thing, and is displayed in poster form on MD Anderson bulletin boards;
- Telephone calls to the hotline are treated anonymously, upon request, and confidentially to the extent possible;
- The caller is not recorded, traced or identified, and the caller is not required to furnish their name;
- Information provided to the hotline is treated as privileged to the extent permitted by applicable law;
- Upon receiving information from the hotline, the CCO will communicate and disseminate all compliance complaints to the triage team and assign to the appropriate party for investigation;
- Each report will be reviewed, and the CCO or designee will initiate any investigations, corrections and/or follow-up on an as-needed basis in accordance with provisions of this plan; and,
- The CCO will provide routine reports and periodic updates as deemed necessary to the EICC and President.

Note that intentionally making false accusations is a serious violation of MD Anderson policy and may lead to corrective actions against the person making the accusation, up to and including termination of employment. Workforce members may not use the Compliance Hotline to protect themselves from the outcome of their own violations or misconduct; however, self-reporting is strongly encouraged and may be considered a mitigating factor when determining the appropriate corrective actions.

In all reports of compliance concerns, the CCO strictly complies with and enforces MD Anderson's [Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#).

References

[Hospital Compliance Plan](#)

[MD Anderson's Standards of Conduct](#)

[Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#)

[Robert's Rules of Order](#)

[State Auditor's Office](#)

State Property Accounting User's Manual

Texas Government Code § 2155.001

Texas Government Code § 403.271(b)

Texas Government Code § 2261.251

APPROVALS

Date	Approver
10-27-2020	Executive Institutional Compliance Committee
10-17-2018	Executive Institutional Compliance Committee
11-06-2017	Executive Institutional Compliance Committee

Content Experts:

Weber, Max C., Vice President & Chief Compliance and Ethics Officer