

## FY24 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, research 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 understand that promoting research integrity, including appropriate use of all research funding and accurate documentation of all research work, is critical to ensuring our ongoing research efforts and fulfilling federal, state, and The University of Texas System (UT System) requirements.
- 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 facilitate programs to address key risk areas including international relationships, cybersecurity threats, and continually reassess the risk environment to proactively develop standards and processes that protect our resources.
- 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 for The University of Texas System (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 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 (CCEO) 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 by Institutional Compliance.

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 CCEO, who functions within MD Anderson's organizational structure with a direct reporting relationship to the President and an administrative reporting relationship to the Senior Vice President, Regulatory Affairs. The CCEO, or designee, will, with assistance guidance from the CCC, perform the following activities:

- Develop or assist with developing risk management plans for high and major 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

## Education

Compliance with all applicable laws and regulations is one of MD Anderson's priorities. MD Anderson Workforce Members must be knowledgeable about MD Anderson's Institutional [Code of Conduct](#), [Standards of Conduct: Do the Right Thing](#), [institutional 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 corrective action, up to and 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

### 1.0 Monitoring Activities

- 1.1 The CCEO or designee shall meet periodically with designated departmental representatives to stay abreast of current and/or new matters related to corporate compliance.
- 1.2 The CCEO or designee shall monitor the progress of risk management plans.

### 2.0 Auditing Activities

The CCEO or designee shall perform periodic audits or similar assurance activities regarding corporate compliance.

## 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; or
- At the CCEO's direction, to the System-wide Compliance Officer in the fourth quarter compliance report.

## Investigation and Remediation

Institutional Compliance investigations are conducted under, and therefore protected by, one or more of the following: Texas Rule of Evidence 503 (the lawyer-client privilege), Texas Education Code §51.971 (institutions of higher education

conducting compliance program investigations), and/or Texas Health and Safety Code §161.032(b)(1), (c), and (e) (Medical Committees and compliance officer privileges).

The CCEO, 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 concern 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 CCEO 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 CCEO does not apprise complainants or reporters of the status of compliance investigations.

The CCEO may accept a previously conducted investigation if such investigation was conducted with knowledge and approval of the CCEO. 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 and CCC, as appropriate. If the CCEO 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 CCEO ensures that steps are taken to prevent destruction of documents or other evidence.

The CCEO 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 CCEO ensures that all those interviewed as part of the investigative process are entitled to have a representative or advocate present during their interview. However, an interviewee's representative/advocate is not permitted to steer, coach, or rehabilitate the interviewee's responses or otherwise compromise the integrity of the interview. Any such attempts to compromise the integrity of the interview may be considered noncooperation. The interviewee will be provided with a copy of [Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#) and apprised of the ramifications of, as a consequence of the interview, engaging in conduct implicated by the Policy.

If an investigation indicates that corrective action is warranted, such action will be imposed in accordance with MD Anderson's written standards of corrective action and outlined in a corrective action plan. The corrective action plan to be implemented is developed after the outcome of an investigation. In determining the corrective action plan, MD Anderson should not take into consideration a Workforce Member's economic or reputational benefit to the institution. All corrective actions provided in the plan are disseminated to those responsible for completing such actions, and must be undertaken and completed within their specified time frames.

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 action plans also should include determining whether the problem is systemic and implementing any necessary preventive measures.

## Corrective Action

MD Anderson upholds a zero tolerance policy toward any illegal activity or knowing, willing, or intentional noncompliance with federal and state laws and regulations, and MD Anderson's policies. All actions taken will be in accordance with MD Anderson's [Hospital Compliance Plan](#).

## Sanctioned Individuals

MD Anderson prohibits the employment of individuals who:

- have a criminal history related to federal health care program or state health care program; or

- have been disbarred, excluded, or otherwise determined ineligible for participation in federal health care programs as evidenced by appearance in one of the following 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 CCEO 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;
- Call Institutional Compliance directly at 713-745-6636;
- Contact the CCEO via the Page Operator at 713-792-7090;
- Email Institutional Compliance at [Institutional\\_Compliance@mdanderson.org](mailto:Institutional_Compliance@mdanderson.org); or
- Submit an online report through the [Detecting and Addressing Compliance Concerns webpage](#).

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). Additional information is provided on the State Auditor’s Office website.

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 Compliance Hotline number is included in employment materials, Code of Conduct badge cards, the Institutional Compliance Program intranet site and 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 Compliance 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 Compliance Hotline is treated as privileged to the extent permitted by applicable law.
- Upon receiving information from the Compliance Hotline, the CCEO 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 CCEO or designee will initiate any investigations, corrections and/or follow-up on an as-needed basis in accordance with provisions of this plan.
- The CCEO 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 CCEO strictly complies with and enforces MD Anderson's [Non-Retaliation Policy \(MD Anderson Institutional Policy #ADM0254\)](#).

## References

[Corrective Action Policy \(MD Anderson Institutional Policy #ADM0256\)](#)

[Hospital Compliance Plan](#)

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

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

[State Auditor's Office](#)

[Texas Health and Safety Code § 161.031](#)

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                                     |
|------------|--|
| 10-24-2023 | Executive Institutional Compliance Committee |
| 10-18-2022 | Executive Institutional Compliance Committee |
| 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  
 Ingraham, Ryan R., Senior Legal Officer & Director