

# Code of Conduct



Approved by the HealthNow Board of Directors on February 28, 2019

# A Letter from the President and CEO

Excellence, respect, and integrity are critical company values. The Code of Conduct and the Compliance Program are the foundation by which we articulate and uphold our commitment to comply with these principles and values.

Our success as businesspeople, and the success of the Company, depends on our ability to build trusting relationships with our customers, suppliers, business partners, and regulators. The business climate continues to be fast-moving and competitive. In this environment, we must conduct our business activities in an honest, open, and fair manner.

This Code of Conduct (the “Code”) and the Compliance Program represent the policy of HealthNow New York Inc., HealthNow Systems, Inc., (hereafter referred to as the “Company”). The Code and the Compliance Program apply to all board members, officers, and employees of all divisions and subsidiaries of our Company and our First Tier, Downstream, and Related Entities (FDRs). The program was prepared to provide employees, and those with whom the Company does business, with a formal statement of the Company’s commitment to the standards and rules of ethical conduct.

The Company’s Code of Conduct includes key provisions contained in our Company’s policies, which are available on iConnect. The standards in the Code provide safeguards to avoid either an appearance of or actual misconduct.

When there are no specific laws or Company policies to direct us, integrity and personal responsibility guide our decisions. Where there are legal requirements, we comply not only with the letter, but also with the intent of the law.

A cornerstone of every company that succeeds over the long-term is sound company ethics. We are in business for the long-term and base our success on a foundation of integrity, honesty, and ethics that are beyond reproach.

You have my commitment that I will remain an active participant to ensure that we have such a company.

I urge you to remain familiar with the content of this Code, the Compliance Program, and our corporate policies. I encourage you to seek assistance before acting when a question or concern arises to which there appears to be no clear answer.



A handwritten signature in black ink, appearing to read 'D Anderson', written in a cursive style.

David W. Anderson  
President and Chief Executive Officer

# A Message from the Compliance Officer

As the corporate compliance officer, I have a special responsibility to review ethical and legal compliance issues within the Company. It is my obligation to ensure that appropriate procedures, with respect to ethics and legal matters, are in place and enforced throughout our Company.

This Code and the Compliance Program were created to meet the needs of our Company; ensure compliance with applicable laws and regulations; and provide employees, temporary personnel, interns, consultants, contractors, board members and/or agents, (hereafter referred to as “workforce members”) with clear requirements for appropriate behavior.

As a workforce member of HealthNow, you are required to familiarize yourself with the standards, policies, and procedures of the Code of Conduct requirements and how they relate to you. Additionally, the Company has a reporting system that allows you to report on a confidential basis any occurrences of misconduct within the Company, without fear of retaliation or intimidation.

If at any time you have any questions regarding the Code of Conduct, please do not hesitate to discuss them with your supervisor, manager, or a member of the Compliance or Human Resources staff. You may also use the Compliance Hotline at 1-800-798-1453 or the *Compliance Concerns* link on iConnect; both are confidential and anonymous. There will be no intimidation or retaliation tolerated for good faith reports of compliance concerns to the hotline or the *Compliance Concerns* link.

HealthNow is an employer at will; it may exercise its employment-at-will rights for violations of this Code of Conduct ranging from a verbal reprimand up to and including termination. If you are aware, or become aware, of a potential or actual violation of the Code requirements, you are required to report it to management or a member of the Compliance staff as soon as possible. Failure to report such a violation will also subject you to disciplinary action.

In my role as corporate compliance officer, I am vested with responsibility of the day-to-day operation of the Compliance Program and provide reports directly to the board or designated committee on the operation and activities of the Compliance Program. I am proud to contribute to a process that will ensure our business practices maintain the highest level of integrity. You have my commitment that the Company and I will remain active participants to improve the ways in which we do business.

A handwritten signature in black ink that reads "Russell J. Matuszak". The signature is fluid and cursive.

Russell J. Matuszak  
Vice President, Compliance, Privacy and Ethics, Chief Compliance Officer

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# Responsibility to Ourselves, Stakeholders, and Our Community

## Basic responsibilities

All workforce members of HealthNow share a responsibility to uphold the values, principles, and standards of the Company.

- Be respectful, cooperative, and helpful; do not steal from, nor act in an abusive, threatening, discriminatory, harassing, or obscene manner toward customers, vendors, or competitors.
- Recognize the authority of managers and other Company officials and do not knowingly violate their authority.
- Work in a cooperative manner and be thoughtful of management/supervision, other workforce members, customers, and vendors.
- Do not knowingly misrepresent or disparage the Company's products, services, customers, or vendors. Follow all Company policies governing day-to-day performance of jobs, including, but not limited to, the standards set forth in this Code.
- Do not engage in illegal or unethical behavior even if directed to do so by someone in higher authority. No one, regardless of position, has the authority to direct you to commit a wrongful act.
- Cooperate fully when the Company is investigating work-related matters.
- All workforce members are required to take HIPAA and Compliance training upon hire or appointment and annually thereafter.

All workforce members are expected to know and follow the Code of Conduct. No part of this Code of Conduct is intended to prevent workforce members from engaging in conduct protected by the National Labor Relations Act (NLRA), such as concerted activities.

## Open communication

Open and honest communication fosters teamwork and creativity. It builds trust with members, beneficiaries, providers, subscribers, customers, regulators, stakeholders, and each other.

The Company is committed to providing an environment that encourages and fosters open internal communication. This means that the Company and its managers will encourage and provide the means for workforce members to respectfully express their ideas, opinions, attitudes, and good faith concerns to management without fear of reprisal. The Company and all its workforce members will value and respect what members and providers have to say and remain receptive and open toward customers and their ideas and opinions. The Company will provide workforce members and all other stakeholders with accurate and timely information of importance to them and the Company.

# Operating with Integrity

## Success in the marketplace

To achieve a sustainable record of success, the Company must depend on its reputation for quality, service, and integrity. Maintaining respectable relationships with customers, competitors, and suppliers molds the Company's reputation, builds long-term trust, and ultimately determines success.

## Fair competition

The Company seeks to maintain the trust of customers and suppliers by providing high-quality products and services in a fair and ethical manner. All workforce members must take special care to avoid engaging in anticompetitive activities or unfair trade practices. Some basic guidelines for competing fairly and ethically are:

- Avoid all contracts and agreements that unlawfully reduce or eliminate competition.
- Refuse any agreements with competitors to establish prices or divide markets either by market segment, geography, or any other means.
- Respect the contracts made between a prospective customer and a competitor.
- Keep customers' trust by ensuring that sales materials, advertisements, and other public communications accurately and fairly describe the Company's products and services and do not contain misleading or deceptive information.
- Promote the Company's products and services through fair and accurate comparisons with competitors' products and services.
- Maintain accuracy and honesty in all dealings with customers and be careful not to misrepresent the performance, features, or availability of the Company's products and services.
- When a customer selects a competitor's product or service, continue to provide high-quality service for any other products the Company continues to supply to the customer and do not disparage the competitor's product or service.

## Gathering competitive information

All workforce members should abide by the following guidelines:

- Gather information about competitors from proper sources, such as published articles, advertisements, publicly distributed brochures, other nonproprietary materials, surveys by consultants, conversations with brokers or customers, and other appropriate sources. Accept competitive information only when there is a reasonable belief that both receipt and use of the information is lawful and appropriate.
- Never attempt to acquire a competitor's trade secrets or other proprietary information through unlawful means, such as theft or spying.
- Do not solicit or obtain confidential information about a competitor in a manner that would require a person to violate a contractual agreement, such as a confidentiality agreement with a prior or current employer.

- Never misrepresent the Company's identity when attempting to collect competitive information.
- When serving customers who are also competitors, never improve the Company's competitive position by requesting or obtaining information that is not required to serve them effectively as a customer.
- When in doubt, contact the general counsel or the compliance officer for guidance before obtaining or using the information.

## Workplace Conduct

### Internet and social media use

Workforce members may not disclose any confidential or proprietary information of or about HealthNow New York Inc. However, this obligation does not prohibit workforce members from engaging in communication concerning wages, hours, or other terms and conditions of employment or engaging in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

- Workforce members are prohibited from communicating on behalf of HealthNow, HealthNow Administrative Services, BlueCross BlueShield of Western New York, or BlueShield of Northeastern New York, unless authorized.
- All information that workforce members choose to post to any social media site must comply with all applicable HealthNow policies.
- During work hours, workforce members will use internet and social media sites for business purposes, to support work functions. Nonbusiness use should be limited, occasional, and appropriate.

For more information on social media and corporate media policies, please review the following policies:

- Internet and Social Media Use (Policy SA-1900)
- Corporate Media Controls (Policy SA-1300)
- Media/Communications document
- Email and Communication Systems (Policy SA-1800)

## Workforce member privacy

The Company may monitor the personal communications of workforce members at work and search their workplaces in order to operate the company in an effective, ethical, and legal manner. The Company retains the right to search any and all Company property and property brought onto company premises at any time which includes the following:

- Offices
- Desks
- Cabinets
- Email
- Internet communications (web browsing, email, etc.)
- Instant messaging
- Computer files
- Possessions brought into the workplace
- Voicemail

The Company will comply with all applicable laws and legal processes regarding disclosure and forfeiture of personal information, confiscated illegal substances, or material evidence. Wherever applicable law does not regulate the release of these items, items will be protected from unreasonable disclosure.

## Safety in the workplace

The Company is committed to providing a safe and secure work environment. Workforce members must report for work in a physical and mental condition that enables the workforce member to perform all of the duties of their job. All workforce members must be free of impairment due to alcohol or drugs upon reporting to work and during all time while at work. The list below pertains to workforce members on Company property, in company vehicles, or on company time, unless otherwise noted.

**Weapons:** The Company's commitment to safety means that workforce members must not carry or possess firearms, knives, defense sprays, explosives, or any other weapons on Company-leased or Company-owned premises, in Company vehicles, or anywhere else during working hours. This applies even to workforce members who have a permit or license to carry a weapon.

**Workplace violence:** The Company strictly prohibits acts of physical intimidation, assaults, or threats of violence by workforce members. Violations of this policy are not tolerated and must be referred immediately to management, building security, or the Human Resources department.

**Alcohol:** The consumption of alcohol is expressly prohibited on Company property, unless preapproved by the director of corporate administrative services. The consumption of alcohol is also expressly prohibited in Company vehicles, including personal vehicles used for Company business. It is prohibited to consume alcohol in any situation where it might reflect unfavorably on the Company, endanger others or ourselves, or impair the ability to perform duties.

It is critical that workforce members conduct themselves responsibly and not consume alcohol outside of work or at work events that would impair their ability to perform their job while at work or reflect negatively upon the Company. No workforce member may work if their performance is impaired. If an employee is reasonably suspected of being impaired while working they will be required to undergo drug and alcohol testing.

The Company does not condone the purchase or consumption of excessive amounts of alcohol when representing the Company at events. Workforce members must not put themselves or the Company's business associates in a situation that could negatively impact their health and well-being or expose the Company to potential liability.

Any suspected violation should be reported to management and Human Resources.

**Drugs:** The Company strictly prohibits the sale, use, possession, manufacture, and distribution of illegal drugs on Company property, in company vehicles, or on company time. The Company also prohibits the abuse of any legal drugs while on Company time or business or on Company premises. No one may report to work or remain at work if he or she has unlawful or lawful drugs that impair their ability to perform their job. Any suspected violation of this policy should be promptly reported to management or the Human Resources department. No employee may continue to work if their performance is impaired. If an employee is reasonably suspected of being impaired while working they will be required to undergo drug and alcohol testing.

**Smoking:** The Company has a designated smoking location on campus, located at the north end of the parking ramp. The Company prohibits smoking in all other areas of the buildings, grounds and surrounding areas. Workforce members who become aware of violations should promptly report them to their manager or to building security.

**Safe work practices:** The Company has developed many practices in an effort to protect workforce members from accidental injuries. Workforce members who become aware of potentially harmful or dangerous conditions at work or on company property must promptly report them to a manager or the Human Resources department.

## Harassment

The Company prohibits all forms of unlawful harassment, in accordance with the Company's corporate policy. Unlawful harassment includes workforce members and non-workforce members with whom the workforce members interact during work hours or while at HealthNow facilities.

Generally, unlawful harassment is defined as verbal or physical conduct which denigrates or shows hostility or aversion to an individual because of his or her gender; marital status; pregnancy; race; creed; color; ethnicity; national origin; age; disability; religion; sexual orientation; self-identified or perceived sex, gender identity or expression; transgender status; military status; genetic carrier status or predisposition; genetic information; other legally protected characteristic;\* or that of his or her relatives, friends or associates, and which:

*\*There are additional protected characteristics under various state laws, which should be deemed part of this paragraph for employment within those states.*

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;  
or
2. Has the purpose or effect of unreasonably interfering with an individual's work performance;  
or
3. Otherwise adversely affects an individual's employment opportunities.

HealthNow prohibits all forms of harassment. This covers conduct by anyone in the work place, including management, as well as at all off-premises meetings and other work-related events.

## **Sexual harassment**

Whether between people of different sexes or the same sex, sexual harassment is defined to include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other behavior of a sexual nature, verbal, or physical, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or other business relationship;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment or the activity takes place outside of work.

Sexual harassment may include, but is not limited to:

1. Unwelcome sexual advances (including repeated requests for dates once declined); requests/demands/threats for sexual favors or actions; posting, distributing, or displaying sexual or sexually demeaning pictures or objects (including on a cellphone); suggestive gestures, sounds, or stares; unwelcome physical contact such as pinching, patting, grabbing, kissing, hugging, poking, or brushing another's body; sending/forwarding inappropriate emails or instant messages of a sexual or offensive nature; inappropriate jokes, comments, or innuendos of a sexual nature or about a person's sexual preferences, experiences, or identity; obscene or harassing telephone calls, emails, letters, notes, or other forms of communication; and any conduct of a sexual nature that may create a hostile working environment. Inappropriate calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.
2. Threats, demands, or suggestions, whether overt or implied, that an employee's work status depends in any way upon tolerating or accepting sexual advances or sexually oriented conduct. This may include an attempt to coerce an employee into a date or other activities, especially where there is a power differential.
3. Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

The aforementioned examples are not exhaustive, but rather serve to illustrate the types of conduct that would violate the policy. Additionally, excuses that the alleged offender “meant no harm” or was “just kidding” are not tolerated. Note, however, that simple teasing, offhand comments, and isolated incidents (unless extremely serious) will generally not rise to the level of illegal harassment.

### **Anti-harassment contacts**

Issues may be brought to Employee Relations, any human resources business partner (HRBP), or the senior vice president, chief human resources officer. The following is a list of individuals filling those positions as of October 1, 2018:

<b>Name</b>	<b>Location</b>	<b>Extension</b>
Lynda Tarantino, manager, employee relations	Buffalo	8663
Denise Williams, employee relations specialist II	Buffalo	7165
Katie Hurley, director, strategic HRBP	Buffalo	2065
Terrence Zirnheld, director, strategic HRBP	Buffalo	8673
Amy Schweizer, HRBP	Buffalo	2093
Paula Brennan, HRBP	Albany	5784
Roderick Rogers, HRBP	Blue Bell	4828
Douglas Parks, senior vice president, chief human resources officer	Buffalo	8759
Russell J Matuszak, vice president, compliance, privacy and ethics, chief compliance officer	Buffalo	7902

Anyone aware of harassment based upon an individual’s membership in a protected class (as listed above) should report it to Compliance, Human Resources, or a manager. Managers and supervisors are required to report any knowledge of harassment and discrimination to Human Resources. Please see HR Policy 304, Harassment-Free Workplace Policy, for more information on ways to report and your legal protections and external remedies. The New York State complaint form for reporting sexual harassment is also included. It may be emailed to: [employeerelations@healthnow.org](mailto:employeerelations@healthnow.org)

### **Nondiscrimination and equal employment opportunity**

The Company prohibits all forms of unlawful discrimination not only because it is the law but also because it is wrong, including discrimination on account of race; color; religion; sex; national origin or citizenship; age; predisposing genetic characteristics or genetic information; disability or status as a special disabled veteran, veteran of the Vietnam-era, or any other veteran who served on active duty during a war or in a campaign or expedition for which campaign badge has been authorized; recently separated veterans; or other protected veterans. There are additional protected characteristics under various state laws, which should be deemed part of this paragraph related to employment within those states.

The Company and its workforce members are committed to establishing and maintaining a workplace free of unlawful discrimination. The Company strives to evaluate all workforce members solely based on merit. The Company is fully committed to equal employment opportunity for all workforce members and applicants for employment, by ensuring that there is no unlawful discrimination in recruitment, hiring, termination, promotions, salary treatment, or any other condition of employment or career development. The Company will treat workforce members, customers, suppliers, and all with whom the Company comes into contact, with respect and dignity. The Company will not tolerate the use of discriminatory slurs or any other remarks, jokes, or conduct that in the judgment of the Company encourages or permits an offensive or hostile work environment (Equal Employment Opportunity #HR101).

## Protecting Data

### Protecting confidential information

Workforce members must protect the integrity of confidential information, and not disclose any unauthorized business secrets, confidential financial data (employee disclosure and discussion of their own wage or benefit information is excluded), and protected member health information or other nonpublic proprietary company information. Workforce members must not share confidential information regarding business partners, vendors, or customers. In order to protect confidential information, workforce members should take reasonable steps to ensure that it cannot be intentionally or inadvertently discovered by persons outside the Company. This requires all workforce members to take reasonable steps to safeguard confidential information, such as keeping confidential data in a secured location in the office or work area and not discussing such information with coworkers in public areas, such as elevators and taxicabs.

All workforce members are accountable for protecting corporate information assets in accordance with established corporate information security policies, which can be accessed through the Company's intranet, iConnect. If a workforce member has any questions regarding the content of corporate information security policies, he or she may refer to a manager for guidance. Corporate information assets are considered proprietary and are the sole property of HealthNow New York Inc. and/or HealthNow Systems Inc. and include but are not limited to:

- Information used to access Company systems and facilities, including, but not limited to user IDs, passwords, and identification badges.
- Company information and systems, including computers, software, hardware, and files and processes used for audit and recovery purposes.

## Safeguarding member privacy

Maintaining the privacy of HealthNow, BlueCross BlueShield, and BlueShield members is a serious responsibility. Workforce members must be familiar with all policies and procedures regarding maintaining the confidentiality and disclosure of personally identifiable health information of members and beneficiaries. All member information will only be used for business purposes. All workforce members will maintain member confidentiality by concealing the identity of specific member medical events on claim utilization reports distributed outside the Company. In cases where an outside party has a genuine need permitted by law for such information, the Company will ask that the party first sign an agreement to maintain the confidentiality of the information. In cases where the other party is determined to be a business associate, the Company requires a Business Associate Agreement be signed to comply with HIPAA regulations.

For more information, see Safeguarding Protected Health Information (Policy AR-05).

## Conflict of Interest

Disclosure is key to successfully managing a conflict of interest or eliminating the perception of one. Disclosure provides an opportunity for others to assess and determine how the situation should be managed. Sometimes the situation may require that we not participate in a project at work, such as making contracting decisions. Other times the disclosure will provide guidance on the most appropriate way to manage the conflict or eliminate the perception.

Conflicts of interest come in many forms and are often not about money or greed. People don't always intend to do something wrong or be deceptive. Conflicts can be created because we want to help someone out, such as a family member, friend, colleague, or a contractor we like. The intention may have an appearance that we are doing the right thing, at least by that person or ourselves, but therein lies the conflict. The questions we must ask ourselves include: "Am I persuaded to make a decision to do the right thing for my employer, or am I considering the best outcome or benefits for others or myself?" and "Does this 'kindness of a favor' conflict with my ability to carry out my responsibilities to my employer in an unbiased way?"

We should recognize our responsibility to avoid any conflict between our personal interests and those of the Company. A conflict of interest occurs when a workforce member's personal interests interfere or appear to interfere with their ability to make sound business decisions on behalf of the Company.

Workforce members cannot allow personal relationships to bias their objectivity or give the appearance of doing so. To provide a working environment free from improper influence, all workforce members must reasonably separate considerations of family and other personal and outside business relationships from matters relating to supervision, job assignment, appraisals, promotions, compensation decisions and hiring practices, or any other business decision. The Company requires workforce members to immediately disclose to the Compliance department through the conflict of interest disclosure process, any family, outside business, or other personal relationships that may cause, or give the appearance of, a conflict of interest either internally or with competitors or suppliers.

At the time of hire or appointment, annually thereafter, and as new circumstances require, the board of directors, officers, salaried, management, and other workforce members are asked to complete a Conflict of Interest Disclosure Statement to disclose any personal, business or financial interests or activities that may conflict or appear to conflict with the interests of the Company to the Compliance department. All actual or potential conflicts must be disclosed so that the Company can determine whether a conflict exists and if so, what actions should be taken to eliminate or avoid the conflict. Persons to whom the Conflict of Interest Disclosure Statement is distributed must answer all questions fully and accurately and must attest to the accuracy of the information given.

For more information on conflicts of interest, refer to Conflict of Interest Policy 1008 and the Employment of Relatives (Policy HR 109).

### **Outside employment and other activities**

Workforce members are not permitted to have outside employment with any company engaged in a line of business in which the Company is currently operating, or which it is actively seeking to enter or with a competitor of the Company. Workforce members may provide assistance to others who may be competitors, only when they are authorized to do so under specific Company projects such as joint-venture activities, in accordance with applicable laws, regulations, and Company policy.

If workforce members have an affiliation or interest in any outside organization or governmental body, they should notify the Compliance department and disqualify themselves from making any decisions on behalf of the organization or governmental body that specifically involve the Company.

### **Personal relationships with competitors or suppliers**

At times, workforce members may find themselves in situations where family members or those with whom they have a personal relationship are working for competitors or suppliers of the Company. Workforce members must be careful to avoid situations where improper influence or the exchange of intellectual property or proprietary information may take place or be perceived by others to have taken place. To do so, workforce members should immediately disclose the situation and discuss it with their manager and the Compliance department. Managers will assess the situation and determine whether action is required. During this process, managers should:

- Determine the relationship of the Company to the other company or person.
- Consider the possible value of the workforce members's knowledge and responsibilities to the other company.
- Determine the potential access each party has to proprietary information that would be of value to the other company.
- Determine if the relationship would cause any perceived conflict in purchasing decisions or contract negotiations with vendors, suppliers, or providers of services.

All such relationships should be disclosed on the annual Conflict of Interest Disclosure Statement. When such relationships are disclosed, managers should document their findings and discuss the matter with the compliance officer, who is responsible for bringing the matter to the attention of the Audit Committee.

## **Contracting with consultants, representatives, and agents**

When it is necessary to engage the services of an outside consultant, whether an individual or a firm, workforce members must give special attention to avoiding conflicts of interest. Hiring consultants, representatives, and agents must be done in accordance with the Conflict of Interest policy.

Consultants, representatives, and agents of the Company must act on the Company's behalf in a manner consistent with Company values, principles, policies, and any applicable laws or regulations. Consultants, representatives, and agents should be made aware of the applicable provisions of the Company's Code.

## **Dealing with suppliers — *reciprocity***

In many instances, the Company purchases goods and services from a supplier who also buys goods and services from the Company as a customer. This practice is normal and acceptable, but any form of pressure for reciprocity from or with that supplier or customer is not. Suppliers must not be asked to buy Company products and services in order to become or continue to be a supplier to the Company, nor should they impose such a requirement on the Company. If a workforce member is solicited or has questions as to how to deal with outside suppliers, he or she may consult with the compliance officer.

## **Gifts, Entertainment, and Other Business Courtesies**

When dealing with customers, suppliers, brokers, vendors, providers, or subscribers, workforce members must use good judgment and act with moderation. The occasional gift or entertainment may be appropriate, as long as it is not for personal gain or could not be perceived as influencing any procurement or sales business decision.

The Company's policies regarding gifts, entertainment, and business courtesies apply equally to the immediate family of HealthNow workforce members.

### **Entertainment offered or accepted**

Any entertainment offered or accepted should be a reasonable extension of a business relationship. It should also occur infrequently and be reasonable in nature, not lavish or considered beyond reasonable. Whenever a workforce member accepts such entertainment, the Company should reciprocate with similar reasonable hospitality.

Before accepting any invitations, approval is required by the Compliance department. The primary decision-maker(s) involved with a particular customer, provider, member, broker, or vendor are responsible to ensure that the Company reciprocates entertainment accepted so as to avoid any obligation to a particular host. The term "entertainment" includes, but is not limited to, meals, charitable and sporting events, golf, parties, plays, and concerts. There are special rules when dealing with federal programs; see the "Interacting with Government" section.

## The accepting and giving of gifts

As a general matter, workforce members should avoid gifts beyond the infrequent receipt of a gift of nominal value. Generally, the value of all gifts received in one year from the same source should not exceed \$100. The term “gifts” includes, but is not limited to, tangible items such as clocks, golf balls, shirts, pens, and discounted items, such as tickets to a sporting event, concert, or recreational activities.

Attendance at certain events or functions is considered a gift, if a representative from the entity providing the invitation is not present.

If an offered gift exceeds the \$100 limit, the workforce member involved must report it to the Compliance department and his or her manager upon receipt and either return the item to the giver or, in the case of perishable items, donate them to a charitable organization. In either situation, workforce members should promptly inform the giver of the Company’s gift policy.

In addition, workforce members must not accept business gifts or anything of value from vendors, suppliers, subscribers, or from members, except in limited circumstances. In no situation should workforce members accept a gift or anything of value from a business partner or potential business partner in exchange for a business decision. Accepting a gift in exchange for favorable treatment or to secure business is illegal, and can subject the workforce member as an individual, and the Company as an organization, to criminal prosecution.

There are special laws governing kickbacks from vendors and suppliers who furnish goods and services under federal government contracts and from providers under federal health care programs, including the Federal Employees Program (FEP) and Medicare. The Company is committed to abiding by these laws.

To avoid potential violations of the federal anti-kickback statutes, workforce members must never solicit anything of value from a broker, vendor, supplier, provider, or subscriber. In addition, workforce members should not accept any gifts of money, or gifts with a cash value such as gift certificates, no matter the amount, from these sources. Gift cards from retailers (e.g., Target, Wegmans, and Regal Cinemas) are not considered cash equivalents, but are subject to the gift standards outlined above.

The following language is appropriate for a letter to the giver in such a case:

*Dear (Giver’s Name):*

*While I appreciate the thought behind the (gift) that you sent me, it would be inappropriate for me to accept and I (am returning it to you/have donated it to xxx).*

*Company policy limits workforce members from accepting gifts from any (vendor/supplier/provider) that exceed a \$100 annual limit. I know that you’ll understand that no matter how well meant a gift may be, it could be misinterpreted.*

*I certainly don’t want anything to interfere with the excellent business relationship we enjoy.*

*Sincerely,*

*(Workforce Member’s Name)*

## Prizes

Prizes are not gifts. If you participate in and win a random drawing or competition sponsored by a former, current, or potential business partner, you may accept a non-cash prize, so long as the event was open to the public. Further, you may accept a non-cash prize from a business partner that is the result of a raffle drawing at a conference, providing the raffle was open to all attendees and your name was chosen at random. You must disclose prize winning(s) to the Compliance department.

## Workforce members in procurement or vendor decision roles

No gift, business courtesy, or any form of entertainment should be given or received during the procurement, bid process, major contract revision or amendment process to a contract. This is for reasons of transparency and to avoid the perception of prejudice or unfair dealings, workforce members involved in procurement cannot accept gifts and business courtesies of any type. If a workforce member is offered or receives a gift or business courtesies, he or she must refuse it or return it to the giver; or in the case of a perishable item, donate it to a charitable organization or share it within HealthNow. In either situation, workforce members should promptly inform the giver of HealthNow's Gifts and Business Courtesies Policy.

No business courtesies, gifts, or any form of entertainment can be given or accepted during the bid or procurement process under any circumstance by any individual in a vendor selection decision-making role.

## Offering gifts and business courtesies

Offering courtesies, such as gifts, is a common practice meant to create good will and establish trust in business relationships. If workforce members use good judgment and act with moderation, the occasional gift of nominal value may be appropriate, as long as it could not be perceived as influencing any procurement or sales decisions, and is consistent with applicable law and regulation. Whenever workforce members offer these courtesies, they must comply with the following standards:

**Gifts:** Gifts of nominal value may occasionally be given when they are associated with promotional activities or are simply gestures of good will. However, gifts to any one party (broker, client, provider, etc.) should be valued at less than \$100 in aggregate per calendar year. If a federal or state employee is involved, a workforce member must contact the compliance officer no matter the dollar value and refer to the section *Interacting with Government*.

**Gifts given to influence:** Workforce members must never offer, either directly or indirectly, bribes or kickbacks of any kind, i.e., items meant to influence the recipient improperly. This includes money, loans, special privileges, personal favors, benefits, or services. Such payments or favors may be considered bribery, which violates Company policy and may violate applicable laws. This prohibition applies across the board to all business relationships, whether those relationships are with the government or with private sector entities. This is not intended to prohibit the development of good and ethical relationships between representatives of the Company and its business partners.

The giving of any gift, entertainment or anything of any value to any union, union representative or union employee, is covered by a separate Company policy called the Prohibition on Payments to Labor Organizations and Representatives of Labor Organizations (Policy 1012).

### **Gifts to government employees**

As a general rule, no payments of money, gifts, services, entertainment or anything of value may be offered or made available in any amount, directly or indirectly, to any state or federal government official or employee.

Consult the compliance officer or other Compliance personnel before offering anything to a government employee, including even the most modest of items or refreshments.

For more information, see Gifts and Other Business Courtesies (Policy 1019).

## **Protecting Stakeholder Value**

### **Company time**

Company time includes, but is not limited to, the time that workforce members are assigned to work. Labor and material costs must always be charged accurately and to the appropriate cost center or account, regardless of the financial status of the program, project, contract, or the budget status of a particular account or line item. Time records and all other business records must be complete and accurate. Falsification of time or other records is strictly prohibited. Correction of time records or other records can be accomplished only in accordance with established procedures and must be supported by appropriate documentation and approvals.

### **Company property**

Workforce members must protect all Company property, including, but not limited to: equipment, supplies, keys, records and reports, computer software, and data, which include email, and voice mail; and proprietary information, whether tangible or intangible.

Workforce members may not take, loan, donate, sell, receive, intentionally damage, sabotage, destroy, or otherwise dispose of any type of Company property, regardless of condition or value, unless specifically authorized. In addition, the use of such property is prohibited for non-corporate purposes unless specifically authorized. Workforce members must report actual or suspected theft or misuse of Company property to their manager, building security or the compliance officer.

## **Company records**

- Company business records, including medical records, must be retained in accordance with laws and regulations and the Company's record retention policy (Documentation and Record Retention Policy #AR-04).
- Legal and regulatory practices require the retention of certain records for various periods of time, particularly in the tax, human resources, health and safety, environmental, Medicare, Medicaid and corporate areas. In addition, when litigation or a government investigation or audit is threatened or pending, relevant records shall not be destroyed until the matter is closed and proper authorization is received. Destruction of records to avoid disclosure in a legal proceeding may constitute a criminal offense.
- If a workforce member is uncertain about the proper retention period for any document or possible restrictions on destroying a document, they should contact their manager, the compliance officer, or the general counsel.

## **Company funds**

Workforce members must properly use and protect Company cash and its equivalents, including currency, checks, money orders, postage, charge cards, bills, vouchers, and reimbursement claims. This means making sure that all claims, vouchers, bills, estimates, and invoices are accurate and proper. Corporate charge cards and calling cards are to be used only for Company business. When presenting any voucher or bill, workforce members must reasonably ensure that the charge has been approved by the appropriate manager and the nature of the expense and the amounts involved are appropriate and proper.

## **Company reports**

All Company reports, including time records, vouchers, bills, payroll, expense reports, measurement and performance data of the Company; financial statements; and other essential data, whether computerized or on paper, must be accurate and valid.

That means workforce members:

- Must follow all laws, regulations, and Company policies and procedures for carrying out and reporting business transactions; obtain appropriate authorizations; and establish and comply with all internal controls.
- Must never create a false or misleading report or record including, but not limited to, vouchers, financial information, other records pertaining to corporate funds or Company property, performance measurement data, work time reporting, benefits enrollment forms or claims.
- Will not create or submit false or misleading reports of operating statistics and measurements (sales reports, performance data, utilization data, etc.), nor suppress, alter or destroy operating data and reports.
- Will not improperly destroy any corporate accounts, records or other official Company documents; improperly alter or make false entries; or intentionally fail to make correct entries.
- Will advise customers and suppliers of any clerical or accounting errors as they become known, and ensure prompt correction of such errors through credits, refunds, or other mutually acceptable means.

## **Intellectual property**

Intellectual property laws enable the Company to protect valuable assets, including provider contracts and systems. Intellectual property can include copyrighted materials, proprietary information, know-how, trade names, brand names, advertising slogans, etc. Workforce members are required to protect the Company's intellectual property rights by adhering to the following guidelines:

## **Proprietary information**

Workforce members must understand that many Company documents and information are proprietary in nature. Company proprietary information can include business and marketing plans, sales and marketing data, customer records and member protected health information, technical data and information, strategies, information pertaining to new products and services, computer software; and other proprietary technical information (e.g., systems, architecture, and processes) which may expose the organization to external threats. Workforce members can and should protect all proprietary information by:

- Marking documents with appropriate proprietary notices and legends; taking measures to ensure that the information is kept in a secure manner; and ensuring there is no unauthorized disclosure of business secrets, confidential financial data (does not include wage or benefit information), or other non-public proprietary company information. Workforce members must not share confidential information regarding business partners, vendors or customers.
- HIPAA prevents workforce members from discussing such proprietary information in public places. Not disclosing such proprietary information also applies after a workforce member leaves the Company. In addition, workforce members must return all proprietary information in their possession upon separation of employment.

Workforce members must not take any actions that may violate intellectual property laws. This includes not using the Company's logos, marks, or other protected information or property for any business or commercial venture without the Legal department's express written authorization.

Workforce members must respect all copyright and other intellectual property laws. For the protection of the Company and workforce members, it is critical that all workforce members show proper respect for the laws governing copyright; fair use of copyrighted material owned by others, including logo marks or other protected information; or property for any business or commercial venture without the Legal department's express written authorization. If a workforce member has any questions regarding use, modification or reproduction of copyrighted materials, he or she may contact an attorney in the Legal department.

## **Patents, copyrights, and trademarks**

Workforce members should properly utilize tag lines and comply with other restrictions imposed by the BlueCross BlueShield Association service mark requirements and graphic standards. It is also very important that workforce members identify and disclose to management any and all new works of authorship, technology advances or unique solutions to business problems that are developed during employment with or that relate to the Company. This will enable the Company to take measures to protect existing and new works under applicable patent, trademark, copyright, or proprietary information laws and regulations.

## **Assessing risk areas**

Compliance risk areas are identified through self-evaluations and internal and external audits. Good sources of risk identification include but are not limited to: (1) billings; (2) payments; (3) medical necessity and quality of care; (4) governance; (5) mandatory reporting; (6) credentialing.

An effective monitoring and reporting process is essential for adequately managing risk. An important step in the risk mitigation process is to assess and improve on the existing controls and to create new controls as necessary.

## **Laws and Regulations**

It is important for workforce members to know the laws and regulations that apply to the Company's activities, to stay current with any changes and most importantly, to comply with those applicable laws and regulations. Some significant industry-related federal and state laws and regulations that affect the Company's business and the products and services the Company offers include:

### **Federal laws**

- Health Insurance Portability and Accountability Act (HIPAA), which governs insurance portability provisions and administrative simplifications procedures for health care transactions and the privacy and security of personal health information.
- Employee Retirement Income Security Act (ERISA), which governs plans providing employee benefits including medical, surgical or hospital care benefits as well as sickness, accident, and disability.
- Consolidated Omnibus Budget Reconciliation Act (COBRA), which requires employers with 20 or more employees to allow certain employees who would otherwise lose their coverage to continue coverage by paying 100% of the cost plus an administration fee for a specified time.
- Age Discrimination in Employment Act (ADEA), which requires that active employees in companies with 20 or more employees be eligible for the same medical expense coverage, at the same cost, regardless of age.
- Civil Rights Act of 1964 and 1978 Pregnancy Discrimination Act (PDA), which state that group health insurance must be provided without discrimination on the basis of gender. Pregnancy, childbirth, or related medical conditions must be treated the same as any other medical condition and included in group health coverage offered to employees.

- Americans with Disabilities Act (ADA) of 1990, which requires employees who are disabled be given the opportunity to be covered under group health insurance plans on the same basis as other employees.
- Labor Management Reporting and Disclosure Act (LMRDA) and §302 of NLRA. It is unlawful for the Company or any of its representatives to give anything of value to any labor organization regardless of whether it represents the Company's employees. LMRDA requires reporting of any such gift of money or anything of value unless de minimis (under \$250) during any year. This includes meals and tickets to events. Taking any labor organization representative to an event or paying for meals or giving anything else of value requires review and approval by the Legal department or Compliance.
- The Balanced Budget Act of 1997 provided Medicare beneficiaries with the option to receive their Original Medicare benefits through capitated health insurance Part C plans known as Medicare+ Choice Plans and was subsequently renamed as Medicare Advantage Plans.
- Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), which established a new benefit providing Medicare outpatient prescription drug coverage (commonly referred to as the "Part D benefit" or "Part D") and which established new rules for Medicare private health plans related to drug benefits.
- Patient Protection and Affordable Care Act (PPACA) or the Health Care Reform Law, which will require most individuals to purchase health care coverage or pay a penalty, beginning in 2014.
- Rehabilitation Act of 1973 which requires employers to allow individuals with disabilities to receive program benefits and services and employment opportunities.
- Family and Medical Leave Act (FMLA), which requires employers with 50 or more employees to continue group health insurance to all employees while they are on qualified family and medical leave.

## State laws

The New York State Department of Financial Services and the New York State Department of Health enforce laws and regulations that govern many of the Company's activities and operations.

The following list reflects some of the areas regulated:

- Requirements governing when the insurer has the right to refuse, renew, or cancel a policy and the insurer's right to increase premiums.
- Rules relating to the reinstatement provision, when conditions under which resumption of coverage will occur after a policy has lapsed for nonpayment of premiums. These usually include payments of overdue premiums and a definition of when coverage begins after reinstatement.
- Provisions regarding conversion from group policy to individual policy.
- Coordination of benefits when covered by more than one insurance policy.
- Requirements for minimum size of group and eligibility requirements.
- Requirements related to processing claims and inquiries.

## Fraud laws

The Company is subjected to many special requirements as a federal and state government contractor. These requirements apply to all HealthNow workforce members and the Company's administration of health coverage for federal employees, the Company's obligations as a Medicare carrier, and the offering of Medicare Advantage, Medicaid managed care, and Child Health Plus.

Some significant federal and state laws affecting the Company's government business include:

- The Federal False Claims Act (31 U.S.C. § 3729) amended by The Fraud Enforcement Recovery Act of 2009 (FERA) is violated if a person knowingly or with reckless disregard makes, uses or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the federal government. The potential penalties for violating the False Claims Act include treble damages (damages equal to three times the amount of the false claims), civil penalties of up to \$11,000 per claim and exclusion from federal health care programs. In addition, the federal government may impose administrative sanctions of up to \$5,500 plus twice the amount of the false claim under the Federal Program Civil Remedies Act of 1986 (31 U.S.C. § 3801).
- New York State False Claims Act (Article 13 of the NYS Finance Law) governing claims submitted to state and local government agencies. Violations of this law may be punished by treble damages and penalties of \$6,000 to \$12,000 per claim.
- Several other New York State laws also prohibit the making of false claims and statements. In addition, criminal penalties may be imposed for intentionally submitting a false claim to the Medicaid program (Section 366-b of the Social Services Law), knowingly making a false entry in a business record or filing a false instrument with a government agency (Article 175 of the NYS Penal Law), committing a fraudulent insurance act (Article 176 of the NYS Penal Law) or engaging in health care fraud (Article 177 of the NYS Penal Law).
- The anti-kickback statutes prohibit persons or entities from knowingly and willingly offering, soliciting, or receiving remuneration in order to induce or reward the referral of business payable by a federal health care program. (42 USC § 1320a-7b(b))

To avoid potential violations of the federal anti-kickback statutes, Company workforce members may never solicit anything of value from a broker, vendor, supplier, provider, or subscriber. In addition, workforce members should not accept any gifts of money or gift cards that can be redeemed for cash or bank cards such as Visa or MasterCard, no matter the amount, from these sources.

- The Stark Law prohibits a physician from referring Medicare patients for designated health services to an entity with which the physician has a financial relationship and prohibits the designated health services entity from submitting claims to Medicare for those services resulting from prohibited referral.
- Deficit Reduction Act (DRA) of 2005 instituted a requirement for health care entities that receive or make \$5 million or more in Medicaid payments during a federal fiscal year, to establish policies and procedures informing and educating their employees, providers and contractors about federal and state false claims acts and whistleblower protections. The Fraud, Waste, and Abuse (Whistleblower) Policy (Policy 1010) provides additional information for detecting Fraud Waste, and Abuse (FWA).

Failure to comply with applicable laws and regulations could result in regulatory and legal sanctions against the Company and workforce members including fines and penalties, exclusion from federal or state programs, restrictions on competitive activity and even imprisonment, for workforce members who have responsibilities for these matters. In addition, workforce members can incur personal liability for improper or illegal actions taken on behalf of the Company under certain circumstances. The Company will take disciplinary action as appropriate. For further information, consult with the compliance officer or the general counsel.

### **System in effect for refunding Medicaid and Medicaid overpayment**

The Company has developed policies and procedures designed to assure compliance with refunding Medicaid and Medicaid overpayment regarding:

- The claims adjustments of any Medicaid overpayments identified in association with investigations of FWA.
- The claims adjustments of any Medicaid overpayments identified in association with other party liability or coordination of benefits.
- The identification of any Medicaid overpayment of premium when balanced with enrolled members.

## **Interacting with the Government**

All workforce members involved directly or indirectly with federal or state contracts, such as Medicare Advantage, Medicare Prescription Drug Benefit (Part D), Medicaid, NYSHIP, FEP, or other federal or state subsidized programs, are expected to comply with all contract requirements as well as the internal policies and procedures developed to ensure compliance with the laws and regulations governing the contracts.

### **Avoiding impropriety as a government contractor**

When dealing with government officials and employees, workforce members must avoid even the appearance of impropriety, and always avoid any activity that could be perceived as an attempt to improperly influence, obtain, and/or reward favorable treatment in obtaining a contract or in administrative process associated with performing a government contract. Failure to do so may expose the government employee and the Company and its workforce members to fines and penalties. Avoid holding employment discussions with a government employee or his or her family member when the government employee has responsibility for a matter affecting the Company.

## **Representing the company during investigations**

From time to time, the Company may be asked to cooperate with a government investigation, or respond to a request for information from the government about how business is conducted. The request may come through official channels from the government to Company management, or a workforce member could be contacted individually by a member of an enforcement agency, such as, but not limited to, the Federal Bureau of Investigation, the Office of Inspector General or the Department of Justice. The Company will cooperate with all government investigations and reasonable requests for information.

Each workforce member is expected to abide by Company policies and to cooperate fully in any investigation that the Company or a governmental agency may undertake. If a workforce member is contacted individually by government investigators and is asked to meet to discuss activities or provide documentation in connection with events that occurred during his or her employment, he or she should immediately notify and obtain authorization from the Legal department, except with regard to information that is requested by the government investigator concerning personal terms and conditions of employment, including wage and benefit information.

For more information, see *Government Investigation* (Policy 1022).

## **Preparation and submission of reports, proposals, and budget requests to the federal government**

- Reports, proposals, budgets, and other records that the Company furnishes to the federal government contain important certifications and representations. For example, many of the Company's proposals for contracts and budget requests require the submission and certification of cost data, or information relating to the Company's anticipated costs. Other submissions involve performance data, such as timeliness and accuracy reports.
- These certifications and representations impose on the Company significantly different disclosure and other legal obligations than exist in the private sector. Where the law requires disclosure, all workforce members who are involved in the preparation of a proposal to the government must ensure that all data is in accordance with government requirements.
- It is the responsibility of all workforce members who prepare, sign, or in any way support the Company's certifications and representations to ensure that these important documents be prepared carefully, accurately and in accordance with the requirements of the Company's Medicare, FEP and other government contracts. If a workforce member falsifies data that is submitted to the government, even if there is no attempt to obtain payment for the Company, a crime may have been committed and liability under the False Claims Act is possible. Both the workforce member and the Company could be subject to criminal prosecution, penalties, and fines. In addition, both the individual and the Company could be prohibited, through suspension and debarment or exclusion, from receiving government contracts and grants in the future.

- Reimbursement from the federal government will be requested only for costs that are allowable in accordance with laws and regulations. It is the Company's policy that costs that are expressly unallowable, or for which no good-faith basis exists, will be identified and accounted for as unallowable costs. Workforce members may be required to certify their belief that a proposal or cost submission does not contain any "unallowable" costs, and in particular, does not contain unallowable costs for advertising, public relations, donations, entertainment, fines and penalties, lobbying, defense of fraud proceedings, and good will.

## **Political contributions, support, activities, and lobbying activities**

Because the Company's ability to participate in political activities is constrained by federal, state and local law, all organizational political activity must be approved by the Company's Legal department or compliance officer. Workforce members are strictly prohibited from including political contributions on their expense reports and must not allow Company assets to be used for a political cause, candidate or campaign.

Workforce members, as individuals, may take an active interest in local, state and national government and participate in political activities consistent with applicable laws including making personal contributions in support of candidates or political organizations of their choice. However, such individual participation may not involve the use of Company funds, or otherwise violate the law, including claiming such contributions as expense reports or other reimbursement requests. Further, workforce members who speak out on public issues must not give the appearance of speaking or acting on the Company's behalf, and make clear that statements made are personal and not Company-sponsored.

## **Procurement integrity**

If a workforce member is involved in federal procurement (the process to acquire a Federal contract for HealthNow), he or she shall not obtain either government source selection, competitor bid or proposal information from any source.

Source selection information includes competitor proprietary information, source selection criteria, and agency reports or studies of competitors.

This may include, but not be limited to:

- Bid prices in response to a sealed bid; proposed costs or prices submitted in response to a solicitation other than for sealed bids.
- Source selection plans; technical evaluation of proposals or plans.
- Cost or price evaluations of proposals; competitive range determinations.
- Rankings of bids/proposals of competitors; reports and evaluations of source selection panels/boards or advisory councils.

Contractor bid or proposal information is any information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly.

This may include, but not be limited to:

- Cost or pricing data.
- Indirect costs and direct labor rates.
- Proprietary information about manufacturing processes, operations or techniques marked by the contractor in accordance with applicable laws or regulations.
- Information marked with a proprietary legend.

## **Employing federal and state government personnel**

There are very strict laws and regulations that govern recruiting and hiring current and former federal and state government personnel, including both military and civil service employees. These rules apply not only to persons the Company hires as employees, but to individuals the Company retains as other workforce members. Violation could result not only in sanctions against the former government employee, but the Company could be held criminally or civilly liable.

Workforce members should contact the Legal department prior to the hiring of a current or former federal or state government employee.

## **Reporting Compliance Issues and the Expectations of Workforce Members for Assisting in the Resolution of Compliance Issues**

Noncompliance and FWA may occur in any level of HealthNow. It may be identified through a hotline, website, enrollee complaint, routine monitoring, self-evaluation, audit, or by regulatory authorities. All workforce members, including employees, temporary personnel, interns, consultants, contractors, board members and/or agents of HealthNow must report immediately to the corporate compliance officer any situations where:

- There may be a known, probable, or suspected violation of the Code of Conduct and the Compliance Program, compliance policies or basic business ethics; or
- A reasonable person would consider there to be a violation of criminal, civil, or administrative law and sub-regulatory guidance such as chapters in the Medicare and Medicaid Services (CMS) Medicare Managed Care Manual, relating to a Medicare Part C or Part D contract or a federal health care program; or
- There may be a known, probable, or suspected violation of a Medicare Part C or Part D contract or applicable written instruction relating to the Medicare Part C or Part D contract or involving other matters of integrity.

- Workforce members may be asked to participate in the investigation and/or resolution of the issue based on the individual circumstances and are expected to cooperate in regard to the same. Failure to cooperate could result in disciplinary action.

Workforce members may review these policies, Prompt Response and Reporting of Compliance Issues, Reporting of Ethical or Compliance Concerns, Internal Investigations of Compliance, Ethics and Fraud, Waste and Abuse Matters, Fraud, Waste, or Abuse (Whistleblower) Policy, Fraud Waste, and Abuse Laws in Health Care for more information.

## **Non-retaliation and Non-intimidation**

Retaliation or intimidation is prohibited in any form for an individual that in good faith participates in the compliance program, including, but not limited to reporting potential issues, investigating issues, self-evaluations, audits and remedial actions, and reporting to appropriate officials as provided in New York State Labor Laws Sections 740 and 741. No workforce member may threaten or intimidate another workforce member for filing a report.

Prohibited retaliation and intimidation includes, but is not limited to, terminating, suspending, demoting, failing to consider for promotion, harassing, or reducing the compensation of a workforce member due to the workforce member's intended or actual filing of a report.

Any actual or threatened retaliation or intimidation should be reported by the affected workforce members or any other workforce members to the compliance officer. The compliance officer will investigate such allegations along with Human Resources or other departments as needed.

It is HealthNow policy to take appropriate disciplinary action ranging from a verbal warning up to and including termination for workforce members who are encouraging, directing, facilitating, or permitting noncompliant behavior or fail to comply with this policy.

This Code of Conduct is fairly and firmly enforced.

# Important Contacts

## Compliance hotline

1-800-798-1453 (24/7 — anonymous)

Compliance Concerns Link on iConnect (24/7 — anonymous)

Compliance email — [complaint.compliance@healthnow.org](mailto:complaint.compliance@healthnow.org)

## Fraud and abuse hotline

1-800-333-8451 (Buffalo Division)

[reportfraud@bcbswny.com](mailto:reportfraud@bcbswny.com) (Buffalo Division)

1-800-314-0025 (Albany Division)

[reportfraud@bsneny.com](mailto:reportfraud@bsneny.com) (Albany Division)

## Compliance staff

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