


Name of Policy: <u>Government Inquiries and Investigations Involving UTMC</u>		 <p>Review date: October 14, 2020</p> <p>Original Effective date: May 1, 2013</p>	
Policy Number: 3364-15-11			
Approving Officer: President			
Responsible Agent(s): UTMC Compliance Officer Deputy General Counsel for Health Affairs Chief Executive Officer of UTMC Executive Vice President for Clinical Affairs and Dean of the College of Medicine and Life Sciences			
Scope: University of Toledo Medical Center and Health Science Campus			
<input type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy
<input type="checkbox"/>	Major revision of existing policy	<input checked="" type="checkbox"/>	Reaffirmation of existing policy

(A) Policy statement

The University of Toledo hospitals, clinics and its health care science campus and their respective employees, faculty and students (collectively referred to as “UTMC”) will cooperate with any authorized government inquiries and investigations. While doing so, the organization through its authorized representatives will assert all protections and privileges afforded by law during any such inquiries and investigations.

(B) Purpose of policy

UTMC may receive inquiries for information or documents from the Federal and State agencies (“Government Investigators”) or such Government Investigators may appear unannounced at UTMC’s facilities or at the homes of present or former employees for purposes of interviewing and obtaining documents. Accordingly, this policy serves to establish a mechanism for the orderly response to government investigations to enable the organization to protect its interest while cooperating with any government inquiries and investigations.

(C) Roles and Responsibilities

(1) Government Investigator Request for Interview

- (a) If approached by a Government Investigator, the employee, staff or student should immediately:
 - (i) Obtain the name, title, agency, phone number and address of the Investigator (business card should suffice);
 - (ii) Immediately notify the Chief Executive Officer of UTMC who should then notify the Compliance Officer and the Office of Legal

Affairs, Health Science Campus or the Director of Environmental Health & Radiation Safety, Safety and Health if appropriate.

- (iii) Employees should direct the Investigator to wait until a representative arrives as directed by the Chief Executive Officer of UTMC.

(b) If a Government Investigator requests an interview with an employee, staff or student, such persons in most instances have the right to:

- (i) Participate in the interview;
- (ii) Refuse to answer any questions;
- (iii) Request that legal counsel be present before answering questions;
- (iv) Have the interview conducted during normal business hours at the organization's offices;
- (v) Stop the interview at any time;
- (vi) Take notes during the interview; and
- (vii) Retain an attorney to be present during the interview (costs may be borne by the individual).

(c) During the interview with a Government Investigator, employees, faculty and students should follow the guidelines:

- (i) Tell the truth;
- (ii) Respond to all questions with statements of fact – do not speculate or guess or offer opinions. If the person does not recall something nor has no knowledge of what is being asked, the person should say so.
- (iii) Answer questions completely, accurately and concisely.
- (iv) Executive Director of UTMC, Compliance Officer or Legal counsel may be present at any interview.

(2) Government Search Warrant, Subpoena, Court Order or Authorized Investigative Demand

- (i) Employees, faculty and students are not authorized to provide, send, copy or distribute UTMC's documents to Government Investigators without approval through the appropriate administrative channels.
- (ii) The Chief Executive Officer of UTMC or the Office of Legal Affairs will conduct disclosure of documents and other information. This may include payment and claims information, patient charts, remittance advice, correspondence, transactional documents, policy and procedures or other requested documents.

- (iii) Employees, faculty and students must not change, move, alter or destroy any records, including paper, tape and electronic records that are the subject of any government investigation.
- (iv) The university's legal counsel may be present during all government searches.
- (v) Employees, faculty and students must not obstruct or interfere with any government searches.

(3) Scheduled surveys, site visits, OSHA visits, audits by third-party payors, tax audits and requests for medical records are excluded from this policy.

(D) Definitions

Government Investigator means any employee of the government who seeks information from the University that is investigative or criminal in nature.

Federal or State Agency means a variety of agencies may be involved in investigating the university, including: Office of Inspector General ("OIG"), Centers for Medicare and Medicaid Services ("CMS"), Federal Bureau of Investigations, ("FBI"), Department of Defense, United States Attorney General's Office, United States Department of Justice ("DOJ"), Food and Drug Administration ("FDA"), Centers for Medicare and Medicaid ("CMS") or Ohio Department of Health for CMS or itself ("ODH") and state Medicaid agencies.

(E) Procedure/References

UT's Institutional Compliance Webpage:

<http://www.utoledo.edu/offices/compliance/pdf/governmentinvestigationschecklistforlegalcounselandcomplianceofficer.pdf>

<p>Approved by:</p> <p><u>/s/</u> Gregory C. Postel, M.D. Interim President</p> <p><u>October 14, 2020</u> Date</p> <p><i>Review/Revision Completed by:</i> <i>Senior Leadership Team</i></p>	<p>Policies Superseded by This Policy:</p> <ul style="list-style-type: none">• <i>Previous 3364-15-11, effective date September 25, 2017</i> <p>Initial Effective Date: November 18, 2008</p> <p>Review/Revision Date: May 1, 2013, September 25, 2017, October 14, 2020</p> <p>Next review date: October 16, 2023</p>
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