



POLICY SUBJECT:

EFFECTIVE DATE: 08/12/2011

Responding to Government Investigations

To be reviewed every three years by Ethics & Compliance Committee

Responding to Government Investigations

I. PURPOSE

Health care providers have increasingly become the subjects of government investigations concerning fraud and abuse. Sound Physicians' employees and its affiliated physicians and other providers (collectively, "Sound Affiliated Providers") need to be aware of their rights and responsibilities when responding to government investigations. Government investigators may arrive unannounced at Sound Physicians' offices, its partner facilities or the homes of present or former employees or Sound Affiliated Providers seeking interviews, documentation and other information about Sound Physicians. These investigators may represent the Department of Health and Human Services, the Centers for Medicare & Medicaid Services, the Office of the Inspector General, the FBI, a State Attorney General's Office, a State Medicaid Fraud Control Unit or other enforcement authorities.

The purpose of this policy is to establish a mechanism for the orderly response to government investigations to enable Sound Physicians to protect its interests, as well as those of its employees and patients, while cooperating with any government investigation to the extent required by law.

II. POLICY

Sound Physicians, its employees and the Sound Affiliated Providers will cooperate with any authorized government investigation or audit. During a government investigation or audit, Sound Physicians, its employees and the Sound Affiliated Providers will not conceal, destroy or alter any requested record or document or make any false or misleading statement to a government representative. Sound Physicians, through its authorized representatives, will assert, as it deems necessary or appropriate, all protections and privileges afforded it by law during any such investigation or audit.

Retaliatory conduct against any employee or Sound Affiliated Provider who cooperates with a government investigation or audit in accordance with this Policy and Procedure is strictly prohibited. Any instances of retaliation shall be reported immediately to the General Counsel or Compliance Director.

III. SCOPE

This policy applies to all employees and Sound Affiliated Providers.

IV. PROCEDURES

A. Government Request for Interview

1. If a government official requests an interview, you should be aware of the following:
 - a. Government investigators have the right to contact employees and Sound Affiliated Providers and request an interview.
 - b. Employees and Sound Affiliated Providers have the right to speak with investigators. They also have the right to decline to speak to investigators or be interviewed.
 - c. Investigators do not possess subpoena power or have other legal authority by which to compel employees or Sound Affiliated Providers to speak with them or submit to an interview. It is improper for investigators to resort to threats or intimidation, whether expressed or implied, in order to obtain an interview.
 - d. Employees or Sound Affiliated Providers should request appropriate identification from investigators and should record their identities or obtain business cards.
 - e. Employees and Sound Affiliated providers have the right to consult with legal counsel before deciding whether to submit to an interview. Such consultation may help the employee/Sound Affiliated Provider understand (i) the nature of the investigation, (ii) any potential risks to the employee or Sound Affiliated Provider from the investigation or the interview process, and (iii) the employee's or Sound Affiliated Provider's right to have counsel present at the interview to provide advice during the interview, to be a witness to what is said, and to take notes on behalf of the employee/Sound Affiliated Provider to avoid future misunderstandings about the interview and what was said by the participants. There may be instances in which the investigators tell employees or Sound Affiliated Providers that they have no need for an

- attorney. It is the decision of the employee/Sound Affiliated Provider, however, to determine whether an attorney's assistance may be useful.
- f. The General Counsel, or his or her designee, is available to meet with employees and Sound Affiliated Providers in advance of any interview and, at the request of the employee or Sound Affiliated Provider, to attend any interview to assure that it is conducted properly. Employees and Sound Affiliated Providers also have the right to retain their own private counsel.
 - g. If an employee or Sound Affiliated Provider chooses to submit to an interview, the employee/Sound Affiliated Provider should be aware of the following:
 - i. You may have the interview conducted during normal business hours at Sound Physician's offices or any other location.
 - ii. You may stop the interview at any time.
 - iii. You may take notes during the interview.
 - iv. Statements made to investigators may constitute legal admissions, which can later be used as evidence against you and/or Sound Physicians in a criminal, civil, administrative or other proceeding.
 - v. You should always tell the truth and should state as fact only those matters you know from personal knowledge to be fact. Guesswork, conjecture or speculation should be avoided. Moreover, false statements to investigators may constitute a felony offense.
 - vi. You should be sensitive to your responsibilities and obligations with respect to Sound Physician's proprietary information and classified information. You should not assume that investigative procedures will protect such information.
 - vii. Any requests for documents pertaining to Sound Physicians' business should be directed to the General Counsel.
2. If you are otherwise approached by a government official, you should always be polite and should:
- a. Obtain the name, agency, affiliation, business telephone number and address of all investigators (a business card should contain all of this information).
 - b. Ask the reason for the visit.

- c. Ask if there is a subpoena, warrant, search affidavit or other court order to be served and request a copy of it.

To the extent a government official seeks confidential or other information about Sound Physicians, you should notify your supervisor as soon as reasonably possible after a government official has requested such information.

3. You are not authorized to give documents belonging to Sound Physicians (this would include, but not be limited to, documents you may have received or prepared at work) to the government or any third party unless authorized by Sound Physicians' General Counsel or pursuant to a valid subpoena served on Sound Physicians.

B. A Government Search

During any government search, whether by search warrant, subpoena, court order or search affidavit, you should:

1. Ask the investigator for identification and check it.
2. Immediately contact the Chief Medical Officer or his/her designee, or the General Counsel; and if neither one is available, then the Corporate Compliance Director. The General Counsel should be notified as soon as possible. In most instances, the General Counsel or his/her designee will be present during the search.
3. Request a copy of any search affidavit, subpoena, court order or search warrant and provide a copy to the General Counsel. Also request a copy of the search warrant, return inventory, or other document showing what property of Sound Physicians has been seized.
4. Once there has been notice of an investigation, any provisions set for the in any record retention policy that relate to the destruction of records should be suspended.
5. Do not obstruct or interfere with the search. You do not have to speak to the investigators, but must provide the documents requested in the warrant, court order or other legal document.
6. If the General Counsel or his/her designee is not available, the Chief Medical Officer, or his/her designee, should try and contact the prosecutor or agent to request that he or she consult with the General Counsel regarding the search.

V. ADMINISTRATION AND INTERPRETATIONS

Questions regarding this policy may be addressed to the General Counsel, the Compliance Director, or the Regional Chief Medical Officer.