



Vendor and Supplier Code of Conduct

Fallon Health (Fallon) is committed to complying with all laws and regulations that apply to health care delivery and operating in a manner consistent with the highest professional and ethical standards. As a Fallon Government Program Vendor (GPV) you play an integral role in helping achieve these goals. Fallon has created the Vendor and Supplier Code of Conduct (*Code*) to communicate the standards by which all Fallon GPVs are expected to conduct themselves when providing goods or services to Fallon's system.

Fallon's Chief Compliance Officer

Fallon's Chief Compliance Officer oversees the Corporate Compliance Program and serves as a contact for Fallon's GPVs to report potential violations of laws, regulations or this *Code*. The Chief Compliance Officer, or his designee, investigates reports of noncompliance and takes appropriate action against GPVs who violate laws, regulations, and the policies that apply to Fallon's business.

Distribution of the *Code*

Each GPV has the responsibility to share this *Code* with all of its employees who may be engaged in conducting business activities with Fallon, as well as Fallon's subsidiaries and affiliates. GPVs and their representatives are responsible for understanding the laws, regulations, standards, policies and procedures necessary for the GPVs to perform their obligations, and recognize potential non-compliance. GPVs are responsible for ensuring participation in compliance and fraud, waste and abuse prevention trainings, which also include disseminating all GPV communications, such as compliance and security updates distributed by Fallon.

Reporting and Non-retaliation

Meeting Fallon's commitment to integrity and compliance is the responsibility of every GPV. Part of this responsibility is to report compliance concerns that relate to Fallon's business. Compliance violations and suspected fraud, waste and abuse relating to Fallon's business should be reported to Fallon's Compliance Department within two weeks after the date the fraud, waste and abuse or non-compliance is identified (numbers are included at the end of this document). Reports may also be made anonymously by calling Fallon's Compliance Hotline at 1-888-203-5295. Fallon has a non-retaliation policy and will not tolerate retaliation against anyone, including a GPV employee or representative, for raising a compliance concern or question in good faith. In addition compliance violations and suspected fraud, waste and abuse may be reported to appropriate regulatory agencies including but not limited to the [U.S. Department of Health and Human Services](#) and [U.S. Department of Justice](#).

Conflicts of Interest

GPVs must avoid conflicts of interest or even the appearance of a conflict of interest in its business dealings with or on behalf of Fallon. For purposes of this *Code*, a conflict of interest is defined as an improper personal or professional gain by a GPV's representative or that of a representative's immediate family that could affect the representative's judgment or decisions the representative makes related to the contract with Fallon or another contract that Fallon has, including with any state or federal agency. It is a situation or relationship that could interfere with a representative's ability to make fair, arm's length decisions relating to a GPV's agreement with Fallon.

Requirement to Disclose

If a GPV's employee has any type of personal or professional relationship with Fallon, a Fallon employee, or Board Member, or if a GPV has any business, investment, or other relationship with Fallon, an employee, or Board Member, that might represent a conflict of interest, or potential conflict of interest, the GPV must disclose that relationship to Fallon via its Fallon business contact.

Gifts, Entertainment and Meals

Fallon recognizes that giving and receiving gifts is a normal part of business and relationship-building. However, Fallon discourages providing gifts, meals, entertainment, or other business courtesies to employees or contractors working for Fallon.

A gift is anything of value and may include gift certificates, gift cards, tickets to sporting events or other

entertainment and/or payment for leisure activities (such as greens fees). For purposes of this Code, a gift does not include business-related meals, perishable goods to be shared with an entire department (such as fruit baskets, flowers, candy), or items of nominal value (\$15 or less) that are marketing in nature.

A conflict of interest may exist if receipt of or giving of a gift is for the purpose of, or appears to be for the purpose of, improperly influencing decisions. A conflict of interest may also exist if the giving or receiving of a gift compromises, or appears to compromise one's ability to make even-handed and fair decisions.

The following items are never acceptable:

- Gifts with a value of more than \$50.00;
- Gifts to or from government representatives;
- Gifts or entertainment that may violate a law or regulation;
- Cash or items redeemable for cash such as checks, gift cards, stocks, etc;
- Gifts or entertainment that reasonably could be perceived as a bribe, payoff, deal, or any other attempt to gain a competitive advantage;
- Gifts, entertainment, or meals given to Fallon employees or contractors for the purpose of influencing a purchasing or contracting decision.

Gifts given to members and/or potential members must be nominal in value, promotional in nature, and cannot be used to influence enrollment into a Fallon plan. The aggregate value of all items offered by the GPV to each person must be \$50 or less, based on the retail value of the item. These gifts cannot be in the form of cash or in-kind gifts. If a nominal gift provided is one large gift that is enjoyed by all in attendance (for example, a concert or a magician), the total retail cost must be \$15 or less when it is divided by the number estimated attendance. For planning purposes, anticipated attendance may be used, but must be based on venue size, response rate, or advertisement circulation. Additionally, gifts to Medicare members cannot exceed \$15 in value, based on the retail value of the item.

Compliance with Laws

GPVs are required to conduct their business activities in compliance with all applicable laws and regulations, including laws that are applicable to individuals and entities receiving Medicare, Medicaid and other federal funds. GPVs are also expected to take appropriate action against their employees who have been found to have violated the law or their own internal policies.

Privacy and Security

Federal and state laws require Fallon and its GPVs to maintain the privacy and security of Fallon's members' protected health information ("PHI"). GPVs are responsible for ensuring that all employees who provide services to Fallon's members are aware of and familiar with the requirements of both the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules and, where applicable, those state laws that provide more stringent protection of PHI. If the GPVs business relationship with Fallon requires access to or use of PHI the GPV will be required to sign a Business Associate Agreement.

Eligibility to Participate in Federal and State Health Care Programs

Fallon will not conduct business with any GPV excluded, debarred, or ineligible to participate in federal or state health care programs such as Medicare and Medicaid, or whose board of directors, officers, managers, employees or contractors are excluded from participating in federal or state health care programs. GPVs are responsible for taking all necessary steps, including but not limited to required monthly exclusion checks, to ensure board of directors, officers, managers, employees or contractors involved in providing goods and services to Fallon, directly or indirectly, remain eligible to participate in federal and state health care programs.

Fraud, Waste and Abuse

GPVs or Fallon will promptly investigate any reports of alleged violations of law, regulations or Fallon policies involving a GPV or its employees and agents, including allegations of fraud, waste and abuse involving federal or state health care programs. GPVs are expected to fully cooperate in such investigations and, where appropriate, take corrective actions in response to confirmed violations. 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. Fallon's policy prohibits retaliation of any kind against individuals exercising their rights under the Federal False Claims Act or similar state or federal laws.

Antitrust

GPVs are prohibited from entering into agreements to fix prices or to reduce competition or that might otherwise harm current and potential consumers of Fallon's services, as well as Fallon's subsidiaries and affiliates.

Supplier Diversity Program

Fallon has a long tradition of support for programs that foster diversity in the organization, and in the communities. Where applicable, Fallon expects its GPVs to mirror Fallon's commitment, through subcontracting opportunities with diverse businesses and providing information to Fallon on subcontractor diversity when requested.

Visitation Policy

When visiting Fallon facilities, GPVs must comply with applicable Fallon visitation policy, which is available at facilities upon request. GPVs representatives are required to schedule appointments and must sign-in when visiting a Fallon facility. Representatives will be required to state the area to be visited, and visits must be restricted to those location(s) only. Visitor badges provided by the facility must be worn at all times.

Publicity

GPVs are not permitted to distribute advertising, press releases, or any other general public announcement regarding its product or services at Fallon facilities without obtaining prior written permission from authorized Fallon management staff.

Business Record Retention

Fallon requires GPVs to retain and make available records related to business with Fallon in accordance with applicable law, regulation, and contract requirements.

Compliance Hotline

Fallon has a Compliance Hotline for GPVs or their representatives to use to report compliance concerns and issues anonymously. The number to the Compliance Hotline is 1-888-203-5295. This number is managed by an external entity and staffed 24 hours a day and seven days a week. Callers are not required to provide their name when making a report. All reports must contain sufficient detailed information for the Vice President, Regulatory Affairs & Compliance, or his designee, to investigate the raised concerns.

Fallon's Contacts

For more information on Fallon's policies or to report a concern you may contact:

- Compliance Hotline: 1-888-203-5295 or ComplianceBlast@fchp.org
- Lisa Lashbrook, Sr. Director Medicare Programs & Medicare Compliance Officer, (508) 368-9539
- Njeri Gichohi, Privacy Officer, (508) 368-9382
- Jim Gentile, Sr. Vice President, Chief Compliance Officer, (508) 368-9384
- Anna Szymczak, Director of Regulatory Affairs & Compliance, (508) 368-9211
- Velinda Brown, Director Internal Audit, (508) 368-9016
- Tony Petisce, Information Security Officer, (508) 368-9300