

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
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Last Reviewed / Revised Date:	08/08/2018
Functional Area:	Administrative Operations, Organizational Integrity/Compliance
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/suppliers> 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;
 - 3.5.7. Take additional actions as required to address a known or potential compliance issue involving the evaluation process.
- 3.6. For vendors/contractors who provide clinical care, have access to Protected Health Information (PHI) or perform key revenue cycle functions, staff must complete the Medicare Learning Network (MLN) trainings, as indicated on Spectrum Health’s website at <http://www.spectrumhealth.org/suppliers>, within 90 days of hire/contract and annually thereafter.
- 3.7. 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.
- 3.8. 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.
- 3.9. 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. Policy Development and Approval

Document Owner:

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Approver:

Richard C. Breon, President & CEO, Spectrum Health System

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 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 and all government and non-government payer requirements are satisfied. 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 Contract, each party acknowledges the commitment to legal and payer contract compliance and agrees to conduct all transactions which occur pursuant to this Contract in accordance with all applicable federal, state and local laws and regulations and all government and non-government payer requirements. Any material violations of applicable law or payer requirements will be considered a breach of this Contract. In addition, pursuant to the federal Deficit Reduction Act of 2005, Spectrum is required to provide contractors with information about the federal and state laws regarding false claims, Medicare Parts C and D compliance, penalties and whistleblower rights and protections under such laws. Spectrum has also implemented a policy to detect, address and prevent issues of fraud, waste and abuse. This policy, the Code, and information regarding the Centers for Medicare and Medicaid Services’ Medicare Learning Network (“MLN”) or other applicable payer requirements shall be accessed by Service Provider on Spectrum’s online supplier portal at <http://www.spectrumhealth.org/for-suppliers>, or Spectrum will provide a hard copy or additional access to such materials upon written request from Service Provider. It is Spectrum’s expectation that Service Provider will educate all Service Provider employees and contractors who work on matters related to this Contract on such policy, the Code, and all applicable payer requirements (including, but not limited to, MLN training if required as described in the supplier portal) within ninety (90) days of the effective date of this Contract and annually thereafter. By signing this Contract, Service Provider represents and warrants that neither it nor any of its employees or contractors directly involved in the provision of Services are, or have been, excluded from participation in any federally and/or state funded health care programs, including but not limited to Medicare, Medicaid, and TRICARE. Service Provider agrees to promptly notify Spectrum of any proposed or actual exclusion, of it or any of its employees or contractors directly involved in the provision of Services, 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 and all government and non-government payer requirements. _____ 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, Medicare Parts C and D Compliance, penalties and whistleblower protections under such laws. Spectrum Health has also implemented a policy to detect and address issues of fraud and abuse. This policy, the Code, and information regarding the Centers for Medicare and Medicaid Services’ Medicare Learning Network (“MLN”) or other applicable payer requirements shall be accessed by _____ on Spectrum Health’s online supplier portal at <http://www.spectrumhealth.org/suppliers>, or Spectrum Health will provide a hard copy or additional access to such materials upon written request from Service Provider. It is Spectrum Health’s expectation that _____ will educate all of its employees and contractors who work on matters related to this Contract on such policy, the Code, and all applicable payer requirements (including, but not limited to, MLN training if required as described in the supplier portal) within ninety (90) days of the effective date of this Contract and annually thereafter. By submission of this Proposal, _____ represents and warrants that neither it nor any of its employees or any contractors directly involved in the provision of Services are, or have 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 or contractors directly involved in the provision of Services, 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, Service Provider agrees to comply with all federal, state and local laws and regulations and all government and non-government payer requirements. Service Provider 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, Medicare Parts C and D compliance, penalties and whistleblower protections under such laws. Spectrum Health has also implemented a policy to detect and address issues of fraud and abuse. This policy, the Code, and information regarding the Centers for Medicare and Medicaid Services' Medicare Learning Network ("MLN") or other applicable payer requirements shall be accessed by Service Provider on Spectrum Health's online supplier portal at <http://www.spectrumhealth.org/suppliers>, or Spectrum Health will provide a hard copy or additional access to such materials upon written request from Service Provider. It is Spectrum Health's expectation that Vendor will educate all of Service Provider employees and contractors who work on matters related to this contract on such policy, the Code, and all applicable payer requirements (including, but not limited to, MLN training if required as described in the supplier portal) within ninety (90) days of the effective date of this Contract and annually thereafter.. By accepting this order, Service Provider hereby represents and warrants that neither it nor any of its employees or contractors directly involved in the provision of Services are, or have been, excluded from participation in any federally and/or state funded health care program, including but not limited to Medicare, Medicaid, and TRICARE. Service Provider hereby agrees to promptly notify Spectrum Health of any proposed, or actual exclusion, of it or any of its employees or contractors directly involved in the provision of Services, from any federally and/or state funded health care program.