

POLICY and PROCEDURE

TITLE: CP 5024 Conflict of Interest			
Version: 18	Responsible Position: Director of Compliance	Responsible Department: Compliance	
Origination Date: 04/01/2007	Last Review Date: 05/18/2020	Approval Date: 06/19/2020	Next Review Date: 06/15/2021
Organization: Banner Health Insurance Division			
Population (Define): This policy applies to all Medicaid and Medicare lines of business			
Policy Replaces: CP 802; CP 1802 S, CP 6024			

I. Purpose/Expected Outcome:

- A. This policy focuses on Banner Medicaid and Medicare Health Plans areas of concerns dealing with Conflict of Interest. This policy is intended as a supplement to the Banner Health corporate policy 732 Conflict of Interest and not as a standalone policy.

II. Definitions:

- A. Please refer to the link below for full definitions:
<http://sharepoint/sites/hppandp/new/Lists/Definitions/PP%20Definitions.aspx>

III. Policy:

- A. The policy addresses how to protect the interest of Banner Medicaid and Medicare Health Plans when it contemplates entering into a transaction or arrangement that may benefit the private interest of an applicable person or result in a possible transaction of excess benefit. Banner Medicaid and Medicare Health Plans preserves integrity and independence in decision-making and exercising judgment in conducting its affairs. This is achieved through identification, assessment and either elimination or management of Conflicts of Interest. This policy is intended to supplement but not supersede corporate policy 732 Conflict of Interest or applicable state and federal laws governing Conflict of Interest.

IV. Procedure/Interventions:

- A. All employees and FDRs avoid actual or perceived Conflict of Interest by appropriately disclosing Conflict of Interest.
- B. All Banner Medicaid and Medicare Health Plans employees identified as Director Level or above are required to submit conflict of interest surveys to the Banner Vice President of Internal Audit annually. The Internal Audit Department launches these surveys to the identified individuals at the same time for all of Banner Health. A separate conflict of interest survey is launched by Banner Health Internal Audit for Banner Medicaid and Medicare Health Plans Board of Director members, including members who are Banner Medicaid and Medicare Health Plans employees, members who are not Banner Medicaid and Medicare Health Plans employees but are employees of Banner Health, and those members who are not employed by Banner Medicaid and Medicare Health Plans or Banner Health.
- C. This survey includes confirmation that the individual completing the survey:
 1. Has received a copy of the BH Policy 732.
 2. Has read and understands the policy.

3. Has agreed to comply with the policy.
 4. Understands that Banner Health is a charitable organization and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.
 5. Has responded fully, accurately and completely to all questions in the survey form.
- D. All disclosed Conflicts of Interest will be reviewed by the Compliance Officers, Banner Health Internal Audit, and Human Resources and will be addressed on an individual basis depending upon the type of disclosure and impact to Banner Medicaid and Medicare Health Plans.
1. All employees are required to disclose any potential Conflict of Interest.
 2. Employees that have a Conflict of Interest, must obtain management approval to work under appropriate management or eliminate the Conflict of Interest.
 3. All Banner Medicaid and Medicare Health Plans employees will be trained annually on Conflicts of Interest and how to disclose, per this policy.
 4. Training will be administered through Banner Learning Center as part of the annual Compliance training. Other training materials may be created, such as email campaigns or posters.
- E. For Banner Medicaid and Medicare Health Plans employees seeking outside employment, outside employment is permitted within limits. While not on official duty, you may work for a private company or organization either for pay or as a volunteer as long as it does not create a Conflict of Interest. Conflicts of Interest may not always be clear, therefore contact your supervisor/manager or the Compliance Officers about any questions concerning outside employment and possible Conflict of Interest.
- F. Banner Medicaid and Medicare Health Plans employees are to report any suspected Conflict of Interest situations involving other employees to the employee's supervisor/manager or the Compliance Officer. If the supervisor/manager or Compliance Officers are uncertain as to the presence of an actual Conflict of Interest, the Compliance Officers will consult with the Human Resources Department to assist in the final determination.
- G. Banner Medicaid and Medicare Health Plans will obtain attestations from the FDRs that they have a Code of Conduct in place which contains provisions to ensure employees, managers, officers, and directors responsible for the administration or delivery of Medicare benefits or Medicaid benefits are free from any conflict of interest in administering or delivering Medicare/Medicaid benefits.
1. Attestations will be collected by the Vendor Oversight Department as a part of the Vendor Oversight.
- H. Banner Medicaid and Medicare Health Plans provides information on potential Conflicts of Interest and Banner Medicaid and Medicare Health Plans disclosure system in the Code of Conduct and on the Compliance Webpage for FDRs on the website.
- I. Banner Medicaid and Medicare Health Plans will not undertake any work that represents a potential conflict of interest, or which is not in the best interest of Medicaid and Medicare without prior written approval. Banner Medicaid and Medicare Health Plans will disclose any situation that may present a conflict of interest to Medicaid and Medicare. In the event,

Banner Medicaid and Medicare Health Plans is performing or elects to perform any services for any Medicaid Health Plan, provider, or a contractor or an entity owning or controlling the same, Banner Medicaid and Medicare Health Plans will disclose this relationship prior to accepting any assignment involving the party.

V. Performance and Outcome Measures:

- A. 100% of Board Members, Executive Team Members, Directors, and other employees designated by the Executive Team will annually read the Conflict of Interest policy & procedure and will have read and submitted the Conflict of Interest survey to Internal Audit.
- B. 100% of Banner Medicaid and Medicare Health Plans employees and board members will receive training on potential Conflict of Interest annually through Banner Learning Center Compliance training.
- C. 100% of FDRs will attest to having effectively screened their governing bodies and senior leadership for Conflicts of Interest.

VI. References:

- A. Medicare Managed Care Manual – Chapter 21 and Prescription Drug Benefit Manual, Chapter 9; Section 50.6.4
- B. AHCCCS Contracts, Section E, Paragraph 12 Conflict of Interest.

VII. Related Policies/Procedures:

- A. Banner Corporate Policy: 732 Conflict of Interest
- B. Insurance Division Policy: CP 5001 Compliance Program
- C. Insurance Division Policy: CP 5023 Code of Conduct
- D. Insurance Division Policy: CP 5221 Compliance Officer Responsibilities

VIII. Keywords and Keyword Phrases:

- A. Conflict of Interest
- B. Conflict