



Subject Oversight of First Tier, Downstream, and Related Entities' (FDRs') Compliance-Related Activities	Attachments <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Key words	Number
Category Ethics, Rights Responsibilities (ER)	Effective Date May 2012
Manual Office of Integrity and Compliance	Last Review Date December 2016
Issued By Office of Integrity and Compliance	Next Review Date September 2017
Applicable All employees, and first tier, downstream and related entities of HealthPartners/GHI	Origination Date May 2012
	Retired Date
Review Responsibility Office of Integrity and Compliance	Contact Office of Integrity and Compliance

- I. **PURPOSE** To ensure HealthPartners has proper oversight of FDRs to assess their initial and ongoing compliance performance.
- II. **POLICY** HealthPartners is committed to complying with all applicable laws and regulations, and appropriately oversees its FDRs to ensure appropriate compliance-related activities are in place and effective.
- III. **PROCEDURE(S)**

The following procedures outline the responsibilities of HealthPartners and its FDRs for compliance-related activities related to delegated health plan functions:

- 1. Responsibilities of HealthPartners:
 - a. Assess FDRs' abilities to perform the delegated functions
 - b. Execute contracts for delegated activities including language that outlines requirements to comply with applicable Federal and State laws, CMS requirements, and termination provisions for non-compliance
 - c. Communicate HealthPartners Code of Conduct
 - d. Communicate HealthPartners Policy on Preventing, Detecting, and Reporting Fraud, Waste, and Abuse
 - e. Communicate HealthPartners Policy on Oversight of First Tier, Downstream, and Related Entities Compliance-Related Activities
 - f. Perform initial and monthly verifications to ensure FDRs are not sanctioned or excluded from Federal or State public programs
 - g. Obtain an attestation from FDRs that the FDR responsibilities, listed below, are in place
 - h. Monitor and Audit FDRs periodically to assess compliance with the policy and applicable Federal and State regulations based on assessed risks
 - i. Investigate, or work in conjunction with FDRs to investigate, reports of non-compliance or Fraud, Waste, and Abuse

-
- j. Obtain corrective actions for any identified compliance-related deficiencies at FDRs

2. Responsibilities of FDRs:

- a. Receive and review HealthPartners Code of Conduct, Preventing, Detecting, and Reporting Fraud, Waste, and Abuse policy, and Oversight of First Tier, Downstream, and Related Entities Compliance-Related Activities policy.
- b. Establish a Code of Conduct
- c. Establish a Conflict of Interest reporting and review process
- d. Establish a Compliance Program
- e. Establish a Fraud, Waste and Abuse Policy
- f. Include Non-retaliation/intimidation language in Code of Conduct or other related policy
- g. Perform monthly verifications to ensure employees, board members, and contractors are not sanctioned or excluded from Federal or State public programs
- h. Perform Code of Conduct, including required compliance, and fraud, waste, and abuse training within 90 days of hire and annually thereafter (refer to CMS training guidance)
- i. Establish compliance reporting mechanisms and appropriately investigate compliance-related reports
- j. Apply discipline, as appropriate, for compliance-related incidents
- k. Monitor and Audit operations to ensure compliance with applicable Federal and State regulations based on assessed risks.
- l. Implement corrective actions for any identified compliance-related deficiencies
- m. Report any compliance-related or Fraud, Waste, or Abuse-related matters to HealthPartners immediately that impact the delegated services (see section VII for reporting information)
- n. Complete and submit the Disclosure of Ownership form and compliance attestation to HealthPartners, as applicable
- o. Retain relevant supporting records for 10 years

IV. DEFINITIONS

First Tier Entity: any party that enters into a written arrangement acceptable to CMS with a Medicare Advantage Organization (MAO) or Part D plan sponsor or applicant to provide administrative services or health care services to a Medicare eligible individual under the MA or Part D programs.

Downstream Entity: any party that enters into a written arrangement, acceptable to CMS with persons or entities involved in the MA or Part D benefits, below the level of the arrangement between and a MAO or applicant or a Part D plan sponsor or applicant and a FDR entity. These written arrangements continue down to the level of ultimate provider of both health and administrative services.

Related Entity: any party that is related to the Sponsor by common ownership or control and: performs some of the Sponsor's management functions under contract or delegation; furnishes services to Medicare enrollees under an oral or written agreement; or leases real property or sells materials to the Sponsor at a cost of more than \$2,500 during a contract period.

V. COMPLIANCE

All employees, and first tier, downstream, and related entities must comply with this policy, including, without limitation, provisions related to the good faith reporting of suspected health care fraud, waste and abuse, and provisions related to the prohibition against retaliation against individuals who have reported such suspicions in good faith. Failure to comply with this policy may result in disciplinary action, up to and including termination.

VI. ATTACHMENTS

Intentionally left blank

VII. OTHER RESOURCES

Internal Resources:

- Code of Conduct

-
- Preventing, Detecting, and Reporting Fraud, Waste, and Abuse policy

Other Resources:

- Medicare Prescription Drug Benefit Manual – Chapter 9
- Medicare Managed Care Manual – Chapter 21
- 42 CFR §422.503 and §422.504

HealthPartners Reporting Information:

- HealthPartners Health Plan Compliance Officer or other staff of the Office of Integrity and Compliance
- Integrity and Compliance Email – integrityandcompliance@healthpartners.com
- Integrity and Compliance Hotline – 1-866-444-3493, or
- Special Investigation Unit (SIU) Hotline – 952-883-5099

VIII. APPROVAL(S)

Originally approved by Enterprise Integrity Steering Committee (EISC) on May 16, 2012
Last update approved by EISC on September 22, 2016