

Title: Compliance: Corporate Integrity Agreement (CIA) Notification Requirements		
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Approved by: Administrative Policy Committee, Chief Legal Officer/General Counsel, PolicyTech Administrators		
Discrete Operating Unit/Facility: Banner Baywood Medical Center Banner Behavioral Health Hospital Banner Boswell Medical Center Banner Casa Grande Medical Center Banner Churchill Community Hospital Banner Del E Webb Medical Center Banner Desert Medical Center Banner Estrella Medical Center Banner Fort Collins Medical Center Banner Gateway Medical Center Banner Goldfield Medical Center Banner Heart Hospital Banner Ironwood Medical Center Banner Lassen Medical Center Banner Ocotillo Medical Center Banner Payson Medical Center Banner Thunderbird Medical Center Banner--University Medical Center Phoenix Banner--University Medical Center South Banner--University Medical Center Tucson East Morgan County Hospital McKee Medical Center North Colorado Medical Center Ogallala Community Hospital Page Hospital Platte County Memorial Hospital Sterling Regional Medical Center Torrington Community Hospital Washakie Medical Center Wyoming Medical Center		Banner Corporate Ambulatory (Outpatient) Services Banner Health Clinics Banner Imaging Services Banner Imaging Services Colorado Banner MD Anderson Cancer Center Banner Sleep Center Banner Surgery Centers Banner Urgent Care Services Occupational Health/Employee Health Services Rural Health Clinics Banner Home Care and Hospice (BHCH) Banner Pharmacy Services Insurance Banner Health Network Banner Plan Administration Banner University Health Plan Post Acute Services (PAC) Research

I. Purpose/Population:

A. **Purpose:** To require that the Ethics & Compliance Department be notified about certain matters in order to comply with the obligations of Banner's Corporate Integrity Agreement (CIA).

B. **Population:** All Covered Persons

II. Definitions:

A. **Corporate Integrity Agreement:** A five-year agreement that Banner entered into on April 9, 2018 with the with the U.S. Department of Health and Human Services Office of Inspector General (OIG) as part of a settlement with the Department of Justice.

B. **Covered Persons:** Includes:

1. Banner Board of Directors;
2. All full-time and part-time employees and volunteers of Banner and of any discrete operating unit owned, operated, or controlled by Banner except those subsidiaries, affiliates or units owned, operated, or controlled by Banner where the compliance function has been assigned to another entity;
3. All contractors, subcontractors, agents, and other persons/entities who provide patient care items or services or who perform billing or coding functions on behalf of Banner or of any discrete operating unit owned, operated, or controlled by Banner except those subsidiaries, affiliates or units owned, operated, or controlled by Banner where the compliance function has been assigned to another entity; and
4. All non-employed physicians and other non-physician practitioners who are credentialed providers at the 12 hospitals named in the CIA.¹
5. Notwithstanding the above, this term does not include part-time or per diem employees, contractors, subcontractors, agents, and other persons who are not reasonably expected to work more than 160 hours during a Reporting Period (April 9 – April 8), except that any such individuals shall become "Covered Persons" at the point when they work more than 160 hours; and
6. Other categories as required by the Ethics & Compliance Department or by law or regulation.

C. **Federal Health Care Program:** Any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded in whole or in part by the United States Government (other than the Federal Employees Health Benefit Program) or any State health care program (as defined in 42 U.S.C. § 1320a-7(h)). Federal Health Care Programs include, but are not limited to, Medicare, Medicaid, Indian Health Service, TRICARE/CHAMPUS/Department of Defense health care programs, and Veterans Administration.

D. **Ineligible Person:** An individual or entity who:

1. Is currently excluded, debarred, suspended, or otherwise ineligible to participate in Federal Health Care Programs or in federal procurement or non-procurement programs, as evidenced by the individual's or entity's inclusion on the OIG's List of Excluded Individuals/Entities (LEIE), General Services Administration's System for Award

¹ The 12 hospitals are Banner Baywood Medical Center, Banner Heart Hospital, Banner Boswell Medical Center, Banner Del. E. Webb Medical Center, Banner Desert Medical Center, Banner Estrella Medical Center, Banner Gateway Medical Center, Banner University Medical Center Phoenix, Banner Ironwood Medical Center, Banner Thunderbird Medical Center, North Colorado Medical Center, and McKee Medical Center.

- Management (SAM), State Medicaid Exclusion Lists, and any other lists required by the
OIG or Centers for Medicare and Medicaid Services; or
2. Has been convicted of a criminal offense that falls within the scope of 42 U.S.C. § 1320a- 7(a)² but has not yet been excluded, debarred, suspended, or otherwise declared ineligible.
- E. **Overpayment:** Any funds that Banner has received in excess of the amount due and payable under Federal Health Care Program requirements.
- F. **Substantial Overpayment:** For purposes of this policy, a “Substantial Overpayment” is defined as a single Overpayment or a series of Overpayments that (1) meets a threshold amount of \$100,000 and (2) is considered substantial based on several factors, including, but not limited to, the number of affected claims, the time period over which the Overpayment(s) occurred, the dollar amount involved, and the nature of the error that led to the Overpayment(s).

III. Policy:

A. Notification Requirements

1. Banner’s CIA requires that certain matters be reported to the OIG within defined time frames. Moreover, Banner must submit an Annual Report to the OIG on its compliance with CIA requirements for each Reporting Period (April 9 – April 8) of the five years that the CIA is effective.
2. To ensure that Banner complies with its obligations under the CIA, individuals and departments must notify the Ethics & Compliance Department about certain matters within the time periods set forth below.

B. Notification Mechanisms

1. Covered Persons can notify the Ethics & Compliance Department about these matters by contacting their Compliance Officer, any other individual in the Ethics & Compliance Department, or the ComplyLine at 1-888-747-7989 or online at bannerhealthcomplyline.ethicspoint.com.

IV. Procedure/Interventions:

- A. Covered Persons notify the Ethics & Compliance Department of the following matters within the specified time frames:
1. **Governmental investigations or legal proceedings:**
 - a. **Description:** An investigation or legal proceeding conducted or brought by a governmental entity or its agents involving an allegation that Banner has committed a crime or engaged in fraudulent activity.
 - b. **Notification Deadlines:**
 - i. Immediately upon discovery; and
 - ii. No later than three days after resolution – include a description of the findings and/or results of the investigation or proceeding, if any.
 2. **Internal audit or review:**
 - a. **Description:** An internal audit or review by Banner, including third parties acting on behalf of Banner, that impacts or involves a determination regarding Banner’s compliance with Federal health care program requirements or its CIA obligations.

² The statute provides for mandatory exclusion from participation in any Federal Health Care Program for individuals and entities convicted of (1) program-related crimes, (2) patient abuse, (3) felonies relating to health care fraud, and (4) felonies relating to controlled substances.

- b. **Notification Deadlines:**
 - i. Before initiating the audit or review;
 - ii. Upon obtaining the initial results of the audit or review;
 - iii. Upon completion of the audit or review – include a summary of the audit or review, the audit report, and any corrective action plan; and
 - iv. If applicable, upon completion of the steps taken to track the implementation of the corrective action plan.
- 3. **External audits:**
 - a. **Description:** An audit conducted by any Medicare or Medicaid program contractor or any government entity or contractor involving a review of Federal health care program claims or Federal health care program requirements. For purposes of this policy, such audits do not include routine surveys or investigations, but significant matters such as ones that may result in a statement of deficiency accompanied by a notice of exclusion.
 - b. **Notification Deadlines:**
 - i. Upon receipt of a letter or other notice of an external audit; and
 - ii. Upon completion of the external audit – include a summary of the audit, Banner’s response, and any corrective action plan.
- 4. **On-Site Government Representatives:**
 - a. **Description:** Government representatives who work for regulatory or enforcement agencies and come on-site to assess Banner’s compliance with its CIA obligations or to investigate potential violations of Federal health care program requirements. Some examples include, but are not limited to, the OIG Monitor, a Department of Justice (DOJ) attorney, or Federal Bureau of Investigation (FBI) agents.
 - b. **Notification Deadline:** Immediately upon arrival of the representative.
- 5. **Government Subpoenas, Civil Investigative Demands, or Search Warrants:**
 - a. **Description:** A document issued by a government agency that requires the recipient to appear in court, produce records or information, or permit an official to enter and search the premises.
 - b. **Notification Deadline:** Immediately upon receipt.
- 6. **Audit Committee Changes:**
 - a. **Description:** The Audit Committee of the Board of Directors provides oversight of Banner’s Compliance Program.
 - b. **Notification Deadline:**
 - i. Prior to any changes in the membership of the Audit Committee;
 - ii. Upon the discovery of any actions or changes that would affect the Committee’s ability to perform the duties necessary to meet its CIA obligations.
- 7. **New Construction, Acquisitions, or Divestitures:**
 - a. **Description:** The construction, purchase, or sale of a health care delivery product/entity or the purchase or sale of an insurance product/entity.
 - b. **Notification Deadline:** After a decision is made to construct, purchase, or sell a product/entity.
- 8. **Potential Reportable Events:**
 - a. **Description:** A Reportable Event involves a) a substantial overpayment; b) a matter that a reasonable person would consider a probable violation of criminal, civil, or administrative laws applicable to any Federal health care program for which penalties or exclusion may be authorized; c) the employment of or contracting with a Covered Person who is an Ineligible Person; or d) the filing of a bankruptcy petition by Banner.
 - b. **Notification Deadline:** Immediately upon discovery.

V. Procedural Documentation:

A. N/A

VI. Additional Information:

A. N/A

VII. References:

A. N/A

VIII. Other Related Policies/Procedures:

A. Compliance: Reporting and Investigating Potential Compliance Issues

IX. Keywords and Keyword Phrases:

- A. Corporate Integrity Agreement
- B. CIA
- C. Reportable Event
- D. Audit
- E. Government
- F. Investigation
- G. Legal Proceeding
- H. Search Warrant
- I. Subpoena
- J. Civil Investigative Demand

X. Appendix:

A. N/A