

NORTHCARE NETWORK

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| POLICY TITLE: Responding to Government Investigations on Premises | CATEGORY: Compliance | |
| EFFECTIVE DATE: 6/1/04 | BOARD APPROVAL DATE: 3/21/13 | |
| REVIEW DATE: 6/10/22 | REVISION(S) TO POLICY STATEMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | OTHER REVISION(S): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| RESPONSIBLE PARTY: Compliance Officer | CEO APPROVAL DATE: 7/12/22 Dr. Tim Kangas, CEO | |

APPLIES TO

NorthCare Network Personnel

POLICY

NorthCare Network staff will comply and cooperate with all lawful governmental investigations, warrants, subpoenas, and audits.

PURPOSE

To establish a protocol for responding to government investigations on NorthCare Network premises.

DEFINITIONS

N/A

REFERENCES

- NorthCare Network Compliance Plan and Policies
- Record Sequestration Policy

HISTORY

REVISION DATE: 5/2/07, 3/13/13, 12/18/13, 11/5/14, 1/22/19, 12/3/19, 8/23/21
REVIEW DATE: 12/13/10 (NorthCare Network Review), 1/13/11, 3/13/13, 12/18/13, 11/5/14, 9/19/15, 7/27/16, 5/16/17, 3/13/18, 1/22/19, 12/3/19, 10/21/20, 8/23/21, 6/10/22
CEO APPROVAL DATE: 3/13/13, 12/18/13, 11/5/14, 10/6/15, 8/2/16, 6/6/17, 3/27/18, 3/14/19, 1/7/20, 11/3/20, 9/7/21, 7/12/22
BOARD APPROVAL DATE: 6/1/04, 5/2/07, 3/21/13

PROCEDURES

- A. Unannounced visit by government representative/investigator
1. If a government representative arrives on NorthCare premises unannounced, NorthCare employees should ask them to wait in the reception area and notify the Chief Executive Officer (CEO) immediately.
 - a. The CEO will immediately notify legal counsel, Bonnie Toskey at Cohl, Stoker & Toskey, PC at 517-372-9000; Fax No: 517-372-1026.
 2. If the CEO is unavailable, the Compliance Officer (CO) shall be notified of the government representative's presence and shall notify the CEO and legal counsel.

3. If both the CEO and CO are unavailable, the designated Employee in Charge (EIC) shall be notified. The designated EIC shall immediately notify the CEO, the CO, and legal counsel. The EIC shall be determined based on availability according to the following list:
 - a. Chief Financial Officer
 - b. Chief Information Officer
4. The CEO/CO/EIC shall meet with the government representative privately to determine the reason for the visit. After assessing the reason for the visit, the CEO/CO/EIC shall determine if other NorthCare employees need to be involved and shall notify them.

B. Identification

1. The CEO/CO/EIC shall request the following from the government representative/investigator:
 - a. Name, agency affiliation, business telephone number, and address of all government officials involved (lead investigator should sign off this list).
 - b. Credentials, badge or identification card of the investigator(s) (obtain a copy if allowed);
 - c. Reason for the visit.
 - d. Copies of legal documents including subpoena(s), search warrants and affidavit, if any, providing reasons for the issuance of the warrant; and
 - e. Name of the prosecutor in charge of the investigations (if applicable).
2. The CEO/CO/EIC shall request an opportunity to consult with NorthCare's legal counsel before the search commences, and:
 - a. Provide NorthCare counsel with a copy of the subpoena(s) and/or search warrant.
 - b. If counsel is available by phone, put counsel directly in touch with the lead investigator.
 - c. Counsel should review the subpoena(s) and/or warrant to determine what is covered and shall advise the CEO/CO/EIC.
3. The CEO/CO/EIC shall:
 - a. Send all but essential personnel home or temporarily reassign them to other areas when a warrant is served.
 - b. Retain selected employees to help monitor the search.
 - c. Ensure that investigators are not left alone on NorthCare premises.
 - d. Note any statements or observations made by any investigators, in a method that does not interfere with the search.

C. Subpoenas

Subpoenas are used by government investigators to collect documentary evidence or require the attendance of an individual to give testimony. If an investigator arrives on NorthCare premises with a subpoena or investigative demand, NorthCare employees should immediately follow the notification provisions in Section A. A subpoena alone does not allow the investigator to search the premises or insist on the right to interview staff.

D. Searches

1. Without a Valid Warrant
 - a. If an investigator arrives on NorthCare premises and requests a search of the premises but does not have a valid search warrant, NorthCare employees should refuse to allow the search, and should immediately follow the notification provisions in Section A.
2. With a Valid Warrant
 - a. If an investigator arrives on NorthCare premises and requests a search of the premises with a valid search warrant, NorthCare employees shall not

interfere. NorthCare employees should immediately follow the notification provisions in Section A.

- b. If the investigator presents a valid search warrant(s), s/he has the authority to enter, search for evidence, and obtain those documents or materials encompassed by the warrant.
- c. The CEO/CO/EIC will attempt to negotiate an acceptable methodology with the investigator(s) to minimize disruptions and keep track of the process. Considerations should include:
 - The sequence of the search.
 - Whether investigators will accept copies in place of originals; and if so, who will make the copies and how.
 - Whether NorthCare will be permitted to make its own set of copies; and
 - Arrangements for access to records seized.
- d. The CEO/CO/EIC shall point out limitations on the premises to be searched (if appropriate) and on the property to be seized.
 - Consent shall not be given to expand the search beyond the scope of the warrant, however, NorthCare employees shall not prevent investigators from searching areas that they claim to have the right to search.
- e. The CEO/CO/EIC shall object to any search of privileged documents.
 - Privileged and confidential documents will be kept in a separate, locked location and labeled accordingly.
 - Privileged documents include any documents with protected health information or communications with legal counsel.
- f. Before the investigators leave, the CEO/CO/EIC shall:
 - Make an inventory of all documents and items seized with as much identifying detail as possible.
 - Request the lead investigator to note the date and time the search was completed as well as sign the inventory with the investigator's full title, address, and telephone number.
 - Make copies of the seized documents, particularly medical records.
 - Obtain copies of files from hard drives and copy diskettes, if possible, especially if the material is essential to the ongoing operations of NorthCare. If the investigator refuses, request the name and contact information of the person from whom you will be able to obtain copies.
- g. A search warrant does not include the right to interview staff.

E. Request for Interview

1. When government investigators request an interview, no staff member is obligated to speak to investigators. If a staff member decides to be interviewed, the staff member must tell the truth. A staff member may retain a private attorney to represent him or her in connection with a request for an interview. Legal counsel should be present for interviews whenever possible.
2. The staff member should always be polite and should obtain the following information from the investigator:
 - a. Name, agency affiliation, business telephone number, and address of all government officials involved.
 - b. Credentials, badge or identification card of all government officials involved; (copies should be made if allowed) and
 - c. Reason for the visit/interview request.

F. Employee Conduct

1. NorthCare employees must preserve and not destroy, discard, delete or modify any documents or data relating to the investigation or that is the subject of the subpoena or search warrant.
2. NorthCare employees should keep confidential all matters relating to the investigation and the subject matter of the investigation, except as required by law.
3. Except for communications with the CEO, CO, or NorthCare legal counsel, NorthCare employees should avoid communication with other employees or third parties about any investigation, whether by e-mail or otherwise.