



# Broker Code of Conduct

A photograph showing two people's hands and forearms on a wooden table. One person, wearing a dark suit and white shirt, is pointing at an open book or document with their right hand. The other person, wearing a grey shirt, is holding a black pen in their right hand, also pointing at the document. A laptop is visible in the background.

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## Your Responsibility to Commit to Ethics and Compliance

Kaiser Permanente<sup>1</sup> is committed to conducting business ethically, with integrity, and in compliance with all applicable laws, regulations, and the Broker Code of Conduct. We want our activities, and those of our agents, producers, and agencies, referred to as Brokers<sup>2</sup>, to be viewed positively by the individuals we serve. As a Broker of Kaiser Permanente, you play an integral role in helping Kaiser Permanente achieve these commitments. This Broker Code of Conduct sets forth minimum standards and expectations to promote ethical practices of all Brokers and their employees and contractors when providing services to Kaiser Permanente's groups and members. In addition, Brokers are required to make certain all persons doing business on their behalf are compliant with this code. "We," "our," or "us" refers to Kaiser Permanente. "You" or "your" refers to you as a Broker of Kaiser Permanente.

### **As a Kaiser Permanente Broker, you have the responsibility to:**

- Know and comply with this Kaiser Permanente Broker Code of Conduct, your broker agreement(s), and all applicable laws and regulations, as they apply to you.
- Provide this Kaiser Permanente Broker Code of Conduct to your employees and contractors, and anyone else who provides services to Kaiser Permanente on your behalf.
- Seek guidance when in doubt about your responsibilities.

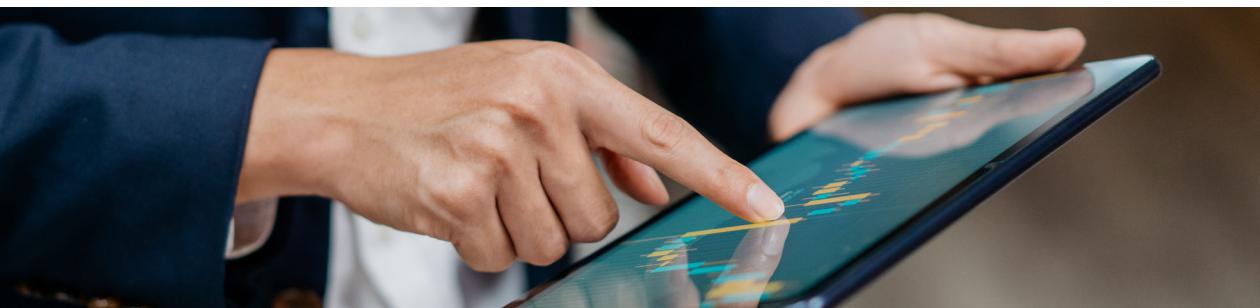
## Your Responsibility to Protect Our Information

### Privacy and Security

Kaiser Permanente and its Brokers are required to maintain the privacy and security of non-public Kaiser Permanente information, including but not limited to information about groups, members, patients, and KP Personnel<sup>3</sup>, in accordance with the broker agreement(s) upon engagement with Kaiser Permanente.

- If a Broker's business relationship includes access to credit card data, the Broker must meet the requirements of the Payment Card Index Security Standards Council®.
- If a Broker's business relationship with Kaiser Permanente requires access to or the disclosure of Protected Health Information (PHI) as defined by the Health Insurance Portability and Accountability Act (HIPAA) and implementing regulations, the Broker may be required to sign Kaiser Permanente's Business Associate Agreement (and any contractors of Broker who have access to Kaiser Permanente information will be required to sign a downstream business associate agreement with Broker in which they agree to the same restrictions found in Kaiser Permanente's Business Associate Agreement).
- Brokers should routinely assess their data security and privacy practices to reduce risk and meet legal and regulatory requirements. Assessments should evaluate technical, administrative, and physical safeguards.
- Brokers should assess the risk landscape to identify and respond to high and emerging risks which may include but not limited to: phishing, malware, secure data storage and access methods (e.g., offshore), insider threats, cyber-attacks, artificial intelligence, changes to state and federal privacy laws.

Brokers are responsible for assuring that all their employees, contractors and anyone conducting business on their behalf, who provide services to Kaiser Permanente promptly report privacy and security incidents to Kaiser Permanente using methods prescribed in the applicable contract and/or Business Associates Agreement.



## **Appropriate and Limited Use of Kaiser Permanente's Information**

Kaiser Permanente information in any form or format that is created, acquired, accessed, collected, received, disclosed, transmitted, used, stored, maintained, or otherwise processed by a Broker or on behalf of Kaiser Permanente should only be used in connection with contracted services.

Brokers shall not collect or aggregate Kaiser Permanente information or deidentify PHI or PII for any purpose, including but not limited to Broker's own internal business purposes, unless explicitly authorized in writing in advance by Kaiser Permanente. Further, Brokers shall not sell, rent, transfer, distribute or otherwise disclose Kaiser Permanente information for Broker's own internal business purposes or for the benefit of any person or entity other than Kaiser Permanente.

All Broker marketing activities must be conducted with integrity, honesty, and fairness. All marketing campaigns must comply with HIPAA and other state and federal privacy laws. Broker marketing programs should typically emphasize honesty, responsibility, fairness, respect, transparency, protection of privacy, responsible use of technology (e.g., tracking technology), and consumer choice (i.e., cookie/privacy preference management).



## **Intellectual Property**

Brokers are not permitted to use names, trade names, service marks, trade dress, or logos of Kaiser Permanente in any advertising, publicity, training and/or any learning and awareness materials on the internet or otherwise without first obtaining Kaiser Permanente's express written consent.

## **Confidential and Proprietary Information**

We maintain a strict standard of confidentiality so that we can protect our confidential and proprietary information. Any unauthorized access, use, retention, or disclosure of confidential, protected, or proprietary information is prohibited.

## **Business Record Retention**

Kaiser Permanente requires Brokers to comply with all applicable laws, regulatory, and contractual requirements related to record retention.

### **This includes:**

- Creation, retention, and disposition of records (paper and electronic) related to Kaiser Permanente business, and
- Making business records available to Kaiser Permanente in full compliance with all applicable laws, regulatory, and contract requirements.

## **Your Responsibility to Comply with Laws, Regulations, and Kaiser Permanente Policies and Standards**

### **Licensing and Regulatory Action**

Kaiser Permanente requires Brokers to maintain all applicable licenses, registrations and appointments required for the sale, solicitation, and/or negotiation of Kaiser Permanente health plans. Brokers are obligated to notify Kaiser Permanente of any lapse, cancellation, termination, or material change with respect to any required license, registration, or appointment.

### **Non-Discrimination and Harassment**

Kaiser Permanente partners with organizations that share our commitment to be inclusive of all communities and demographics.

Kaiser Permanente requires Brokers to commit to an environment free of discrimination, harassment, and abuse.

Kaiser Permanente forbids discrimination and harassment based on sex, age, race, color, religion, national origin, sexual orientation, gender identity, disability, veteran status, physical, verbal, psychological, sexual harassment, and other categories protected by federal, state, and local laws.

### **Labor Practices**

Kaiser Permanente requires Brokers to protect human rights in their operations and not to use forced labor or engage in any other unlawful practices, including but not limited to human trafficking and child labor use.

## First Tier, Downstream and Related Entities (FDR) & Downstream and Delegated Entities

Kaiser Permanente requires Brokers to conduct business activities in compliance with laws applicable to individuals and entities receiving federal funds. To the extent a Broker is a first tier, downstream, and/or related entity (FDR), and/or downstream and delegated entity (DDE), Brokers are obligated at a minimum to understand and adhere to compliance obligations as listed in the applicable broker agreement(s).



### Ineligible Brokers

Kaiser Permanente requires Brokers to disclose and assume full responsibility for taking all necessary steps to assure that officers, directors, employees, and contractors directly or indirectly involved in providing services to Kaiser Permanente, have not been and are not currently excluded from participation in any federal program. Kaiser Permanente recommends Brokers screen their employees against federal and state watchlists prior to hire and monthly thereafter.

#### **Kaiser Permanente will not do business with any Broker if the Broker or any of its officers, directors, employees, or contractors:**

- are, or become, suspended from, excluded by, debarred from, or ineligible to participate in any federal health care program, or
- are convicted of, indicted for, or charged with a criminal offense in relation to the provision of health care, or
- are otherwise engaged in conduct for which a person or entity can be so convicted, indicted, or charged.

## **Anti-Bribery, Anti-Corruption, and Anti-Boycott**

Kaiser Permanente requires Brokers to comply with all applicable anti-bribery and anti-corruption laws. Accordingly, Brokers may not directly or indirectly engage in any kind of bribery or kickbacks, including by promising, paying, offering, providing, or authorizing anything of value to a government official or political entity to gain an unfair business advantage.

Kaiser Permanente also requires Brokers to comply with anti-boycott laws and prohibits them from taking actions in furtherance or support of a boycott maintained by a foreign country against a country friendly to the United States.

## **Visitation Policy**

Kaiser Permanente requires Brokers to comply with the applicable Kaiser Permanente supplier visitation policies and procedures; these are available at facilities upon request when visiting Kaiser Permanente facilities. Brokers are required to schedule appointments and must register prior to visiting any Kaiser Permanente medical facility. Brokers will be required to state the area to be visited, and visits must be restricted to those location(s) only. Visitor badges provided by the facility must be worn at all times.



## **Falsification of Records**

As a Broker representing Kaiser Permanente, all records must accurately reflect the true nature of transactions. It is against our policy for Broker to create or fail to properly document records which result in inaccurate records in any aspect of operations.

## **Suitability**

Kaiser Permanente requires Brokers to assist consumers with finding the health plan that best meets the consumer's needs. Brokers will make health plan enrollment recommendations based on the consumer's best interests and not influence consumers to enroll in health plans based on financial compensation and incentives from health issuers.

## Your Responsibility to Meet our Ethical Standards

### Conflicts of Interest

Brokers are required to avoid actions that may result in actual or perceived conflicts of interest. A “conflict of interest” exists when personal interest interferes in any way with the interests of Kaiser Permanente.

### Gifts and Business Courtesies

Kaiser Permanente discourages Brokers from providing gifts, meals, entertainment, or other business courtesies to Kaiser Permanente Personnel. Notwithstanding the foregoing, if a Broker provides any Kaiser Permanente Personnel with any gifts, meals, entertainment or other business courtesies, such Broker shall follow all applicable state and federal laws, including but not limited to anti-rebating laws.

#### **The following gifts are prohibited:**

- Gifts that exceed \$25.00 in value
- Gifts, meals, or entertainment that **are given** on a regular, recurring basis
- Cash or cash-equivalents, such as checks, gift certificates, gift cards, stocks, coupons, or anything redeemable for cash
- Gifts, entertainment, discounts, rebates, favors, or other incentives that reasonably could be perceived as a bribe, payoff, deal, kickback, or any other attempt to gain advantage
- Tickets to attend sporting events, amusement parks, and any other type of entertainment
- Anything of value given to Kaiser Permanente Personnel involved in Kaiser Permanente purchasing and contracting decisions, and
- Gifts or entertainment that violate laws, regulations, or Kaiser Permanente policy

Some Kaiser Permanente business units and markets have adopted stricter limits on acceptance of gifts and business courtesies, in which case, the Broker must follow the more stringent policy.



## Your Responsibility to Protect our Reputation

### Publicity

Kaiser Permanente's Brokers are not permitted to speak on behalf of Kaiser Permanente, including in the news media, social media, other external/public communications advertising, press releases, or any other public announcement regarding availability their products or services at Kaiser Permanente unless provided in the terms of the broker agreement(s). Kaiser Permanente Brokers are required to follow all publicity (e.g., social media, news media, etc.) requirements as outlined in the broker agreement(s).



## Your Responsibility to Report Violations

### Compliance Hotline

Anyone aware of a violation of this Broker Code of Conduct or any suspected wrongdoing or misconduct should promptly report to Kaiser Permanente. The Kaiser Permanente Compliance Hotline is an anonymous reporting mechanism that is convenient for Brokers to report, without fear of retaliation, actual and suspected wrongdoing, fraud, waste, and abuse, safety concerns, and compliance violations, including violations by any individual acting on behalf of Kaiser Permanente or one of our Brokers.

#### How to Report:

- **Call our Compliance Hotline**, which is available 24 hours a day, 365 days a year at US Toll-free Compliance Hotline at **1-888-774-9100**
- **Submit an online report** at [kp.org/compliancehotline](http://kp.org/compliancehotline).

Appropriate action is taken against those found to have violated applicable law or agreement with Kaiser Permanente, including this Broker Code of Conduct.

## Fraud, Waste and Abuse (FWA)

Kaiser Permanente will investigate allegations of Broker FWA, and, where appropriate, will take corrective action, including but not limited to civil suit or referral for governmental civil or criminal action. The Federal False Claims Act and similar state laws make it a crime to present a false claim to the government for payment. These laws also protect “whistleblowers” — people who report noncompliance, fraud, or who assist in investigations — from retaliation. Kaiser Permanente prohibits retaliation of any kind against individuals exercising their rights under the Federal False Claims Act or similar state laws.

### Examples of potential false claims include:

- Submitting reports to the government that are not truthful, accurate and complete.
- Falsifying member applications.
- Hiring an individual to work in a government program when that individual has been prohibited from working on a federal or state health care program.

## Your Responsibility to Uphold Our Standards

Thank you for your commitment to upholding our high standards of ethical and compliant conduct. Together, we can maintain Kaiser Permanente’s reputation for excellence.

For more information related to broker agreements, contact Broker Compensation Shared Service **1-800-440-2323**.

### Footnote: As used in this Broker Code of Conduct

<sup>1</sup>“Kaiser Permanente” consists of the entities participating in the integrated health care delivery organization doing business as Kaiser Permanente® and its affiliates, which includes, without limitation, Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, The Permanente Federation, the Permanente Medical Groups, Kaiser Permanente Insurance Company, Kaiser Permanente Ventures, and all subsidiaries and successors of the foregoing.

<sup>2</sup>“Broker” means any person or entity who solicits, negotiates, or sells insurance contracts on behalf of an insurance carrier or health plan, whether directly or through subproducers. All Brokers must be licensed and appointed with the insurance carrier or health plan on whose behalf contracts of insurance are placed before or immediately after the sale of an insurance contract, consistent with the applicable state’s insurance regulations for licensure and appointment.

<sup>3</sup>“KP Personnel” means Kaiser Permanente physicians, dentists, employees, volunteers, and contingent staff.