

Corporate Compliance Plan



Banner Health®



Banner Health

Corporate Compliance Plan

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Introduction

Banner Health (“Banner”), is committed to working in accordance with all applicable laws, regulations, and Banner policies. To help strengthen this commitment, Banner has updated and implemented its Compliance Program among its employees, partners and facilities. The Compliance Program ensures that Banner meets the requirements of the Federal Sentencing Guidelines for Organizational Defendants and the advice of the Office of the Inspector General of the Department of Health and Human Services. The purpose of the Compliance Program is to demonstrate that Banner possesses the reliability, honesty, trustworthiness, and high degree of integrity expected of a leading health-care organization and a participant in federally-funded health-care programs.

This Corporate Compliance Plan is a key component of Banner’s Compliance Program. The Corporate Compliance Plan specifies the various compliance personnel, documents, and activities that make up Banner’s Compliance Program.

Compliance Personnel

Responsible Compliance Personnel

Certain persons and departments within Banner have been charged specifically with managing the Compliance Program. Nevertheless, all employees, as well as all persons and organizations retained and/or authorized to act on behalf of Banner (“agents”), are responsible for understanding, adhering to, and enforcing the compliance policies that make up the Compliance Program.

Banner Health Ethics & Compliance Officer and System Ethics & Compliance Committee

The Vice President of Ethics & Compliance at Banner serves as the Chief Compliance Officer for Banner. The Chief Compliance Officer has the ultimate oversight responsibility for Banner’s compliance activities, including ensuring adherence to the Compliance Program. Banner’s System Ethics & Compliance Committee acts as a resource to assist the Chief Compliance Officer in fulfilling his or her duties. The System Ethics & Compliance Committee consists of the Chief Compliance Officer, the General Counsel, and the Director of Audit Services, as well as representatives from Billing and Reimbursement, Finance, Human Resources, Materials Management, Medical Affairs, Operations, and Risk Management. Other representatives may be designated from time to time by Banner’s Chief Compliance Officer.

Banner Health Ethics & Compliance Department and Legal Department

The Banner Ethics & Compliance Department, led by the Vice President of Ethics & Compliance, is responsible for the day-to-day implementation, oversight, and enforcement of Banner’s compliance policies and activities. The Department also includes the Ethics & Compliance Department Compliance Officers, the Compliance Learning Program Director, and the Compliance Audit Senior Director and Compliance Analysts. The Ethics & Compliance Department is primarily responsible for developing and maintaining compliance policies, manuals, and training programs; establishing and maintaining systems for internal reporting of suspected violations of the law and Banner policies; providing compliance counseling, investigations, and audits; and providing regulatory, coding, billing, and reimbursement counseling and support.

The attorneys in the Banner Legal Department also are responsible for providing ongoing compliance advice and assistance to Banner. All officers, employees, and agents of Banner will consult with the Ethics & Compliance Department or the Legal Department concerning the application and interpretation of any applicable laws, regulations, and Banner policies, and they will follow the advice and instructions of counsel.

Banner Health Audit Services Department

At the request of the Corporate Compliance Officer, the Banner Audit Services Department will provide audit and investigatory advice and support in connection with the Banner Compliance Program.

Member Facility Compliance Officers and Member Compliance Committees

Each Banner hospital and each significant business unit (collectively referred to as “facility”) not connected to a hospital, must have a Compliance Officer to address facility-specific compliance issues, and to provide oversight to the facility’s implementation and operation of Banner’s compliance program. The Facility Compliance Officer acts as a liaison between the facility and the Ethics & Compliance Department. The Facility Compliance Officer assists the Ethics & Compliance Department by receiving, investigating, and responding to compliance questions and issues. The Ethics & Compliance Department must be regularly informed of the Facility Compliance Officer’s activities and must be consulted in connection with such activities. The Facility Compliance Officer also assists the Ethics & Compliance Department by providing reports as requested, by helping investigate compliance matters, and by ensuring that the Banner compliance policies and procedures are followed. The Facility Compliance Officer is responsible for maintaining and distributing to employees and agents any applicable compliance policies, procedures, manuals and brochures, and for assisting the Ethics & Compliance Department in connection with related training activities.

To assist the Facility Compliance Officer and the Ethics & Compliance Department, the facility shall have a Compliance Committee. The Committee will consist of the facility’s management selected by the Facility Compliance Officer, in consultation with the Ethics & Compliance Department. The Compliance Committee will meet on a regular basis to assist the Facility Compliance Officer in meeting his or her responsibilities, to assist in the development and implementation of compliance policies and procedures, and to assist in addressing compliance issues that may arise. The Facility Compliance Officer will submit minutes of each facility compliance committee meeting to the Ethics and Compliance Department.

Banner Employees

The success of the Banner Compliance Program depends upon the active commitment and participation of every Banner employee and agent. Therefore, all employees and agents are responsible for understanding, following, and enforcing the policies that make up the Banner Compliance Program.

Ethics & Compliance Policies and Procedures

Ethics & Compliance Policies and Procedures

Banner has developed and adopted system-wide compliance policies and procedures, including the Corporate Compliance Plan, the Compliance Obligations Policy, the Code of Conduct, and the Compliance Handbook. All employees of Banner must comply with these policies and procedures and ensure that any related policies and procedures are consistent with the Banner policies and procedures.

Each Banner facility is responsible for developing, adopting, and implementing its own compliance policies and procedures consistent with any Banner policies or procedures. Such documents may be tailored to the particular characteristics and requirements of the facility.

Banner Corporate Compliance Plan

Banner has developed, adopted, and implemented this Corporate Compliance Plan (the “Plan”). The Plan establishes and specifies the various personnel, documents, and activities that make up the Compliance Program. The purpose of the Plan is to establish procedures and guidelines within Banner to ensure that compliance is a part of Banner’s day-to-day business. The Plan discusses the designation of compliance personnel and establishes their responsibilities and duties, the development and distribution of compliance policies and procedures, how Banner conducts its compliance education and training activities, the compliance communication lines established for employees to use in obtaining answers to their compliance questions or concerns. It also includes Banner’s compliance enforcement standards and disciplinary guidelines for compliance violations, and the various compliance auditing and monitoring activities used by Banner to ensure that its compliance policies and procedures are followed.

The Facility Compliance Officers will be responsible for ensuring that the Plan is distributed and/or made available to all personnel.

Banner Health Compliance Obligations Policy, Code of Conduct, and Compliance Handbook

The Banner Board of Directors has adopted the Compliance Obligations Policy to ensure that Banner and all of its facilities and functional areas operate in accordance with all applicable laws, regulations, and Banner compliance policies and procedures. Banner has also developed and implemented the Banner Code of Conduct. The Code of Conduct provides guidelines and instructions for all Banner entities, functional areas, and personnel regarding how they must conduct their activities to ensure that they are in full compliance with all applicable laws, regulations, and Banner compliance policies and procedures. Finally, Banner also has developed and implemented a Compliance Handbook. The Handbook contains specific system-wide compliance policies that apply throughout Banner.

Each facility must follow these Banner policies and ensure that all of its officers, directors, employees and agents are aware of these policies and act in accordance with their terms and provisions. The Facility Compliance Officers will be responsible for ensuring that the three above-referenced documents are distributed and/or made available to all personnel.

Other Banner Health and Facility Policies and Procedures

The procedures and guidelines set forth within the Banner Plan and Code of Conduct are intended to reaffirm Banner's commitment to compliance. They are not intended to replace other Banner, Facility, or departmental policies and procedures. All employees must comply with any applicable Banner, Facility, or departmental policies and procedures as well as the guidelines set forth in the Banner Plan and Code of Conduct.

Compliance Education and Training

Responsible Personnel

Banner will institute and maintain an ongoing education and training program to ensure that each employee and agent is aware of, and understands, the Banner Compliance Program, and his or her duty to ensure compliance with the same. The Ethics & Compliance Department will be responsible for developing the compliance education and training programs. Each Banner employee is responsible for ensuring that he or she attends any required training and educational programs. In addition, it is the responsibility of every supervisor and manager to ensure that his or her employees have received the required training and that they fully understand the Compliance Program and its impact on their day-to-day activities and duties.

Annual Compliance Training and Education

Each year, every employee will receive one hour or more of compliance training. Such training may include a description of Banner's Compliance Program, the Code of Conduct, and the applicable compliance laws and regulations. The training session will emphasize the importance of each employee abiding by applicable laws and regulations as well as any Banner compliance policies and procedures. The training and educational program may contain information on the potential consequences to the employee, the facility, or Banner for not complying with the applicable laws, regulations, and Banner compliance policies and procedures.

In addition, newly hired Banner leaders and newly promoted leaders will receive leadership compliance training through computer-based lessons. Finally, the training program also may address any identified issues, risk areas, or activities of which Banner is aware.

The Ethics & Compliance Department is responsible for developing the compliance training program and monitoring employee participation. Participation in the annual compliance training program and any other mandatory compliance training program must be part of each employee's performance appraisal. All mandatory compliance training is computer-based and various completion reports provide documentation to department directors and managers in monitoring employee participation. Failure to participate may result in corrective action, up to and including termination of employment.

Special Compliance Training and Education

In addition to the annual compliance training session for all employees, the Ethics & Compliance Department will develop computer-based compliance training programs assigned through the Banner Learning Center for those employees whose actions affect the reimbursement received from the government, such as employees involved in the coding, pricing, billing and cost reporting processes. These training programs may include topics such as government and private payer reimbursement principles, general prohibitions on paying or receiving remuneration to induce referrals, proper confirmation of diagnosis, proper coding, and proper documentation of medical records. Since accurate coding depends upon the quality and completeness of the physician's documentation, active employed staff physician participation in educational programs focusing on coding and documentation is required. Other areas that are assigned specific training modules through the Banner Learning Center are: Home Health, Patient Financial Services, Admitting and Registration, Laboratory Services, and Health Information Management Services.

Annual Employee Performance Appraisals

Adherence to the Banner compliance policies and procedures as well as participation in Banner's compliance training and educational programs is a condition of employment and must be taken into account as part of each employee's annual performance appraisal. To meet each employee's annual compliance training requirement, each manager or supervisor should verify that the employee completed their mandatory compliance training in the Banner Learning Center and sign the employee's performance appraisal attesting to the completion of compliance training.

New Employees

New employees must attend new employee orientation, which provides an overview of the Banner Compliance Program. In addition, new employees are assigned mandatory computer-based compliance training through the Banner Learning Center that must be completed within 60 days of hire. New employees will review the Code of Conduct through the computer-based lesson and electronically acknowledge that they have reviewed the Code. Employees may print a copy of the Code of Conduct from this lesson or through the Ethics & Compliance intranet website. Additional compliance training may be assigned to employees depending upon their position or job responsibilities.

Compliance Communication Lines

Access to Compliance Personnel

Every employee is responsible for addressing and reporting to the appropriate Banner management any compliance issues that may exist within his or her respective area. In addition, every employee is responsible for assisting other employees obtain answers to compliance questions or resolve compliance issues that may exist. Supervisors and managers are specifically responsible for assisting their employees.

Each Banner facility will ensure that the Facility Compliance Officer is readily available to employees to help them address any compliance questions, issues, or concerns. The existence and the availability of the Facility Compliance Officer will be publicized throughout each Banner facility. Each Banner facility will further ensure that all of its employees are aware of the other compliance personnel at Banner that are available to assist them in resolving any compliance questions or concerns.

To assist employees in reporting any compliance issues or concerns, Banner has implemented the Four-Step Communication Process. Generally, compliance issues or concerns should be reported and resolved promptly, constructively, and at the lowest level possible by following these four steps:

1. Discuss the issue with your supervisor. Supervisors are familiar with the particular workplace environment and its issues. Therefore, they should be given the first opportunity to resolve the matter.
2. Speak to your Department Manager or Director. If you and your supervisor cannot resolve the matter or if you feel that your concern is not getting the proper attention, or if your supervisor is the issue, you should request a meeting with your Department Manager or Director to discuss the matter further.

3. Speak to your Compliance Officer, Human Resources Department, and/or your CEO. If your Department Manager or Director is unable to resolve the matter to your satisfaction, you should contact your Compliance Officer or Human Resource Department, or, alternatively, you may elect to bring the matter directly to your CEO or Senior Executive. The Ethics & Compliance intranet website lists the Facility Compliance Officers.
4. Bring the matter to the attention of the Ethics & Compliance Department. Matters that are not resolved at the facility level should be brought to the attention of the Ethics & Compliance Department or Legal Department.

No person will be subject to retaliation for bringing forward a good faith compliance issue or concern. Anyone who attempts to retaliate against an employee who has asked a good faith question or brought forward a good faith concern will be subject to corrective action, up to and including termination of employment.

ComplyLine

Banner has established a system-wide ComplyLine (888-747-7989) for employees to use in asking compliance questions or reporting compliance concerns. The ComplyLine is available to employees who feel that they have exhausted the normal channels without resolution, who may feel uncomfortable about bringing an issue to their supervisor or manager, or who, for any reason, wish to remain anonymous. The ComplyLine is intended to supplement existing internal compliance communication channels. It is not intended to replace local management.

Banner will ensure that the existence and availability of the ComplyLine is publicized to all of its employees. The Facility Compliance Officers will assist the Ethics & Compliance Department, the Legal Department, or the Audit Services Department in addressing and resolving any ComplyLine issues or concerns in his or her area.

Compliance Enforcement Standards

Disciplinary Policy

Any Banner employee who fails to comply with an applicable law, regulation, or compliance policy may be subject to corrective action, up to and including termination of employment. Corrective action also may occur when a responsible employee's failure to detect and/or correct a violation is attributable to his or her negligence or reckless conduct. In addition, any employee who is aware of, or reasonably suspects, any violation of an applicable law, regulation, or compliance policy and fails to report it may be subject to corrective action.

Managers and supervisors may be subject to corrective action for an employee's violation if they ordered, supported, encouraged, or otherwise fostered an environment that led to the violation. Inadequate training or supervision by a manager and supervisor also may result in corrective action if such inadequacy results in a violation of an applicable law, regulation, or compliance policy.

Corrective action must be appropriate and consistent. The consequences of noncompliance must be consistently applied and enforced throughout Banner, and all levels of employees must be subject to the same corrective action for the commission of similar offenses. Corrective action for a compliance violation must be taken only after consulting with the appropriate Human Resources personnel and the Facility Compliance Officer, the Ethics & Compliance Department, the Legal Department or the Chief Compliance Officer. Corrective action must occur in accordance with any applicable human resources policy and procedure and the level and degree of discipline must be based on the facts of the particular situation.

Background Checks and Non-Employment of Convicted, Debarred or Excluded Individuals

For all new employees, Banner will conduct a reasonable background investigation, including a reference check, as part of the job application process. Banner's job application will require the applicant to disclose any prior criminal conviction or healthcare exclusion action. Banner will not employ an individual who has been convicted of certain criminal offenses, including those related to healthcare, or who is listed as debarred, excluded, or otherwise ineligible for participation in federal healthcare programs.

Pending the resolution of any criminal charges or proposed debarment or exclusion, an individual will be removed from direct responsibility for, or involvement in, any federal healthcare program. If resolution of the matter results in conviction, debarment, or exclusion, Banner will terminate its employment relationship or other contract arrangement with such individual.

Compliance Auditing and Monitoring

Responsible Personnel

Every department and employee is responsible for continuously monitoring its compliance with the law, regulations, and compliance policies. The Facility Compliance Officers, the Ethics & Compliance Department, and the Audit Services Department will be available to consult with the departments and employees, and provide assistance and advice in conducting any compliance monitoring activities. All compliance audits must be at the direction of the Banner Chief Compliance Officer and they must be conducted in accordance with the instructions and general supervision provided by the Ethics & Compliance Department and the Audit Services Department.

Annual Compliance Audits

As part of Banner, the facilities may be subject to announced or unannounced audits and investigations conducted by the Audit Group of the Ethics & Compliance Department or the Audit Services Department (together, "Audit Services"). The Facilities will cooperate with and assist Audit Services in conducting these audits and investigations. Each facility will respond to any requests in a timely manner and, at the request of Audit Services, will assist in developing and immediately implementing any action plans or changes made as a result of a finding.

At the request of Audit Services each facility and/or certain departments will conduct annual compliance monitoring activities and self-assessments to ensure they are complying with the applicable laws, regulations, and compliance policies and to ensure the Compliance Program is operating effectively and in the manner intended. On an annual basis, the Facility Compliance Officers will meet with representatives of Audit Services and the Ethics & Compliance Department to discuss and decide the monitoring or self-assessment topics. In considering and selecting the topics, Banner will focus on its programs, divisions, and external relationships with third-party contractors where there may exist substantive exposure to government enforcement actions. Therefore, the monitoring activities and self-assessments may examine Banner's compliance with the laws governing kickback arrangements, the physician self-referral prohibition, CPT/HCPCS and ICD-9 coding, claim development and submission, reimbursement, cost reporting, and marketing activities. The monitoring activities and self-assessments also may examine Banner's compliance with specific rules and policies that have been the focus of particular attention by the Medicare fiscal intermediaries, carriers, and law enforcement officials. In addition, the monitoring activities and self-assessments also may focus on any facility-specific areas of concern that have been identified by a federal, state, or internal entity.

In consultation with the Ethics & Compliance Department and Audit Services, each facility also will conduct annual monitoring activities or self-assessments of the Compliance Program, including its compliance with the terms and provisions of the Corporate Compliance Plan (e.g., Have Banner's compliance documents been appropriately disseminated and publicized? Have the appropriate training and educational activities occurred? Have the appropriate corrective actions been taken? etc.)

Corrections and Reporting Responsibilities

Each Banner facility, and its employees and agents must immediately report any compliance issues to the Facility Compliance Officer or the Ethics & Compliance Department. The Ethics & Compliance Department will consult with the Chief Compliance Officer and, at his or her direction, will promptly investigate each issue using the Facility Compliance Officers, the Audit Services Department, the Legal Department, member personnel, outside counsel, outside auditors, or other resources as appropriate. The Ethics & Compliance Department will be responsible for maintaining the records and documentation regarding each investigation.

At the conclusion of each investigation, if the Ethics & Compliance Department, and the Legal Department, in its capacity as legal counsel to Banner, and its Members, determine that a violation of the law has occurred, they will advise appropriate management, and promptly make, or cause to be made, any required or appropriate disclosure. In any event, if an unlawful offense is discovered, Banner must take all reasonable steps to respond appropriately to the offense and to prevent the recurrence of the offense or any similar offenses.

Compliance Plan Changes and Updates

Banner's Compliance Program, including the Plan, must remain relevant to the multiple issues that may arise in the changing health-care environment. Therefore, Banner must continuously monitor and reassess its Compliance Program to ensure that it effectively addresses the issues that may exist at that time. If Banner reasonably believes that changes should be made to improve the overall effectiveness of the Compliance Program, then management must develop and implement the changes with the advice and assistance of the Facility Compliance Officers and the Ethics & Compliance Department.

The Plan is intended to establish a procedural framework for legal compliance by Banner and its facilities. It is not intended to set forth fully all of the substantive programs and practices of Banner that are designed to help achieve compliance. Additional compliance standards are established and maintained by virtue of the many practices, procedures, and policies established by the facilities', departments or functional areas, which are an integral part of the compliance efforts of Banner. Banner maintains various compliance practices and policies that were implemented prior to the establishment of the Compliance Program and that continue to be a part of the overall compliance efforts of Banner.

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Banner's ComplyLine (888) 747-7989

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