

Partnership HealthPlan of California

# CODE OF CONDUCT



Updated: August 2023



Dear PHC Staff,

At Partnership HealthPlan of California (PHC), our mission is “to help our members, and the communities we serve, be healthy.” We work each day with that mission and a clear set of values in mind. Chief among those values is “setting a standard of professionalism, integrity, and accountability.”

Our Code of Conduct (code) reflects our mission and values, and was created in accordance with state and federal requirements to serve as a guide for following the ethical, legal, regulatory, and procedural principles needed to maintain our high standards. As we aim to fulfill our mission and act as good financial stewards, it is all of our responsibility to follow the code and other regulatory requirements. Please read it and consult it as needed. Some key elements of our code are:

- **Compliance with the law.** We are committed to conducting all activities and operations in compliance with applicable law.
- **Representing PHC.** As a public agency, PHC is limited by law in its political participation. For those to whom the code applies, you may participate in the political process on your own time and at your own expense but shall not give the impression that you are representing PHC in those activities. This same principle applies with media engagement. Only persons authorized to do so, should make statements on behalf of or representing PHC in the media, which may include through social media platforms.
- **Public Integrity.** Those to whom the code applies shall comply with laws and regulations that govern public agencies and their handling of public funds, public records, and public meetings.
- **Confidentiality.** It is our legal and ethical responsibility to protect the privacy and security of all confidential patient information and employee and business information relating to PHC members, employees, and providers.

If you become aware of a possible violation of the code, it is your responsibility to report it to your immediate supervisor, the compliance officer, online reporting or anonymously via the compliance hotline. PHC maintains a zero tolerance policy for any form of retaliation or intimidation in response to reports of concerns or violations, so you can report comfortably and confidently.

Your ongoing commitment to professionalism, integrity and accountability is appreciated and critical to our mission, our values, and our culture of ethics and compliance.

Sincerely,

Sonja Bjork  
CEO

Danielle Ogren  
Compliance Officer

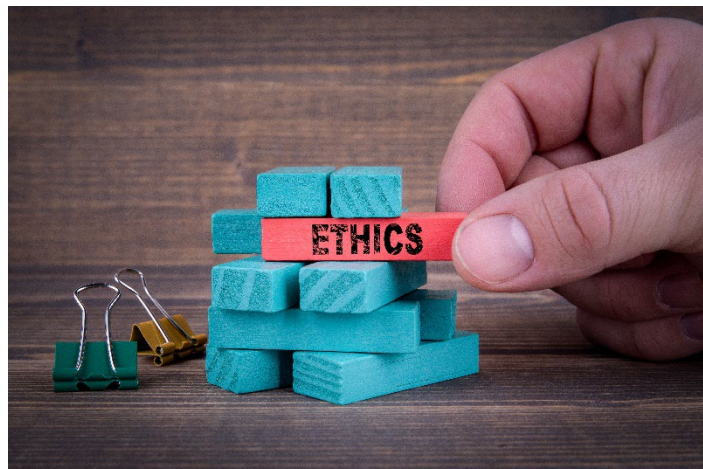


## Who Needs to Follow the Code of Conduct (Code)

The code sets expectations for acting ethically and participating in PHC's culture of compliance, and applies to PHC workforce members and affiliates including permanent and temporary employees, volunteers, interns, and commissioners.

### ❖ Rules of Business – Laws, Regulations, and PHC Policy.

Compliance with laws, regulations, and PHC policies that govern our business as a Medi-Cal Managed Care Plan, is the responsibility of each person to whom this code applies. Our dedication to compliance and personal accountability not only promotes sound business operations, but helps us to fulfill our mission of helping our members, and the communities we serve, be healthy. PHC promotes compliance competency and awareness through annual online training and in-person training, as needed. See PHC policy CMP-28 Training Program Requirements for more information. If you have questions about laws, regulations, PHC policies, and/or this code, PHC leadership and the Regulatory Affairs and Compliance Team maintain an open door policy to respond to inquiries in a timely manner.



Our dedication to compliance and personal accountability not only promotes sound business operations, but helps us to fulfill our mission of helping our members and the communities we serve, be healthy.

## Ethics and Integrity

PHC is committed to fulfilling our responsibility to conduct business with ethics and integrity. We all share a responsibility to not only conduct our individual jobs with honesty, but to report potential or actual ethical violations and/or misconduct.

- ❖ **Conflicts of Interest (gifts and payments, etc.).** As a public agency, PHC has responsibility to act as a financial steward of public funds. This means that PHC workforce members and affiliates who make or influence financial decisions on PHC's behalf, must declare any potential conflicts of interest. This declaration ensures transparency and mitigates the risk that activities, actions, or relationships may influence or appear to influence ones role at PHC. This includes accepting or giving gifts that intend to or may appear to influence business decisions. See PHC policy CMP-21 Conflict of Interest Code and HR102 Conflicts of Interest for more information.

- ❖ **Participation status/exclusions.** As recipient of public funds and in the best interests of PHC members, PHC will not employ, contract with, or appoint any individual that is excluded from participation in a federal or state health care program. Each person to which this code applies has a responsibility to report to Regulatory Affairs and Compliance if they become suspended, debarred or otherwise ineligible to participate in a federal or state health care program.
- ❖ **Non-discrimination.** PHC promotes diversity by accepting, respecting, and valuing individual differences. Accordingly, PHC is an equal opportunity employer and takes affirmative action to employ and advance in employment qualified applicants without discrimination. Likewise, **PHC does not tolerate and takes seriously claims of discrimination, exclusion, or differential treatment against members on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, gender, gender identity, or sexual orientation.** Each person to whom this code applies has a responsibility to report actual or suspected mistreatment consistent with PHC policy. See PHC policies HR115 Discrimination, Harassment, Retaliation Prevention (applicable to PHC workforce) and CGA022 Member Discrimination Grievance Procedure for more information.
- ❖ **Non-retaliation.** PHC promotes a culture of honesty and integrity and maintains protections for workforce members and affiliates who make reports, in good faith, of suspected or actual violations with laws, regulations, and PHC policies. This includes protection under the federal False Claims Act for reporting possible fraud. PHC has a zero tolerance policy for any form of intimidation or retaliation and takes reports of such conduct seriously. Instances of intimidation and/or retaliation should be reported to the Director of Human Resources and/or the Compliance Officer. See PHC policy CMP-27 Non-intimidation & Non-retaliation and CMP-07 False Claims Act for more information.

## Protecting and Upholding Member Rights

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PHC is committed to ensuring the provision of high quality health care, which includes protecting our member's rights to confidentiality and information security.

- ❖ **HIPAA.** PHC is committed to ensuring the confidentiality of our members' protected health information (PHI), this includes **maintaining policies and procedures that help staff understand the obligations and process for keeping information confidential, private and secure.** Some critical elements of member confidentiality include:
  - **Limiting the use and disclosure of PHI to the minimum amount necessary to carry out their job functions;**
  - Disposal of PHI through confidential means such as shredding or records destruction by PHC's offsite storage vendor; and
  - Release of member information as allowable by governing policies and rules including HIPAA (PHI) and 42 CFR Part 2 (sensitive PHI)



**Each person to whom this code applies is expected to immediately report suspected or actual unauthorized uses or disclosures of PHI.** See PHC policies CMP-10 Confidentiality, CMP-13 Permitted Use, Disclosure, and Minimum Use of Member Information, CMP-18 Reporting Privacy Incidents, and CMP 41 Wellness and Recovery Program Records for more information.

- ❖ **Securities.** PHC maintains the security of our members' PHI regardless of the way it is electronically stored. This includes role-based access for operating systems, meaning persons to whom this code applies are expected to only access systems for which they are authorized. PHC workforce and affiliates also have responsibility for securing PHI when sending it electronically (for example, via email or fax). In addition to securing electronic PHI, PHC's workforce members are responsible for safeguarding PHI by securing their workstations, maintaining the privacy of their passwords, properly disposing of PHI, reporting suspicious activity (e.g., phishing type emails or notification of unsuccessful login attempts that were not attempted by the employee) and locking their computer if stepping away from their desk. Appropriate and reasonable measures should be taken to protect against the loss or theft of laptops and other electronic devices that are used for PHC business. See PHC policies CMP-24 Physical and Administrative Safeguards, IT030 Workstation Security, IT023 Password Management, IT024 Security Incident Response for more information.

## Program Integrity

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Ensuring the integrity of our compliance, financial, and securities programs promotes operational excellence and is critical to advancing our mission.

- ❖ **Fraud, Waste, and Abuse.** PHC promotes a culture of honesty and integrity and expects that all workforce members and affiliates will refrain from participating in or encouraging any other person to participate in fraud, waste, or abuse (FWA). **PHC is dedicated to the prevention, detection, and reporting of FWA and will not tolerate any violation of compliance with FWA laws.** In an effort to prevent and detect FWA, PHC's workforce has the responsibility to understand their job in order to identify potential FWA activities and to report immediately any potential or actual incidents. See PHC policy CMP-09 Investigating and Reporting Fraud, Waste and Abuse for more information.

Some examples of potential FWA include:

- Embezzlement – keeping refunds from provider overpayments;
  - Kickbacks – accepting a gift or payment from a provider for referring a member to their clinic;
  - Physician self-referrals – a provider referring a patient to a lab, which they have a vested financial interest; or
  - Identity theft – using someone else's identity to access services.
- ❖ **False Claims.** The False Claims Act (FCA) is a federal law that makes it a crime for providers to knowingly defraud governmental programs, like Medi-Cal, as administered by PHC.

Prohibited activities including; billing for services not provided, billing for the same services more than once; or making a false statement to obtain payment. As a financial steward, it is PHC's responsibility to investigate, report, and seek repayment for any payments made under FCA conditions. Providers failing to report and return overpayments within 60 days after being identified may be subject to criminal penalties including imprisonment, criminal fines as well as exclusion from participating in government programs. PHC workforce members and affiliates are required to immediately report any potential violations of the FCA. See PHC policy CMP-07 False Claims Act and CMP-09 Investigating Fraud, Waste and Abuse for more information.

## Representing PHC

As a public agency and in the best interest of PHC members and workforce, PHC strives to be accurate, compassionate, and concise in its public messaging. This includes written and verbal statements to the media, government agencies, legislative bodies, and community partners. **To maintain the integrity of PHC's messaging and branding, persons to which this code applies are encouraged to engage PHC senior leadership, Regulatory Affairs and Compliance, and/or Communications, before making statements, appearances, or otherwise representing PHC at public meetings.** Additionally, only persons authorized to do so, should make statements on behalf of or represent PHC in the media, which may include through social media platforms. No person to which this code applies should represent that they are communicating on behalf of or representing PHC on any social media platform unless they are authorized and doing so through PHC's official social media page(s). See PHC policy ADM-37 Social Media for more information.

## Reporting

- ❖ **Compliance Issues and/or Concerns.** Upon discovery of violations with any section of this code, PHC workforce members are required to immediately report potential or actual incidents to the Regulatory Affairs and Compliance (RAC) team. Potential or actual incidents can be reported through the following methods:

- ❖ **Securities Issues and Concerns.** PHC workforce members are expected to immediately report security related incidents by:

- Submitting an IT ServiceDesk ticket (accessible through PHC's intranet, PHC4Me); or
- Calling the IT HelpDesk Hotline (707) 420-7600 or ext. 7600.

### Ways to report potential or actual incidents:

- Internal workforce: Completing a referral using the EthicsPoint Incident Reporting Form (accessible through PHC's intranet, PHC4Me; or
- External workforce: Completing a referral using PHC's Incident Reporting Form (available on PHC's external website [www.partnershiphp.org](http://www.partnershiphp.org)) and submitting completed form by email to [RAC\\_Reporting@partnershiphp.org](mailto:RAC_Reporting@partnershiphp.org); or
- Calling the toll-free Compliance Hotline at (800) 601-2146, anonymously; or
- Contacting any member of PHC management, RAC or the Compliance Officer.

## Non-compliance with the code

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Persons to whom this code applies are expected to uphold PHC values of ethics and integrity and shall not personally or encourage any other person to knowingly violate laws, regulations, PHC policies that govern PHC business and/or this code. Violations with this code are taken seriously and will result in disciplinary action which may include commitment to corrective action, retraining/additional training, and up to and including termination of employment, legal action, referral to law enforcement, and/or licensing boards/committees.

## Resources

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### ❖ Laws, regulations, and PHC policies

- [Compliance Resources on PHC4Me](#)
- ADM-37 Social Media
- CGA022 Member Discrimination Grievance Procedure
- CMP-07 False Claims Act
- CMP-09 Investigating Fraud, Waste and Abuse
- CMP-13 Permitted Use, Disclosure, and Minimum Use of Member Information
- CMP-21 Conflict of Interest Code
- CMP-27 Non-intimidation & Non-retaliation
- CMP-28 Training Program Requirements
- CMP-30 Record Retention and Access to Records
- CMP 41 Wellness and Recovery Program Records

### ❖ Reporting Compliance Issues

- MP-06 Compliance Issues and Complaints
- CMP-09 Investing and Reporting Fraud, Waste, and Abuse
- CMP-18 Reporting Privacy Incidents
- Hotline # (800) 601-2146

### ❖ IT Securities Resources

- IT023 Password Management
- IT024 Security Incident Response
- IT030 Workstation Security
- IT031 Unique User Identification

### ❖ Human Resources Information

- HR102 Conflicts of Interest
- HR115 Discrimination, Harassment, Retaliation Prevention

*\* The complete library of Compliance, IT, and Human Resource policies are available to all staff via the PHC policy management platform*

**Commitment Statement**

As a PHC workforce member or affiliate, I hereby acknowledge that I have read and understand my expectations for acting ethically and participating in PHC’s culture of compliance including upholding the standards set forth under this code. My signature below signifies my agreement to comply with the code and referenced policies. In the event of a violation, I acknowledge that PHC may, as applicable and as it deems appropriate, pursue disciplinary action up to and including termination from my employment or affiliation with PHC.

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Print Legal First and Last Name

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Signature	Date
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Title/Role

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Department