

Appendix VC 1.0 C
VENDOR/CONTRACTOR COMPLIANCE AND ETHICS PLAN AND CONFLICT OF
INTEREST ACKNOWLEDGEMENT
(TEMPLATE)

This Vendor/Contractor Compliance Acknowledgement Form shall serve as an Addendum to the contract dated _____, _____ between The Company (“The Company”) and _____ (“Vendor”).

Vendor acknowledges The Company’s Compliance and Ethics Program and the following policies and requirements:

1. Conflict of Interest. For The Company’s employees to perform their duties with honesty and fairness and in the best interest of The Company, employees must avoid conflicts of interest in their employment. Conflicts of interest may arise from having a position or interest in, or furnishing managerial or consultative services to, any concern or business from which The Company obtains goods or services, or with which it competes or does business, and from soliciting or accepting gifts, excessive entertainment, or gratuities from any person or entity that does, or is seeking to do, business with The Company. Vendors and/or contractors shall not retain any of The Company’s employees to assist them in business or pay any of The Company’s employees for any services furnished to their business. Vendors and/or contractors shall not offer or give any of The Company’s employees any gifts, favors, gratuities, or excessive entertainment. This, however, does not prohibit offering or giving items of nominal or minor value (a) that are clearly tokens of respect or friendship and not related to any particular transaction or activity of The Company, or (b) which do not go beyond the common courtesies usually associated with accepted business practices, such as baseball caps and the exchange of lunch or dinner meetings which occur as a normal part of a healthy business relationship.
2. Charities. The Company is involved with and supports several charities. Vendors and/or contractors are not required or expected to contribute to any such charity as part of, or as a condition of, doing business with The Company. It is not proper for any of The Company’s employees to suggest otherwise. Of course, vendors and/or contractors may support any charity desired regardless of its relationship with The Company but is an entirely voluntary matter.
3. Grants. The Company will accept grants from vendors and other non-governmental entities, but only for use in connection with the grant money’s stated business purpose. The Company will not accept grant money as an inducement to generate business for the grantor. All grants must be approved in advance by The Company’s Compliance and Ethics Officer.
4. Fraud and Abuse. The Company employees are required to refrain from conduct that may violate fraud and abuse laws. Among other things, these laws prohibit direct, indirect, or disguised payments in exchange for referral of residents. Vendors and/or contractors will not receive any inducements from The Company for referring residents to that company. Vendors and/or contractors are not required or expected to refer residents to The Company as part of, or as a condition of, doing business with The Company.

5. Adherence to the Deficit Reduction Act of 2005, 42 U.S.C. Section 1396a(a)(68).
6. Financial Inducements. The Company employee may not offer any financial inducement, gift, payoff, kickback, or bribe intended to induce, influence, or reward favorable decisions of, or terms from, any contractor or vendor in a commercial or business transaction or any person in a position to benefit The Company or the employee in any way. Employees must act honestly and with integrity in their business dealings with all contractors and vendors. We know this is what you expect and that you will act likewise in your dealings and transactions with The Company.
7. Rebates. Appropriate rebates, discounts, and allowances are customary and acceptable business practices if they do not constitute illegal or unethical payments. Any such rebate, discount, or allowance given or made to The Company must have a reasonable business or commercial basis and should be competitively justified. Payments shall be made to The Company and not to any employee of The Company.
8. Discharge Planning. A skilled nursing company is legally required to perform discharge-planning services for its residents. Delegation of this service is prohibited to anyone other than an employee of The Company, with limited exceptions that must be approved of in advance from the Compliance and Ethics Officer.
9. Compliance and Ethics Officer. The Company has a Compliance and Ethics Officer who oversees and monitors the Compliance and Ethics Program. If you have any questions about the program as it may affect you, please feel free to call _____, Compliance and Ethics Officer at _____. If any vendor and/or contractor believes that employees of The Company have been less than completely honest in their dealings or in suggestions made, please advise the Compliance and Ethics Officer or Compliance and Ethics Attorney. If you prefer, you may call the “Compliance Hotline” at (800) 557-1066 and leave an anonymous message.
10. Screening. The Company will conduct reasonable background investigations on vendors and contractors to determine if any such vendor or contractor has a criminal conviction related to healthcare or has been disbarred or excluded by a federal agency. The Company will not contract with any person or entity that has been so convicted or excluded or debarred and will attempt to terminate its contract arrangements with any such person or entity.
11. Offshore Operations. The Company does not perform Offshore Services.

Vendor hereby certifies that it has performed criminal background checks on all employees or agents (“employees”) providing direct services to The Company and has determined that no such employee or agent has a criminal conviction related to or affecting healthcare or the care of an elderly or disabled person.

Vendor certifies that it has verified that all employees or agents (“employees”) providing direct services to The Company are not listed on the US Office of Inspector General’s Medicare or State maintained Medicaid Exclusion database (“exclusion checks”). Vendor certifies that it does exclusion checks monthly for all employees.

Vendor certifies that all of Vendor’s employees or agents providing direct services to The Company (“employees”) hold licenses or certifications necessary to provide such services and have been verified by Vendor at least once during the past 12-month period as holding a valid license or certification in good standing as required by state or federal law. Documentation of this verification is maintained on file by Vendor.

Vendor certifies that it does not perform Offshore Services.

Vendor agrees to abide by the standards set forth in The Company’s Compliance and Ethics Program and disseminate The Company’s “Compliance Plan” to Vendor’s owners, managers, and employees. Vendor also agrees to participate in The Company’s mandatory annual compliance training which can be accessed as follows:

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Print Name

Title

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Date