

# IN THE LIGHT OF DAY



## The Smile Brands Code of Conduct & Ethics

CULTURE DRIVES COMPLIANCE™

(Rev. January, 2024)



# Living Smiles for Everyone, In the Light of Day



At Smile Brands Inc., our vision is to create *Smiles for Everyone*®! We believe that each Smile Brands constituent group – Patients, Dentists, Employees, Suppliers and the Community – should feel they have benefited by their interaction with us. If we make each of these groups smile at every touch point, then we are delivering *Smiles for Everyone*!

The success of this organization is a direct reflection of its people and culture. As we've grown, our commitment to operating *In the Light of Day* – to conducting business lawfully, ethically and with integrity at all times – has become inextricably tied to our values. Patients, team members, investors, business partners and I expect nothing less.

That is why we have developed this **Code of Conduct & Ethics** – to provide a common set of guidelines to help reinforce and uphold our commitment to always doing the right thing, even when no one is watching. This brochure outlines the basic principles that should guide us in everything we do as employees or affiliates of Smile Brands. It includes our vision, patient promise, service platform, leadership model, standards of conduct and the basic legal requirements applicable to us.

You are expected to familiarize yourself with the Code and apply it to what you do and how you do it. Those of you in supervisory roles should regularly discuss it with your team members.

Every member of the Smile Brands Board of Directors, as well as the executive and senior leadership teams, is fully committed to conducting the company's business in accordance with the Code.

**Please remember:** The Code is not a substitute for good judgment, nor does it cover every situation you may encounter during your professional career. The basic principles and standards are here; it's up to you to understand and apply them in your work. You have many resources to help you understand the Code and address your questions. Please use these resources as you strive to create *Smiles for Everyone, In the Light of Day, every day.*

A handwritten signature in blue ink, appearing to read 'S. Bilt'.

Steven C. Bilt  
Chief Executive Officer  
Smile Brands Inc.



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## Our Vision Smiles for Everyone®!

*Smiles for Everyone* means that every person with whom we interact should have a reason to smile. This includes:

### COMMUNITY

- Sharing our gifts
  - Locally
  - Internationally
- Supporting & Inspiring others

### COMPANY

- 25+ % practice margins
- Outstanding cash flow
- Stable office level performance & continuity

### PATIENTS

- 15-25% discount
- High patient satisfaction rating
- Convenient locations & extended hours
- Specialty services

### PROVIDERS

- Unlimited earnings potential  
*(target ave 20% above mtk.)*
- Advancement opportunities
  - Job stability
- Professional development

### EMPLOYEES

- Competitive wages /performance bonuses
  - Advancement opportunities
  - Job stability
- Professional development

### SUPPLIERS

- Growing partnership
  - Innovation
  - Fair price





## Celebrate.Everyday.Miracles.<sup>SM</sup>

Every day, Smile Brands, the affiliated providers and their support staff touch patients' lives in miraculous ways, large and small. Sometimes the discovery is life saving or the procedure life altering, while at other times it greatly enhances quality of care. Remembering, embracing and celebrating the privilege of creating Smiles for Everyone reminds each of us why we chose a career in health care.



### Our G3® Service Platform

G3 defines how each employee of Smile Brands and the affiliated dental groups should treat each person with whom they interact – and that includes each other!



#### Greeting

- Greet each person with a smile!
- Be friendly and sincere.
- Show enthusiasm – in person, on the phone and by email.

#### Guiding

- Ask questions and listen attentively.
- Guide each person through the next step.
- Guide them to the person who can help them if it's not you.

#### Gratitude

- Thank everyone for their trust, patience and understanding.
- Be grateful they trusted you to provide care, advice or direction





### Our Patient Promise

Our goal is to provide each patient with:

- A clean, inviting environment
- A warm, friendly greeting when you call or come in
- Doctors and staff who treat you with respect
- Quality, affordable dental care for you and your family
- A clear explanation of every aspect of your visit
- Our sincere appreciation for choosing and recommending this office



### Our VIBE Leadership Model

**Vision**

Share our Vision for world-class patient care and service.

**Inspire**

Inspire others to drive for results.

**Build**

Build and retain highly productive teams.

**Empower**

Empower the team to execute with excellence.

### Our S3<sup>®</sup> Service Platform

Safe. Smile. Space. S3 defines what we, as an organization, believe in and the behaviors we expect from our Teams and patients to keep our offices safe from infection, discrimination and aggression.

Smile Brands and the affiliated dental groups have created five principles that all Team members should follow “within our tent” to ensure that our offices are a safe haven.

1. We adhere to the strictest safety protocols to protect ourselves and our patients from infection. Every time.
2. We do not adjust our protocols for patients unwilling to do their part to ensure their safety and ours.
3. We empathize with patients who are under stress but we do not take their negative words or actions personally.
4. We do not tolerate discrimination, harassment or racism. This includes violence, micro-aggressions, and hateful or hurtful language. We maintain an environment where these issues are decisively addressed.
5. We are a Team. We pick each other up. We protect one another. We support each other with kindness, understanding, and empathy. We “recharge” our teammates when we see or they express a need.





## Our Compliance & Ethics Program

# IN THE LIGHT OF DAY

We demonstrate our  
commitment to transparent,  
honest, & responsible conduct.



## The Compliance & Ethics Program applies to:

- All Smile Brands executives, managers and employees and
- The affiliated dental groups' employees, such as dentists, hygienists and dental assistants

The Compliance & Ethics Program is designed to help you understand what's expected of you:

- You are individually **empowered** to take action.
  - This empowerment comes with responsibility.
- **The responsibility for compliance and ethics rests with you.**

At Smile Brands, the Audit Committee of the Board of Directors and the Compliance and Ethics Committee provide oversight of the Compliance and Ethics Program. The Compliance Officer provides day-to-day management of the program's operation and is always available to answer questions and receive comments or concerns. Affiliated dental group presidents who have adopted the Code of Conduct are also available as a resource for affiliated dental group staff. The details of the program can be found on the Smile Brands intranet; go to the iSmile LaunchPad→Smile Wiki→Policies & Procedures→Chapter 8: [Compliance Policies & Procedures.](#)



## Our Code of Conduct

The purpose of our Code of Conduct is to:

- Demonstrate our commitment to transparent, honest, and responsible conduct
  - In other words, to operating *In the Light of Day* at all times
- Increase awareness of what is considered unlawful or unethical behavior
  - Enhance everyone's understanding of applicable laws, regulations, and our ethical obligations
- Serve as a deterrent to unacceptable actions
- Encourage all Smile Brands employees and affiliated dental professionals to abide by appropriate standards of conduct and to report potential problems

This Code of Conduct is a guide for the overall conduct everyone is expected to follow. The Compliance & Ethics Program policies and procedures (P&Ps) provide guidance on specific topics, such as:

- The Compliance & Ethics Program Plan
- Duty to Report Potential Compliance Violations
- Non-Retaliation Policy
- Fraud, Waste & Abuse
- EthicsPoint – Compliance Hotline

## In the Light of Day:

### Behaving Ethically and with Integrity

When we talk about behaving In the Light of Day, this means:

- We should always conduct ourselves in a way we would be proud to describe to our family or friends.
- We should be able to look in the mirror each evening, be pleased with what we see, and have no reservations about any actions we took that day.
- If the decisions we made and the actions we took over the course of any day appeared on the front page of the newspaper or went viral on the Internet, we would not be ashamed or embarrassed.

## Managers' Responsibilities

Smile Brands and affiliated dental group managers have additional responsibilities related to ethical behavior. For example, managers must:

- Act as role models, holding themselves to the highest standards of ethical business conduct
- Ensure team members complete the Code of Conduct training course
- Reinforce the Code and make sure team members understand what's expected of them
- Monitor team members' business conduct to ensure compliance with the Code
- Create a positive work environment where team members are comfortable raising questions and concerns

**Managers must immediately report** any known or suspected ethical or legal misconduct and never retaliate or ignore acts of retaliation against others. Managers who fail to report a violation they know about — or should have known about — may be subject to discipline, up to and including termination.

Smile Brands' executive officers and affiliated dental group presidents must uphold the above managerial responsibilities, as well as the principles set forth in our Code of Conduct.





### Corporate Practice Of Dentistry Rules

Virtually all states have prohibited corporations from practicing dentistry. This has been termed the “corporate practice of medicine doctrine.” Specifically, some states have laws that preclude business corporations from owning and operating dental offices and employing practitioners.

Generally, all states outlaw any interference by unlicensed people or entities with dentists’ independent clinical judgment and patient care. Regardless of state-specific rules, Smile Brands believes that the doctor- patient relationship is sacrosanct.



**Smile Brands recognizes** the sanctity of the dentist/patient relationship and supports it by providing comprehensive business support services, facilities and equipment to general and multi-specialty dental groups so that dentists can devote their attention to their patients.

Smile Brands does not practice dentistry. Affiliated dental groups are generally operated by legal entities organized under state laws as Professional Corporations (PCs). Each PC controls a single dental group which employs or contracts with dentists, specialists, hygienists, and dental assistants to provide dental services in multiple offices. Each affiliated dental group is wholly owned by one or more licensed dentists.

The following points will help you understand the relationship between Smile Brands and the affiliated dental groups:

- Smile Brands Inc. does not employ the dentists, hygienists or dental assistants.
  - These professionals are employed by independent affiliated dental groups, which provide professional dental services to patients.
- The affiliated dental groups contract with Smile Brands Inc. for administrative support services.
- A dentist may form an affiliated dental group and may employ licensed professionals to provide dental services.
- With the exception of AZ and WI practices, the affiliated dental groups are independently owned by individual dentists, not Smile Brands.
- The affiliated dental groups, through their providers, deliver dental care directly to patients.
- Smile Brands does not control patient clinical dental records.
  - The affiliated dental groups maintain ownership and control of patient records.
- A patient benefits counselor /treatment care coordinator does not make any decisions concerning what treatment is needed for a patient.
  - The dentist (and in some extremely limited circumstances, a dental hygiene professional) retains full professional control over the diagnosis and care of their patients at all times.
  - A patient benefits counselor/ treatment care coordinator may assist a patient in: understanding a provider's diagnosis; the extent of third-party benefits; and other payment options.
- Only the dentist (and in some extremely limited circumstances, a dental hygiene professional) can determine what tests or treatments are appropriate for a patient.
- The Clinical Board of Directors does not make decisions concerning clinical policies and formulary structure.
  - The Clinical Board of Directors recommends changes to clinical policies and the formulary.
  - Each of the affiliated dental groups may elect to adopt and approve clinical policy recommendations and formulary changes.

### Standards Of Conduct Preventing Fraud, Waste & Abuse

At Smile Brands Inc. and its affiliated dental groups, we prevent fraud, waste and abuse by:

- Conducting business and personal activities with integrity, honesty and transparency
- Complying, in all official acts and duties, with all applicable laws, rules, regulations, and standards of conduct
- Not abusing resources by billing for unnecessary dental services, upcoding or unbundling





# STANDARDS OF CONDUCT

## For dental group staff this includes:

- Not wasting resources by scheduling excessive office visits, writing excessive prescriptions or charging excessively for services
- Conforming to all practice protocols and ethics of the Professional Corporation, Clinical Board of Directors, the American Dental Association or the American Dental Hygienists' Association, and applicable state licensing authorities
- Becoming familiar with any and all requirements of any third-party payer sources, including, but not limited to, Medicaid, managed care and private insurers

## Prohibited behavior includes:

- Making, filing, or using any false, fictitious, or fraudulent statements or documents in connection with the delivery of or payment for health care benefits, items or services
- Falsifying, concealing or covering up a material fact in the performance of your duties

Each of us is responsible for reporting any suspected violations of applicable laws, rules, regulations, and standards of conduct to EthicsPoint at 888.366.6034 or by going to [www.smile.ethicspoint.com](http://www.smile.ethicspoint.com).

Retaliation or retribution for good-faith participation in the Compliance & Ethics Program is prohibited. If you are found to have engaged in retaliation or retribution against someone who has in good faith participated in the Compliance & Ethics Program, it will result in disciplinary action, up to and including termination.

## Each of us is expected to cooperate in any investigation of possible wrongdoing, if asked. It is a violation of this Code to:

- Destroy information regarding a situation being investigated
- Provide false or incomplete information regarding ethical or legal misconduct
- Conceal or fail to report information regarding ethical or legal misconduct
- Discuss any matter under investigation without prior approval from the investigation team

In the event the investigation reveals that misconduct has occurred, Smile Brands may respond as it deems appropriate or necessary, consistent with the law. Depending on the circumstances, this may include training and/ or disciplinary action, up to and including termination. You may also be subject to civil or criminal prosecution for violating the law.

## Business Conduct

These are the specific standards to which employees of Smile Brands and its affiliated dental groups hold themselves:

- We behave professionally at all times, without exception.
- We honor everyone's differences.
  - We create a positive work environment by valuing diversity, showing respect and acting with humility.

## STANDARDS OF CONDUCT

- We do not discriminate based on age, sex, race, ethnicity, citizenship, color, national origin, disability, sexual orientation, gender identity, religious beliefs or any other characteristic protected by law.
- We prohibit any type of harassment in the workplace by an employee, affiliated provider, patient or supplier.
- We treat patient records with the importance and confidentiality that we would expect others to treat our personal information and in compliance with organizational policies.
- We do not use or access Smile Brands' or the affiliated dental groups' computers, voice mail, email and internet systems in any manner that is unlawful, inappropriate or contrary to the company's or the affiliated dental groups' best interests.
- We are committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities.
- Every patient is entitled to efficient and courteous service.
  - Since such service is given impartially to all, tips or gratuities are not expected and are not to be accepted.
- The protection of confidential business information is vital to the interests and the success of our organization.
  - Employees or dental group staff who improperly use or disclose confidential business information to outside parties will be subject to disciplinary action, up to and including termination and legal action, even if they do not actually benefit from the disclosed information.
- We respect and support everyone's right to participate in political activities.
  - Contributing your time, your own money, or resources to any political activity is entirely personal and voluntary.
  - With the exception of work being performed on behalf of and specifically at the direction of Smile Brands or an affiliated dental group, we do not imply that we represent Smile Brands or an affiliated dental group in such political activities.
- We receive orientation and training in compliance policies and procedures.
  - Participation in required training is a condition of employment or affiliation. Failure to participate in required training may result in disciplinary actions, up to and including termination.





## Health and Safety

Because employees and affiliated dental group staff are the organization's most valuable resource, management is committed to providing a safe work environment and to minimizing the risk of accidents and injuries.

Each of us has a responsibility to contribute to a healthy and safe workplace and to encourage others to maintain to do likewise. That's why the organization has adopted the following safety policies and procedures:

- If your job requires you to use hazardous or toxic materials, you are expected to comply with all laws, rules and regulations concerning their safe handling and disposal.
  - If you have questions about the materials you work with or the proper safety procedures to follow, please discuss them with your manager or supervisor.
- You are expected to:
  - Conscientiously observe safety rules and regulations at all times.
  - Exercise maximum care and good judgment at all times to prevent accidents and injuries.
  - Follow common sense safety practices and correct or report any unsafe conditions, equipment or practices.
  - Assist Smile Brands and the affiliated dental groups in maintaining safe working conditions.
  - Alert your supervisor when you observe a risky activity or situation.

## STANDARDS OF CONDUCT

- Use required safety equipment at all times.
- Report all injuries.
- Refrain from violence or other conduct that may be hazardous or dangerous to others.
- Report to work free from illness to avoid infecting colleagues and patients.
- Report to work and remain completely free from the effects of drugs and alcohol.

The Occupational Safety and Health Administration (OSHA) is an agency of the federal government that ensures proper compliance with current workplace health and safety regulations. Accordingly, OSHA conducts inspections of dental offices. To be prepared, office staff and affiliated providers should be aware of OSHA's program and what they should do to create and maintain a safe and healthy environment for all Smile Brands employees, affiliated dental group staff and patients.



The best way to handle an OSHA inspection is to be OSHA compliant by following the guidelines set forth in the company's safety program, **We Do it Right**. It is important to have all paperwork current, all materials in proper order and always follow established policies and procedures to ensure dental office safety. Ensure that the dental office knows how to access the electronic OSHA manual on the intranet, and that everyone working in the office is aware of its location and the information contained in it. To be up-to-date, the OSHA manual should have a current exposure control plan and a current hazard communication plan.

### Standard Precautions

- Treat all bodily fluids as potentially infectious.
- Any item or person that could potentially be contaminated should be treated as infectious, including all instruments, surfaces, staff and patients.
- To properly protect from exposure to infectious contaminants, employees and affiliated dental group staff should be provided with, and be required to use, personal protective equipment when handling anything that could potentially be contaminated.
- Also, ensure that all dental office staff follow the proper dress code procedures, which should include wearing jackets with long sleeves, gloves, masks and eye protection whenever performing a duty that could possibly expose them to infectious materials.
- These dress items should be properly maintained, cleaned and replaced when needed.



## Privacy and Confidentiality

### HIPAA, PHI and PII

Smile Brands and the affiliated dental groups are responsible for keeping patients' Protected Health Information (PHI) and Personally Identifiable Information (PII) confidential and using and disclosing it as permitted under the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules; the Health Information Technology for Economic and Clinical Health (HITECH) Act; and applicable state laws.

PHI includes all medical records, billing records, and other health information about an individual. PHI takes many forms including paper, electronic and oral, plus computer and paper files, computer disks or tapes, insurance statements, prescription forms, lab reports, correspondence from doctors, patient forms, emails, explanation of benefits notices, collection documents, conversations between doctors and staff, and faxes.

**PII** is any information connected to a specific individual that can be used to uncover that individual's identity, such as their social security number, full name, address, credit/debit card, driver's license number, etc.



# STANDARDS OF CONDUCT

Each affiliated dental group has a “Notice of Privacy Practices” that explains how each office uses and discloses PHI and explains a patient’s rights according to the HIPAA Privacy Rule and HITECH Act. All patients must be aware of the availability of the Privacy Notice.

All patients are given certain rights under the HIPAA Privacy Rule. These include the right to:

- Access or obtain a copy of their own health information
- Request amendments to their health information
- Request restrictions on how we use or disclose their information
- Request communications from us in an alternative manner or location
- An accounting of certain disclosures (releases of PHI)
- Receive a paper copy of our Notice of Privacy Practices

PHI is available to staff of affiliated dental offices that need it to do their jobs. The Privacy Rule does not restrict the use or disclosure of health information for treatment activities. For example, when a patient is referred to another doctor, PHI may be disclosed to the subsequent provider to allow him or her to perform the referred treatment.

However, when PHI is being used or disclosed for payment or other healthcare operational activities, only the minimum amount of PHI necessary for the task being performed may be disclosed. When disclosing PHI to a non-healthcare entity, only the PHI that is needed for the particular purpose may be disclosed. For example, if a life insurance company presents a signed authorization from a patient to release his or her exam results, only the exam results should be disclosed.

Do your part to keep PHI and PII private and secure. For example, follow all organizational policies and procedures for security and privacy that you are given or are aware of. Do not discuss patients outside the office when you are not working.

If you see or know of a violation of privacy laws, you must report it immediately. By law, you cannot be punished for the good faith reporting of a violation.

Should you have questions about any HIPAA/ HITECH related patient privacy or security issue, feel free to contact the Compliance Department. To report a concern, contact EthicsPoint at 888- 366-6034 or go to [www.smile.ethicspoint.com](http://www.smile.ethicspoint.com).





## Billing and Coding

Billing and coding must be done with the utmost integrity and accuracy. There are important federal and state laws that govern billing practices. Issues that these laws seek to address, which you should be aware of so that suspected violations may be reported promptly, include, but are not limited to:

- **Billing for items or services not actually rendered** – Submitting a claim or invoice for payment that represents that a service was performed, all or part of which was not performed.
- **Providing dentally unnecessary services** – Intentionally seeking reimbursement for a service that is not warranted by a patient's current and documented condition.
- **Up-coding** – Using a billing code that provides a higher payment rate than the billing code that actually reflects the service furnished to the patient.
- **Duplicate billing** – Inappropriately submitting more than one claim for the same service or submitting a claim to more than one primary payer at the same time.
- **Unbundling** – Submitting bills piecemeal or in fragmented fashion to maximize the reimbursement for various tests or procedures that are required to be billed together and therefore at a reduced cost.
- **Credit balances** – Failing to appropriately refund credit balances.

If any of these actions are suspected, or any other practice related to billing and coding seems inappropriate or unethical, it is your responsibility to report the matter to EthicsPoint at 888 - 366 -6034 or go to [www.smile.ethicspoint.com](http://www.smile.ethicspoint.com).

## Accurate Financial Records

Smile Brands creates and maintains accurate financial records. We never falsify or improperly alter information in any financial records, time records, reports or other documents. All financial information must reflect actual transactions and conform to all industry standards. These records serve as a basis for managing our business and are essential for us to meet all of our obligations — internal and external. Smile Brands maintains a system of controls to provide reasonable assurances that all transactions are executed and reported properly.



# STANDARDS OF CONDUCT



## Employment

### Fair Labor Standards Act

The Fair Labor Standards Act (FLSA), dating back to 1938, is one of the oldest federal laws regulating the work environment. The FLSA is administered and enforced by the Department of Labor's (DOL) Wage and Hour Division. All work that an employee is permitted to work must be compensated by the employer. Some work defined as de minimis work (a few seconds or minutes here and there that are too inconsequential to worry about) does not have to be compensated. The DOL has adopted regulations to help define what does and what does not count as hours worked. Essentially, activities that an employee performs that are for the primary benefit of the employer constitute compensable work time.

### *What Constitutes Hours Worked?*

The DOL has adopted the continuous workday rule, which means that the workday is generally defined as the period between the commencement and completion on the same workday of an employee's principal activity or activities.

A number of different courts have found these examples of preliminary activities are really principal activities and therefore are compensable:

- Turning on switches for lights and machinery
- Powering up and testing an x-ray machine integral to taking x-rays.

This is particularly important because once employees engage in such activities, the workday has started, and under the continuous workday rule, any subsequent walking, waiting, or other time generally must be counted as time worked.

## STANDARDS OF CONDUCT

The Department of Labor is and has been focusing on the time spent by employees turning on computers and pulling up computer applications, especially in certain work environments. If employees turn computers on and then spend time sitting there waiting or visiting with co-workers while computer applications boot up, the DOL thinks that all such time is compensable under the continuous workday rule.

If employees log into a time recording system after these initial activities, an employer could be systemically missing the first several minutes of its employees' work time every day. The DOL takes the position that during this waiting time employees are actually "engaged to wait" for their computers to boot up and their work applications to load. Thus, the time is compensable.

### Off-the-Clock Work Violations

Working outside of one's scheduled work time without pay is generally known as working "off the clock." An employer's failure to pay employees for off - the - clock work is one of the more common violations of federal and state wage hour laws. Some typical off - the - clock work violations include:

- Time that non-exempt employees spend at the workplace waiting for computers or other electronic systems to boot up or shut down
- Being required to check or respond to voice mails or emails before or after an employee's regularly scheduled workday commences or ends
- Performing required online training or completing required job-related paperwork online after hours.

It is not unlawful for hourly employees to perform these activities outside their normally scheduled hours. What is unlawful is for hourly employees to perform these principal activities without the time being properly recorded and paid in accordance with minimum wage and overtime laws.

Employees and affiliates should become familiar with the laws in their states that govern breaks, overtime and paid time off to ensure you comply with local regulations.

If you see or suspect a violation of the Fair Labor Standards Act, you must report it immediately. By law, you cannot be punished for the good faith reporting of a violation.

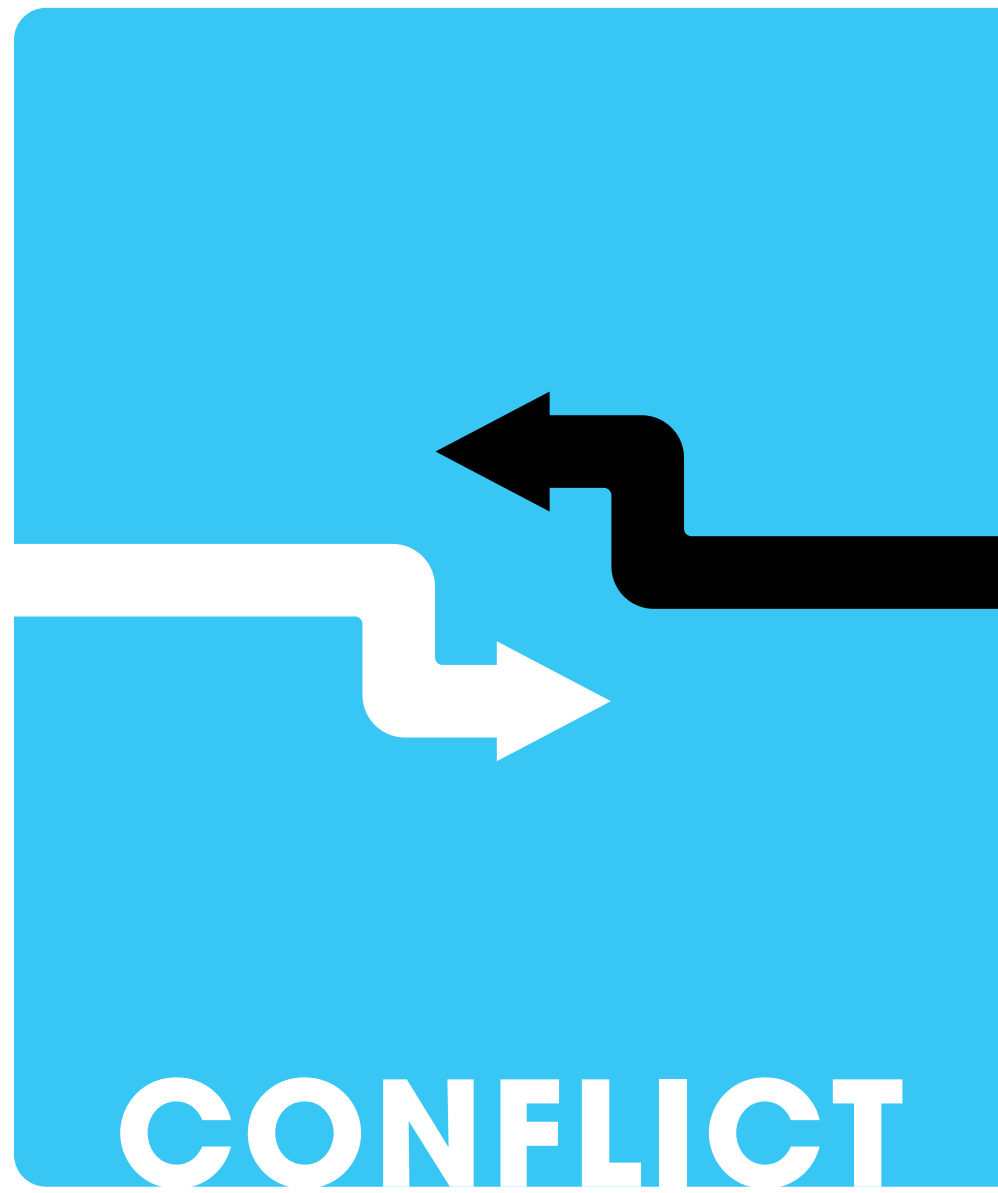




### Conflicts of Interest

It is the policy of Smile Brands and its affiliated dental groups to prohibit employees from engaging in any other business that competes with Smile Brands or its affiliated dental groups. Also prohibited is maintaining a financial interest in an outside concern which does business with or is a competitor of Smile Brands or its affiliated dental groups (except where such ownership consists of securities of a publicly owned corporation regularly traded on the public stock market). Rendering of directive, managerial or consulting services to any outside concern that does business with or is a competitor of Smile Brands or the affiliated dental groups, except with the knowledge and written consent of the affiliated dental group president, is also prohibited. If you think that there is a possibility that you may have a conflict, it is your responsibility to notify the Smile Brands' Compliance Officer.

There have been times when most of us have had the opportunity or the need to have two jobs at one time. It is important that such outside interests do not interfere in any way with an employee's or affiliated provider's primary job with Smile Brands or the affiliated dental groups. If your second job could create a potential conflict of interest, for example, working for a competitor, you are required to obtain advanced, written approval, as appropriate, from your Human Resources Business Partner and (1) from your Director of Market Operations, and your PC President or (2) the head of your Department (if you are a support center employee).



### Exclusion Checks, Licensing & Credentialing

The Patient Protection and Affordable Care Act (PPACA) of 2010 has brought many sweeping changes to the healthcare system – including expanded criteria for medical license violations, plus the regulatory budget to aggressively levy penalties for those violations.



### State and Federal Exclusion Checks

Before PPACA, most healthcare organizations checked provider licensing and credentialing only at the time of hire or at the renewal stage. Now the Office of the Inspector General (OIG), which contributes to the enforcement of regulations governing the Medicaid program and other federally funded health care programs, strongly recommends checking federal and state exclusion lists prior to hire and monthly thereafter; there are good reasons to do so. The OIG maintains an exclusion list at <http://www.oig.hhs.gov> and the General Services Administration maintains a list at [www.sam.gov](http://www.sam.gov). PPACA Clause 6501 stipulates that if a provider is excluded from participation in one of the federally funded health programs in one state, then he or she is excluded in all states.

In the view of regulators, for organizations that either knew or “should have known” about licensing exclusions, the penalties are harsh. Providers participating in Medicare/Medicaid can be fined up to \$10,000 for each item or service billed by an excluded provider on the OIG or GSA lists and if it is determined to be knowing and willful, the reimbursement to Medicare can be tripled. The organization and the provider may also face charges under the Federal False Claim Act and may lose their reimbursement privileges entirely. In addition, organizations in violation face legal liability for negligent hire or retention.

### Licensing and Credentialing

The mere issuance of the license does not, in and of itself, mean that the individual maintains the same status for the remainder of the term, nor does it ensure that possible sanctions or disciplinary actions have never been, or ever will be, associated with the licensee’s future behavior or past actions/ inactions. The only way to be sure, is to verify, monitor and comply.

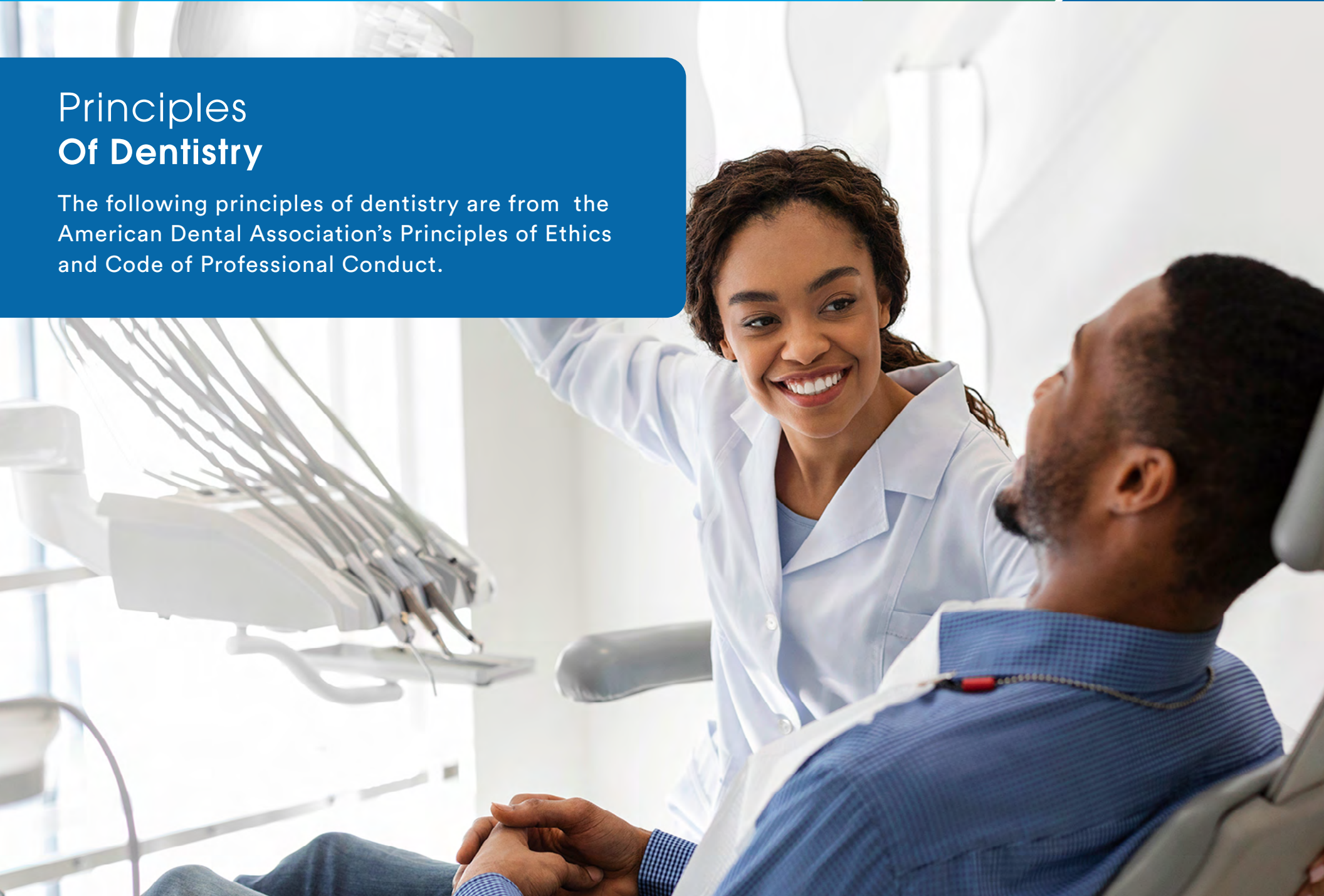
A license is issued by a state licensing body and signifies that the individual has met the minimum standards and requirements for that professional designation in that jurisdiction. All licensed providers are credentialed upon hire and every three years thereafter. Credentialing involves meeting requirements of carriers with whom we contract.





## Principles Of Dentistry

The following principles of dentistry are from the American Dental Association's Principles of Ethics and Code of Professional Conduct.



## Patient Autonomy – Self-Governance

Dentists and dental professionals have a duty to respect the patient's rights to self-determination and confidentiality. This principle expresses the concept that professionals have a duty to treat the patient according to the patient's desires, within the bounds of accepted treatment, and to protect the patient's confidentiality. Under this principle, the dentist's and dental professional's primary obligations include involving patients in treatment decisions in a meaningful way, with due consideration being given to the patient's needs, desires and abilities, and safeguarding the patient's privacy. The dentist and dental professional should inform the patient of the proposed treatment, and any reasonable alternatives, in a manner that allows the patient to become involved in treatment decisions.

## Non-Maleficence – Do No Harm

Dentists and dental professionals have a duty to refrain from harming the patient. This principle expresses the concept that professionals have a duty to protect the patient from harm. Under this principle, the dentist's and dental professional's primary obligations include keeping knowledge and skills current, knowing one's own limitations and when to refer to a specialist or other professional, and knowing when and under what circumstances delegation of patient care to auxiliaries is appropriate.

## Beneficence – Do Good

Dentists and dental professionals have a duty to promote the patient's welfare. This means that dental professionals have a duty to act for the benefit of others. Under this principle, the dentist's and dental professional's primary obligation is service to the patient and the public at large. The most important aspect of this obligation is the competent and timely delivery of dental care within the bounds of clinical circumstances presented by the patient, with due consideration being given

to the needs, desires and values of the patient. The same ethical considerations apply whether the dentist engages in fee-for-service, managed care or some other practice arrangement. Dentists may choose to enter into contracts governing the provision of care to a group of patients; however, contract obligations do not excuse dentists from their ethical duty to put the patient's welfare first.

## Justice – Fairness

Dentists and dental professionals have a duty to treat people fairly. This principle expresses the concept that professionals have a duty to be fair in their dealings with patients, colleagues and society. Under this principle, the dentist's primary obligations include dealing with people justly and delivering dental care without prejudice. In its broadest sense, this principle expresses the concept that the dental profession should actively seek allies throughout society on specific activities that will help improve access to care for all.

## Veracity – Truthfulness

Dentists and dental professionals have a duty to communicate truthfully. This principle expresses the concept that professionals have a duty to be honest and trustworthy in their dealings with people. Under this principle, the dentist's primary obligations include respecting the position of trust inherent in the dentist-patient relationship, communicating truthfully and without deception, and maintaining intellectual integrity.

### Disclosure Program: Reporting Ethical Violations

Smile Brands provides a toll-free compliance and ethics telephone number to enable individuals to disclose any identified or suspected issues, or to seek guidance about the Code of Conduct or the Compliance & Ethics Program.

This service is known as EthicsPoint, which can be reached at 888.366.6034 or accessed online at [www.smile.ethicspoint.com](http://www.smile.ethicspoint.com).

### Non-Retaliation

It is the policy of Smile Brands and the affiliated dental groups to protect employees, dental group staff and applicants for employment from unlawful retaliation. Applicable law prohibits retaliation against any employee or affiliated provider by another employee or affiliated provider for reporting in good faith, assisting in or otherwise participating, in any manner in good faith, in the Compliance & Ethics Program or in an investigation conducted pursuant to the program.

Smile Brands and the affiliated dental groups will not tolerate retaliation against any employee or affiliate for his or her good-faith opposition to a practice the employee or affiliate reasonably believes constitutes unlawful conduct or could possibly be a violation of any internal policies, procedures or standards of conduct. Employees or affiliates who choose to voice or otherwise communicate such opposition must do so in a manner which does not violate Smile Brands or the affiliated dental group policies, does not constitute an unlawful act, does not harass or threaten employees or affiliates or otherwise disrupt the workplace.





Those who retaliate against an employee or affiliate who has participated in good faith in efforts intended to bring to light suspected violations of law, policy or standards of conduct will be subject to severe discipline up to and including termination.

Smile Brands and the affiliated dental groups require all employees and affiliates to report any instances of discrimination or harassment and will not allow those employees or affiliated providers to be retaliated against in any manner.

If an employee or affiliate believes they have been retaliated against, they must immediately request assistance from their manager, supervisor, Human Resources Business Partner, the Compliance Officer or through EthicsPoint.

Like all assertions of violations of the Smile Brands Compliance & Ethics Program, assertions of retaliation will be taken very seriously and promptly investigated.

Upon receipt of any disclosure, the Compliance Officer will gather all relevant information and initiate a good-faith inquiry into the allegation.

**For any disclosure that is sufficiently specific so that it reasonably permits a determination of the appropriateness of the alleged improper practice and provides an opportunity for taking corrective action, Smile Brands will conduct an internal review of the allegations contained in the disclosure and ensure that proper follow up is conducted.**

### Consequences of Ethical Violations

Smile Brands and the affiliated dental groups do not tolerate behavior that violates our Code of Conduct and are committed to taking prompt action against all violators. Violations can pose serious risks to the company, the affiliated dental groups, coworkers, patients and investors.

#### *Consequences for patients may include:*

- Compromised quality and safety

#### *Consequences for the individuals involved in wrong doing may include:*

- Prosecution, fines, imprisonment, legal judgments and other penalties
- Loss of bonus or other compensation
- Disciplinary action up to and including termination
- Damage to personal reputation

#### *Consequences for Smile Brands and/or the affiliated dental groups may include:*

- Prosecution, fines, legal judgments and other penalties
- Loss of business
- Damage to the organization's reputation, customer relations and business opportunities

### Frequently Asked Questions

EthicsPoint can be reached at 888.366.6034 or accessed online at [www.smile.ethicspoint.com](http://www.smile.ethicspoint.com).



#### Compliance Hotline

- Q:** If I make a report to EthicsPoint, will I have to speak with a Smile Brands employee? Do I have to provide personal information and is my phone number or IP address recorded?
- A:** No. EthicsPoint is staffed by a third-party contractor with trained personnel. No attempt is made to identify the caller or reporter.
- Q:** What issues should I report to EthicsPoint?
- A:** You should report the following issues: billing concerns, charting concerns, coding concerns, HIPAA issues, ethical questions, financial reporting issues, misuse of funds or property, harassment and workplace violence, environmental/health/safety concerns, misconduct/inappropriate behavior, violations of policy or Code of Conduct & Ethics and suspected violations of federal, state or local law.
- Q:** How long will it take to follow up on my complaint?
- A:** All EthicsPoint reports are investigated within a reasonable amount of time, based on priority. You will be provided information with which to check on the status of your report.
- Q:** Is there any way my identity can be discovered when I file an EthicsPoint report?
- A:** Smile Brands strives to maintain the confidentiality of reporters. However, individuals who make reports may become known during an investigation based on factual circumstances.

Employees or affiliated staff who make reports are reminded that Smile Brands will protect the identity of each reporter to the extent possible and that Smile Brands prohibits retaliation for reporting compliance and ethics issues in good faith.

### Non-Retaliation

**Q:** What is a “good faith” report?

**A:** A report made with the honest and reasonable belief that a Smile Brands- related violation of law or policy or other instance of non-compliance or related misconduct may have occurred. Reports that are knowingly false, made with malicious intent or with reckless disregard for or willful ignorance of facts that would disprove the allegation made are not good faith reports, are prohibited by policy and may subject the violator to disciplinary action up to and including termination.

### Health and Safety

**Q:** I witnessed a co-worker cleaning a tray that included sharp instruments without wearing appropriate safety equipment. What do I do?

**A:** The health and safety of all employees and affiliates is very important. You should report the incident to your supervisor, Human Resources Business Partner or the Smile Brands’ Compliance Officer.

### HIPAA and Confidentiality

**Q:** Mary, my neighbor, was recently a patient in the office I work in. I saw another neighbor while shopping; she asked me if I knew how Mary was doing. How should I reply?

**A:** You cannot discuss Mary’s care, her condition or even acknowledge that she was seen as a patient.

**Q:** Can I provide a patient’s specialist a copy of the patient’s most recent exam notes?

**A:** Yes. You can provide Protected Health Information (PHI) to another healthcare provider for the purpose of treating a patient without getting the patient’s authorization. However, you do need to have verification of the patient’s treatment relationship with the healthcare provider making the request.

**Q:** I have a Social Media account that I update regularly. Can I make posts about my day at the office?

**A:** Employees and affiliated staff must be cautious about posting work-related information on these sites due to the nature of our business and privacy concerns for patients. Do not post confidential information, such as photographs and/ or recordings. Smile Brands, the affiliated dental groups and their employees must comply with all federal and state privacy laws. Anyone found posting confidential information on social media could face disciplinary action, up to and including termination.



### At-Will Employment

This Code of Conduct is not an employment contract and does not create any express or implied promise for specific treatment in any situation. Employment with Smile Brands or the affiliated dental groups is “at will,” unless stated otherwise, and is not guaranteed. Your employment may be terminated by you or the company at any time for any reason that is not prohibited by law, with or without cause, and with or without notice. No employee or representative of Smile Brands or the affiliated dental groups has the authority to make any promises or commitments of continued employment to change this at any time.



### Resources

The Compliance & Ethics Program's policies and procedures (P&Ps) can be found on the company's intranet; go to the iSmile LaunchPad Smile Wiki Policies & Procedures Chapter 8: Compliance Policies & Procedures. These policies and procedures include:

- Our Compliance & Ethics Program
- Duty to Report Potential Compliance Violations
- Non-Retaliation
- Fraud, Waste & Abuse
- Compliance Hotline:
  - Contact EthicsPoint at 888.366.6034 or at [www.smile.ethicspoint.com](http://www.smile.ethicspoint.com).

# Making Ethical Choices

Rules are not a substitute for good judgment. This Code of Conduct and Ethics sets forth the minimum standards of acceptable behavior. It is not intended to cover every issue that may arise. The Code of Conduct and Ethics is not exclusively about what we at Smile Brands and the affiliated dental groups can and cannot do; it is also meant to provide you with supportive resources.

**You should immediately report illegal or unethical conduct.** If you do not, the unreported activity could harm patients, you, other employees or affiliates, Smile Brands or the affiliated dental groups. Failure to report suspected legal or ethical violations may also lead to disciplinary action, up to and including termination.

### If You Need Help

If you need help deciding how to handle or report a situation, first turn to your supervisor. If for any reason you do not feel comfortable speaking to your supervisor, you should feel free to contact the Compliance Officer or EthicsPoint at 888.366.6034 or at [www.smile.ethicspoint.com](http://www.smile.ethicspoint.com).

**If you are ever unsure of the right thing to do, ask yourself:**

- Will my decision compromise any of Smile Brands' or the affiliated dental groups' commitments to patients, employees, affiliated providers, business partners or the communities they serve?
- Is the action legal?
- Is the action fair and just?
- Does the action lead to fraud, waste or abuse?
- Can I take the action In the Light of Day?

The answers to these questions, and this Code of Conduct, will help guide you in maintaining your personal integrity and upholding the values of Smile Brands and the affiliated dental groups.





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