

<p><b><u>POLICY &amp; PROCEDURE</u></b></p> <p><b>SUBJECT: Government Investigations, Guidelines to Responding to, ADM.170 *IHN*</b></p> <p><b>DEPT: ADMINISTRATION</b></p>	<p><b>Page 1 of 4</b></p> <p><b>EFFECTIVE Date: 10/15/1999</b></p> <p><b>REVIEW Date: 11/03/2020</b></p>
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**I. PURPOSE:**

Government investigators may arrive unannounced at Inspira Health (herein after referred to as the "Hospital") or to the homes of present or former employees to seek interviews and documentation. The purpose of this policy is to establish a mechanism for the orderly response to government investigations to enable the Hospital to protect its interests as well as appropriately cooperate with the investigation.

**II. POLICY:**

**Inspira Health will cooperate with any appropriately authorized government investigation or audit; however, the Hospital reserves the right to assert all protections afforded it by law in any such investigation.**

For purposes of this policy, a federal or state government agency includes, but is not limited to, the following organizations:

- Federal Bureau of Investigation
- Medicaid Fraud Control Unit
- Office of the Inspector General
- State Attorney General's Office
- Centers for Medicare and Medicaid
- New Jersey Department of Health and Senior Services

This policy is not intended to apply to any request for information from any of these agencies that the employee considers to be a routine inquiry in the ordinary course of business. However, this policy is intended to apply whenever the employee believes that an inquiry or request for information is not routine or when the circumstances surrounding the inquiry or request suggest to the employee that the agency is undertaking some type of audit or investigation that is out of the ordinary. When an employee is contacted by an organization other than those identified on this list or is unsure whether this policy applies, he or she must contact his or her Manager or Director immediately.

**III. RESPONSIBILITY:**

It is the responsibility of all that have an affiliation with Inspira Health Network to adhere to this policy.

**IV. PROCEDURES:**

Request for Interview

1. When government investigators request an interview with an employee, the employee has no obligation to consent to an interview.



**POLICY & PROCEDURE**

**Page 2 of 4**

**SUBJECT: Government Investigations,  
Guidelines to Responding to,  
ADM.170 \*IHN\***

**EFFECTIVE Date: 10/15/1999**

**REVIEW Date: 11/03/2020**

**DEPT: ADMINISTRATION**

2. When an employee chooses not to respond to the investigator's questions, the investigator has the authority to subpoena the employee.
3. Any employee contacted by an investigator must immediately notify his or her supervisor, manager, or director, who is to contact Inspira General Counsel, the Vice President of Corporate Compliance or the Administrator on Call.
4. An employee may be interviewed by a government representative after notifying their immediate supervisor and after consultation with General Counsel or designee. Employees must comply with patient confidentiality policies during the government interview process. Confidential patient information must not be discussed verbally and documents must not be given to a government representative without a subpoena, search warrant or court order.
5. Employees are entitled to have someone with them during any interview with an agent/investigator. The Hospital, at its discretion, may arrange to have an attorney present at no cost to the employee. The employee may consult with an attorney of his or her own choosing at the employee's expense, if he or she wishes.
6. The employee can ask that the interview be conducted during normal business hours at the Hospital when contacted after hours or at home.
7. Employees should always be polite and should obtain the following information:
  - The name, agency affiliation, business telephone number, and address of all investigators;
  - The reason for the interview;
  - Investigator's identification and business card.
8. During the interview with the government representative, the employee should follow these simple tips:
  - Always tell the truth. If you do not recall something or have no knowledge about the topic that the government representative is asking about, say so. You are not required to guess or speculate.
  - In talking with the government representative, you should be very careful to answer questions completely, accurately and concisely so that there will be no misunderstanding as to what you are saying. It is important to make clear to the government representative whether the information that you are providing is first-hand knowledge, something you have heard, or speculation. It is good practice to avoid speculation, but if you do speculate, it is important to make sure you let the government representative know that you are speculating.

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9. If the government representative requests the opportunity to review any records, ask the government representative if they have a subpoena or a search warrant. (A subpoena is a legal document which requires a person to provide testimony or documents at a given date and time. A search warrant is a written court order entitling a law enforcement officer to search a defined location and which sometimes authorizes the seizure of certain documents.) An exception to the need for a subpoena or court order are complaint investigations and/or survey/investigations considered to be routine in nature, provided the government representative provides appropriate identification to the IHN director responding to their visit and upon approval by General Counsel or designee.

**Subpoena and Search Warrants:**

1. If the government representative wants to search a Hospital facility or obtain any documents from the Hospital, contact General Counsel: If General Counsel is not available, contact the Vice President, Corporate Compliance,; or the Administrator on Call. The highest-ranking employee within the department should become the contact person for the search until General Counsel, or the Vice President of Corporate Compliance is available.
2. Ask to see the legal document requesting the search, such as a subpoena or a search warrant and any affidavit supporting the warrant. Make a copy of these documents. A copy of these documents must be provided immediately to General Counsel or designee.
3. The date and time on the legal documentation should be reviewed by General Counsel or designee to make sure that the government representative has a valid document. A government representative may not search a business at a time other than within the time period specified in the search warrant. In addition, in order for a search warrant to be valid, it must be signed by or on behalf of a judge with jurisdiction over the premises to be searched, must describe the material to be seized and must direct a named law enforcement officer to search specified premises.
4. A complete and accurate listing of all documentation supplied to government representatives must be maintained. The employees should watch the government representative and take detailed notes on everything that the government representative looks at or asks questions about. Be sure to note documents, physical items, samples or photographs taken.
5. Obtain a detailed receipt from the government representative of all documents/items, for which the government has obtained a copy.
6. It is a crime to obstruct an agent in the lawful exercise of his/her duties, including the exercise of a valid search warrant. Some other examples of unlawful behavior include but is not limited to:
  - altering or destroying documents sought in an investigation
  - falsely denying knowledge of information
  - corruptly influencing another person to exercise the privilege against self-incrimination



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- Intimidating a witness with the intent of influencing testimony or retaliating against a witness for testifying in an official proceeding.

7. If an employee receives a request in the mail from a government representative for documents or receives a subpoena relating to an investigation of fraudulent practices, General Counsel must be notified and a copy of the subpoena should be given to General Counsel. The employee should indicate exactly when the subpoena was received, and by whom it was received

**COMMUNICATIONS REGARDING AN INVESTIGATION**

Any inquiries from the media should be referred to the Public Relations Department. Employees should not attempt to provide any explanation other than to state that questions regarding the investigation will be answered by Public Relations. Make attempts to obtain the identity and telephone number of the inquiring party and to furnish that information to Public Relations.

**ADMINISTRATIVE ISSUES**

Once a government contact is initiated, a file will be established by General Counsel for communications to and from the Legal Counsel's office. The file will display the: "Attorney-Client Privileged Communication" and "Attorney Work Product."

Materials prepared at the direction of an attorney in the course of an investigation may be governed by both the attorney-client and attorney work product privileges.

Employees are encouraged to contact General Counsel or the Vice President of Corporate Compliance at any time when they are unsure of what to do regarding a government inquiry. This policy contains general guidelines. Instruction provided by General Counsel supersede these guidelines.

