

WORKING WITH BUSINESS  
PARTNERS SPECIAL  
RESPONSIBILITIES  
ASK COMPLIANCE  
WORKING  
TOGETHER  
PROTECTING  
OUR COMPANY  
**CODE  
OF  
ETHICS  
AND  
BUSINESS  
CONDUCT**  
WORKING WITH GOVERNMENT  
PROTECTING  
OUR  
MEMBERS' INFORMATION



**BlueCross BlueShield  
of Alabama**



Dear Associate,

Since 1936, Blue Cross and Blue Shield of Alabama has developed a reputation as a company with steadfast values. Because integrity is fundamental to the way we do business, we have become a respected name and a healthcare leader in Alabama. Our ethical practices have helped us build a strong foundation and are one of the reasons our customers know they can depend on us when it matters most.

It is important to remember that the ends do not justify the means. Making ethical decisions is just good business sense for a successful future. We must ensure that we not only know the correct path but follow that path, because holding true to our principles and values is critical to our success.

Our Code of Ethics and Business Conduct provides direction on expected ethical behavior at our Company. It is our playbook that ensures we act with integrity and honor throughout the Company. I encourage you to familiarize yourself with our Codebook and the principles that guide our organization. If you have a question about proper conduct or the Compliance program, contact your manager or the Compliance Office.

With your commitment, we can ensure Blue Cross and Blue Shield of Alabama continues to do the right thing, at the right time and for the right reason.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Kellogg". The signature is fluid and stylized, with a long horizontal stroke at the beginning.

Terry D. Kellogg

President and Chief Executive Officer

*As we move forward  
we lead by example.*

# Compliance Office Contact Information

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Please contact the Compliance Office with any questions regarding the Code of Ethics and Business Conduct. Listed below are available resources:

Compliance Toll-free Help Line .....	1-877-988-9823
HIPAA Privacy Toll-free Help Line.....	1-877-668-7222
Fraud Hot Line .....	1-800-824-4391
Fax Line for Fraud, Compliance and HIPAA Reporting.....	205-220-2984
Compliance Email.....	<a href="mailto:ComplianceOffice@bcbsal.org">ComplianceOffice@bcbsal.org</a>
Anonymous Online Compliance and HIPAA Reporting.....	<a href="http://ReportToCompliance.com">ReportToCompliance.com</a>
HIPAA Privacy Email .....	<a href="mailto:HIPAAPrivacy@bcbsal.org">HIPAAPrivacy@bcbsal.org</a>
HIPAA Security Email.....	<a href="mailto:HIPAA-Security@bcbsal.org">HIPAA-Security@bcbsal.org</a>
Fraud Email .....	<a href="mailto:Fraud@bcbsal.org">Fraud@bcbsal.org</a>

# Contents

## Act with Integrity

We do the right things, the right way, for the right reasons.

Ask Compliance.....	4
Working Together.....	6
Protecting Our Members' Information .....	7
Protecting Our Company.....	9
Conflict of Interest .....	12
Working with Business Partners .....	16
Working with Government.....	18
Special Responsibilities.....	19
Appendices .....	21

## Blue Cross and Blue Shield of Alabama ("the Company") Compliance Program

The purpose of our Company's Compliance program is to set standards for conduct through the Code of Ethics and Business Conduct (the "Codebook") and encourage ethical behavior through education and training. Our Company's Compliance program offers various ways to report unethical behavior and ask questions about compliance issues. It also includes procedures for detecting and investigating unethical behavior. We continually aim for improvements in our practices, policies and environment to make the Compliance program as effective as possible.

Our Code of Ethics and Business Conduct describes the standards and rules that not only associates – but Company managers, officers and directors – must follow. These standards and rules are based on our Corporate Values of "Act with Integrity" and "Respect Our Customers," as well as state and federal laws.

This Codebook includes Company policies that are the backbone of the Code of Ethics and Business Conduct. In addition, the complete set of Company policies is available under the [Corporate Operating Policies \("COP"\) on Web01](#). Individual departments also have policies and procedures that can be found on DORS or within your department or division.

You are responsible for knowing these policies and procedures and the Code of Ethics and Business Conduct. Your knowledge of these rules and standards protects you and the Company.

Our Codebook is also provided annually to our First Tier, Downstream, and Related Entities (FDRs) and vendors. While every aspect of the Codebook may not be applicable to our FDRs and vendors, it is important to our Company that we clearly communicate that we conduct our business in an ethical manner and that we expect that any business conducted on our behalf will be conducted in this same manner. We also expect FDRs and vendors to report issues regarding the work they do for Blue Cross and Blue Shield of Alabama as well as to participate in any investigation regarding activities that have been performed on our behalf.

FDRs and vendors as well as any workforce member employed with an FDR or vendor may contact Blue Cross and Blue Shield of Alabama regarding concerns or questions using any of the avenues outlined in this document.

# Ask Compliance

## Ethics

*Ethics is displayed in everything we do, and everything we do counts.*

## How to get answers to your questions about the Code of Ethics and Business Conduct

Blue Cross and Blue Shield of Alabama has contracted with an independent third party to receive all calls for our Compliance and HIPAA Help Lines, as well as online reports. Convercent, the independent third party, will protect the identity of those making reports of noncompliance, subject to applicable law, regulation or legal proceedings.

When you call the Compliance Help Line or report online, you have the option of identifying yourself or remaining anonymous. If you choose to remain anonymous, please provide enough information about the incident or situation to allow a thorough investigation.

### Ways to contact Compliance:

- Compliance Toll-free Help Line..... 1-877- 988- 9823
- Fax Line (for Fraud, Compliance, and HIPAA reporting) ..... 205- 220- 2984
- HIPAA Privacy Toll-free Help Line ..... 1-877- 668-7222
- Compliance Email ..... [ComplianceOffice@bcbsal.org](mailto:ComplianceOffice@bcbsal.org)
- Anonymous Online Compliance and HIPAA Reporting.....[ReportToCompliance.com](http://ReportToCompliance.com)

You may also contact any [Compliance Office staff member](#) including the Compliance Officer. Each Compliance staff member, along with contact information, is listed on the Compliance website available through Web01.

## Your Duty to Report and Cooperate

### You have the duty to:

- Report any violations of the Code of Ethics and Business Conduct – even suspected or potential violations – to the Compliance Office, your manager or department head;
- Participate in compliance investigations; and
- Cooperate with compliance investigators.

You may report anonymously. If you report using your name, the Compliance Office will keep your identity confidential, unless disclosure is necessary to resolve your reported issue, or disclosure is required under the law.

## Nonretaliation Policy

Blue Cross and Blue Shield of Alabama has a strict corporate non-retaliation policy. The Company, its associates, managers, officers and directors may not retaliate or discriminate against you for reporting noncompliant behavior or healthcare fraud. This is also true when you cooperate in an investigation, even if it turns out that no actual noncompliant behavior took place. If you feel that you are being retaliated against because of a report you made, report it to Compliance immediately.

If you are the subject of a compliance investigation, you must not try to find out who reported to Compliance, whether the reporter is within the Company or outside of the Company. Doing so may result in disciplinary action, up to and including termination.

## Q&A

**Q:** What should you do if you suspect a Compliance violation has occurred or if you have questions about any compliance issues?

**A:** Report any violation or suspected violation of the Code of Ethics and Business Conduct to the Compliance Office or your manager. You can also contact our Compliance Help Line at **1-877-988-9823** or visit [ReportToCompliance.com](http://ReportToCompliance.com) to report online.

**Q:** If I report what I think is a violation of the Code of Ethics and Business Conduct, and no violation is found upon investigation, will I get in trouble?

**A:** No, there will be no action taken against you for reporting a suspected violation.

## Duty to Report Healthcare Fraud

Healthcare fraud is an intentional deception, concealment or misrepresentation by an individual or entity, knowing that the misrepresentation could bring some benefit to them or another party that they are not legally entitled to receive. All associates are responsible for protecting the honest administration of our customers' benefits.

You must report all suspected healthcare fraud activity to the Compliance Office or Network Integrity. If you suspect that a provider, subscriber or group is committing healthcare or pharmacy fraud and abuse:

- Call the Fraud Hot Line at **1-800-824-4391**;
- Send an email to "Fraud" ([Fraud@bcbsal.org](mailto:Fraud@bcbsal.org)); or
- Visit [AlabamaBlue.com](http://AlabamaBlue.com), and click on "Fraud & Abuse" at the bottom of the page.

## Training and Communication

You are required to complete annual Compliance training, Fraud, Waste and Abuse training, as well as any specialized training in your department or area. You must review and be familiar with the Code of Ethics and Business Conduct and abide by it. The online Codebook acknowledgement form on the Compliance and Ethics website and the training transcript on Connect are methods used to be sure that you are familiar with the information in the Code of Ethics and Business Conduct.

## Corporate Compliance Officer and Medicare Compliance Officer

The Corporate Compliance Officer and the Compliance Officer for Medicare Parts C and D are responsible for oversight of compliance with applicable laws, the Code of Ethics and Business Conduct and related policies and procedures. The Compliance Officers report to the Board of Directors, President, and Audit Committee on the implementation and enforcement of the Compliance program and provide periodic updates to the appropriate committees of the Board of Directors. The Compliance Officers request the assistance of the General Counsel and Internal Audit when appropriate. Any waivers of violations awarded by the Compliance Officer will be reported to the Audit Committee of the Board of Directors.

## Tools You Can Use

### Ask Compliance

- What should I report to the Compliance Office? (*Appendix A*)
- What information should I provide when I email or call Compliance? (*Appendix B*)
- What happens when Compliance receives a report or inquiry? (*Appendix C*)
- What factors are considered in determining consequences for compliance violations? (*Appendix D*)
- Compliance contacts (Compliance Web Page)
- Compliance with the Code of Ethics and Business Conduct and Compliance Program Policy (Corporate Operating Policy)
- Compliance with the Administrative Requirements-Retaliatory Acts (Corporate Operating Policy)

# Working Together

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## Q&A

**Q:** Your co-worker makes jokes about another co-worker's race and religion. Is that OK?

**A:** No. This behavior is inconsistent with our Company's standards and expectations. You should ask your manager or an Associate Services representative to address the situation.

## Respect in the Work Environment

Each of us has the right to work in an environment free of harassment or discrimination because of sex, race, creed, national origin, etc.

We have an obligation to treat each other with courtesy and fairness and respect the dignity of others. Federal and state laws prohibit discrimination, sexual harassment and similar misconduct. Reporting an actual or suspected violation of this policy will not subject the reporting associate to any retaliation. However, if the reporting associate took part in harassing or discriminatory behavior, the associate would still be subject to the Company's policies and procedures. Self-reporting will not absolve you of the consequences of inappropriate actions.

## Drug-Free Workplace (*Drugs and Alcohol*)

You may not possess, use or sell illegal or controlled substances on Company property. You may not report to work under the influence of illegal or controlled substances or alcohol (whether or not you are legally intoxicated). This kind of behavior may be considered an intolerable offense. An intolerable offense will result in termination; it could be reported to law enforcement as necessary.

## Respect Our Customers

We respect our customers above all else and never forget that they come to us by choice. We listen to our customers, work to understand their needs, and partner with them to do what is in their best interest.

## Tools You Can Use

### Working Environment

Associate Services Corporate Operating Policies

# Protecting Our Members' Information

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## Privacy and Security of Member Information

### HIPAA Privacy

You must keep our members' information private and confidential. This is our ethical obligation and the law under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Any information we gather and maintain on our members is confidential and considered protected health information (PHI). Remember these two rules:

**(1) You may only access the minimum amount of information needed to do your job.**

If you obtain access to or use member information that is not needed to do your job, you violate the Company's HIPAA policies. This is true even if you gain access to your own contract information or that of family members, or if you only access member information that is not "health information" such as an address or birthday.

**(2) You may only disclose information to others – including other associates – when they have a legitimate business need to know.**

If you disclose member information to another person without a legitimate business need to know, you have violated the Company's HIPAA policies. This includes disclosing *more* information than the other person had a legitimate need to know.

If you violate the Company's HIPAA policies, you could be subject to disciplinary action. You may also be subject to federal or state prosecution.

### HIPAA Security

The security portion of HIPAA focuses on securing sensitive information in electronic formats. Our HIPAA security policies help you protect information while performing your daily work responsibilities. Whether you are a database administrator (determining how to store sensitive information) or a customer service associate (needing to send a member account information), you can find direction in these policies on how to accomplish these tasks securely. You are responsible for knowing and abiding by our HIPAA Privacy and Security policies as you fulfill your job requirements each day.

## Tools You Can Use

### Protecting Our Members' Information

- HIPAA Privacy Corporate Operating Policies
- HIPAA Security Corporate Operating Policies
- Customer Service and Claims HIPAA Privacy Guidelines and Procedures



# Protecting Our Members' Information

## Q&A

**Q:** Is it a violation of the Company's HIPAA Privacy policies for me to access my own contract using the claims system?

**A:** Yes, you should only access PHI for reasons directly related to your job duties. If you have a question about your own contract, you should call the customer service number on the back of your insurance card or access your account using the **MyBlueCross** tab on the Blue Cross and Blue Shield of Alabama website.

**Q:** What if I want to look up information about my children's contracts and claims?

**A:** You cannot look up information on your children's accounts through your job-related system access. You are permitted to obtain this information only through **MyBlueCross**, or by calling the customer service number on the back of your card.

**Q:** What if I only use my system access to look up a member's birthday or address?

**A:** You may not use your system access to look up any member information unless you have a business need to do so. This includes information such as an address or birthday.

**Q:** If I become aware of an unauthorized disclosure of PHI, what should I do?

**A:** You must immediately notify your DiPR. Your DiPR will then be able to take proper steps to mitigate the situation. If your DiPR is not available, email the HIPAA Privacy Office.

**Q:** What should I do if my laptop is lost or stolen on a weekend or after business hours?

**A:** In case of a lost or stolen laptop, mobile device, USB, SecureID token or any other Company equipment, immediately call the Corporate Support Center at 205-444-5442 or 1-877-282-4000 and follow the voice prompts to be connected to the Information Security Incident Response Line. If no one is available to take your call, leave a detailed message. An alert will be sent to the on call Incident Management Response team. A team member will respond to your message.

**Q:** My job requires me to send sensitive information to people outside of Blue Cross and Blue Shield of Alabama. How can I send this information securely?

**A:** First, verify that the recipient is authorized to receive the information. Second, confirm their email address or fax number. If you are sending the information via email, make sure the email is sent securely by either typing #secure# in the subject line after your subject, or by clicking the Encrypt key button on your email toolbar. If you are sending the information via fax, include the fax cover sheet with our Company confidentiality disclosure and call the recipient to verify that they received it.

**Q:** Is it okay to leave PHI out on my desk or on the printer when I leave for the day or for an extended period of time?

**A:** No, you should not leave PHI on your desk, the printer, a fax machine or in other unsecured areas for an extended period of time, including when you go home for the evening. Instead, PHI should be stored securely and out of sight.

# Protecting Our Company

## Q&A

**Q:** Is it OK to use Company assets such as your work time, printers, email, Internet, etc., to support a second job outside of my employment with Blue Cross and Blue Shield of Alabama?

**A:** No, this behavior is inconsistent with our Company's standards and expectations.

## Use of Company Funds and Assets

- Each of us has the responsibility to protect Company assets and funds. Our primary use of Company assets and Company funds must be for Company business.
- We are permitted to use our telephones, office computers and Company email for personal reasons on a *limited* basis (for example, making doctor appointments, checking on children or parents, or checking your bank account).
- However, Company assets, including your work time should never be used to support a business other than Blue Cross and Blue Shield of Alabama or for personal financial gain.
- Personal use of Company assets is a privilege, and you must follow your manager's or department's guidance concerning use of Company assets.
- Your personal use of email or Internet must not interfere with doing your job or with other associates doing their jobs. Your personal use must never result in excessive cost to the Company.
- Your use of Company email must never harm the Company's reputation. You should not send personal emails that include your Company title, department, the Company name or Company logos. Providing this information may give the impression you are speaking on behalf of the Company when you are actually expressing your personal opinions or the opinions of others.
- Remember that Company equipment and electronic services provided by the Company, such as Internet, email and telephone systems, are Company property. Therefore, you should have no expectation of privacy when you use them.
- Associates are not permitted to send or forward chain letters or chain emails.

## Tools You Can Use

### Use of Company Funds and Assets

- What are Company assets? (*Appendix E*)
- What are examples of limited personal use of Company assets? (*Appendix F*)
- What are examples of inappropriate personal use of Company assets? (*Appendix G*)
- Asset Management Policies
- Information Access and Usage Policies

### Proprietary Information, Trade Secrets and Confidential Information

- What are examples of proprietary information, trade secrets and confidential information? (*Appendix H*)
- Shredding/Destruction of Confidential Information Policy

### Keeping Accurate Business Books, Documents and Records

- What are examples of Company books, documents and records? (*Appendix I*)

# Protecting Our Company

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## Retain Financial Strength

*We maintain a financially strong and stable corporation, seeking growth that is economically sound. We are here for the long-term; we do not pursue short-term gain at the expense of long-term value or chase market share at any price.*

## Proprietary Information, Trade Secrets, and Confidential Information

You are responsible for guarding and keeping confidential the Company's trade secrets and proprietary and confidential information. This is information that is not usually made public and would be useful to competitors.

Common examples include financial data, plans for new projects and products, lists of suppliers and customers, contracting arrangements, wage and salary data, changes in management, and systems and business processing methods.

- Within the Company, you can only discuss Company trade secrets and proprietary and confidential information with other associates on a need-to-know basis.
- Outside the Company, you can only disclose proprietary or confidential information if confidentiality agreements have been arranged through the Legal Department with the individual or organization to whom you are making the disclosure.
- You can only discuss or disclose member/customer information outside the Company when expressly allowed under HIPAA. Within the Company, you can discuss member/customer information only with those associates who have a business need to know.

This obligation continues even if you leave the Company.

## Social Networking

Social Networking sites, personal websites and blogs are widely used in our culture. The Company respects the right of associates to use these mediums during their personal time. You should consider the following basic rules before posting information about work or the Company:

- You are personally responsible for your Web postings and liable for Web postings found to be defamatory, harassing, or in violation of any federal or state law.
- Your Web postings may not violate this Code of Ethics and Business Conduct or any Corporate Operating Policy. For example, you must maintain confidentiality of member information as well as Company proprietary information.
- You should uphold the Company's reputation as The Caring Company – avoid making defamatory statements about members, co-workers, affiliates and competitors.

## Keeping Accurate Business Books, Documents & Records

Our Company relies on associates to keep accurate and honest books, documents and records.

- You must check and double check the information you gather and put on paper or enter electronically.
- You must never falsify books, documents or records – or even intentionally mislead by knowingly omitting information. Even backdating a report or form can be falsification. Remember, this rule applies to books, documents and records you create for or on behalf of the Company, as well as those you submit to the Company, whether on paper or electronically. Computer entries you make for work are also considered Company books, documents or records.
- Examples of Company books, documents and records include: financial and accounting records, spreadsheets, job applications and resumes, time sheets, doctors' excuses, tuition reimbursement forms, applications for 401(k) hardship withdrawals and loans from your 401(k) plan, expense records, and information submitted to a governmental agency or the Blue Cross and Blue Shield Association.

# Protecting Our Company

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## Achieve Excellence

*We have a passion for success in everything we do. We take action on fact-based decisions that support our mission and goals. We are committed to operational excellence, superior customer value, and being recognized as a great place to work.*

### Improper Influence on Conduct of Audit

No associate of the Company, its affiliates, directors, officers, managers or any other person acting under their direction, shall take any action to fraudulently influence, coerce, manipulate or mislead anyone engaged in the performance of an audit of the Company.

### Costs That are Nonallowable

Our Company policy states that costs that are expressly nonallowable for reimbursement from the government, and costs for which there is no good faith basis, will be identified and accounted for as nonallowable costs. Reimbursement from the Federal Government will only be requested for those costs that are allowable in accordance with laws and regulations.

### Retention of Records

You may not discard or dispose of Company records that must be kept by law, or because the Company requires that the records be kept. Examples of records that must be kept for certain periods are tax and financial records, contracts, health information, records related to Medicare, our Qualified Health Plans or our Multi-State plans, and personnel records.

### Regulatory Compliance

One of the purposes of our Compliance program is to educate associates about our obligations under the law. Our Company is subject to a variety of laws and regulations that address requirements such as licensure, accuracy in records, confidentiality concerns, Medicare, Federal Employee Program, and healthcare reform requirements, as well as other federal or state programs. Therefore, we all must be knowledgeable about and comply with the laws and regulations that apply to our lines of business.

## Tools You Can Use

### Protecting Our Company

- Records Management and Retention Policy
- Records Management and Retention Program

### Regulatory Compliance

- What are examples of laws and regulations with which our Company complies? (Appendix J)

# Conflict of Interest

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## Tools You Can Use

### What is a conflict of interest?

What are examples of employment positions that could present a conflict of interest?  
(Appendix K)

## What is a Conflict of Interest?

A conflict of interest is when your own interest or involvement in a financial or personal matter could get in the way of your obligation to the Company.

### Conflicts of interest include:

**Private Financial Gain:** When your private financial interests could influence your decisions or actions in your job or role with the Company.

Such interests might include the following:

- Your personal interest or a family member's interest in an enterprise that has a business relationship with the Company. This restriction does not apply to minimal holdings of stock or other securities of a corporation whose shares are publicly traded, and which may incidentally do business with the Company.
- Your investment or a family member's investment or participation in another business that competes directly with the Company. This does not apply if the investment is not a significant part of your or your family's income or net worth, or the area of competition has minimal effect on the Company.

**Second Job or Outside Activity:** When your second job or outside activity could conflict with your job or your obligation to the Company or hurt the Company's reputation in the community.

- A second job conflicts with your job with the Company when it results in your failure to meet goals, inability to perform job duties, tardiness, absenteeism, sleeping on the job, or inability to work required overtime. If you have a second job in the healthcare industry, your employment should not include the review of cases or the coding or submission of claims. Remember that any second job must be reported to Compliance on a Conflict of Interest statement as described in the section below.
- Outside activities should not be performed during your work time because they could interfere with your regular duties and affect the quality and quantity of your work. Working on an outside activity during your work time could also negatively affect the Company's reputation.

### When you have a question about a possible conflict of interest:

If you think you may have a possible conflict of interest due to your second job, outside activities or investments, contact the Compliance Office.

**Note to Health Professionals:** Health professionals in the Company may be asked to review medical information about a member they have encountered in their roles outside the Company (for example, as a nurse or pharmacist working in a hospital or as a physician in private practice). In this situation, the health professional should give the review to their manager or another health professional in the department and follow any other departmental procedures to avoid any conflict.

## Prohibition on Personal Loans

To avoid a real or perceived conflict of interest, the Company shall not extend credit or arrange for the extension of credit in the form of a personal loan for any director, officer, manager or associate of the Company (except for travel advances).

# Conflict of Interest

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## Conflict of Interest Statement

- You must complete a Conflict of Interest statement when you are first hired and again each year.
- You are required to complete a new Conflict of Interest statement when any information on your previous Conflict of Interest statement changes.
- Your Conflict of Interest statement is reviewed by the Compliance Office. The Compliance Office will make every effort to mitigate an actual or potential conflict. If you have a conflict that cannot be mitigated by the Compliance Office, you will be asked to change your situation so that you do not have a conflict.
- Keep in mind that the Conflict of Interest statement is an official Company document and that you are required to complete it accurately.
- The Company will maintain the information you provide on your Conflict of Interest Statement in confidence, unless disclosure is necessary to address your potential conflict. In such cases, disclosure will be limited to only those individuals within the Company necessary to address the conflict.

## Violent Crime Control and Law Enforcement Act

- Federal laws prohibit an individual who has been convicted of certain crimes from involvement or employment with an insurance company, and from providing services to government programs such as Medicare. For that reason, when you are hired, and at any time during your employment, you must disclose on your Conflict of Interest statement any misdemeanor or felony convictions, or any instance when you admitted guilt, pled no contest, or nolo contendere to a crime or dishonest act.
- Information you disclose will be reviewed and considered on a case-by-case basis. Any employment decisions will depend upon factors such as the nature and seriousness of the crime and the nature of the associate's job.
- As an insurance company, Blue Cross and Blue Shield of Alabama must complete criminal reinvestigations for all associates at least once every five years, and such reinvestigations are considered terms of employment with the Company.
- Any criminal convictions that the Company becomes aware of during the criminal reinvestigation process will be compared to the associate's Conflict of Interest statement. An untrue answer or omission of pertinent information on the Conflict of Interest statement could be considered falsification of a Company record or document.

## Q&A

**Q:** When should I fill out a Conflict of Interest statement?

**A:** You should complete a Conflict of Interest statement at least once a year when the Compliance Office asks everyone to fill out a new form. Also, you should fill out a new form any time information on your previous conflict of interest statement changes. To get a new form, contact the Compliance Office.

**Q:** I was recently convicted of a DUI. Does this conviction need to be disclosed on my Conflict of Interest form?

**A:** Yes, you are required to disclose any misdemeanor or felony criminal convictions. In addition, our Company conducts criminal background checks on all associates at least every five years. If the criminal background check does not match what was reported on your Conflict of Interest form, then this could be considered falsification of Company records.



# Conflict of Interest

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## Gifts and Gratuities, Entertainment and Meals, Business Courtesies, and Travel Expenses

### Accepting Gifts and Gratuities, including Travel and Entertainment Expenses and Honoraria

In your position with the Company:

- You may not ask for or solicit a gift or favor including a meal, entertainment, special treatment or payment of expenses from any external person or organization.
- You may never accept a gift of cash or a cash equivalent such as a gift card.
- You may accept small non-cash gifts of nominal value. A gift is considered to be of nominal value if its value does not exceed \$100. During a year (any 12 month period), the total value of gifts received from any one source cannot be more than \$200.
- If you accept a meal or entertainment such as a ticket to a ball game, the cost must be less than \$100 per occasion and no more than \$200 in a year. The gift must be received in the ordinary course of a business relationship.
- You must not accept travel expenses, registration fees or honoraria from vendors, trade groups or professional associations. If you do not believe that the organization sponsoring an event you are planning to attend falls into one of those categories, contact the Compliance Office. Remember the general rule: if it is important enough for you to attend a meeting or conference, then it should be paid for by Blue Cross.
- You should never accept anything of value in situations where the transaction could be viewed as being improper.
- When you return or refuse gifts or offers of travel expenses or honoraria, you should send a letter stating you cannot accept the gift or offer due to our Company's policy. You should also send a copy of your letter to the Corporate Compliance Office where it will be kept on file.

The templates for the appropriate letters are located on the Compliance website, as well as Appendices M and N at the end of this Codebook.

### Accepting Items from Random or Blind Drawings

You may participate in random or blind drawings, such as for door prizes, at conferences or professional meetings, unless accepting the prize could be viewed as improper. Random drawings do not fall under the gift policy provided the drawing is truly random, and there is no expectation that you or the Company will give anything in return for the prize.

## Tools You Can Use

### Gifts and Gratuities, Entertainment and Meals, Business Courtesies, Travel Expenses, and Honoraria

- What are examples of acceptable and unacceptable gifts? (*Appendix L*)
- Sample letter for return of cash, check, gift certificate or gift card (*Appendix M*)
- Sample letter for accepting or declining a conference or event (*Appendix N*)
- Travel and Employee Expense Reimbursement Policy

# Conflict of Interest

## Realize Full Potential

*We identify and nurture talent, provide opportunity, develop leaders and reward achievement. We foster collaboration, accept individual accountability and learn from our mistakes.*

### Giving Gifts or Business Courtesies

Our Company believes that business should be won or lost based on the merits of our products and the record of our performance.

We can offer business courtesies – small gifts or favors that are reasonable in nature and amount – in the course of business relationships. Examples of business courtesies are meals, drinks, entertainment, hospitality, recreation, door prizes, transportation, tickets, passes or promotional items. Business courtesies should never be extended to customers under circumstances that might create even the appearance of impropriety.

### Special Rules for Giving Gifts

- **Gifts or Business Courtesies to Government Officials:** We are forbidden by law from giving gifts, meals and business courtesies to federal, state, and local government employees and officials and their contractors who regulate or monitor Blue Cross and Blue Shield of Alabama in any way. Likewise, such government officials and employees and their contractors are forbidden by law from accepting anything of value from us.
- **Gifts or Business Courtesies to current or prospective Medicare Members (Part C or Part D):** There are special marketing rules for Medicare Advantage and Medicare Part D. Consult the guidelines or check with your manager to be sure you are following these rules.
- **Gifts or Business Courtesies to Unions:** We must report to Cost Accounting any gifts, entertainment or other items of value we give to unions, union officials, union employees or other union representatives. This is required because under the Labor Management Reporting and Disclosure Act (LMRDA), the Company must report items of value given or paid to unions to the Labor Department. The law provides a limited exception when these items total less than \$250 annually.

Contact Vendor Payment Services or the Corporate Compliance Office for guidance if your position requires interaction with unions or union officials.

## Q&A

**Q:** What should you do if you receive a \$5 gift certificate to Starbucks from a vendor as a gift?

**A:** The Starbucks gift certificate is an unacceptable gift because gift certificates and gift cards are considered cash equivalents (the same as cash). Gifts of cash and cash equivalents from outside sources are always unacceptable regardless of the dollar amount. The gift certificate should be returned to the vendor. There is a return gift letter located on the Compliance website to assist you.

**Q:** I am planning to attend an upcoming conference, and a vendor has offered to pay for my registration fees, hotel, and travel expenses. This would save Blue Cross a lot of money. Can I accept the payment?

**A:** No, you should not accept payment from a vendor for registration fees, hotel stays, or travel expenses.



# Working with Business Partners

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## Kickbacks or Rebates from Vendors or Suppliers

In your position with the Company, you or your family members may not receive special favors or rebates from the Company's vendors or suppliers. These may be considered kickbacks and are against the law.

## Reciprocity

- The Company may purchase goods and services from a supplier who also buys goods or services from us as a customer. This practice is normal and acceptable. You may not put any pressure on a supplier or customer, or give the impression that "reciprocity" is expected.
- You must not ask suppliers to buy our products or services in order to become or continue to be a supplier of the Company. There are no exceptions to this rule.

## Subsidiaries, Subcontractors, Consultants, Agents and Vendors

The Compliance Office distributes the Code of Ethics and Business Conduct to third party agents and contractors who act for, or on behalf of, the Company and vendors who conduct significant business with the Company. The Compliance Office shall inform all such parties of the Company's requirement of strict adherence to the Code of Ethics and Business Conduct. If you have any concerns about a vendor's business practices or results, notify the Compliance Office or call the Compliance Help Line.

## Payments to Agents, Representatives and Consultants

Any agreement with an agent, sales representative or consultant must be in writing and must clearly and accurately set forth the services to be performed, the basis for earning the commission or fee involved, and the applicable rate or fee. Any payments must be reasonable by industry standards and according to the amount and value of the services provided.

## Business Associates

A "business associate" is a person or entity that

- Performs certain functions or activities that involve the use or disclosure of PHI on behalf of the Company, or
- Provides services to the Company that involve the use or disclosure of PHI.

Any vendor or contractor who may have access to PHI in the course of providing functions or activities to or on behalf of the Company is a business associate. Before any vendor or contractor gains access to the PHI, a business associate agreement (also known as a BAA or BAK) between the vendor or contractor and the Company must be in place. Associates involved in contracting with such entities are responsible for making sure a BAA is in place. This is a Company requirement as well as a requirement under HIPAA Rules.

## Tools You Can Use

### Kickbacks or Rebates from Vendors

What are kickbacks? (Appendix O)

# Working with Business Partners

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## Give Back to the Community

*We utilize our corporate strengths and resources to positively impact the communities we serve. We take seriously the responsibilities that come with being a leader.*

### Delegated Entities

Delegated Entities are vendors to whom the Company has delegated administrative and healthcare functions performed under our Medicare Part C and Part D contracts and our Qualified Health Plans (QHPs). Delegated entities are further categorized as First tier, Downstream, and Related Entities (FDRs) under the Medicare Part C and D regulations as well as under regulations governing QHPs. The delegated entity with whom the Company would contract to provide these services is called a First Tier Entity. If the First Tier Entity contracts with another vendor to provide the services to the Company, that entity is called a Downstream Entity. A Related Entity would be a subsidiary of an organization (such as the Company) that provides services under the Medicare or QHP plans.

Before the vendor provides delegated services under Medicare Part C or D or QHP plans, a Delegated Oversight Addendum (also known as DO Addendum) must be in place between the vendor and the Company. Blue Cross associates involved in contracting with such entities are responsible for ensuring that a DO Addendum is in place.

### Relationships with Medicare Providers and Beneficiaries and FEP Providers and Subscribers

There are special laws under government programs such as Medicare Part C, Medicare Part D and the Federal Employee Program (FEP). It is Company policy to abide by these laws. If you have responsibilities in Medicare, FEP or a specific government program, you must be sensitive to situations that could be considered a reward or an inducement for special treatment or could cause or create the appearance of favoritism.

# Working with Government

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## Integrity

*It is the personal responsibility of everyone at the Company to guard the Company's most valuable asset – its integrity.*

### Government Contracts

If you are involved, directly or indirectly, with the Company's government contracts – such as the FEP, Medicare Advantage (Part C) or Medicare Part D – you should consult your manager or the Compliance Office about special rules that may apply.

### Preparation and Submission of Proposals and Budget Requests to the Federal Government

If you are involved in the preparation of a proposal to the government, such as those for Medicare Part C or Part D, or our QHPs offered through the Federally Facilitated Marketplace, you have the responsibility to ensure that all data is current, accurate and complete. All those who prepare documentation, sign or in any way support the Company's certifications and representations of accuracy and truthfulness to the government must be extremely careful and accurate. False information or false certification and attestation can lead to civil and criminal sanctions for the Company as well as for the individual involved.

### Reports to Regulatory Entities

You are expected to provide full, fair, accurate, timely and understandable disclosure in the reports required to be filed by the Company with any regulatory entity.

### Cooperation with Government Inquiries

From time to time, the Company may be asked to cooperate with a government investigation or to respond to a request for information from the government about how we conduct our business. The request may come through official channels from the government to Company management, or you could be contacted individually by a member of an enforcement agency, such as the Federal Bureau of Investigation, the Office of Inspector General or the Department of Justice.

It is our Company's policy to cooperate fully on all such matters. To ensure that this process is conducted efficiently, immediately notify the Corporate Compliance Officer and the Legal department to inform them when you have been contacted by a government representative. Of course, the decision of whether to cooperate with their inquiry is up to you alone, and you will not be disciplined, punished or otherwise retaliated against if you decide to do so. However, if you decide to speak with government representatives, be sure that you are accurate and truthful in all your answers to their questions. If you are not, both you and the Company could be subject to criminal prosecution.

Although Company associates are free to cooperate individually with government investigators, you may not provide documents or data that belong to the Company, or are in its custody and control, in response to a government request for information without first obtaining authorization from the Compliance Office and Legal department.

### Employment of Government Personnel

There are special rules about recruiting and hiring current and former federal government employees, including military and civil service employees. These rules also apply to individuals the Company hires and retains as consultants. Violations could result not only in sanctions against the former government employee, but the Company could also be held criminally or civilly liable. Consult Staffing Resources or the Compliance Office with any questions.

# Working with Government

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## Political Activity and Contributions

Federal laws restrict the use of corporate funds in connection with federal elections. You may not use Company funds, property, facilities or Company-work time for any political activity, such as asking for political contributions, mailing campaign materials or making phone calls.

Candidates for office will be allowed to present their views and address the management of the Company from time to time under the following circumstances:

- All legitimate candidates are provided an equal opportunity to express their views;
- The presentation is structured as a public service and a forum for discussion of the issues;
- Invitations are extended and requests granted on a non-partisan basis, regardless of political party affiliation;
- Attendance is optional;
- Fund raising is not allowed; and
- The presentation does not interfere with productivity.

Allowing a forum to discuss a candidate's political platform should not be interpreted as an endorsement by the Company.

## Special Responsibilities

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### If Your Job Requires Licensure/Credentials

If your position requires that you have a certain license or credentials, you are responsible for maintaining licensure or credentialing and submitting a copy of the license or credential to your manager or department head at the time of renewal. If you lose licensure or credentialing required by your position, you are responsible for notifying your manager or department head immediately.

Managers have the responsibility to ensure that their associates maintain licensure or credentialing required for their positions.

### If You Are a Manager or Supervisor

All management and supervisory personnel are responsible for ensuring that Blue Cross and Blue Shield of Alabama complies with applicable laws and regulations and the Company's Code of Ethics and Business Conduct. Individuals in management and supervisory capacities will be appropriately disciplined, up to and including termination of employment, for failure to instruct others or for failure to detect noncompliance with applicable policies and legal requirements if reasonable due diligence on the part of the manager or supervisor should have led to the discovery of any problems or violations.

### Company Attorneys

Company attorneys have the additional obligation to report evidence of a material violation of law or breach of fiduciary duty or similar violation by the Company or any controlled affiliate, or any of their agents, to the General Counsel or the Chief Executive Officer of the Company. If the General Counsel or Chief Executive Officer does not appropriately respond to the evidence, the Company attorney shall report the matter to the Audit Committee of the Board of Directors of the Company or to another committee of the Board of Directors comprised solely of directors not employed directly or indirectly by the Company or the Board of Directors.

# Special Responsibilities

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## Pursue New Knowledge

*We are a learning organization that embraces innovation and encourages creativity. We incorporate lessons learned and best practices to make informed decisions and manage risk.*

### Powers and Fiduciary Duties of Directors and Officers

The Company operates through its associates, managers, officers and directors. The Board of Directors makes fundamental management and policy decisions by adopting provisions in the Company bylaws or through resolutions at Board of Directors' meetings, such as the adoption of this Codebook. The directors do not carry out the day-to-day management of the Company; that function is left to the officers who also delegate to other associates.

Directors and officers have a fiduciary responsibility to the Company. This means the directors and officers are required to exercise their powers in good faith and solely in the best interests of the Company. When an individual accepts the position of director or officer, that person agrees to give careful attention to the Company's concerns and to be faithful and honest in the performance of their duties. Directors and officers should act with an honest belief and in good faith that they have carried out their fiduciary obligations to the Company.

If the financial statements of the Company, or an affiliated company, must be restated due to misconduct, the officers will reimburse the Company for any bonuses received during the 12-month period following the issuance or filing of the financial statements.

The Board of Directors has five primary functions:

- (1) Select senior management and determine their compensation;
- (2) Review and approve Company policies, financial objectives, major strategies and plans;
- (3) Provide advice and counsel to top management;
- (4) Select candidates for the Board of Directors and evaluate Board processes and performance; and
- (5) Institute policies and procedures to further the goals of the Company.

In order to carry out its primary functions, the Board of Directors is charged with obligations and duties in overseeing the business conduct and ethical standards of the Company. The Board of Directors has a fiduciary duty to protect the assets of the Company and ensure their efficient use. All Company assets should be used for legitimate business purposes.

The officers of the Company also have the fiduciary responsibility to act on behalf of the Company. The bylaws shall outline the duties, activities and obligations of the officers. The authority and duties of the officers are delegated from the Board of Directors, and the management function is vested in the principal officers. The management of the Company is conducted by, or under the supervision of, officers as designated by the Board of Directors.

In performing the management function, the officers must act in a manner consistent with the standards of the Company, and execute specific plans, policies or directions from the Board of Directors. The officers must work with and on behalf of the Board of Directors to ensure that every director, officer, manager and associate complies with this Code of Ethics and Business Conduct.

## Appendix A

### **What should I report to the Compliance Office?**

You have an obligation to report any violation, or potential violation, of the Code of Ethics and Business Conduct to your manager or the Compliance Office. You are required to participate in, and cooperate with, any Compliance Office investigations or inquiries. If you report an actual or suspected violation, you will not be subject to any retaliation by the Company or its management.

The Company is committed to establishing an environment that encourages and allows associates to seek and receive prompt guidance before engaging in conduct that may violate the Code or any local, state or federal law, rule or regulation.

You are encouraged to visit, email or call the Compliance Office with questions or to report suspected or actual violations of the Code of Ethics and Business Conduct. Generally, performance and personnel issues are not compliance issues. You should address these types of issues with your manager or the Human Resources Department. However, if your concern falls into any of the following areas, you should contact the Compliance Office:

- Violation of a government standard or regulation;
- Violation of local, state or federal laws that are not employment-related;
- Conflict of interest;
- Acceptance/offer of gifts (and/or) entertainment from outside sources;
- Associate fraud;
- Improper disclosure of proprietary or confidential information;
- Accounting, auditing and internal control irregularities;
- Retaliation for reporting a compliance issue;
- Falsification of reports, records or files;
- Theft;
- Any other violation of the Code of Ethics and Business Conduct; and
- Improper access, use or disclosure of member information.

If you feel you are dealing with a compliance issue, you can call the Compliance Office or consult with your manager or department management to resolve the issue or obtain more information. Remember that you can contact Compliance using your name or anonymously through the Compliance toll-free Help Line, 1-877-988-9823, or online at [ReportToCompliance.com](https://ReportToCompliance.com).

## Appendix B

### **What information should I provide when I email or call Compliance?**

The following are general guidelines for the kind of information that you should provide when reporting a compliance issue or making an inquiry:

- Describe the situation and department, business area, etc.;
- Identify approximate dates when events occurred and names of persons involved;
- Indicate whether you know about the circumstances from your direct observation or whether someone told you about it;
- Describe how the situation and events occurred;
- Describe any relevant documents or documentation and identify where they are located.

If you report anonymously, report enough information to allow Compliance to follow up. If you report through the Compliance Help Line or through the online reporting website, [ReportToCompliance.com](https://ReportToCompliance.com), you will be issued a PIN number so that you can provide additional information as well as receive updates anonymously.

## Appendix C

### **What happens when Compliance receives a report or inquiry?**

The Compliance Office will review all reports received of suspected violations of the Code of Ethics and Business Conduct.

- If the matter reported is not a potential compliance violation but is a Human Resources, Network Integrity or other matter, Compliance will refer the matter to the appropriate area.
- If there is a suspected violation of our Code of Ethics and Business Conduct, the Compliance Office will conduct an investigation. Investigations require in-depth research and may also involve the assistance of other departments including Human Resources, Internal Audit, Information Security, Technology Support, Network Integrity and Legal.
- If you report using your name, the Compliance Office will keep your identity confidential, unless disclosure is necessary to resolve what you reported or disclosure is required under the law. In such cases, disclosure will be limited to only those individuals within the Company necessary to address the issue. After the investigations are completed, appropriate corrective actions are taken as needed.



## Appendix D

### **What factors are considered in determining consequences for compliance violations?**

The Compliance Officer may take into account the following factors in determining the appropriate disciplinary action for a violation of the Code of Ethics and Business Conduct or related policies and procedures:

- The nature of the violation and the effects on the Company and its clients and members;
- The involvement of the associate in the violation, either directly or indirectly;
- Whether the violation was willful or unintentional;
- Whether the violation represented an isolated occurrence or a pattern of conduct;
- Whether the associate in question reported the violation;
- The degree to which the associate cooperated with the Company's investigation;
- If the violation was the failure to supervise another associate who violated the Code (or related policies and procedures), the degree of the failure and lack of supervision;
- The disciplinary action previously imposed for similar violations; and
- The associate's past violations.

The Company will document the reasons supporting disciplinary actions taken for violations of the Code of Ethics and Business Conduct (and related policies and procedures).

## Appendix E

### What are Company assets?

The following is a list of examples of Company assets. This list might prompt you to consider other things that could also be considered Company assets. It is **NOT** an all-inclusive list.

- Business Concepts
- Business Strategies and Plans
- Corporate Funds
- Intellectual Property
- Corporate Credit Card
- Customer Lists
- Associate Names
- Email
- Fax Machines
- Financial Data
- Internet Access
- Personal Computers
- Office Equipment
- Office Supplies
- Telephones
- Company-Issued Cell Phones
- Copy Machines
- Scanners
- Data Storage Devices
- Associate Work Time

You are responsible for assuring that Company assets, including the Company's communication networks, are used primarily for legitimate Company business purposes. Personal use of these assets is permitted as long as the frequency and cost are not excessive and the personal use does not interfere with Company business or an associate's work.

However, Company assets should never be used to support a business other than Blue Cross and Blue Shield of Alabama or for personal financial gain. Any questions regarding limited personal use should be directed to your manager or the Compliance Office.

**Remember** – Just because a website is not blocked does not mean the Company would condone your visit to that site. And just because the filter does not stop a message does not mean that the Company condones its language or content. It is your responsibility to conduct your activities within published guidelines.

## Appendix F

### **What are examples of limited personal use of Company assets?**

Examples of limited personal use of Company assets include the following:

- Providing your child's teacher with your work email address for emergencies or communications during the work day;
- Checking the weather;
- Periodically checking in with relatives;
- Faxing a limited number of documents to your child's school, doctor's office or bank;
- Calling doctors and dentists to schedule personal appointments;
- Confirming lunch plans with friends and relatives;
- Providing your family with your work phone number or email address;
- Checking grades or assignments online;
- Checking and managing your 401(k) account;
- Checking balances (for example, bank or credit card accounts); and
- Limited electronic banking.

You are responsible for assuring that Company assets, including the Company's communication networks, are used primarily for legitimate Company business purposes. Personal use of these assets is permitted as long as the frequency and cost are not excessive and the personal use does not interfere with Company business or an associate's work.

However, Company assets should never be used to support a business other than Blue Cross and Blue Shield of Alabama or for personal financial gain. Any questions regarding limited personal use should be directed to your manager or a Compliance Consultant.

## Appendix G

### What are examples of inappropriate personal use of Company assets?

Some examples of inappropriate personal use include:

- Any use of corporate assets for personal financial gain;
- Excessive use (that is, if more than a limited amount of personal use of the asset occurs). Your manager can help you determine if your use is excessive;
- Time spent sending or receiving personal email that exceeds more than just a few minutes per day;
- Use of profanity in email;
- Use of email to ask or solicit others to take a particular action which is not related to your job;
- Sending or forwarding chain emails;
- Use of email to create a hostile work environment or to harass others;
- Use of email to promote your political or religious opinions or opinions of others;
- Use of email to take political polls or surveys;
- Saving images on Company assets that depict nudity, pornography or sexually explicit images and/or forwarding such images through email;
- Accessing and communicating in external chat rooms;
- Accessing sexually explicit or inappropriate websites;
- Use of the Internet to access personal email through systems other than Outlook (for example, AOL, Hotmail, Yahoo and Gmail);
- Accepting collect calls.

You are responsible for assuring that Company assets, including the Company's communication networks, are used primarily for legitimate Company business purposes. Personal use of these assets is permitted as long as the frequency and cost are not excessive and the personal use does not interfere with Company business or an associate's work.

However, Company assets should never be used to support a business other than Blue Cross and Blue Shield of Alabama or for personal financial gain. Any questions regarding limited personal use should be directed to your manager or the Compliance Office.

**Remember** – Just because a site is not blocked does not mean the Company would condone your visit to that site. And just because the filter does not stop a message, does not mean that the Company condones its language or content. It is your responsibility to conduct your activities within Company policies.

## Appendix H

### **What are examples of proprietary information, trade secrets and confidential information?**

Examples of proprietary information, trade secrets, and confidential information include the following:

- Any information covered by HIPAA Privacy Rules;
- Provider data such as NPIs and tax ID numbers;
- Information concerning diagnosis or procedure codes;
- Home phone numbers and addresses of subscribers or beneficiaries;
- Bank account information or credit card numbers;
- Company financial data;
- Intellectual property, trade secrets and proprietary information including Company research; and
- Company training and marketing materials.

Examples of misuse of proprietary information, trade secrets, and confidential information include the following:

- Viewing information that you do not have a business need to look up;
- Discussing a claim with a business associate who is not involved in the adjudication of that claim;
- Showing others pre and post-operative photos or information;
- Disclosing any information where there is no business need to know;
- Looking up your own information or that of relatives, or ex-relatives or any other beneficiaries or subscribers without a business reason;
- Processing claims for relatives or former relatives with or without permission;
- Sharing Company intellectual property, trade secrets, and marketing materials outside the Company;
- Discussing Company trade secrets and corporate strategy with competitors; and
- Sharing Company financial and audit reports outside the Company or with those who have no business need to know.

## Appendix I

### **What are examples of Company books, documents and records?**

Some examples include:

- Doctors' excuses submitted to the Company;
- Medical leave applications submitted to the Company;
- Applications and resumes that are submitted for internal postings;
- Time sheets;
- 401(k) hardship withdrawal applications;
- Expense reporting system;
- Tuition reimbursement applications;
- Forms completed for the Company;
- Work product (such as anything documenting job functions or produced while performing job functions); and
- Conflict of Interest Statements.

Our Company relies on all associates to keep accurate and honest books, documents and records.

- You must check and double check the information you gather and put on paper or enter electronically.
- You must never falsify books, documents or records – or even intentionally mislead by knowingly omitting information. Even backdating a report or form can be falsification. Remember, this rule applies to books, documents and records you create for or on behalf of the Company, as well as those you submit to the Company, whether on paper or electronically. Computer entries you make for work are also considered Company books, documents or records.

## Appendix J

### What are examples of laws and regulations with which our Company complies?

The following is a listing of some of the laws that apply to our Company. Please note that this list is not all-inclusive of the laws and regulations with which we must comply.

#### Confidentiality Law

##### **Health Insurance Portability and Accountability Act (HIPAA)**

HIPAA addresses many different parts of health insurance. The privacy portion of the law ensures that an individual's identifiable health information is not used or disclosed except under certain circumstance or if the individual authorizes its release. The security portion of the law deals specifically with Electronic Protected Health Information (ePHI). It outlines three types of security safeguards required for compliance: administrative, physical and technical. Both civil and criminal penalties are possible when a violation occurs.

#### Employment, Human Resources and Workplace Environment Laws

##### **Americans with Disabilities Act (ADA)**

The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation and telecommunications.

##### **Civil Rights Act of 1964 (Title VII)**

Title VII of the Civil Rights Act prohibits discrimination by covered employers on the basis of race, color, religion, sex or national origin. Title VII also prohibits discrimination against an individual because of his or her association with another individual of a particular race, color, religion, sex or national origin.

##### **Drug-Free Workplace Act of 1988**

The Drug-Free Workplace Act of 1988 requires all organizations receiving federal grants to maintain a drug-free workplace. The act requires that all associates be trained annually on the Drug-Free Workplace Act.

##### **Employee Retirement Income Security Act of 1974 (ERISA)**

The Employee Retirement Income Security Act of 1974 is a federal law that sets standards for most voluntarily established pension and health plans in private industry to provide protection for individuals in these plans.

##### **Violent Crime Control and Law Enforcement Act**

This law prohibits individuals who have been convicted of specified criminal activity from engaging in the business of insurance without written consent from the Commissioner of Insurance.

##### **Family Medical Leave Act**

The act entitles employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition.

#### Federal Contract Administration Laws

##### **Anti-Kickback Act**

The Anti-Kickback Act is a criminal statute that prohibits anyone from knowingly or willfully paying or receiving compensation in exchange for referrals or the purchase of any item or service that may be paid by a federal healthcare program.

##### **False Claims Act**

The False Claims Act is a civil statute that prohibits the knowing submission of false or fraudulent claims to the government for payment.

## Appendix J (Continued)

### Healthcare Laws and Regulations

#### **Medicare Advantage (Part C)**

Medicare Advantage, also known as Medicare Part C, is an option Medicare beneficiaries can choose to receive most or all of their Medicare benefits through a private insurance company.

#### **Medicare Prescription Drug Program (Part D)**

Medicare Part D is prescription drug coverage available on its own or as part of a Medicare Advantage plan (Part C) with prescription drug coverage.

#### **Federal Employees Health Benefits Program**

The Federal Employees Health Benefits Program (FEHBP) provides health insurance to employees of the U.S. government through a variety of options.

#### **Patient Protection and Affordable Care Act**

The Patient Protection and Affordable Care Act (PPACA), along with The Health Care and Education Reconciliation Act, are the two federal statutes signed into law in 2010 to cover a number of changes in health insurance, also known as Healthcare Reform.

### Miscellaneous

#### **Mail and Wire Fraud Statutes**

Mail fraud refers to any scheme which attempts to unlawfully obtain money or valuables in which the postal system is used, at any point, in the commission of a criminal offense. Wire fraud is when an individual devises any scheme to defraud, or obtain money or property by making a false or fraudulent statement or promise. As a result of this misrepresentation, the money or property is transmitted by wire, radio or television communication across state lines.

#### **Insurance Fraud Statutes**

Insurance fraud is when an individual intends to defraud or deceive any insurer, by presenting false information in connection with an application for any policy of insurance or claim for payment or other benefit from a plan providing healthcare benefits.

#### **Computer Fraud and Abuse Act**

The act makes it unlawful for any person to access a protected computer without authorization and forbids a person who has a legitimate and authorized right of access from exceeding the authorized access.

#### **False Statements Act**

The False Statements Act prohibits a person from making a false or misleading statement or withholding material information in connection with the delivery of services to or payment from the government.

#### **Telephone Consumer Protection Act (TCPA)**

The Telephone Consumer Protection Act (TCPA) regulates certain telemarketing calls, prerecorded calls, autodialed calls, and unsolicited faxes.



## Appendix K

### **What are examples of employment positions that could present a conflict of interest?**

Some examples of employment positions that conflict with the Company include:

- Associates who work in positions keying, reviewing or otherwise dealing with claims information for any healthcare provider who conducts business with the Company or the Medicare program.
- Individuals who audit, review and investigate providers or other entities that deal with confidential or proprietary information who also work in a position in which the associate or the associate's immediate family could be required or expected to take an adversarial position against the Company or the Medicare program.
- Outside positions that cause associates to arrive late or leave early.
- Any outside position that prevents associates from performing their job with the Company, including not being able to work required overtime.
- Selling products or services that compete with the Company's products or services.

## Appendix L

### What are examples of acceptable and unacceptable gifts?

Associates may accept gifts that are nominal in value from outside the Company. Examples of acceptable and unacceptable gifts are listed below.

Acceptable Gifts	Unacceptable Gifts
Flowers	Cash, checks, gift certificates or gift cards
Gift baskets	Expensive leather goods
Fruit baskets	Premium seats at sporting or theater events
Plants	Use of a vacation home
Candy	Jewelry
Paperweight	Free trip
Pen and pencil set	Dinner at an expensive restaurant
Letter opener	Free hotel rooms
Picture frame	Airfare
Book	Expensive clothes
Calendar	Television set
Stationery	CD player/MP3 player
Mug	iPod/iPad
Key chain	Expensive or lavish entertainment
Balloons	Laptop computer

**Note:** *If you have questions about accepting a gift, contact the Compliance Office.*

## Appendix M

### Sample letter for return of cash, check, gift certificate or gift card

Date

Name of Company

Street Address

City, State and Zip Code

Dear \_\_\_\_\_,

I received your (cash, checks, gift certificates, gift card) for (reason for the gift) and your thoughtfulness is appreciated.

Blue Cross and Blue Shield of Alabama associates are not allowed to receive gifts of cash, checks, gift certificates or gift cards of any kind. We have adopted this practice as a part of our Code of Ethics and Business Conduct to ensure that we use the highest ethical standards in doing business with our customers, vendors and providers.

Being reinforced for a job well done is always appreciated. If you would like to express appreciation, it would be a kind and generous act if you would consider a small donation to your favorite charity. I am returning your (cash, check, gift certificates, gift card). Again, thank you for your thoughtfulness.

Sincerely,

Associate's Name

Title

Enclosures

cc: Compliance Office

## Appendix N

### Sample letter for accepting or declining a conference or event

Date

Name of Vendor, Group, or Provider

Street Address

City, State and Zip Code

Dear \_\_\_\_\_,

Thank you for your invitation to participate (in the event, conference, etc.) (Month, Day) through (Month, Day, Year), in (City, State). Your offer to pay my hotel, airline flight and (entrance fee, registration fee, etc.) is appreciated.

Blue Cross and Blue Shield of Alabama associates are not allowed to accept travel expenses or honoraria. We have adopted this practice as a part of our Code of Ethics and Business Conduct to ensure that we use the highest ethical standards in doing business with our customers, vendors and providers.

We strive not to do or accept anything that would appear to be improper to the public, our customers or our regulators. When the opportunity to attend events such as yours is offered, the expenses of attending are Blue Cross and Blue Shield of Alabama's responsibility.

#### **(Option #1)**

However, I do wish to attend (the event, conference, etc.). Please provide me with the registration information. I will contact the hotel and airline to make reservations.

Your thoughtfulness in offering to have me as your guest is appreciated, but because of our corporate policy, I must decline your generous offer.

I look forward to seeing you (Month Day, Year).

#### **(Option #2)**

Unfortunately, I will not be able to attend because of a prior commitment; however, I know that (the event) will be very successful. Your thoughtfulness in offering to have me as your guest is very much appreciated.

Sincerely,

Associate's Name

Title

cc: Compliance Office

## Appendix O

### What are kickbacks?

Kickbacks or rebates can take many forms and are not limited to direct cash payments or credits. In general, if you or your family stands to gain personally through a transaction with a vendor, supplier or provider, it is prohibited. Such practices are not only unethical but are illegal in many cases.

A kickback is defined as any money, fees, commission, credit, gift, gratuities, things of value, or compensation of any kind which is provided, directly or indirectly, for the purpose of improperly obtaining or rewarding favorable treatment in connection with a contract. Some examples include:

- A vendor offers tickets to the Super Bowl in return for business;
- A competitor offers cash or a consulting contract in return for Company trade secrets; or
- A provider offers a gift for preferential treatment (e.g., inclusion in the network, placement at top of list for referrals, expediting claim payment).

The Company is required to prevent and detect kickbacks in its own operations by the federal Anti-Kickback Statute. The Anti-Kickback Statute prohibits anyone from knowingly and willfully offering, paying, soliciting or receiving a kickback, bribe or rebate in connection with an item or service which may be paid under a government contract. This includes kickbacks and rebates to or from a vendor, provider, or government agency or any of their employees in connection with giving or receiving favorable treatment under a federal healthcare program.

The Anti-Kickback Statute imposes severe criminal, civil, and monetary penalties not only on individuals who offer the kickbacks, but also on the Company and its associates who solicit or accept such items. We are required to report when there are reasonable grounds to believe that a violation of the Anti-Kickback Statute has occurred. Accepting a kickback, as well as not reporting a suspected kickback to the Compliance office, can result in disciplinary action.

If you have a question whether a benefit could be considered a kickback or rebate, contact the Compliance Office.



**BlueCross BlueShield  
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