



Provider Manual

- **Compliance**



Compliance

Following compliance standards isn't just something we "have" to do, it's a commitment we make to our members because we want them to have the very best care possible. This section of the Provider Manual will guide you and your staff in understanding Kaiser Permanente's compliance policies and procedures.

If at any time you have a question or concern about the information outlined in this section of the Provider Manual, you can reach the Compliance Department by emailing at CO-ComplianceDepartment@kp.org

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Section 9: Compliance

Kaiser Permanente Colorado (KPCO) complies and demonstrates high ethical standards with all applicable laws, regulations, and Kaiser Permanente (KP) policies. Because Contracted Providers are an integral part of our business, it is important that we communicate and obtain your support for these standards. The Provider Contract Agreement (“Agreement”) details specific laws and contractual provisions with which you are expected to comply.

This section of the Provider Manual highlights important compliance-related provisions contained in the Agreement. KP maintains minimum standards that Contracted Providers are expected to uphold when providing services to KP and its members/patients. Contracted Providers are expected to ensure that its employees who treat or otherwise have contact with KP members/patients are aware of, and adhere to, the expectations laid out in the Agreement and this section.

KPCO does not discriminate for the participation, reimbursement, or indemnification of any provider who is acting within the scope of his or her licensure or certification under applicable State law, solely based on that license or certification. Nor does KPCO discriminate against particular providers that serve high-risk populations or specialize in conditions that require costly treatment.

9.1 Compliance with the Law

Contracted Providers are expected to comply with applicable State and Federal laws and regulations including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA). Contracted Providers are also expected to take appropriate disciplinary action against their employees who have violated the law or their own internal policies.

9.1.1 Medicaid and CHP+ Providers

Providers who see Child Health Plan *Plus* (CHP+) and Health First Colorado (Medicaid) patients are required to enroll with the state. Kaiser Permanente has the right to deny claims for providers who see CHP+ members and are not enrolled. For more information about how to enroll, visit the state’s enrollment site:

<https://www.colorado.gov/pacific/hcpf/provider-enrollment>

Moral Objection to provide a covered service for CHP+

Providers have a right to **not** provide certain Covered Services if they morally disagree with the services. If you have a moral objection, please have member call Member Services at **303-338-3800** to help find another provider for the needed services.

9.2 Principles of Responsibility and Compliance Hotline

The Kaiser Permanente [Principles of Responsibility \(POR\)](#) is the code of conduct for KP physicians, employees, and contractors working for KP. For a copy of the POR, please click on the hyperlink above.

If you witness any suspected wrongdoing or compliance violations by KP personnel, you must report it. The KP Compliance Hotline is a convenient and anonymous way for Contracted Providers to report fraud, waste, or abuse, safety concerns, or other compliance violations, without fear of retaliation. The Compliance Hotline is available 24 hours a day, 365 days a year at **1-888-774-9100**. Appropriate action is taken to investigate all allegations of noncompliance.

9.2.1 Provider Code of Conduct

KP has created the Provider Code of Conduct to communicate the minimum standards by which all Contracted Providers are expected to conduct themselves when providing goods and services to its members. Please share this document with your employees.

9.3 Privacy and Security

Federal and state laws require KP and Contracted Providers to maintain the privacy and security of KP member/patient data. Contracted Providers must ensure that its employees abide by HIPAA Privacy and Security Rules requirement including KP policies and state law(s) that provide more stringent data protection. If your business relationship with KP contemplates access to or disclosure of protected health information you may be required to sign a [business associate agreement](#) or non-disclosure agreement with us.

9.4 Business Record Retention

KP requires Contracted Providers to retain and make available records related to business with KP in accordance with applicable law and the Contracted Provider Agreement.

9.5 Conflicts of Interest

Conflicts of interest between Contracted Providers 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 our Contracted Providers. When an actual, potential, or perceived conflict of interest occurs, that conflict must be disclosed by the Contracted Provider. The disclosure must be made at the earliest opportunity, in writing, to KP's Compliance Department at: CO-ComplianceDepartment@kp.org.

9.6 Fraud, Waste, and Abuse

KP will investigate allegations of fraud, waste, and abuse by Contracted Providers that are related to goods and services provided to KP or its members/patients and will take corrective action including, but not limited to, civil or criminal action where appropriate. 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.

9.7 Gifts and Business Courtesies

KP discourages Contracted Providers from providing gifts, meals, entertainment, or other business courtesies to KP physicians, employees, or Contracted Providers working in KP facilities. 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 KP 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.

9.8 Visitation Policy

When visiting KP facilities, you are expected to comply with the applicable visitation policy. “Visitor” badges provided by the KP facility must be worn during the visit at all times.

9.9 Ineligible Providers

KP will not do business with any Contracted 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 Contracted 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.

10.0 Resources

For more information on KP policies, contact your contract manager or visit KP's Contracted Provider Compliance Web site at: <https://kp.org/compliance>