

# Provider Code of Conduct



Kaiser Permanente (“**KP**”)<sup>1</sup> strives to comply with all applicable laws and, regulations and KP policies, and to demonstrate high ethical standards. Because Providers<sup>2</sup> are an integral part of KP’s business, it is important that KP communicate and obtain its Providers’ support for these standards. This Code of Conduct highlights some provisions in the provider agreement and provides some additional information to communicate the minimum standards by which Providers are expected to conduct themselves when providing goods and services to KP and its members/patients. Please also share this with employees providing goods and services to KP and its members/patients.

**Gifts and Business Courtesies** – KP discourages Providers from providing gifts, meals, entertainment, or other business courtesies to KP physicians, employees, or contractors working in KP facilities (“KP Personnel”). And, 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.

**Conflicts of Interest** – Conflicts of interest between a Provider 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 a Provider. When an actual, potential, or perceived conflict of interest occurs, that conflict must be disclosed by the Provider. The disclosure must be made at the earliest opportunity, in writing, to a person in authority at KP other than the person who has the relationship with the Provider.

**Compliance with Laws** – 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. Providers 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 KP and our Providers to maintain the privacy and security of KP member and patient protected health information (“PHI”). Providers are responsible for assuring that all employees providing any goods or services to KP and its members/patients know about the requirements of both the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security Rules and, where applicable, those state laws and KP policies that provide more stringent protection of PHI. If your business relationship with KP contemplates access to or the disclosure of PHI, you may be required to sign a business associate agreement with us.



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**Ineligible Providers** – KP will not do business with any 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 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.

**Fraud, Waste and Abuse (FWA)** – KP will investigate allegations of Provider FWA 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. KP requires certain Providers, not deemed to have completed FWA training through their enrollment as a Medicare provider or supplier or accreditation as a Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS), to complete such training, as required by their provider agreement, applicable law, or regulatory action. Where applicable, the Provider must document that its employees and agents involved in KP business have completed FWA training. Please refer to your KP contract manager for guidance regarding these requirements.

**Kaiser Permanente Principles of Responsibility and Compliance Hotline** – The Kaiser Permanente *Principles of Responsibility (POR)* is the code of conduct for KP Personnel in their daily work and is available to Providers upon request. Providers are expected to report any suspected wrongdoing related to goods and services provided to KP or its members/patients. The KP Compliance Hotline is a convenient and anonymous way for Providers to report suspected wrongdoing including FWA, safety concerns and 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.

**Business Record Retention** – KP requires Providers to retain and make available records related to business with KP in accordance with applicable law and the provider agreement.

**Resources** – For more information on KP policies, contact your contract manager or visit KP’s Provider compliance Web site at: [kp.org/compliance](http://kp.org/compliance).

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<sup>1</sup> “Kaiser Permanente” means each and every entity that participates 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 LLC and its subsidiaries (collectively, “Kaiser Permanente”).

<sup>2</sup> “Providers” include health care providers and suppliers that contract with or seek to contract with KP to provide medical goods and services directly to KP members/patients, e.g., physicians, hospitals, skilled nursing facilities, home health agencies, hospices, ambulatory surgery centers, ambulance suppliers, durable medical equipment suppliers, and prosthetics and orthotics suppliers.

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