



# Broker code of conduct

Updated June 21, 2010

Kaiser Permanente<sup>1</sup> strives to demonstrate high ethical standards in our business practices. Our brokers<sup>2</sup> play an integral role in making this happen. We've created the "Broker Code of Conduct" to communicate to our broker community the minimum standards by which all brokers are expected to conduct themselves.

## Gifts and business courtesies

Kaiser Permanente discourages you from providing gifts, meals, entertainment, or other business courtesies to Kaiser Permanente physicians, employees, and contractors working in Kaiser Permanente facilities ("Kaiser Permanente Personnel"). While even stricter limits may apply for some Kaiser Permanente entities and work groups, the following are never acceptable:

- Gifts or entertainment that exceed \$25 in value
- Gifts or entertainment that are given on a regular basis
- Cash or a cash equivalent, such as checks, gift certificates/cards, stocks, or coupons
- Gifts from government representatives
- Gifts or entertainment that violate any laws
- 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 Kaiser Permanente Personnel involved in Kaiser Permanente purchasing and contracting decisions

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## **Family or household members**

Conflicts of interest between a broker and Kaiser Permanente Personnel, or the appearance thereof, should be avoided. We recognize that there are circumstances where members of the same family or household may work for Kaiser Permanente and a broker. However, if this creates an actual or potential conflict of interest, the conflict must be disclosed by the broker. The disclosure must be made at the earliest opportunity, in writing, to a person in authority at Kaiser Permanente, other than the person who has the relationship with the broker.

## **Compliance with laws**

Brokers are expected to conduct their business activities in full compliance with applicable laws and regulations, including laws that are applicable to individuals and entities receiving federal funds.

## **Privacy and security**

Federal and state laws require Kaiser Permanente and our brokers to provide for the privacy and security of member and patient information. Brokers are responsible for assuring that all broker employees who provide any services to Kaiser Permanente are knowledgeable about the requirements of the Privacy and Security Rules of the Health Insurance Portability and Accountability Act and, where applicable, those state laws and Kaiser Permanente policies that provide for more stringent protection of member/patient identifiable information. If Kaiser Permanente's member/patient protected health information will be disclosed to you or if you will have access to such information, we may be required to enter into a business associate agreement with you.

## **Ineligible brokers**

Kaiser Permanente will not do business with any broker if the broker or any of its officers, directors, or employees is, or becomes, excluded by, debarred from, or ineligible to participate in any federal health care program, or is convicted of a criminal

For more information on Kaiser Permanente's policies, contact your contract manager.

offense in relation to the provision of health care. Kaiser Permanente expects each broker to:

- Disclose whether any of its officers, directors, or employees becomes sanctioned by, excluded from, debarred from, or ineligible to participate in any federal program or is convicted of a criminal offense related to the provision of health care
- Assume full responsibility for taking all necessary steps to assure that broker employees directly or indirectly involved in providing services to Kaiser Permanente have not been or are not currently excluded from participation in any federal program

### Fraud, waste, and abuse

Kaiser Permanente will investigate allegations of broker fraud, waste, or abuse 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 are designed to reduce fraud, waste, and abuse by allowing citizens to bring suit on the behalf of the federal government to recover fraudulently obtained funds (i.e., "whistleblower" or "qui tam" actions). Kaiser Permanente Personnel may not be threatened, harassed, or in any manner discriminated against in retaliation for exercising their rights under the Federal False Claims Act or similar state laws.

### Publicity

Advertising, press releases, or any other general public announcement by a broker stating the availability of its products or services at Kaiser Permanente is strictly prohibited, except as provided in the terms of the broker agreement.

### Kaiser Permanente *Principles of Responsibility and Compliance Hotline*

The Kaiser Permanente *Principles of Responsibility* is the code of conduct for Kaiser Permanente Personnel in their daily work environment. Brokers are requested to report any suspected wrongdoing or compliance violations. The Kaiser Permanente Compliance Hotline is a convenient and anonymous way to report a suspected wrongdoing without fear of retaliation. Our toll-free Compliance Hotline number is **888-774-9100** (24 hours a day).

<sup>1</sup> "Kaiser Permanente" means any of the entities that participate in the Kaiser Permanente Medical Care Program, including Kaiser Foundation Health Plan, Inc., and its subsidiaries, Kaiser Foundation Hospitals and its subsidiaries, the Permanente Medical Groups, and The Permanente Federation, in order to provide products and services to Kaiser Permanente and/or Kaiser Permanente members.

<sup>2</sup> "Broker(s)" means an agent/producer who places insurance contracts with multiple insurance carriers and receives compensation from the insurance carrier with whom the business is placed. All brokers must be appointed with the insurance carrier before or immediately after the sale of an insurance contract, depending on the state's insurance regulations for appointment.