



**Policy and Procedure:**    **Code of Conduct**

**Procedure Number:**    **C-29**                      **Page:**        **1**        **of**        **7**

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The UEC has developed the Code of Conduct (the Code) to provide guidance to UEC personnel in carrying out their daily activities. The Code provides standards that address issues identified by the federal government as potential areas of risk in both the Compliance Program Guidelines for Hospitals and corporate integrity agreement negotiated by the federal government and audited medical centers. By their nature, these topics are very complex and are also a high priority for compliance oversight. The UEC encourages all personnel to seek advice from a supervisor, the Compliance Officer (CO), VP for Clinical Admin, Human Resources if questions arise regarding the Code of Conduct or specific standards.

SUNY College of Optometry and the University Eye Center expects all employees, faculty, and students to conduct themselves in accordance with all legal requirements and the State, University, and institutional policies that may apply to their position. The standards of the Code of Conduct are meant to guide all UEC employees regarding how to deal with daily activities pertaining to particular compliance risk areas. All UEC personnel shall have an obligation to:

- a) **TREAT** patients and each other without discrimination and with respect, dignity and professionalism without regard to race, age, gender, religion, national origin, medical condition, physical or mental disability, ancestry, marital status, sexual orientation, citizenship, legal status, ability to speak English or status as a covered veteran,
- b) **ADHERE** to all applicable standards of professional practice and ethical behavior in carrying out the business of the clinical enterprise and should not feel forced or compelled to participate in unethical, improper or illegal conduct.
- c) **REPORT** their concern if they believe patient care is at risk or ethical and business standards including potential fraud, waste or abuse as defined in the Code of Conduct and/or the University Compliance Program have not been met.

**Procedure Number:**    **C-29**                      **Page:**        **2**        **of**        **7**

**Effective Date:**        **1/29/2018**                      **Revised:**    **1/14/2022**

**Last Reviewed:**        **1/5/2026**

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plan administrator to receive information about the process for disallowed claims or uncovered benefits.

- 3) Patients may request services that are not covered benefits. Such services may be provided as long as the patient has been given advance notice and has agreed to pay for the services. In these cases, the patient may request the submission of a claim for the services to protect their appeal rights with respect to those services or to determine the extent of the coverage provided by the payer.
- 4) Professional coding and documentation will be consistent with the standards established in the UEC.

### **3. CODING, BILLING, AND PATIENT ACCOUNTING**

UEC personnel involved in the coding, billing, documentation and accounting for patient care services for the purpose of billing governmental, private or individual payers must comply with all applicable state and federal regulations and campus policies and procedures pertaining to the implementation of the UEC's Program.

- 1) The UEC will bill only for services actually rendered and shall seek the amount to which the UEC is entitled. The UEC does not tolerate billing practices that misrepresent the services actually rendered.
- 2) Supporting medical documentation must be prepared for all services rendered. UEC personnel shall bill on the principle that if the appropriate and required documentation has not been provided, then the service has not been rendered.
- 3) All services must be accurately and completely coded and submitted to the appropriate payer in accordance with applicable regulations, laws, and contracts and institutional policies and procedures. Federal and state regulations take precedence; institutional policies and procedures must accurately reflect those regulations.
- 4) All patients shall be consistently and uniformly charged.
- 5) Government sponsored payers shall not be charged in excess of the provider's usual charges. Any questions regarding the interpretation of this standard should be directed to the Compliance Officer.

**Procedure Number: C-29 Page: 4 of 7**

**Effective Date: 1/29/2018 Revised: 1/14/2022**

**Last Reviewed: 1/5/2026**

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- 6) Billing and collections will be recorded in the appropriate accounts. Credit balances must be processed in a timely manner in accordance with applicable rules and regulations.
- 7) Elective procedures that are not covered by governmental or private payer can be provided. However, before providing any elective services, the provider must inform the patient that these services may not be covered. The provider should obtain the patient's agreement to pay for the services if payers deny the claim. A patient has the right to have a claim submitted even if services are excluded from coverage.
- 8) An accurate and timely billing structure and medical records system is critical to ensure that UEC personnel can effectively implement and comply with required policies and procedures. Demonstrated lapses in the information and billing systems infrastructure should be remedied in a timely manner by the institutional executive management team or other designate UEC personnel.

### **4. PERSONNEL AND CONFIDENTIAL INFORMATION**

All efforts will be made to protect personal and confidential information concerning the academic health center and center's patients and the respective health care practices.

- 1) UEC personnel shall not disclose confidential patient information unless at the patient's request and/or when authorized by law. Appropriate use of patient information for research purposes must be obtained from the Institutional Review Board.
- 2) Confidential patient information should only be discussed with or disclosed to appropriate UEC personnel on a limited, "need to know" basis and in response to a legal or authorized request.
- 3) Confidential patient information should not be discussed with or disclosed to non-UEC personnel unless requested by the patient. Non-UEC personnel include the family or business and social acquaintances of the patient or of UEC personnel, customers, suppliers, or others.
- 4) In general, patients can request and are entitled to receive copies or summaries of their records with the exception of minors, some mental health patients, and patients being treated for alcohol and drug abuse, who may be provided with copies of the records if it is appropriate as judged by their clinician.
- 5) UEC personnel who have any questions regarding patient confidentiality should refer to UEC policies for additional information and consult with appropriate medical records supervisors, etc.

#### **5. CREATION AND RETENTION OF PATIENT AND INSTITUTIONAL RECORDS**

All patients and institutional records are the property of the UEC and UEC personnel responsible for the preparation and retention of records shall ensure that

**Procedure Number: C-29 Page: 5 of 7**

**Effective Date: 1/29/2018 Revised: 1/14/2022**

**Last Reviewed: 1/5/2026**

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those records are accurately prepared and maintained in a manner and location as prescribed by law and UEC policy.

- 1) The complete and accurate preparation and maintenance of all records (medical, professional, electronic, paper, and institutional) by UEC, providers, nurses, and others are important for providing quality care and conduction the business of the UEC's clinical enterprise. Accurate records are required in order for the UEC to retain an Article 28 Diagnostic and Treatment Center.
- 2) UEC personnel will not knowingly create records that contain any false, fraudulent, fictitious, deceptive or misleading information.
- 3) UEC personnel must not delete any entry from a record. Medical records can be amended via an addendum to ensure the accuracy or a record in accordance with the center and medical staff policies and procedures.
- 4) UEC personnel must not sign someone else's signature or initials on a record unless they have been authorized and clearly marked that they are signing on behalf of another (e.g.) by initialing the signature).
- 5) UEC records shall be maintained according to accepted standards and principles of the particular profession and applicable UEC policies and procedures.
- 6) Unless authorized by UEC policy, UEC personnel shall not destroy or remove any UEC records from the UEC's premises.
- 7) The UEC's record retention and record destruction policies and procedures must be consistent with Federal and state requirements as well as State University of NY policies regarding the appropriate time periods for maintenance and location of records. The premature destruction of records could be misinterpreted as an effort to destroy evidence or hide information.

**6. GOVERNMENT INVESTIGATION POLICY**

UEC personnel should cooperate with appropriately authorized governmental investigations and audits. Individual employees who receive a request for an audit or investigation should advise the UEC administration (i.e. CMO, VPCA, Director of Clinical Operations, etc.) all the request.

**7. PREVENTING IMPROPER REFERRALS OR KICKBACKS**

UEC personnel must not accept or offer, for themselves or for the UEC, anything of value in exchange for referrals of business or the referral of patients.

- 1) Federal law generally prohibits anyone from offering anything of value to a Medicare, Medicaid, or Tricare patient that is likely to influence that person’s decision to select or receive care from a particular health care provider.
- 2) UEC personnel may not offer or receive any item or service of value as an inducement for the referral of business or patients to or from UEC providers or practitioners.

**8. ADHERENCE TO ANTITRUST REGULATIONS**

The UEC will comply with all applicable federal and state antitrust laws.

<b>Procedure Number:</b>	<b>C-29</b>	<b>Page:</b>	<b>6</b>	<b>of</b>	<b>7</b>
<b>Effective Date:</b>	<b>1/29/2018</b>	<b>Revised:</b>	<b>1/14/2022</b>		
<b>Last Reviewed:</b>	<b>1/5/2026</b>				

- 1) UEC personnel should not , for example, agree, or attempt to agree, with a competitor to artificially set prices or salaries; divide markets, restrict output, or block new competitors from the market; share pricing information with competitors that is not normally available to the public; deny staff privileges to physicians or allied practitioner, individually or as a group, when there is no academic programming decision to do and when such decisions should be based on individual qualifications; or agree to or participate with competitors in a boycott of government programs, insurance companies, or particular drugs or products.

**9. AVOIDING CONFLICTS OF INTEREST**

All UEC personnel shall conduct clinical operations and personal business in a manner that will avoid potential or actual conflicts of interest.

- 1) UEC personnel shall not use their official positions to influence a UEC decision in which they know, or have reason to know, that they have a financial interest.
- 2) UEC personnel should follow the Policies, Guidelines, and Regulations Related to Conflict of Interest and be knowledge about activities that may be an actual or potential conflict of interest. Examples of such activities may include, but are not limited to, the following:
  - a) giving to or receiving gifts, gratuities, loans, or other special treatment of value from third parties doing business with or wishing do business with the UEC in a manner that is not in accordance with the SUNY’s Gifts Policy. Third parties may include, but are not limited to, customers, patients, vendors, suppliers, competitors, payers, carriers, and fiscal intermediaries;
  - b) using UEC facilities or resources for other than UEC activities;
  - c) using the UEC’s name to promote or sell non-UEC products or personnel services; and
  - d) contracting for goods or services with family members of UEC personnel directly involved in the purchasing decision.

- 3) UEC personnel should consult with a supervisor or an appropriate administrator prior to engaging in any activity that could raise conflict of interest issues.

## **10. EXTERNAL RELATIONS**

- 1) UEC personnel shall adhere to fair business practices and accurately and honestly represent themselves and the UEC's services and products. UEC personnel will be honest and truthful in all marketing and advertising practices pertaining to the business practices of the UEC.
- 2) Vendors who contract to provide goods and services to the UEC will be selected on the basis of quality, cost-effectiveness and appropriateness for the identified task or need, in accordance with UEC policy.

**Procedure Number: C-29 Page: 7 of 7**

**Effective Date: 1/29/2018 Revised: 1/14/2022**

**Last Reviewed: 1/5/2026**

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## **11. FAIR TREATMENT OF EMPLOYEES**

The SUNY College of Optometry is an affirmative action, equal opportunity employer and does not discriminate on the basis of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or retaliation. The UEC is committed to providing equal employment opportunity and an environment where each employee is treated with fairness, dignity, and respect.

- 1) The UEC will make reasonable accommodations for the known physical and mental limitations of otherwise qualified individuals with disabilities. If an individual requires accommodations or needs assistance, they should contact the campus Employee Assistance Program or human resources.
- 2) The UEC does not tolerate harassment or discrimination by anyone based on the diverse characteristics or cultural backgrounds of those who work for the UEC.