

SUBJECT: Conflict of Interest

POLICY: CP 6024

Department of Origin: Compliance and Audit Department

Responsible Position: Compliance Director

Date(s) of Review and Revision: 04/07; 10/07; 09/08; 04/11; 12/11; 01/12, 06/12;
02/14; 05/14; 09/14; 2/15; 7/16; 7/17; 4/18; 7/18

Policy Replaces: CP 802; CP 1802 S

Policy Approved: 7/6/2018 Committee Meeting

[Link](#)

Department Approval:



Approval has
completed on CP 602.

PURPOSE

This policy focuses on the Health Plan 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.

APPLICABILITY

This policy applies to all lines of business.

POLICY

To protect the interest of the Health Plan 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. The Health Plan 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.

DEFINITIONS

Please refer to the link below for full definitions for the following terms:

<http://sharepoint/sites/hppandp/new/Lists/Definitions/PP%20Definitions.aspx>

PROCEDURE

- 1.0 All employees and FDRs avoid actual or perceived Conflict of Interest by appropriately disclosing Conflict of Interest.
- 2.0 All Health Plan 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. These would also include the Health Plan Board of Director members who are not Health Plan employees but are employees of Banner Health.
- 3.0 This survey includes confirmation that the individual completing the survey:
 - 3.1 Has received a copy of the BH Policy 732
 - 3.2 Has read and understands the policy
 - 3.3 Has agreed to comply with the policy
 - 3.4 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
 - 3.5 Has responded fully, accurately and completely to all questions in the survey form.
- 4.0 All disclosed Conflicts of Interest will be reviewed by the Compliance Officers and Human Resources and will be addressed on an individual basis depending upon the type of disclosure and impact to the Health Plan.
 - 4.1 All employees are required to disclose any potential Conflict of Interest.
 - 4.2 Employees that have a Conflict of Interest, must obtain management approval to work under appropriate management or eliminate the Conflict of Interest.
 - 4.3 All Health Plan employees will be trained annually on Conflicts of Interest and how to disclose, per this policy.
 - 4.4 Training will be administered through Banner Learning Center as part of the annual Compliance Program training. Other training materials may be created, such as email campaigns or posters.
- 5.0 For Health Plan 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.

- 6.0 Health Plan 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.
- 7.0 The Health Plan will obtain attestations from the FDRs including participating providers 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.
- 7.1 Attestations will be collected by the Network Development Department as a part of the Vendor Oversight.
- 8.0 The Health Plan provides information on potential Conflicts of Interest and the Health Plan's disclosure system in the Code of Conduct, Compliance Guide for FDRs and can be accessed through the Compliance Webpage for FDRs.
- 9.0 The Health Plan 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. The Health Plan will disclose any situation that may present a conflict of interest to Medicaid and Medicare. In the event, the Health Plan 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, the Health Plan will disclose this relationship prior to accepting any assignment involving the party.

PERFORMANCE AND OUTCOME MEASURES

- 1.0 100% 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.
- 2.0 100% of Health Plan employees, agents and board members will receive training on potential Conflict of Interest annually through Banner Learning Center Code of Conduct training.
- 3.0 100% of FDRs will attest to having effectively screened their governing bodies and senior leadership for Conflicts of Interest.

- 4.0 The Compliance Department will prepare an annual report on status of Conflict of Interest attestations for both the FDRs and employees and will report to the Compliance Committee. The Compliance Department obtains the employee information from the Banner Internal Audit Department on any Conflict of Interest submitted with the annual survey.

REFERENCES

- 1.0 Medicare Managed Care Manual – Chapter 21; Section 50.3.1
- 2.0 Prescription Drug Benefit Manual, Chapter 9, Section 50.3.1
- 3.0 AHCCCS Acute Care Contract, Section E, Paragraph 12
AHCCCS EPD ALTCS Contract, Section E, Paragraph 12.

ASSOCIATED POLICIES AND PROCEDURES

- 1.0 Banner Corporate Policy – 732 Conflict of Interest
- 2.0 Health Plan Policy - CP 6001 Compliance Program
- 3.0 Health Plan Policy - CP 6023 Code of Conduct
- 4.0 Health Plan Policy CP 6221 Compliance Officer Responsibilities

ATTACHMENTS

N/A