

Compliance Policy, Guidelines & Procedures



Division: All HealthCare Partners Entities	Department Policy Owner: Compliance Department
Title: Fraud, Waste, and Abuse Detection and Prevention Policy	Issue Date: May 2015
Effective Date: May 2015	Revision Date: N/A
Policy Number: HCP-TQ-09	Pages: 1 of 5

Purpose	<p>This Policy is intended to comply with the requirements of the Federal Deficit Reduction Act of 2005 (the “<u>DRA</u>”), which requires, in relevant part, that HealthCare Partners provides to all teammates of HealthCare Partners and or HealthCare Partners subsidiary organizations included in the HealthCare Partners family of brands (collectively “HealthCare Partners”), and to all contractors and agents of HealthCare Partners , detailed information regarding:</p> <ul style="list-style-type: none"> (a) The role of the Federal False Claims Act (the “<u>Federal FCA</u>”), the Federal Program Fraud Civil Remedies Act (“<u>PFCRA</u>”), and analogous state laws (collectively, the “<u>State FCAs</u>”) in preventing and detecting fraud, waste, and abuse in Federal health care programs (e.g., Medicare, Medicaid, etc.); (b) Administrative remedies for false claims and statements established under the Federal FCA and the State FCAs, respectively; (c) Whistleblower protections under the Federal FCA and the State FCAs, respectively; and (d) HealthCare Partners’ policies and procedures for detecting and preventing fraud, waste, and abuse.
Definitions	<ul style="list-style-type: none"> • Federal False Claims Act: The Federal FCA (see 31 U.S.C. §§ 3729 – 3733) was enacted in 1863 by a Congress concerned that contracted suppliers of goods to the Union Army during the Civil War were defrauding the Union Army. Over the life of the statute, the Federal FCA has been amended several times and interpreted on hundreds of occasions by federal courts (which sometimes issue conflicting interpretations of the statute). The purpose of this summary is not to explain how the Federal FCA evolved over the decades since its enactment or to discuss judicial interpretations of its provisions. Rather, in this summary, we endeavor to explain the most significant elements of the Federal FCA to give an introductory understanding of the Federal FCA and how it works. • Federal Program Fraud Civil Remedies Act: PFCRA is a separate, but related, statutory scheme that provides for administrative remedies against any person who makes, or causes to be made, a false claim or written statement to certain federal agencies, including the Department of Health and Human Services. In contrast to the Federal FCA, under PFCRA, the determination of whether a claim is false and the imposition of fines and penalties are made by the federal agency as opposed to the federal court system (with the exception of the judicial review process). PFCRA addresses lower dollar fraud, and generally applies to claims of \$150,000 or less. See 31 U.S.C. §§ 3801, et seq. • Good Faith: Truthful, and without malice or ill intent. A teammate who files a good faith complaint believes that a violation has occurred based on a reasonable inquiry or facts.

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Pages: 1 of 5

Policy

1. HealthCare Partners shall provide to, or provide electronic access to, all teammates of HealthCare Partners, and to all contractors and agents of HealthCare Partners, this Policy, the attached addendum entitled "*Summary of Federal False Claims Act and Analogous State Laws*" (available on the Team Quest website on MyHCP) and all other HealthCare Partners policies and procedures relating to the detection and prevention of fraud, waste, and abuse that are reasonably applicable to the job function of the teammate, contractor, or agent, as applicable.
 - a. In the event that only electronic access is provided, HealthCare Partners shall ensure that each teammate, contractor, and agent is made aware of the existence of these policies and procedures and how to access such policies and procedures.
2. HealthCare Partners' business, clinical, billing, and claims submission processes and activities shall be performed in a manner consistent with the Federal FCA, any applicable State FCAs, and in accordance with HealthCare Partners' documentation and billing policies and procedures.
3. HealthCare Partners shall not retaliate against any teammate of HealthCare Partners or any HealthCare Partners' contractor or agent or HealthCare Partners' subsidiary organizations for taking any legal action under the Federal FCA or the State FCAs or for reporting any potential compliance concern in Good Faith.
4. HealthCare Partners has developed many policies and procedures that are designed to detect and prevent fraud, waste, and abuse. All teammates, contractors, and agents HealthCare Partners are expected to review these policies and procedures, which are available through the local market intranet and on Team Quest's website. Some examples of HealthCare Partners' policies and procedures and methods designed to detect and prevent fraud, waste, and abuse include, but are not limited to:
 - a. The Code of Conduct;
 - b. This Policy;
 - c. The Addendum to this Policy entitled "*Summary of Federal False Claims Act and Analogous State Laws*;"
 - d. The *Compliance Hotline Policy*;
 - e. The *Non-Retaliation for Reporting Compliance Violations Policy*;
 - f. *Responsibility to Report Suspected or Potential Violations of Laws and Regulations Policy*;
 - g. The *Internal Review and Investigation of Internal Events Policy*;
 - h. Various Information Technology (IT) policies and procedures;

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Pages: 1 of 5

- i. Various Billing policies and procedures; and
 - j. Various other compliance-related policies and procedures.
5. Any teammate, contractor, or agent of HealthCare Partners who performs services on behalf of HealthCare Partners at a non-HealthCare Partners' entity's location must abide by the fraud, waste, and abuse policies and procedures governing that non-HealthCare Partners' entity that are communicated to such individual, unless such individual has reason to believe that such non-HealthCare Partners' entity's policies and procedures require conduct that could violate the Federal FCA, PFCRA, or any applicable State FCAs.
- a. A teammate that believes the non-HealthCare Partners' entity's fraud, waste, and abuse policies and procedures could violate the Federal FCA, PFCRA, or any applicable State FCA, the teammate should notify the Compliance Department (Team Quest) immediately (See policy point #7).
6. It is the responsibility of each teammate, contractor, and agent of HealthCare Partners to report any questions or concerns regarding compliance with the Federal FCA, PFCRA, the State FCAs, other fraud and abuse-related matters, and/or any other ethical or potential compliance concerns, via one or more of the following methods:
- a. To the Team Quest Compliance Hotline: 1-855-236-1448 or www.healthcarepartners.ethicspoint.com;
 - b. To the Team Quest Compliance E-Mail Address: corporatecompliance@healthcarepartners.com;
 - c. To the individual's supervisor or any other management teammate; or
 - d. To a member of the Corporate Legal Department.
7. Any questions or inquiries about this policy should be forwarded to the Team Quest Compliance Email Address at corporatecompliance@healthcarepartners.com or the Team Quest Compliance Hotline at 1-855-236-1448 or www.healthcarepartners.ethicspoint.com.
- a. This would include any communications or inquiries regarding the requirements of, or compliance with, the Federal FCA, PFCRA, or any applicable State FCAs that are received by any teammate, agent, or contractor of HealthCare Partners from any entity, provider, vendor, or third-party payor.

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Pages: 1 of 5

Teammates are expected to report possible violations of this policy and procedure. You may make your report to your supervisor, to the Compliance Hotline (1-855-236-1448 or www.healthcarepartners.ethicspoint.com) or to Team Quest. HealthCare Partners has a Non-Retaliation policy and will not tolerate any form of retaliation against anyone who files a Compliance report in good faith. Reports can be made anonymously or you may request confidentiality. Questions regarding this policy should be directed Team Quest at CorporateCompliance@healthcarepartners.com.

References:

1. Federal False Claims Act: 31 U.S.C. §§ 3729 – 3733
2. Federal Program Fraud Civil Remedies Act: 31 U.S.C. §§ 3801, et seq

Attachments:

1. *Summary of False Claims Act and Analogous State Laws*

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5/2015	5/2015	N/A			Suzanne Brackley, CCO