



# GOVERNMENT PROGRAMS VENDORS- DISCIPLINARY STANDARDS

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<b>Approvals</b>  Signature Policy Owner: <u>James Gentile</u> Date: <u>1-8-18</u> Policy Owner Printed Name: James Gentile, Senior Vice President, Chief Compliance Officer  Signature Senior Leader: <u>Richard J. Burke</u> Date: <u>1-9-18</u> Senior Leader Printed Name: Richard Burke, President & CEO	

## I. PURPOSE

The purpose of this policy is to provide a high level overview of the disciplinary standards for Government Programs Vendors (“GPV”) who have violated State and/or Federal law or regulation, the Vendor/Supplier Code of Conduct, or its contractual obligations with Fallon Health (“Fallon”) or its subsidiaries.

## II. SCOPE

This policy applies to the oversight and disciplinary policy associated with GPVs who may have violated State and/or Federal law or regulation, the Vendor/Supplier Code of Conduct, or its contractual obligations with Fallon or its subsidiaries.

## III. RESPONSIBILITY

The Senior Vice President, Chief Compliance Officer is the owner of this policy. As such, it is the Chief Compliance Officer’s, or his/her designee’s, responsibility to provide guidance and oversight on the implementation of this policy, and to monitor compliance with this policy.

This policy shall be reviewed by the Committee annually or as needed.

## IV. DEFINITIONS

Government Programs Vendor (GPV): Any vendor contracted to provide services to a Fallon Health government program

Government Programs Vendor Oversight Committee (Committee): The Fallon Health Committee which oversees the GPVs to ensure compliance with all laws, rules, and regulations, as well as contractual obligations.

Centers for Medicare & Medicaid Services (CMS): The federal entity governing the Medicare Program.

Executive Office of Health and Human Services (EOHHS): The State entity governing the MassHealth Program

New York Department of Health (NYDOH): The State entity governing the New York Medicaid Program

## V. DESCRIPTION

GPVs must comply with all applicable State and Federal laws, regulations and communications, adhere to their contractual obligations and comply with the terms of the Vendor/Supplier Code of Conduct. To meet these requirements, GPVs have the following responsibilities:

1. Participate in Fraud, Waste, and Abuse and Compliance Training
2. Comply with the terms of their contract with Fallon Health, the Business Associate Agreement (BAA), and the Government Programs Addendum (GPA), which includes, but is not limited to:
  - Perform monthly Excluded Entity Checks against the Office of the Inspector General List of Excluded Entities and Individuals (OIG LEIE) and the General Service Administration System for Awards Management (GSA SAM) database
  - 10 Year Record Retention
  - Oversight of Downstream Entities and Related Parties
  - Plan's Right to Audit, Evaluate, and Inspect Records
  - Protection of Personal Health Information (PHI)
  - Adherence to Health Insurance Portability and Accountability Act (HIPAA) privacy and security regulations
3. Comply with all applicable Federal and State laws, regulations, and instructions
4. Have an effective compliance program to ensure that the GPV is complying with the provisions within the contract and GPA and operating under the applicable Federal and/or State laws, rules, and regulations.
5. Report all potential non-compliance and FWA violations relating to Fallon's business, including unethical or illegal behavior as noted in the Vendor and Supplier Code of Conduct.
6. Adhere to the terms of the Vendor and Supplier Code of Conduct.

If it is determined that a GPV is not meeting compliance expectations or performing effectively as outlined in their contract or is in violation of the Vendor and Supplier Code of Conduct appropriate action would be taken for the nature of the violation, including but not limited to training and education, corrective action, contract termination, and/or reporting of non-compliant, unethical, or illegal behavior to the appropriate government agency.

Fallon's disciplinary standards are publicized on an ongoing basis, no less than annually, via electronic communication and Fallon's website.

## **VI. REFERENCES**

CMS Medicare Managed Care Manual, Chapter 21; CMS Prescription Drug Manual, Chapter 9; CMS Disciplinary Standards as defined in §§422.503(b)(4)(vi)(E); MassHealth Managed Care Organization Contract by and Between the Executive Office of Health and Human Services and Fallon Community Health Plan

## **VII. DOCUMENTATION REFERENCED**

500.1PR Government Programs Vendor Oversight – Disciplinary Procedures Process Document