From the Office of the Chancellor for Health Sciences

At the University of New Mexico Health Science Center we all remain committed to working together to better serve the people of New Mexico. The HSC has three missions, each critical to New Mexico. First, we are charged with educating the next generation of health care professionals. Second, we provide critical care to thousands of New Mexicans as the state’s only level one trauma center, stroke center, NIH-designated cancer center and pediatric emergency department regardless of economic or geographic circumstances. Our third mission is to continue to conduct research to address the health care needs of our community, state, nation and planet. We must accomplish our goals by adhering to the highest standards of professionalism.

As your Chancellor, I firmly believe that the key to maintaining our success lies in our devotion to ethical behavior at all times, under all circumstances in all our actions. Only then may we pass on to future generations a legacy of honor and achievement.

In most situations, making ethical decisions is easy. By asking yourself some simple questions, such as the ones listed below, you can make good choices.

- Is it ethical?
- Is it legal?
- Does it comply with UNM’s policies and the Code of Ethics?
- Would you feel good if your decision were reported in the media or communicated to management? Your peers? Your family?

If you answer “yes” to all of these questions, then the decision is probably appropriate. If you’re not sure, there are internal resources available to help you. One of those resources is this Code of Ethics.

The UNM Health Sciences Center Code of Ethics (the “Code”) is more than a policy. It is a handbook that will help you find answers to questions we ask every day. You will also find out who you can talk to if you need more help. Speak up if you see or suspect activity that violates the Code. It may seem easier to say nothing, but taking no action can have serious consequences.

As you read the Code, keep in mind that it applies to every member of the HSC community. Faculty, staff, vendors, students, and volunteers, and third-party affiliates will follow the standards outlined in the Code, whether they are affiliated with the School of Medicine, College of Pharmacy, College of Nursing, UNM Medical Group, UNM Cancer Center, UNM Hospital, Sandoval Regional Medical Center, or any other part of the UNM Health Sciences Center. That means that every person, regardless of his or her position, is held to the same standards. Each person who does not follow this Code is subject to the same consequences.

Our communities and our state deserve the very best from us. We can make our institution a better place to work, a better place to learn, and a better place to receive care by acting ethically in every decision, every day.

Paul Roth, MD, FACEP
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1. **Professionalism**

What is Professionalism?

‘Professionalism’ means many things to many people.

Perhaps the simplest way to think about it is as a social or communicative competence. In our daily lives we have to handle ourselves in lots of different situations with different types of people.

The rules for our behavior and the language that we use differ depending on the situation and the type of person we are interacting with. The expectations of us, the obligations we feel, the opportunities we have all depend on the role we are playing. Part of our socialization involves learning what the expectations are for our various roles. We all differ in how well we live up to our various expectations. In our work settings we must be aware of, and be willing and able to fulfill the many expectations that are part of our roles. Some of these expectations have been made explicit in administrative policies (e.g., UNM Board of Regents’ Policy Manual, University Administrative Policies and Procedures Manual, UNM Faculty Handbook, UNM Hospital Staff Rules and Regulations, UNM Houseofficer Manual); some of them are less formally stated and are part of particular work cultures.

When we fulfill these roles within at least the minimal expectations we are considered to be acting professionally.

What is Unprofessionalism?

‘Unprofessionalism’ is the failure to satisfy the minimal expectations of one’s role. There are three general types of unprofessional behavior. These types can be described as the ‘Can’t, Won’t and Oops’ model of unprofessional behavior.

- The individual cannot satisfy the minimal expectations of his or her role because he or she does not know the rules of the role, or he or she may not have the skills to enact them.
- The individual may know the rules of the role and has the skills to enact them, however, the individual chooses not to act according to the expectations. The individual knows the rules, is capable of satisfying them, and generally does follow them, however, on a rare occasion he or she fails to live up to the role expectations. For each of these circumstances there can be a number of reasons or causes:
  - Individuals who Can’t fulfill minimal expectations may have not learned the rules for certain types of work settings, perhaps because of where they grew up or where they trained, or they lack certain basic social skills.
• Individuals who can but Won’t fulfill minimal expectations may have personality styles that are not fitted for the individual’s actual work setting; the individual may be ‘acting-out’ or ‘channeling’ anger, aggression or other emotions either in the individual or in the individual’s surroundings; the individual might have an addiction that interferes with social judgment; or (importantly) the individual might be asserting a challenge to the situation, and he or she might be justified.

• Individuals who inadvertently or unintentionally fail to satisfy expectations of their role might have been emotionally or physically overwhelmed. Appropriate and effective responses to unprofessional behavior should fit the circumstance or the type of the unprofessional behavior.

• When an individual Can’t fulfill minimal expectations, he or she should receive special training or coaching.

• When an individual Won’t behave according to expectations, efforts should be made to determine whether the focus of administrative responses should be the ‘identified’ problem worker or the larger work situation. Sometimes the appropriate response is a consultation from the Office of Professionalism, the Institute of Ethics, an outside management consultant or group analyst. Sometimes, the appropriate response is to recommend psychotherapy or psychiatric treatment. And, sometimes the appropriate response is to change the institutional expectation.

• In ‘Oops’ situations, individuals should be taught how to monitor their emotional and physical stamina and how to cope better with stressful work situations; some individuals will benefit from training in why, how and when to apologize, or in some other way to ‘un-do’ their behaviors.

-- Jonathan Bolton, MD
1.1 Respect & Diversity

Our success depends on how well we work together. If we treat all members of the HSC community with respect, we are doing a better job of serving our community. All HSC faculty and staff will treat all patients, students, visitors, faculty, and staff with the highest level of respect and dignity.

Part of treating people with respect is not discriminating. We live and work in a diverse state and UNM is a diverse institution. Everyone at the HSC, including faculty, staff, visitors, patients, and students will be given equal access and treatment, without regard to race, color, sex, sexual orientation, gender identity, national origin, ancestry, religion, age, spousal affiliation, genetic information, physical or mental disability, or medical condition.

Speak up if you see or suspect that others are being harassed or discriminated against. If you are a supervisor, make sure that employment decisions comply with UNM policy and are based on lawful business reasons.

Q: One of my co-workers is always very rude and I recently overheard him make a racial comment about me. I am very uncomfortable. What should I do?

A: At the HSC, we are committed to providing a welcoming environment for all members of the community. If someone is discriminating against you, the first thing you should do is ask that person to stop. If the situation does not improve, speak with your immediate supervisor. If you aren’t comfortable speaking to your supervisor, or don’t notice any improvement, you should contact the Office of Equal Opportunity at 505-277-5251.

Q: I find it difficult to take care of patients who speak languages other than English. Is it okay for me to ask them to bring someone with them who can translate?

A: No. Patients who don’t speak English, or don’t speak it well, have a right to an interpreter. It is our responsibility as a healthcare provider to make interpreter services available to patients at no cost. Using a Hospital interpreter has some significant advantages. For example, some patients may not feel comfortable discussing sensitive health information in front of a friend or family member. You can reach UNMH Interpreter Language Services at 505-272-5399.
1.2 **Treating Other Professionals with Respect**

Academic healthcare is an important, complex business. For the HSC to be able to achieve its missions of education, patient care, and research, we need the skills and talents of professionals who work in many different fields and roles.

Just like we need to respect racial, gender, gender identity, sexual orientation, marital or parental status, national origin, citizenship status, veteran or military status, age, disability, religious diversity and any other legally protected status, we also need to respect professional diversity. Each person who works in the HSC has unique skills and education and plays a valuable role that warrants respect, no matter what that role is.

A true professional can accept constructive criticism and work collaboratively with other people, no matter their role, in order to get the job done. Working together with people with different skills, talents, and backgrounds helps each and every one of us achieve the goals and mission of the HSC.

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**Q: One of the physicians who works in my unit is rude to me and the other nurses. We don’t feel comfortable doing our jobs. What should I do?**

**A:** The best way to resolve these problems is to talk to your immediate supervisor. If you don’t feel comfortable doing that, you should contact Human Resources. If you would like to make a report anonymously, you can call the Compliance Hotline at 1-888-899-6092.

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1.3 **Doing Business with Good People**

Professionalism isn’t just about the commitment to do the right thing; it is also the desire to interact with people, vendors, and other entities that share that commitment.

One of the ways we can be sure we are interacting with good people is through exclusion checks. Exclusion checks help us identify people or entities that have gotten into trouble with the law. Since we want to do business with good people and businesses, the UNM Health Sciences Center performs exclusion checks before hiring, or contracting with, any person or vendor.
Q: When you say that you conduct exclusion checks, what lists do you check against?

A: State and federal governments make a wide variety of exclusion lists available. HSC Compliance checks the exclusion lists from the Office of the Inspector General of the Department of Health and Human Services (OIG) and the General Services Administration (GSA). By checking both lists, we ensure that our faculty, staff, and vendors are not included on any of the exclusion or debarment lists that apply to us.

Q: To save money, one of the departments I work with decided to buy their office supplies from another supplier. This has nothing to do with patient care. Do I need to check to see if this vendor is excluded?

A: Yes. We only want to do business with vendors who are as ethical and committed to following the law as we are. By checking for exclusions, we ensure that our vendors follow the law and we protect ourselves from penalties that the government imposes on healthcare organizations that hire, or contract with, excluded individuals or entities.

Q: I just found out that one of our faculty members has been excluded. She’s a very talented researcher and teacher and it would be a shame to lose her. Is this really a problem?

A: Yes. There are many ways in which a person can be excluded, some of which have little effect on a person’s ability to do his or her job. But, even though she may be good at her job, she is excluded because she broke the law. Our patients, our students, and our state are best served when we only interact with the best people.

1.4 Conflicts of Interest

As HSC faculty and staff, we have certain obligations to the HSC. These obligations help protect the integrity of the organization and its missions.

One of those obligations is the fiduciary duty of loyalty to the HSC. In other words, HSC faculty and staff are obligated to safeguard HSC resources and to act in the best interest of the HSC. In practice, that means that HSC faculty and staff may only use HSC facilities and equipment for valid HSC purposes, unless that use is otherwise approved or authorized by policy. This also includes the use of equipment, funds, proprietary intellectual property, and supplies. It also means that faculty and staff must not:
• take advantage of business opportunities that might be taken by the HSC
• use their position at the HSC or knowledge gained through their position for personal profit or to assist others in profiting at expense of the HSC
• use their position to obtain a personal profit by undertaking an engagement that is adverse to the interests of the HSC
• accept outside or dual employment or compensation that could reasonably be expected to impair the employee’s judgement in their performance of their duties at the HSC
• HSC faculty and staff are also expected to consider and avoid the appearance of a conflict of interest.

Q: One of my close friends is trying to open a clinic that would compete with the HSC. He doesn’t know that the HSC will soon be making some major improvements to its services in that particular area. Can I tell him?

A: No. As an employee of the HSC, you have access to information about HSC plans and activities that might be useful to our competitors. You may not use information obtained through your relationship with the HSC to aid a competitor, whether you will profit personally, or not.

Q: I am well-respected in my field and, occasionally, attorneys approach me to ask if I would be willing to serve as an expert witness. I am interested in trying it. Is it okay for me to do that?

A: It depends. The HSC believes that it is important to ensure the quality, integrity, and credibility of expert witness testimony provided by its faculty and staff. The HSC also believes that it is in the interest of both you and the HSC that you only undertake an expert witness engagement within the scope of your expertise and consistent with established standards of care. The HSC also believes that it is important that any expert witness testimony you might provide be free of conflicts of interest and be impartial. To this end, the HSC is promulgating, as a part of its conflict of interest and conflict of commitment policies, a standard that would permit you to accept a personal engagement as an expert witness if UNM is not involved in the case, or if you are serving as an expert witness for UNM or a party on the same side as UNM and would establish a process for full disclosure and vetting of personal engagements relative to expert witness testimony. In certain areas of the HSC, for example the Office of Medical Investigator, the faculty are frequently called upon as a part of their duties as medical investigators/pathologists to render expert witness testimony as to the cause and method/manner of death, including those deaths that may occur at or be associated with the HSC clinical facilities, providers, and learners. Nothing contained in this Code of Ethics is intended to limit employees from being called upon to serve as expert witnesses in these circumstances, provided that, in the view of the HSC, such engagement is not a personal engagement.
1.5 Employee Privacy

As faculty and staff at the HSC, we have the responsibility to protect the personal information of our colleagues. That means that those of us who have access to personal information about employees need to be careful about how we safeguard that information.

Q: When I receive help from tech support with problems I have with my computer, I am sometimes concerned that they might be looking at everything, even if it doesn’t relate to the problem. Does that happen?

A: IT professionals have access to information about employees and how they use their computers. In order to do their jobs, they need access to this information. Fortunately, IT professionals understand that they have a responsibility to respect the privacy of other employees. Because of that, they access information only when it is necessary to perform their jobs.

1.6 Patient Privacy

Healthcare is very personal and very private. We protect the privacy of our patients’ health information. In order to protect patient privacy:

- Only access patient information if it is necessary to perform your job
- Never access more patient information than you need

Q: When I was at work yesterday, I noticed that one of my coworkers was being admitted to the hospital. I am worried about her health. Is it okay to check her medical record and see how she is doing?

A: No. It is not okay to access a patient’s medical record without a legitimate medical or business purpose. Every patient’s health information must remain private, no matter who that patient is. If you have questions about the Privacy Rule in the Health Insurance Portability and Accountability Act (HIPAA), please contact the Privacy Office at 505-272-1493. If you would prefer to ask a question or report a HIPAA Privacy concern anonymously, you may also call the Compliance Hotline at 1-888-899-6092.
1.7 Social Media

Social media websites like Facebook, LinkedIn, Twitter, YouTube, and Google+ provide people with many opportunities to connect with friends, family, and colleagues.

Although social media is personal in nature, it is not private. That means that your personal communications, such as posts or tweets, might be seen by people you did not intend to share them with.

As members of the HSC community, we have the responsibility to be professional at work and online. Here are some tips:

- **Think before you post.** If you wouldn’t want your family or boss to see it, don’t post it.
- **Protect yourself.** Many social media sites give you some control over who can see your posts and it’s a good idea to take advantage of it.
- **Be honest about who you are.** Your online identity should be yours, not someone else’s.
- **Include a disclaimer.** Unless you are posting about the HSC as part of your job, you should make sure your readers know that you are not representing UNM or the HSC.
- **Protect patient privacy.** In order to protect the privacy of our patients, you must never post information about patients on social networking sites.

Remember that because social media is new, it is also changing fast. All of us are still learning how best to deal with it. Because of that, be careful about what you post. Always keep in mind that we are all representative of HSC and that conduct outside the workplace can affect perceptions of the university.

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*Q:* *I do my best to make my patients feel comfortable. Sometimes they search for me on Facebook and send me friend requests. Should I accept them?*

*A:* No. Remember that the relationship you have with your patients is a special one. They come to you because you are a professional. As a professional, you must maintain a professional, business-like relationship with patients. This is much harder if you allow them to “friend” you.

In order to maintain a professional image, you should only make social networking connections with patients you know in another context.
1.8 Political Activities:

The Office of Government & Community relations is the primary office that represents the interests of the University of New Mexico that communicates with all local, state and federally-elected officials and their respective staff regarding present and future legislation, funding and policy.

Employees may participate in political activities provided such activities:

- are not conducted during work hours;
- are in compliance with the Constitution and the laws of the State of New Mexico;
- do not interfere with the discharge and performance of the employee’s duties and responsibilities;
- do not include the use of equipment, supplies, facilities or other assets of the HSC;
- do not involve the attempt to coerce faculty, staff or students to participate in or support political activity.

1.9 Media

The Office of Public Affairs serves as the spokesperson for the University and responds to media inquiries, and interview request. If an employee is contacted by a member of the media, they should be referred to the Office of Public Affairs for assistance. After hours, the UNM Hospital switchboard can page the Public Affairs on call representative.

1.10 Ask Questions

When professionals don’t know the answer, they ask questions. If you have any questions about this Code, laws and regulations, or other compliance issues, you should contact your supervisor. If you aren’t comfortable speaking to your supervisor or don’t feel satisfied with the answer, contact your Compliance Officer or HSC Compliance. We are here to answer your questions
Q: I am concerned that my department might not be handling grant money correctly. If I ask Compliance, will they have to conduct an investigation?

A: Compliance is not obligated to conduct an investigation every time someone comes to us with a question. Usually we answer the question without the need to investigate. Sometimes, however, investigations are conducted in response to questions. If you are concerned about this and would like to ask a question anonymously, you can call the Compliance Hotline at 1-888-899-6092 or use the online reporting service.

1.11 Reporting Concerns

If you have a compliance concern, let someone know. There are several ways you can report your concerns:

- Discuss it with your supervisor. This is often the best way to resolve a problem or get an answer about compliance issues.
- Call the HSC Compliance Office at (505) 272-4848.
- Visit our office at in the HSC Business & Communications Center, located at 1650 University Boulevard NE, Suite 3200.
- Email your question or concern to compliance@salud.unm.edu or privacy@salud.unm.edu.
- Call the Compliance Hotline at 1-888-899-6092. The Compliance Hotline, which is run by an outside vendor, allows you to raise concerns anonymously.
- Submit questions and/or concerns online at UNM EthicsPoint 24/7, 365 days per year.

Q: The other day, I saw a sales rep give an envelope to my supervisor. I think it might have been tickets to the basketball game, but I am not sure. Should I tell someone anyway?
A: Yes. If you see something that concerns you, you should tell someone. We will evaluate the report to determine whether law or policy might have been violated. If so, we will investigate the facts to determine if law or policy was actually violated.

Q: I have a concern that I would like to report anonymously. How does that work?

You may make an anonymous report by calling the Compliance Hotline. The service is run by an outside vendor. When you make an anonymous report, you will be given a number that you can use to check on the status of your report or communicate anonymously about your report.

You should, however, be aware that when you make a report anonymously it can take longer to investigate. In order to ensure that an investigation is completed quickly, you should be sure to include as much information as possible in your report.

1.12 Non-Retaliation

The HSC is committed to providing its faculty and staff with a work environment that encourages communication. All members of the HSC community who raise concerns or ask questions in good faith are protected from retaliation under Policy 2200 (a link to all policies can be found in the appendix). That means that if you ask a compliance question or raise a compliance concern, you should continue to be treated with respect by your co-workers and supervisor.

Q: A few months ago, I reported a compliance concern to my supervisor. It turns out that there was a problem and my department had to do a lot of work to fix it. Even though I did well on my performance review and am still getting work assigned to me, I feel like people are treating me differently. They say negative things about me and don’t include me in conversation like they used to. Is that retaliation?
A: It might be. If you feel uncomfortable at work and believe that it might be because you reported a compliance issue, you should tell HSC Compliance about it. You do not have to be absolutely sure that retaliation has occurred before reporting.

1.13 Maintaining a Safe Campus

The HSC is committed to creating a safe environment for all faculty, staff, patients, visitors, and students. If you witness illegal or suspicious activity occurring on the HSC Campus, please notify either UNMH or UNM PD. If you witness a crime being committed that involves anyone being physically assaulted, especially if the victim is a child, call UNM PD immediately and notify your supervisor.

Q: I was working late one night in my lab and, as I was leaving, I heard a loud argument and crying. Through a window, I saw a colleague grabbing a young woman by the wrist and pulling her. What should I do?

A: The HSC and UNM strive to create a safe campus. If you witness a situation like this, get to a safe place and call UNM PD. Inform them of the location of what you witnessed. Per UNM Campus-wide policy, you are required to report violent crimes that threaten someone’s welfare, such as this one.

Q: I am a group leader for a summer program for high school students who come to the HSC to learn about careers in medicine. Yesterday at lunch, I overheard a female student saying one of the faculty advisors had “asked her out” and was always hugging her and making her feel “creepy”. What do I do?

A: It is particularly important that children brought to the HSC are safe. You need to inform your supervisor and the director of the program immediately. Your supervisor must notify the HSC Compliance Office. If they do not, you should. You should also call UNM PD to report the incident so that they can arrange to interview the student.
2. **Patient Care**

“I have worked at UNMH in many capacities over the past 27 years. I started my career here as a student nurse and knew that this is where I wanted to start my nursing career. I knew this because of the way the nurses cared for the patients and the way the doctors responded to the needs of the patients. I recognized the healthy work environment amid the chaos known as inpatient nursing. I have been allowed to grow both in education and experience and I have always been encouraged to strive for excellence. My voice is heard and positive changes have been made because our leaders listen to the needs of the employees. We are supported in our efforts to provide skilled, compassionate, ethically sound care to the patients in our hospital and we are encouraged to make a difference in any way we can.

“I continue to work here because the nurses are empowered to function with autonomy and are respected for their knowledge and experience. If for some reason there is conflict, it is not difficult to bring a group together to problem solve and demonstrate true collaboration when it comes to making sure patients are receiving the care they need. The culture of UNMH promotes and recognizes the valuable contributions of every member of the healthcare team. I am proud to work here, and highly recommend the services of our hospital to my family and members of the community.”

Stephanie Sanderson, RN, MSN, CCNS, CCRN
Critical Care Clinical Nurse Specialist, UNM Hospital
2.1  **Treating Patients with Respect**

Our patients come from many different backgrounds. It is our responsibility as a healthcare provider to make sure that every patient is treated with respect. No patient will be denied treatment based on race, national origin, religion, sex, sexual orientation, marital status, age, disability, or source of payment.

*Q: If a patient comes to the Emergency Department, should we delay treatment if the patient can’t pay for services?*

*A: No. Under the Emergency Medical Treatment and Active Labor Act (EMTALA), we are required to provide necessary emergency medical services to everyone, regardless of their ability to pay. The order in which patients are treated depends on the severity of their condition, never on whether or not they can pay for services. A patient’s ability to pay cannot be a factor in deciding when a patient is seen.*

2.2  **Patients Have a Right to Make Decisions about their Care**

One of our duties to our patients is to ensure that, if they are capable, they are involved in making decisions about their own care. At the HSC, we make sure that our patients are involved in decision-making and that they are given adequate information to make those decisions.

*Q: What are some ways we keep patients informed and involved with their care?*

*A: Explanations are given to the patient regarding their condition and treatment on an ongoing basis. Discharge instructions are given to patients when departing. Many conditions have educational material that can be printed out at discharge and given to patients. Hospital units and most clinics have staff that can assist with decisions involving transitions of care. Patients can also request a copy of their medical records by contacting the Health Information Management Department (HIM), at 505-272-2141.*
2.3 **Patient Advocacy**

Being a patient can be confusing and scary. Patient Advocates help patients access the services they need and navigate their own healthcare. At the HSC, we are committed to assist our patients throughout the process of receiving care from us.

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**Q:** How does a patient at UNM Hospital contact the Patient Advocate for concerns regarding care, or accessing services?

**A:** At UNM Hospital, a patient advocate can be reached by requesting to speak with the advocate, by going to the administration reception area on the first floor, or by calling them at (505)272-2121.

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2.4 **Discharge Planning**

At the HSC, we understand that what happens to a patient after they leave our care in the hospital is as important as what happens while under our care. Because of that, our Care Management team begins finding the safest transition plan for the patient at admission.

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**Q:** Can patients at UNM Hospital speak directly with a case manager if they have concerns about discharge?

**A:** Yes. If patients have concerns about their discharge, they can ask their nurse or doctor to notify the case manager for the unit. A nurse or social worker will come to the room and speak with the patient and/or family.
2.5 Care Management Services

The Care Management department helps patients with discharge planning, community resources and referrals, financial assistance resources, and making sure payer sources have all the necessary information to authorize care or medical equipment.

Q: How do we determine if a patient at UNM Hospital needs a case manager?

A: Case managers are available at UNM Hospital, and in all the primary care clinics. Case managers screen patients in these locations for possible need for their services. Indications may include such factors as advanced age, unsatisfactory living situations, complicated or life altering diseases or injuries, or other stresses faced by the patient or family. Physicians, nurses or other healthcare workers may refer patients to a case manager. Patients or families may also request a case manager.

Q: Can case management help patients that need to go to another facility before they can go home?

A: Yes. Case managers can help with transfers to other facilities such as skilled nursing or rehabilitation centers.

Q: Can case managers help patients with financial assistance?

A: Yes. Case managers can help guide patients to appropriate assistance programs.

2.6 Special Considerations Regarding Children

The HSC is committed to protecting children. If you encounter a child who you believe to be abused or neglected, including medically neglected, you have a legal and ethical duty to ensure your suspicion is reported to the police or the Children, Youth, and Families Department (CYFD). You also have a duty to ensure they are seen by either Child Abuse Response Team (C.A.R.T.) or Para los Niños (in cases of suspected sexual abuse) to ensure a proper evaluation and medical diagnosis of abuse is made.
Q: A child came into my clinic and when I examined him, I noticed bruises on his back and buttocks that seemed to have a pattern. I don’t think this mom would ever abuse her child, but something does not seem right. I have been treating this family for 15 years, since the mom was a child, and I really don’t want to harm my relationship with the family. What should I do?

A: The HSC is strongly committed to protecting children. All employees have an absolute legal and ethical duty to protect the child where abuse or neglect is reasonably suspected. You need to call CYFD Statewide Central Intake at #SAFE from a cell phone or 505-841-6100 to report your suspicions, fill out a Child Abuse Documentation form in the electronic medical record, and submit an ad hoc consult request to C.A.R.T. via Powerchart.

Q: I witnessed someone hitting a child in the M parking lot. What should I do?

A: The HSC strives to be a safe place for all people, including children. Any employee who sees a child being hurt on our campus should call UNM PD immediately at 505-277-2241 (or 911 from a Campus phone) and report the incident. You should also notify your supervisor.

Q: One of my chronically ill patients has been missing clinic appointments regularly. I have tried talking to the parents about it, but they keep missing visits and I am not sure the child is taking her medications. I really need to preserve my relationship with the parents, but I am concerned about the child’s health.

A: The HSC recognizes the burdens that chronic illness places on a child and on parents, but is committed to protecting the health and welfare of all children. Medical neglect is a form of child abuse and neglect and the law requires that you report your suspicion. Call CYFD Statewide Central Intake at #SAFE from a cell phone or 505-841-6100 to report your suspicion. You also need to fill out a Child Abuse Documentation form in the EMR and complete an ad hoc request for C.A.R.T. via Powerchart. CYFD can often provide services to families struggling with a sick child and other socioeconomic pressures that can stem from such an illness.
Medical Documentation and Billing

Healthcare professionals are entering one of the most dramatic and rapidly changing eras of all time, where more and more health care outcomes and quality measures will be demonstrated through coded data derived from medical record documentation. Coding staff must abide by professional values, ethical principles, regulatory standards, official coding conventions, rules and guidelines when involved in diagnostic and/or procedural coding or other health record data abstraction, and must apply consistent coding practices to produce high-quality healthcare data demonstrated in the medical record documentation for each encounter or visit.

Changes in the Prospective Payment Systems and quality outcomes measures rely on improved documentation, data integrity and consistent medical coding to reflect the complexity of care and severity of illness of our patients. Documentation principles of accuracy, completeness, and timeliness are key to demonstrating to our patients and all third party entities, that UNM HSC provides high quality and efficient patient care. Coding serves a multitude of purposes outside of financial and billing needs, including administrative uses, population health, public data reporting, research, quality and patient safety measurement.

The Health Information Management (HIM) Department at UNM HSC hospitals supports maintaining documentation compliance to regulatory standards, such as Medicare Conditions of Participation, Joint Commission Standards for accreditation, Medical Staff Bylaws, Rules and Regulations, and various New Mexico State documentation requirements. Accurate, timely and complete documentation for each patient encounter is not only the right thing to do for the various compliance standards, it is the right thing to do for our patients.

Patients have the right to access their health information, and will be exercising their patient rights, as UNM HSC transitions to individual patient access to one’s own personal medical records through use of the Patient Portal within our Electronic Medical Record (EMR). Patients have access to key documents and test results for their own viewing, and along with the right to access will be questions relative to the accuracy, timeliness, and completeness of the data contained in each encounter or visit. Timely, accurate and complete medical record documentation will take on a new look with the Patient Portal initiative, expanding our mission and expectations as a patient-focused healthcare facility.

Catherine Porto, MPA, RHIA, CHP

Executive Director, Health Information Management, UNM Hospitals
3.1 **Accurate Medical Documentation**

Providers have a professional and legal responsibility to document all patient encounters completely, accurately, and timely. Not only is complete and accurate documentation an integral part of the practice of medicine, it is also a factor in providing better healthcare. Here is just a short list of some of the benefits of complete and accurate documentation:

- Supports a diagnosis or justifies treatment
- Improves continuity of care by providing other physicians or nurses with the information they need
- Ensures that patients receive high quality care and assists in organizational quality initiatives
- Protects providers and the organization from medical malpractice liability
- Supports appropriate payment for services performed

Accurate and complete medical documentation also helps prevent False Claims Act violations. If we bill the government for services that are not provided, we violate the False Claims Act. Violating the False Claims Act can cost us a lot of money. Penalties include damages up to three times the amount paid and fines.

If you have questions about how to document effectively, please contact the University of New Mexico Health System Compliance.

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**Q: Why do I have to complete my documentation in the medical record within 24 hours?**

**A:** Just like there are many reasons why documentation must be complete and accurate, there are many reasons why documentation should be completed in a timely way. First, documentation that is completed in a timely fashion is more likely to be accurate, which makes it more useful for patient care and quality initiatives. Second, depending on how long it takes for a record to be completed, we may not be entitled to bill for the services associated with that record. Additionally, incomplete records can have an impact on accreditation and state licensure, violate medical staff rules, or adversely affect medical legal actions.

The bottom line is that documentation that is complete, accurate, and finished on time benefits you, your patients, and the organization.
3.2 Honest Business Practices

When we refer our patients to other providers, we must do so according to medical judgment, not business or family relationships. Because of that, we must pay careful attention to the referrals we make. Some referrals, such as those that involve close family members or certain business arrangements, have the potential to put our patients at risk.

Q: My sister is one of the best surgeons in town and I would like to refer my patients to her. Is that okay?

A: Referring your patients to a close family member might violate federal law. Under the Stark Law, “self-referrals” are prohibited. Self-referrals are referrals to health care providers in which you or a close family member have a significant financial interest.

Q: A local physician who refers a lot of patients to the Hospital is thinking about renting office space from us. He asked if he could get a discount on rent because of his long-standing relationship with us. Is that okay?

A: This might be a problem. The Anti-Kickback Statute prohibits payments of any kind in exchange for referrals. Giving a discount on office space to a physician who refers a lot of patients to us could violate the Anti-Kickback Statute.

3.3 Medical Necessity

The HSC is committed to only billing for services that are medically necessary. Unfortunately, “medical necessity” often means different things to different professionals. This makes it harder for professionals to communicate with each other about what “medical necessity” really means.

“Medical necessity” is not determined on a case by case basis and is not synonymous with “medical judgment.” Instead, it is related to what a payer, such as Medicare or a private insurer, will pay for.
Q: Some really exciting new research in my field has led me to believe based on my medical judgment that a new treatment would be a good fit for one of my patients. Since the patient might benefit significantly from this new treatment, isn’t it “medically necessary?”

A: Not necessarily. Payers determine “medical necessity” based on what benefits populations of patients, not what benefits individual patients. Because “medical necessity” is defined in this way, a treatment that may benefit an individual patient is not always “medically necessary.”

To put this into the context of government payers, the Center for Medicare and Medicaid Services (CMS) states the following: “No payment shall be made for items or services that are not reasonable and necessary for diagnosis or treatment of illness or injury.” And it is CMS that decides whether an item or service is “medically necessary” under this definition.

If you have questions about whether a treatment is “medically necessary” within the context of billing and payment, please contact UNMMG Compliance at 505-272-0035.

3.4 Financial Assistance

As part of our responsibility to the people who live in our community, the HSC will provide financial assistance, in accordance with policy, to patients who have demonstrated an inability to pay.

Q: One of my uninsured patients has expressed concerns that she can’t pay for the treatment she needs. She doesn’t qualify for any government health care programs; is there anything I can do to help her?

A: The HSC is committed to providing patients with the care that they need, whether they can pay or not. You should encourage her to contact Patient Financial Services at 505-272-2521. They will determine whether she qualifies for financial assistance.

Q: A close friend of mine is a patient at the clinic where I work. Can I waive his co-pay?

A: Having a close, personal relationship with a patient has no effect on your legal and financial responsibilities. Even though he is a close friend, you must still document his patient encounter completely and accurately and appropriately bill him.
4 Research

The University of New Mexico Health Sciences Center conducts a broad range of biomedical research that aims to ease the burdens of disease and enhance the quality of life for all. To achieve that goal our research pursues new treatments, devices and cures that often require very detailed studies to prove safety and benefit. In order to maintain public trust and accountability, we adhere to the highest ethical standards and compliance in all research activities. We prioritize the safety and security of our students, researchers, faculty and staff, and the community at large. Modern biomedical research can involve the use of a wide variety of resources, from animals to human subjects and potentially hazardous materials. Our research compliance units within the Office of Research provide detailed training and continuous oversight of these resources as a core element in the responsible conduct of research. For studies involving human participants we focus on ethical study designs, confidentiality of personal health information and the highest standards for informed consent.

The Office of Research oversees adherence to all guidelines set forth by government entities. We also take additional, proactive measures to safeguard our research integrity, the environment and our people. We encourage continuous quality improvement and secure measures are in place to protect those who, in an effort to assist us in upholding the highest standards in our research, report potentially unethical or irresponsible behaviors. We believe that the enduring impact of our research in the world of healthcare needs is dependent on our dedication to the responsible conduct of research and the trust and support of the citizens we serve.

For more information, please read the detailed descriptions below, or visit our website at http://hsc.unm.edu/research/compliance_and_support.html.

-- Corey Ford, MD, PhD
4.1 Protection of Human Subjects in Research

Thanks to research on human subjects, we now have treatments or cures for diseases or conditions that, in the past, were not treatable. At the HSC, we conduct valuable research that advances the health sciences. At times, scientists at the HSC need to recruit human subjects for studies in order to conduct valuable research related to a disease or condition.

Our human subjects do us a great service. We offer them the highest standards of ethical and safe care while participating in studies at the HSC. The Human Research Protections Office (HRPO) is committed to promoting the safety and protection of individuals involved in human research by providing support, guidance, and education to facilitate ethical and scientifically sound research. The HRPO provides free consultations to all researchers considering the use of human subjects or identifiable private data.

Q: Recently, there have been some well-known, and very well-respected, universities in the news for misconduct in studies involving human subjects. Some of the allegations, such as manipulating research data, are quite serious. Can that happen here?

A: One of the lessons from some of the recent scandals is that bad things can happen anywhere, even at the best institutions. That is why the Human Research Protections Office (HRPO) and the other compliance offices within the Office of Research put protections and controls in place. By ensuring that our processes work well, and that there is sufficient oversight, HRPO and the other compliance offices work every day to protect our subjects and the integrity of the important research conducted at the HSC.

Q: What is the Human Research Review Committee?

A: The Human Research Review Committee (HRRC) is an Institutional Review Board that reviews human subject research projects for compliance with federal regulations. Biomedical and behavioral research involving human subjects to be conducted at or sponsored by UNM, or that is conducted by or under the direction of a faculty, staff or student of UNM, or which uses any confidential information of patients at UNM, cannot commence until it has been reviewed and approved by the HRRC.
4.2 Use of Animals in Research

At the HSC, we recognize that using animals in research is a privilege that must be taken seriously. Unlike human subjects, animal subjects cannot consent for themselves. Because of that, we put protections in place to ensure that the animals involved in research at the HSC are given the care and respect that they deserve.

The Office of Animal Care Compliance (OACC) is tasked with administering the mandated procedural protections in place to ensure that animals used in research are treated with the least pain and undue stress.

Q: When do I need an animal care and use protocol?

A: All UNM-affiliated personnel must have an approved animal care and use protocol to conduct research (including field observations) using live, vertebrate animals (amphibians, birds, fish, mammals, or reptiles) or vertebrate animal tissue (including blood). The OACC can assist you with protocol submission, using the electronic database management system.

Q: What is the IACUC?

A: The Institutional Animal Care and Use Committee (IACUC) is a Committee comprised of at least five members, including a veterinarian with laboratory experience and program responsibilities, a scientist experienced in laboratory animal research, a non-scientist, and a community member. This Committee is responsible for overseeing the animal care and use program, and reviewing and approving, or not approving, research proposals involving animals. The HSC has its own IACUC.

4.3 Conflicts of Interest in Research

The Conflicts of Interest (COI) Office assists investigators at the HSC with maintaining integrity in their ethical and legal obligations to disclose financial interests with proposals and protocols submitted for funding and/or compliance review. The HSC Conflicts of Interest Committee is tasked with determining if an investigator’s interests have the potential to significantly affect or bias the design, conduct, or reporting of UNM research. If the Committee determines a potential conflict of interest exists, its goal is to develop a management strategy.
Q: Why does it matter what kinds of financial relationships researchers have?

A: Research has the capacity to make an impact on many people. Because it can have such an impact, there are people or entities, such as pharmaceutical companies or medical device manufacturers, that might make a lot of money, depending on the outcome of the research. When a researcher has financial relationships that might provide an incentive for producing research with a certain outcome, there is a risk that the research may be compromised.

The Conflicts of Interest Office puts protections in place in order to ensure that the quality of the research is not affected by financial relationships.

Q: Who has to disclose and how is the disclosure submitted?

A: Any individual who is responsible for design, conduct, or reporting of HSC research must complete a disclosure form. This includes faculty, staff, students, and non-UNM collaborators (e.g., consultants, contractors, or subaward recipients).

The form is included in submissions to the PreAward, Human Research Protections, and Research Allocation Committee offices, and to the Office of Animal Care Compliance, if not previously submitted to the PreAward office for the same protocol.

4.4 Research Involving Biohazardous Materials

Scientists at HSC engage in research with the hopes of finding new treatments, therapies and cures for human diseases. This requires, at times, that they use biohazardous materials to conduct research. The Biohazard Compliance Office (BHC) safeguards the HSC community and the community at large by ensuring all biohazardous materials associated with HSC research are secured in laboratories and handled properly to prevent accidental exposure. Before HSC scientists conduct experiments with microorganisms or artificially constructed living cells, the investigator must conduct a risk assessment. When any proposed experimental assessment has disease-causing risk potential, the investigator seeks approval from the Institutional Biohazard Compliance Committee (IBC) before initiating experiments.

Q: I work at UNM. I didn’t know that these kinds of materials were being used in research. Am I safe?
A: The safety of UNM faculty, staff, and students and members of the surrounding community is a top priority. Ensuring that research involving the use of these materials is safe is just one of the many ways in which UNM serves the community. The Biohazard Compliance Office puts processes and controls in place to ensure that these materials are handled safely and according to best-practices.

Q: Who is on the Institutional Biohazard Compliance Committee (IBC)? What is the process for IBC approval?

A: UNM’s IBC is certified annually by the NIH Office of Biotechnology Activities (OBA). IBC membership is comprised of the University Biosafety Officer, who serves as the UNM biosafety containment specialist, and a dozen or more UNM scientists with a variety of expertise in medical research, such as in infectious disease, animal experimentation, infection control, molecular biology, or other areas. Community members (unaffiliated with UNM) also serve on the committee. IBC members meet quarterly to critically review and discuss each Principal Investigator’s proposal, determining if enough safety barriers are built into the experimental plans before the experiment can be conducted.

4.5 Ethical Business Practices in Research

When you accept money from a grant to do research, you agree to use the money according to certain rules. It is very important to understand and follow these rules. If you don’t follow the rules, there can be serious consequences for yourself, your research, and the HSC.

The HSC will comply with all applicable laws and regulations governing the receipt and disbursement of sponsored funds and will adhere to all grant and contract obligations of the university, including true, accurate and allowable costs.

Q: Department money is tight right now and I need some office supplies. Can’t I charge them to my grant?

A: No. Costs that are charged to grants must be allowable. For many grants, items like office supplies and administrative support are not allowable even though they might be used to perform work associated with the grant.
Established in 1994, the University of New Mexico Health Sciences Center is the largest academic health complex in the state. The UNM HSC trains more than 1500 students each year in twenty-one (21) different fields.

Our mission is to provide an opportunity for all New Mexicans to obtain an excellent education in the health sciences. We will advance health sciences in the most important areas of human health with a focus on the priority health needs of our communities. As a majority-minority state, our mission will ensure that all population in New Mexico have access to the highest quality health care.

In order to realize our Vision and Mission, we will achieve the following goals:

1. Improve health and health care to the populations we serve with community-wide solutions;
2. Build the workforce of New Mexico by providing a premier education and transformative experience that prepares students to excel in the workplace;
3. Foster innovation, discovery and creativity; and translate our research and discoveries into clinical or educational practice;
4. Provide the environment and resources to enable our people and programs to do their best;
5. Deliver a well-integrated academic health center that provides high quality of care and service while being accessible to all New Mexicans;
5.1 **Code of Student Conduct**

All students are expected to abide by the Student Code of Conduct, which applies to both full time and part time students pursuing undergraduate, graduate or professional studies.

The policy can be found at: [https://pathfinder.unm.edu/campus-policies/student-code-of-conduct.html](https://pathfinder.unm.edu/campus-policies/student-code-of-conduct.html).

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5.2 **Student Grievance Procedure**

The UNM grievance procedure is intended to provide resolution of disputes of an academic nature between students and University faculty, as well as procedures for handling student disciplinary matters.

The policy can be found at: [https://pathfinder.unm.edu/campus-policies/student-grievance-procedure.html](https://pathfinder.unm.edu/campus-policies/student-grievance-procedure.html)
APPENDIX

POLICIES

*Not intended to be an exhaustive list of all policies.

HSC Policies:
The purpose of this site is to provide you with easy, online access to all policies that fall under HSC. Policies posted under the HSC Policies tab, are policies that apply to ALL HSC faculty and staff, regardless of your department, unit, clinic, college or facility affiliation.

http://hsc.unm.edu/policyoffice/

Regents’ Policy Manual:
Exercising powers granted under state law, the Board of Regents of the University of New Mexico adopted a body of policies for the governance of the University. The policies, which are published as the Regents' Policy Manual, provide the framework and authority for the University's administrative policies.

https://policy.unm.edu/regents-policies/index.html

University Administrative Policies and Procedures Manual:
The University Administrative Policies and Procedures Manual policies align operations across the University, define roles and responsibilities, and implement the policies in the Regents' Policy Manual. The policies include any institutional procedures necessary for a comprehensive understanding of the policies' intent and application. Before new and amended policies are issued, they must be approved in writing by the University President.

https://policy.unm.edu/university-policies/index.html