Provider Manual

- Compliance
Following compliance standards isn’t just something we “have” to do, it’s a commitment we make to our members because we “want” them to have the very best care possible. This section of the manual will guide you and your staff in understanding Kaiser Permanente’s compliance policies and procedures.

If, at any time, you have a question or concern about the information outlined in this section of the Manual, you can reach our Compliance Department by calling 303-344-7847 or fax 303-344-7392 or email at CO-ComplianceDepartment@kp.org
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Section 9: Compliance

Kaiser Permanente Colorado (KP CO) strives to comply with all applicable laws, regulations and KP policies, and to demonstrate high ethical standards. Because Contracted Providers are an integral part of our business, it is important that we communicate and obtain your support for these standards. The Agreement details specific laws and contractual provision with which you are expected to comply. This section of the Provider Manual highlights some of the provisions in the Agreement and provides some additional information in order to communicate the minimum standards by which the Contracted Provider is expected to uphold when providing goods and services to KP and its Members/patients. The Contracted Provider is expected to share this with any employees providing goods and services to our Members/patients.

KP CO does not discriminate for the participation, reimbursement, or indemnification of any provider who is acting within the scope of his or her licensure or certification under applicable State law, solely on the basis of that license or certification. Nor does KP CO discriminate against particular providers that serve high-risk populations or specialize in conditions that require costly treatment.

9.1 Compliance with the Law
Contracted Providers are expected to conduct their business activities related to goods and services for KP and its Members/patients in compliance with applicable laws and regulations, including laws that are applicable to individuals and entities receiving federal funds including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act. Contracted Providers also are expected to take appropriate action against their employees who have been found to have violated the law or their own internal policies.

9.2 Principals of Responsibility and Compliance Hotline
The Kaiser Permanente Principles of Responsibility (POR) is the code of conduct for KP physicians, employees and contractors working KP facilities in their daily work environment. Visit the Colorado Community Provider Portal and under Provider Information section for a copy of the Kaiser Permanente Principles of Responsibility (POR).
http://www.providers.kaiserpermanente.org/info_assets/cpp_cod/cod_principlesofresponsibility.pdf

If you should witness any suspected wrongdoing or compliance violations by KP personnel, you should report it. The KP Compliance Hotline is a convenient and anonymous way for Contracted Providers to report suspected wrongdoing including fraud, waste, or abuse (“FWA”), safety concerns, or other compliance violations, without
fear of retaliation. It is available 24 hours a day, 365 days a year. KP’s toll free Compliance Hotline number is 1-888-774-9100. Appropriate action is taken against those found to have violated applicable law or KP policy.

### 9.2.1 Provider Code of Conduct

Kaiser Permanente has created the Provider Code of Conduct to communicate the minimum standards by which all Contracted Providers are expected to conduct themselves when providing goods and services to Kaiser Permanente and our members. Please share this document with your employees. Visit our forms section for a copy of the Provider Code of Conduct.  
http://www.providers.kaiserpermanente.org/html/cpp_cod/downloadforms.html?

### 9.3 Privacy and Security

Federal and state laws require KP and Contracted Providers to maintain the privacy and security of KP Member and patient protected health information (“PHI”). Contracted Providers are responsible for assuring that all employees providing any goods or services to KP and its Members/patients know about the requirements of the HIPAA Privacy and Security Rules and, where applicable, state laws and KP policies that provide more stringent protection of protected health information (PHI). If your business relationship with KP contemplates access to or disclosure of PHI, you may be required to sign a business associate agreement or non-disclosure agreement with us.

#### 9.3.1 Business Record Retention

KP requires Contracted Providers to retain and make available records related to business with KP in accordance with applicable law and the Contracted Provider agreement.

### 9.4 Conflicts of Interest

Conflicts of interest between Contracted Providers and KP Personnel, or the appearance thereof, should be avoided. KP recognizes that there are circumstances in which members of the same family or household work for KP and our Contracted Providers. When an actual, potential, or perceived conflict of interest occurs, that conflict must be disclosed by the Contracted Provider. The disclosure must be made at the earliest opportunity, in writing, to KP’s Compliance Department at CO-ComplianceDepartment@kp.org.

### 9.5 Fraud, Waste and Abuse

KP will investigate allegations of fraud, waste, and abuse by Contracted Providers that are related to goods and services provided to KP or its Members/patients, and, where appropriate, will take corrective action, including but not limited to civil or criminal action. The Federal False Claims Act, and similar state laws make it a crime to present a false claim to the government for payment. These laws also protect “whistleblowers” — people who report noncompliance or fraud, or who assist in investigations — from
retaliation. KP policy prohibits retaliation of any kind against individuals exercising their rights under the Federal False Claims Act or similar state laws.

9.6 Gifts and Business Courtesies
KP discourages Contracted Providers from providing gifts, meals, entertainment, or other business courtesies to KP physicians, employees, or Contracted Providers working in KP facilities (“KP Personnel”). The following items are never acceptable:

- Gifts or entertainment that exceed $25.00 in value
- Gifts, meals or entertainment that are given on a regular basis
- Cash or cash-equivalents, such as checks, gift certificates/cards, stocks, or coupons
- Gifts from government representatives
- Gifts or entertainment that violate the law or KP policy
- Gifts or entertainment that reasonably could be perceived as a bribe, payoff, deal, or any other attempt to gain advantage
- Gifts or entertainment given to KP Personnel involved in Kaiser Permanente purchasing and contracting decisions

Some KP organizations have adopted stricter limits on acceptance of gifts and business courtesies. For example, KP Personnel working in the Northern California Region are not permitted to accept gifts or entertainment of any kind or value.

9.7 Visitation Policy
When visiting Kaiser Permanente facilities, you are expected to comply with the applicable visitation policy, which is available at Kaiser Permanente facilities upon request. “Visitor” badges provided by the visited Kaiser Permanente facility must be worn at all times during the visit.

9.8 Compliance Training
KP requires certain Contracted Providers, including Contracted Provider personnel providing services in KP facilities, to complete compliance training as required by their Contracted Provider agreement, applicable law, or regulatory action. Where applicable, the Contracted Provider must document that its employees and agents involved in KP business complete compliance training. Please refer to your KP contract manager for guidance regarding these requirements. Contracted Providers deemed to have completed compliance training due to their enrollment as a Medicare Contracted Provider do not need to complete KP compliance training.

9.9 Ineligible Providers
KP will not do business with any Contracted Provider if it or any of its physicians, partners, officers, directors or employees involved in providing goods or services to KP
or its Members/patients, is, or becomes, excluded by, debarred from, or ineligible to participate in any federal health care program, or is convicted of a criminal offense in relation to the provision of health care. KP expects each Contracted Provider to assume full responsibility for taking all necessary steps to assure that its employees involved in providing goods and services to KP or its Members/patients have not been and are not currently excluded from participation in any federal program.

9.10 Resources
For more information on KP policies, contact your contract manager or visit KP’s Contracted Provider compliance Web site at: