

Notice to Third Parties

This Policy is Applicable to the following sites:

Big Rapids, Continuing Care, Corporate, Gerber, Ludington, Outpatient/Physician Practices, Pennock, Priority Health, Reed City, SH GR Hospitals, SHMG, United/Kelsey, Zeeland

Applicability Limited to:	N/A
Reference #:	1167
Version #:	7
Effective Date:	08/01/2002
Last Reviewed / Revised Date:	05/17/2016
Functional Area: Integrity/Compliance	Administrative Operations, Organizational
Department Area:	Organizational Integrity/Compliance

1. **Purpose:** To notify prospective Third Parties engaged with or conducting business with Spectrum Health of the values and standards of conduct as outlined in the applicable Spectrum Health Code of Excellence (COE). Spectrum Health is committed to compliance with all laws or regulations relating to federal health care programs, including but not limited to the state and federal False Claims Acts, fraud and abuse laws, the Stark regulations, or any other laws pertaining to the organization.
2. **[Compliance Policy Definitions Log](#)**
 - “Third Party” is defined as any of the following:
 - A vendor providing services and/or items to Spectrum Health
 - A non-employed medical staff member at Spectrum Health facilities
 - Consultants, contractors, or agents
 - Any other person/entity performing services, providing products/supplies on behalf of the organization, i.e. volunteers, students, residents, business associates, etc.
3. **Policy**
 - 3.1. By performing services on behalf of Spectrum Health, a Third Party agrees to act in compliance with applicable laws and regulations. Third Parties are further required to comply with the COE and the duty to report any known or suspected violation of the laws and regulations pertaining to Spectrum Health.
 - 3.2. To provide information to Third Parties regarding the requirements of the standards of conduct as stated in the COE and related policies and procedures, Spectrum Health maintains a Third Party webpage, accessible through the Spectrum Health internet website <http://www.spectrumhealth.org/body.cfm?id=1358> or <http://www.priorityhealth.com/agent/compliance>. Third Parties are expected to access this website for the latest information relative to this policy.
 - 3.3. Failure to follow standards of conduct or violations of applicable laws and regulations (including the duty to report misconduct or exclusion from participation in state or federal health care programs), may be considered to be a violation of the Third Party’s arrangement with the organization. Spectrum Health may take action against a Third Party for such a violation, including termination of the arrangement.

- 3.4. As applicable, any Third Party that participates in the evaluation of a product or service must disclose in writing any and all financial arrangements with any/all vendors on a personal or professional basis. Such disclosure should be disclosed using the “Spectrum Health Agent/Physician Financial Disclosure Statement for Participation in Product Evaluation process” (see linked document below). It is the responsibility of the applicable department to provide and obtain the necessary signature on this document prior to the evaluation.
 - 3.5. In addition, all Third Parties are expected to:
 - 3.5.1. Be aware of those procedures which affect the Third Party and which are necessary to follow the COE, including the mandatory duty of all Third Parties to report known or suspected violations of any law or regulation relating to false claims, fraud and abuse, Stark, or any other law or regulation pertaining to Spectrum Health.
 - 3.5.2. Understand and adhere to legal standards, especially those which relate to the Third Party functions for or on behalf of Spectrum Health.
 - 3.5.3. Disclose, prior to performing services on behalf of Spectrum Health, any governmental investigation in which the Third Party is, was, or may become involved.
 - 3.5.4. Agree, in writing, to adhere to all applicable federal, state, and local laws and regulations in performing services for Spectrum Health.
 - 3.5.5. Disclose and promptly notify Spectrum Health if the contracted party becomes excluded from participation in any state and/or federal healthcare programs.
 - 3.5.6. Immediately remove any of its employees or agents who are or become excluded from participation in any state and/or federal healthcare programs from working directly or indirectly with or for Spectrum Health; and
 - 3.5.7. Take additional actions as required to address a known or potential compliance issue involving the evaluation process.
 - 3.6. Written agreements with Third Parties and/or Requests for Proposals (RFP’s) should contain contractual language similar to that set forth in **Exhibit A** attached hereto.
 - 3.7. Should Spectrum Health learn during review of a prospective Third Party qualification that the Third Party involved otherwise failed to follow ethical or corporate responsibility standards of any other health care provider or government entity, Spectrum Health may, at its sole discretion, refuse to engage the services of the Third Party.
 - 3.8. Any deviations from this policy must be approved by the chief compliance officer and/or legal counsel for the applicable organization.
4. **Revisions**

Spectrum Health reserves the right to alter, amend, modify or eliminate this policy at any time without prior written notice.
 5. **References**
 - 5.1 Spectrum Health Code of Excellence
 - 5.2 Deficit Reduction Act 2005
 - 5.3 Section 1128 and 1156 of the Social Security Act
 6. **Links**

[Agent/Physician Financial Disclosure Statement](#)
 7. **Policy Development and Approval**

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Approver:

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6. Keywords

Not Set

Exhibit A

Notification of Third Parties and Agents: As notification regarding Compliance expectation to individuals and entities doing business with Spectrum Health, language substantially similar to the following is to be included in contracts, RFPs and on purchase orders: This language is subject to change by Spectrum Health legal counsel.

CORPORATE COMPLIANCE CONTRACT LANGUAGE: Spectrum Health has in place a Code of Excellence (“Code”), the goal of which is to ensure that all applicable federal, state, and local laws and regulations are followed. The Code includes a commitment to uphold a high standard of ethical and legal business practices and to prevent misconduct. Through the implementation of this Agreement, each party acknowledges the commitment to legal compliance and agrees to conduct all transactions which occur pursuant to this Agreement in accordance with all applicable federal, state and local laws and regulations. Any material violations of applicable law will be considered a breach of this Agreement. In addition, pursuant to the federal Deficit Reduction Act of 2005, Spectrum Health is required to provide contractors with information about the federal and state laws regarding false claims, penalties and whistleblower rights and protections under such laws. Spectrum Health has implemented a policy to detect, address and prevent issues of fraud, waste and abuse. This policy, as well as the Code, can be accessed by Vendor on Spectrum Health’s website at <http://www.spectrumhealth.org/suppliers>, or Spectrum Health will provide a hard copy upon written request from Vendor. It is Spectrum Health’s expectation that Vendor will be educating all Vendor employees who work on matters related to Spectrum Health on such policy. By signing this Agreement, Vendor represents and warrants that neither it nor any of its employees is, or has been, excluded from participation in any federally and/or state funded health care programs, including but not limited to Medicare, Medicaid, and TRICARE. Vendor agrees to promptly notify Spectrum Health of any proposed or actual exclusion, of it or any of its employees, from any federally and/or state funded health care program.

REQUEST FOR PROPOSAL LANGUAGE: By submission of this Proposal to Spectrum Health, _____ agrees to comply with all federal, state and local laws and regulations. _____ also agrees to uphold a high standard of ethical and legal business practices and to prevent misconduct. In addition, under the federal Deficit Reduction Act of 2005, Spectrum Health is required to provide contractors with information about the federal and state laws regarding false claims, administrative remedies for false claims and statements, penalties and whistleblower protections under such laws. Spectrum Health has implemented a policy to detect and address issues of fraud and abuse. This policy can be accessed by _____ on Spectrum Health’s website at <http://www.spectrumhealth.org/suppliers>, or Spectrum Health will provide a hard copy upon written request. It is Spectrum Health’s expectation that _____ will be educating all of its employees who work on matters related to Spectrum Health on such policy. By submission of this Proposal, _____ represents and warrants that neither it nor any of its employees is, or had been, involved in any actions that have excluded any parties from participation in any federally and/or state funded health care program, including but not limited to Medicare, Medicaid, and TRICARE. _____ hereby agrees to promptly notify Spectrum Health of any proposed, or actual exclusion, of it or any of its employees, including any parties involved in this RFP, from any federally and/or state funded health care program.

VENDOR EXCLUDED PROVIDER CLAUSE: By accepting this order, Vendor agrees to comply with all federal, state and local laws and regulations. Vendor also agrees to uphold a high standard of ethical and legal business practices and to prevent misconduct. In addition, under the federal Deficit Reduction Act of 2005, Spectrum Health is required to provide contractors with information about the federal and state laws regarding false claims, administrative remedies for false claims and statements, penalties and whistleblower protections under such laws. Spectrum Health has implemented a policy to detect and address issues of fraud and abuse. This policy can be accessed by Vendor on Spectrum Health’s website at <http://www.spectrumhealth.org/suppliers>, or Spectrum Health will provide a hard copy upon written request. It is Spectrum Health’s expectation that Vendor will be educating all of its employees who work on matters related to Spectrum Health on such policy.

By accepting this order, Vendor hereby represents and warrants that neither it nor any of its employees is, or has been, excluded from participation in any federally and/or state funded health care program, including but not limited to Medicare, Medicaid, and TRICARE. Vendor hereby agrees to promptly notify Spectrum Health of any proposed, or actual exclusion, of it or any of its employees, from any federally and/or state funded health care program.

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