

Issuing Department: Internal Audit, Compliance, and
Enterprise Risk Management

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Responding to Governmental Investigations and Law
Enforcement Requests

I. Summary of Policy

NYU Langone Health is committed to cooperating fully with all reasonable requests from governmental agencies, including both regulatory agencies and law enforcement, that have legal authority over NYU Langone Health's activities.

II. Policy Purpose

To provide guidance to the NYU Langone Health community on how to respond appropriately to inquiries from regulatory agencies and law enforcement about NYU Langone Health's activities, enabling NYU Langone Health to cooperate fully with a government or law enforcement investigation or request.

III. Applicability of the

V. Policy

NYU Langone Health cooperates fully with reasonable requests from an Authorized Investigator that relate to NYU Langone Health's activities. Given the nature of NYU Langone Health's activities, certain requests may require that Legal Process be appropriately served prior to NYU Langone Health providing such documents, witnesses, or other such actions, at which time NYU Langone Health will cooperate.

Under no circumstances shall any member of the NYU Langone Health community ever lie or make misleading statements to an Authorized Investigator, or pressure any other person to hide information from, or provide false information to, an Authorized Investigator. No member of the NYU Langone Health community shall knowingly or recklessly alter, destroy, mutilate, conceal, cover up, or falsify any record or document (i) with the intent to impede any investigation by a governmental agency, litigation, or administration of any matter within the jurisdiction of a federal or state department or agency, or any bankruptcy proceeding and/or (ii) that is relevant to such a proceeding, or otherwise subject to an instruction to preserve such documents from the Office of Legal Counsel ("OLC").

To the extent a request covered by this Policy relates to the FHC and is within the scope of services provided by NYU Langone Health, NYU Langone Health will respond and/or coordinate with FHC leadership. For requests outside the scope of NYU Langone Health's services to the FHC, FHC leadership will be notified and provided with any documentation provided to NYU Langone Health.

VI. Procedures

A. General Procedures

Authorized Investigators may contact a member of the NYU Langone Health community in a variety of ways. If contact was made by letter or other written correspondence, the requesting document should be forwarded to the Office of Legal Counsel at 212-404-4075 as soon as possible. **Legal Process, which include subpoenas, summonses, complaints, orders to show cause, notice of probate or petitions, and other court orders, may only be accepted by designated offices in accordance with the NYU Langone Health Service of Process Policy.**

Any member of the NYU Langone Health community who is approached at work or at home by an Authorized Investigator concerning NYU Langone Health should ask

unaccounted visit) by an Authorized Investigator (i) to coordinate a planned visit or survey or (ii) inquire about matters related to individual persons, including patients, unrelated to NYU Langone Health activities, report as appropriate to:

- The NYU Langone Health Security Operations Center at 212-263-5120 or x7-3000 (for Main Campus), the NYU Langone Orthopedic Hospital Security Desk at 212-598-6202, or the NYU Langone Hospital-Brooklyn Security Desk at 718-630-8115 (for all Brooklyn locations). The Security Office will verify the Authorized Investigator's identity and credentials, and notify appropriate administrative officials depending on the nature of the contact;
- The Chief Regulatory Officer at 347-578-0560 (for any matter relating to any inpatient or outpatient hospital facility); or
- The Office of Legal Counsel at 212-404-4075 (for all other matters).

B. Requests for an Interview

Authorized Investigators may request to interview a member of the NYU Langone Health community. You should be aware of the following:

- There is no obligation to consent to an interview prior to speaking with your supervisor and/or the Office of Legal Counsel, regardless if you are approached at work or at home.
- You may request to have the interview conducted during normal business hours.
- Answers to Authorized Investigators questions must be accurate; never speculate or guess. If you are not sure of an answer, say so.

C. Documentation Requests

Authorized Investigators may request, either in person during an onsite visit or via written requests, documents, including patient records. In most cases, requests for documentation must be accompanied by the appropriate Legal Process and accepted in accordance with the Service of Process Policy. Requests for medical (patient) records from certain Authorized Investigators (e.g., Joint Commission surveyor) may not require the patient's authorization or Legal Process. Contact the Office of Legal Counsel at 212-404-4075 or the Privacy Officer at 212-404-4079 for assistance prior to releasing any records.

D. Search Warrants

A search warrant is a type of Legal Paper that authorizes a law enforcement agent to search for and seize property that may be evidence of a crime. Should an Authorized Investigator present a search warrant:

- 1) ask for the identification and obtain and record the names of each of the Authorized Investigators and their agency affiliation(s);
- 2) contact the Office of Legal Counsel at 212-404-4075;
- 3) request that the search not begin until legal counsel arrives (unless otherwise directed by OLC); and
- 4) request copies of the warrant and affidavit providing reasons for the issuance of the warrant.

Never consent to an expansion of the search beyond the scope of the search warrant but do not interfere with the search. You should object to any search of privilege documents. This includes but is not limited to:

- any attorney correspondence

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