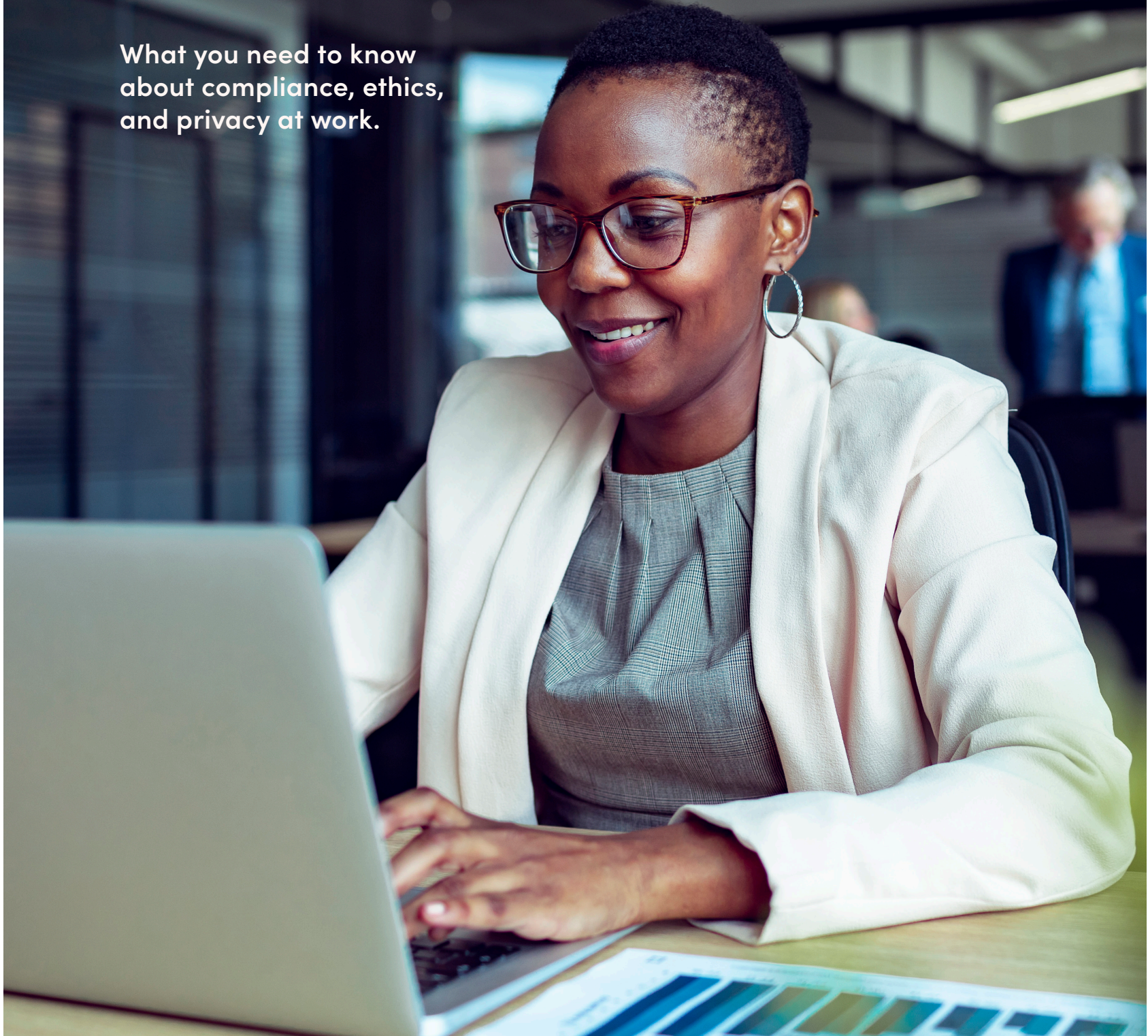


# Code of Conduct

---

What you need to know  
about compliance, ethics,  
and privacy at work.



# The world is changing. Our commitment to ethics isn't.

While we continue to navigate our new normal, it is important to remember that everything we do is for the health of our patients, health plan members, employees, and communities – to create remarkable health experiences, freeing people to be their best.

## To our team members:

Highmark Health's brand stands for trust and confidence. This trust is based on our persistent commitment to our Mission: to create a remarkable health experience, freeing people to be their best.

The people we serve have been, and always will be, our moral and strategic compass. In a business of trust, we believe behaving ethically, lawfully, and with integrity is the only way to be.

The Highmark Health Code of Business Conduct (referred to as 'the Code') provides an overview of the legal requirements applicable to what we do, as well as how to act as corporate stewards to protect our name and reputation. If you observe, learn of, or, in good faith, suspect an action or situation violates a law, regulation, or a Highmark Health policy or any of its entities' policies or procedures, or breaches the standards of conduct defined in this Code, you must report it.

The information contained in this Code is the framework for making business decisions that will ensure we are fulfilling our responsibilities with integrity. Therefore, to encourage all employees to speak up when they have questions or concerns or experience wrongdoing, Highmark Health has a non-retaliation or intimidation policy. This means retaliation or intimidation against those who, in good faith, report concerns or wrongdoing to management, to the Enterprise Risk and Governance Division, or to a government agency, is prohibited.

Highmark Health provides many resources to assist you. You may contact your leader, Human Resources, the Enterprise Risk and Governance Division, or utilize the anonymous Compliance Helpline. All questions and concerns will be treated confidentially and will be promptly addressed.

We encourage you to read, become familiar with your responsibilities, and to practice the guidance outlined in this Code. Highmark Health leaders have the additional responsibility to make compliance with this Code a vital part of our business. Every member of Highmark Health's Board of Directors and leadership team is fully committed to conducting business according to the Code and in setting the ethical tone of the organization. Thank you for supporting a culture of working with integrity.



**David L. Holmberg**  
President and CEO,  
Highmark Health



**Joseph C. Guyaux**  
Chairman of  
the Board,  
Highmark Health



**Melissa M. Anderson**  
Executive Vice President,  
Chief Risk, Audit, and  
Compliance Officer,  
Highmark Health

# Table of Contents

<b>Welcome</b> .....	1	Conflicts of Interest .....	14
<b>This is for</b> .....	2	Gifts, Gratuities, and Entertainment .....	15
<b>Mission</b> .....	3	Non-Monetary Compensation/Business Courtesies and Incidental Benefits Provided to Physicians ...	16
<b>Vision</b> .....	3	Vendor Gifting .....	16
<b>Values</b> .....	3	Patient Gifting .....	17
<b>Core Behaviors</b> .....	4	Gifts/Grants From Pharmaceutical or Device Manufacturing Companies .....	17
<b>How to Make Ethical Decisions at Work</b> ..	5	Speaker Programs and Transparency (Sunshine ACT).....	17
<b>Code of Conduct</b> .....	6	Marketing and Advertising .....	18
<b>Chapter 1</b> .....	7	Public Representation of Highmark Health .....	18
Ethical Leadership and Accountability.....	8	Communications With Government Officials .....	18
Workforce Responsibilities.....	8	Interacting With the Media .....	18
Vendors’ Responsibilities .....	8	Participating in Social Media .....	19
Compliance Officer and Enterprise Risk and Governance Division.....	9	Endorsing Other Organizations or Products .....	19
<b>Chapter 2</b> .....	10	Gathering Information About Competitors.....	19
Commitment to Quality Patient Care.....	11	<b>Chapter 3</b> .....	20
Trained Professionals .....	11	Intellectual Property and Research .....	21
Research Compliance .....	11	Personal Use.....	22
Proper Use of Company Assets.....	12	No Expectation of Privacy .....	23
Proper Use of Company Brand and Logos.....	12	Monitoring.....	23
Accurate and Timely Records and Financial Reporting.....	12	Acceptable Use of Electronic Communication and Information .....	23
Fair Dealings.....	13	Telework .....	24
		Acceptable and Impermissible Content .....	24
		Privacy Resources .....	24

<b>Chapter 4</b> .....	25
Competition and Antitrust Laws .....	26
Federal False Claims Act .....	27
Detecting and Preventing Fraud, Waste, and Abuse .....	27
Definitions of Fraud, Waste, and Abuse.....	27
Emergency Medical Treatment and Labor Act (EMTALA).....	28
Controlled Substances .....	28
Compliance With Human Rights Laws .....	28
Anti-Kickback Statute .....	29
Stark Law.....	29
Export Restrictions .....	29
Anti-Boycott .....	30
Insider Trading .....	30
Copyright and Trademarked Materials.....	30
Political Activities.....	30
<b>Chapter 5</b> .....	32
Government Investigations and Interacting With Government Personnel .....	33
Interacting with Foreign Government Personnel.....	33
Bidding on Government Contracts.....	34
Procurement Compliance .....	34
Making Claims, Statements, and Representations to the Government .....	34
Allocating Appropriate Costs to Government Contracts .....	35

Hiring Former and Current Government Employees .....	35
Mandatory Disclosure Requirement .....	35
Dealing With Excluded or Ineligible Persons .....	36
<b>Chapter 6</b> .....	37
Diversity and Inclusion .....	38
Equal Employment Opportunity .....	38
Workforce Members and Applicants With Disabilities .....	38
Harassment-Free Work Environment.....	38
Safe and Healthy Environment .....	38
Sustainability .....	39
<b>Chapter 7</b> .....	40
Types of Suspected Misconduct That Should be Reported .....	41
Personal Obligation to Report.....	41
Good Faith Reporting .....	42
Corporate Reporting Requirements.....	42
Protection from Retaliation and Intimidation.....	42
<b>Conclusion</b> .....	45
Making a Report .....	45
Amending the Code.....	45
When Contacting the Enterprise Risk and Governance Division.....	46
<b>Contact</b> .....	46
<b>Definitions</b> .....	47



# Welcome

**At Highmark Health, we are reinventing health care.**

The Highmark Health enterprise includes a network of leading companies and health care facilities committed to getting health care right for millions of Americans across all 50 states and the District of Columbia.

Through our diversified portfolio of businesses, the organization's employees proudly offer products, services, and solutions that meet the broad spectrum of health care needs of consumers, business customers, and government entities. Our portfolio includes businesses in health insurance, health care delivery, post-acute care management solutions, dental solutions, reinsurance solutions, and innovative technology-based solutions.

Highmark Health and our affiliated companies maintain a strong and historic commitment to the communities we serve, expressed through the philanthropic works of our charitable foundations, through our corporate programs, giving and volunteerism, and through our historic commitment to diversity and inclusion.

We recognize that it is not enough to merely comply with laws and regulations. We believe that it is imperative to abide by the highest ethical standards in serving our customers, patients, communities, and dealing with our fellow employees. Therefore, it is important that we do not lose sight of one basic principle of integrity: We care not only for the result but how it is obtained. This means conducting ourselves with integrity in everything we do. The responsibilities and expectations found in the Code of Business Conduct are not new. Highmark Health's Code of Business Conduct forms the foundation of our ethical culture. In fact, over the years it has become the cornerstone of Highmark Health's commitment to integrity, one of our values.

All concerns deserve proper attention, no matter how small they are. If you are unsure about what to do in a given situation or feel like something just is not quite right, you are encouraged to consult with your manager or supervisor. You are also encouraged to contact the Enterprise Risk and Governance Division using the resources outlined in this guide. We are counting on your assistance in preserving and strengthening our long-standing tradition as an ethical organization.

# Who this is for

The Code applies to all members of the Board of Directors, officers, employees, workforce members, volunteers, as well as contractors and vendors of Highmark Health and its affiliates and subsidiaries, including, but not limited to, the entities below.



## **ALLEGHENY HEALTH NETWORK (AHN)**

provides health care delivery, research, medical education, and wellness services through an integrated health care delivery network.



## **HIGHMARK INC.**

and its Blue-branded affiliates (Health Plan) proudly cover the insurance needs of millions of individuals, families, and seniors, offering a variety of products and services to meet their health care needs.



## **ENGEN (FORMERLY HM HEALTH SOLUTIONS)**

combines cutting-edge technology and leading industry knowledge to deliver business solutions to health plan payers so they can run their organizations efficiently.



## **HM HOME & COMMUNITY SERVICES (D/B/A HELION)**

specializes in post-acute care management solutions for payers, providers, and patients.



## **HM INSURANCE GROUP**

works to protect businesses and their employees from the financial risks associated with catastrophic health care costs.



## **UNITED CONCORDIA DENTAL**

delivers high-quality, cost-effective dental care through a network of nearly 127,000 dentists and more than 400,000 access points.

## Mission

To create a remarkable health experience, freeing people to be their best.

---

## Vision

A world where everyone embraces health.

---

## Values

### PEOPLE MATTER

Every person contributes to our success.

### STEWARDSHIP

Working to improve the health of the communities we serve.

### TRUST

Earned by delivering on our commitments and leading by example.

### INTEGRITY

Committing to the highest standards encompassing every aspect of our behavior.

### CUSTOMER-FOCUSED COLLABORATION

We collaborate with each other to achieve the right outcomes for our customers.

### COURAGE

Empowering each other to act in a principled manner and take appropriate risks to do what is right.

### INNOVATION

Exploring new, better, and creative ways to achieve our vision.

### EXCELLENCE

Consistently exceeding the expectations of those we serve.



# Core Behaviors

Our four core behaviors are what we value and how we act each and every day to bring our mission and vision to life.



## CUSTOMER FIRST

**We place the customer at the center of everything we do.**

- We put ourselves in our customers' shoes.
- We anticipate our customers' needs.
- We simplify the customer experience.
- We deliver solutions that go a step beyond.
- We appreciate our customers' loyalty to Highmark Health.



## TRANSFORMATIONAL LEADERSHIP

**We are driven to create the future of health care.**

- We inspire through vision and action.
- We are proactive in driving change.
- We are authentic in who we are and what we do.
- We embrace courageous conversations.
- We challenge ourselves to continuously improve.



## TRUST WORKING TOGETHER

**We collaborate to achieve shared success.**

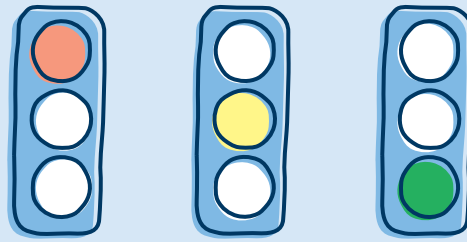
- We involve the right partners at the right times.
- We treat each other with honesty and respect.
- We influence through relationship and not through position.
- We trust one another to make the right decisions and do the right things.
- We share risks and rewards.



## PURPOSEFUL EXECUTION

**We value outcomes, not activity.**

- We set clear priorities and expectations.
- We take ownership of our commitments.
- We take calculated risks.
- We are relentless in our pursuit of excellence.
- We recognize and celebrate results.



## How to Make Ethical Decisions at Work

Ethics is a system of moral principles. It has to do with good and bad, right and wrong. If you're facing a difficult choice and asking yourself what you should do, you're making a decision that has to do with ethics.

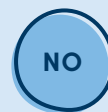
While it might be easy to make decisions as an individual, you have a few more things to consider in the workplace.

When faced with a decision, evaluate it by asking yourself these questions:

1. Does this align with Highmark's core behaviors and values?
2. Would I want others to know about my decision or action?
3. Would I be comfortable if this decision made the news?
4. Will I feel good about this decision and action?



If you answered  
yes to all these  
questions, go for it.



If you answered  
no to any of these  
questions, don't do it.



# Code of Conduct

Think of this Code of Conduct as your ethics playbook. Use it as a resource to guide the decisions you make. Our brand reputation is built on patient and customer trust. You can help us keep their trust by doing a gut check when you're evaluating decisions. Does it feel right in your core, or does something feel off? Refer to the Code to make decisions that keep us on the right path to achieve our mission and goals.

While the Mission, Vision, and Values serve as a guide for each of us, our Code provides more details that clarify what is required in a variety of work situations. To make the Code more practical, we have organized it into seven chapters.

**1****Committing to Integrity and Compliance****2****Conducting Business****3****Protecting Highmark Health's Information****4****Complying With Legal and Regulatory Requirements****5****Complying With Government Program Requirements****6****Maintaining a Safe, Respectful, and Dignified Working Environment****7****Seeking Advice and Reporting Concerns Without Fear of Reprisal**

**CHAPTER 1**

**Committing to  
Integrity and  
Compliance**

If you're wondering if all of this actually applies to you and your role within Highmark Health, the answer is yes. We're all responsible for promoting a culture that encourages ethical behavior and a commitment to comply with applicable federal and state laws, rules, regulations, and guidance. Not just because we're required to, but because it's the standard we hold ourselves to.

### Ethical Leadership and Accountability

Leaders at all levels have the responsibility to set the example by always being role models of appropriate behavior. Ethical leadership at Highmark Health begins with the Board of Directors and senior leaders setting the ethical direction. By incorporating integrity as one of our corporate values, our leaders aspire to maintain a corporate culture that not only embraces the principle of doing the right things, but also doing things the right way.

Leaders will maintain a working environment that is free from harassment; coercion of any kind, especially to perform illegal or unethical acts; discrimination; and retaliation. Our leaders must ensure that workforce members, vendors, and contractors have a platform to freely express ethical concerns and provide mechanisms for discussing and addressing such concerns. Leaders are also charged with ensuring that they have sufficient information and resources to maintain compliance with regulatory standards and the Code standards.

Leaders must encourage open communication about ethical and compliance issues that may arise. A vital component of this responsibility is to communicate regularly with each person on your team and to actively promote Highmark Health's values and ethical standards so that all your workforce members, vendors, and contractors understand how the Code and the Integrity and Compliance Program guide them in their decision-making process.

### Workforce Responsibilities

Annually, all members of the Board of Directors, officers, and workforce members are required to attest that they have read, understand, and agree to abide by the Code and the policies within their respective organization. Employee attendance and participation in compliance program activities, including fraud, waste, and abuse training, is a job performance expectation and a condition of continued employment.

Additionally, all workforce members are expected to cooperate and assist in the resolution of identified compliance issues. Failure to do so may result in disciplinary action up to and including termination of employment. Highmark Health provides information and training to all workforce members so that they understand fraud, waste, and abuse laws including the False Claims Act, whistleblower protections, and the role employees play in the organization's compliance program. By committing to these responsibilities, we will continue to meet the expectations of conducting our business with integrity.

### Vendors' Responsibilities

Highmark Health seeks to partner with those who share our values and ethical standards. Contractors, vendors and their employees, agents, and subcontractors are expected to support the standards of conduct as described in this Code and to share and subscribe to Highmark Health's commitment to ethical business practices.

Contractors and vendors working with or on behalf of Highmark Health are obligated to conduct business



activities and interactions ethically and in full compliance with applicable federal and state laws, regulations, and contractual obligations; avoid actual or perceived conflicts of interest while doing business on behalf of Highmark Health; protect, use, and disclose confidential information only as permitted or required by law and their contract with Highmark Health; and report any questionable behavior, potential violations of this Code, or suspected fraud, waste, and abuse to the Highmark Health Enterprise Risk and Governance Division.

### **Compliance Officer and Enterprise Risk and Governance Division**

The Compliance Officer, who is appointed by and has direct access to the Board of Directors of Highmark Health, has overall responsibility for the Highmark Health Integrity and Compliance Program (“the Program”). The Enterprise Risk and Governance Division is responsible for administering the Program under the direction of the Compliance Officer. The Compliance Officer and Enterprise Risk and Governance Division staff are available to offer guidance and support for ethics or compliance questions or concerns.

**CHAPTER 2**

# Conducting Business

Highmark Health is revolutionizing health care. Help us do that by serving our community and conducting business with honesty and integrity.

Our customers include individuals, local, state, and federal government, public, and private businesses. They expect our products and services to live up to our mission: to create a remarkable health experience, freeing people to be their best. We must deliver on this promise in every single interaction with them.

### **Commitment to Quality Patient Care**

Our primary mission is to make high-quality health care accessible, understandable, and affordable. We treat all patients with respect and dignity and provide care that is both necessary and appropriate. We will respect and support each patient's right to competent, considerate, and courteous treatment or service within our capacity without discrimination due to gender, race, disability, age, religion, veteran status or military status, political affiliation, color, creed, national origin, ancestry, sexual orientation, or source of payment for care. While we strive to render care in an efficient manner, clinical care decisions are not based on patient financial means or business economics.

We provide treatment environments where patients and their families understand their individual illnesses and make informed decisions concerning their medical care. Each patient or patient representative receives a clear explanation of care, including diagnosis, treatment plan, and an explanation of the risks and benefits associated with each available treatment option or with no treatment. We inform patients of their right to make advance directives regarding treatment decisions, financial considerations, and the designation of a surrogate decision-maker for health care. AHN honors patients' advance directives or wishes regarding resuscitation within the limits of the law and the organization's capabilities.

We believe all health care services or items recommended should be medically necessary as determined by the accepted professional standards

of the relevant health professional. Medical necessity is the standard for making all care decisions and we believe that all patients have the right to be involved in all aspects of their care. Therefore, we encourage patients' participation in the development of their plan of care. Furthermore, we provide patients with sufficient information for their informed consent for surgery and other significant or invasive treatments or procedures.

### **Trained Professionals**

We contract with and employ health care professionals with appropriate credentials, experience, and training to meet our patients' needs. Only licensed, and where applicable, credentialed/privileged personnel will perform clinical assessments and procedures or will be supervised by those who are. All health care practitioners shall be duly licensed or certified and shall only provide health care services or items to patients within the scope of their license and/or credentials/privileges. All providers and health care professionals are expected to be current with their respective privileges by maintaining their licenses/certifications/boards or other credentials, as applicable and through relevant educational training and teaching experiences.

### **Research Compliance**

The AHN Research Institute oversees all human and animal research activities conducted at AHN. Research with human subjects has proven invaluable in advancing knowledge in biomedical, behavioral,



and social sciences. Such research is strictly regulated, with laws at the federal, state, and local levels. Further, professional societies have developed discipline-specific standards, policies, and guidelines to protect research subjects and to maintain the integrity of the research.

Research must be conducted in strict conformity with the applicable policies, research procedures and approvals, and the requirements of all governmental and private research sponsors, as well as compliance with federal, state, and local laws.

- Billing for clinical research subjects shall conform to AHN Research Institute policy, regulations, and laws.
- AHN Research Institute policies provide local guidance for compliance with federal, state, and local laws and regulations, including protection of the rights and safety of research participants, possible conflicts of interest and/or commitment, regulatory non-compliance, and scientific misconduct.

### Proper Use of Company Assets

By using Highmark Health assets only for business-related purposes, we can deliver products and services more efficiently and cost effectively. Company assets include such things as equipment, including computers and phones, materials inventory, medical devices and supplies, corporate funds, and office supplies, as well as intangible items such as concepts, business strategies and plans, customer and patient information, financial data, intellectual property rights, and other business information. Highmark Health workforce members, officers, and members of its Board of Directors are prohibited from using company assets, property, information, or positions for personal gain.

Communications delivered via corporate systems are not private and are, as such, subject to management review and can be subpoenaed to serve as evidence in a court of law.

### What are some examples of company assets?

- Computer hardware and software
- Copiers and scanners
- Telephones and voicemail systems
- Email, intranet, and internet access
- Office supplies
- Buildings and fixtures

### Company assets may not be used for:

- Personal gain
- Solicitation of personal business
- Harassment of any type
- Sexually explicit material
- Communications that are inappropriate, inflammatory, or derogatory
- Illegal activity
- Activity which violates corporate policies, procedures, or standards

### Proper Use of Company Brand and Logos

Our brands and logos are vital to the Enterprise. For example, there are strict usage guidelines regarding the use of our brand in accordance with the Blue Cross and Blue Shield Association licensee rules as well as the Blue brand strategy. Contact the Legal Department for guidance.

### Accurate and Timely Records and Financial Reporting

Our patients and customers depend on Highmark Health to maintain and provide accurate information. Maintaining information and records accurately and completely is vital to the success of Highmark Health's businesses. A record is defined as a book, document, or any other data, regardless of the type or form. A record may be written or electronic including emails. Records may contain financial, clinical, operational, or safety data.

Documentation of accurate medical charts allows health care practitioners to provide high-quality care to our patients. Our billing practices comply with all applicable federal and state payer requirements as well as all private payer contracts and agreements. We shall not submit claims that contain information known to be false or unsupported by the medical record.

We are obligated to accurately and truthfully document our work and to not make false or misleading oral or written statements regarding such work. Highmark Health workforce members, officers, and members of its Board of Directors are prohibited from taking any action to manipulate, mislead, coerce, or inappropriately influence any independent auditor engaged in an audit of the financial statements of any Highmark Health organization.

When preparing source documents for financial transactions, it is important to provide accurate information so that costs can be allocated to the appropriate product lines. No payment may be approved or made with the intention or understanding that any part of the payment is to be used for a purpose other than company business. Failure to maintain accurate books and records may expose Highmark Health to significant fines, as well as civil and criminal penalties.

Contracts and subcontracts on government projects often require Highmark Health to submit various certifications. These contracts usually contain clauses wherein Highmark Health is required to make affirmative representations about a variety of matters in addition to financial data, such as compliance with socioeconomic programs, contract specifications, environmental laws, and various procurement regulations. These certifications and representations are serious matters. Highmark Health relies upon

#### QUESTION & ANSWER

**Q:** I realized after the fact that I neglected to document something on a patient's medical record. Can I go back and add it?

**A:** Changes/additions can be made to the medical record only by using an addendum that is properly signed, dated, and timed.

the truthfulness and accuracy of the information it receives from its workforce members, vendors, contractors, and covered personnel when it submits these certifications.

It is a criminal offense to destroy records that are subject to a subpoena or government investigation. Records must be maintained in accordance with departmental and corporate records' retention guidelines and must not be destroyed before the prescribed retention period has expired or until threatened or pending litigation or government investigations are concluded.

In addition, always check with your manager, the Enterprise Risk and Governance Division, and/or the Law Department to determine if the records are the subject of a Legal Hold Notice. Records that are the subject of a Legal Hold Notice must continue to be preserved and may not be altered or destroyed without approval from the Law Department, even if the regular retention period that would otherwise apply to such records has expired.

#### Fair Dealings

Customer and supplier relationships should be based on the cost and the quality of the products and services and should not be influenced by personal relationships. Those of us involved in the purchasing or bidding process must ensure that communications and representations made to prospective suppliers and customers are true and accurate.

In addition, we shall not take unfair advantage of our customers and suppliers through manipulation, coercion, misrepresentation of information, or abuse of privileged information.

We are obligated to guard against any behavior, including the personal giving or accepting of gifts,

meals, or other gratuities that could be perceived as improperly intended to influence a business decision. These rules apply to the products and services Highmark Health buys as well as to products and services that Highmark Health provides.

### Conflicts of Interest

Conflicts of interest may arise when outside personal interests, employment, or affiliations influence or create the appearance of influencing business decisions. Business affiliations and financial interests by immediate family members or by persons with whom a workforce member, officer, or member of the Board of Directors has a close personal relationship may also create a possible conflict of interest.

Workforce members, officers, and members of the Board of Directors must avoid situations where personal interests appear to conflict or actually conflict or compete with the interests of Highmark Health. For instance, it is a conflict of interest to work simultaneously for Highmark Health and a competitor of Highmark Health. In addition, certain affiliations such as employment or serving as a board member with a supplier, provider, or customer may create a potential conflict of interest situation depending on the employee's position with Highmark Health. An example of prohibited activity is selling products similar to those offered by Highmark Health for a competitor of Highmark Health.

The following are some basic details to remember about conflict of interest (COI) disclosures:

- Upon hire/appointment and annually thereafter, all covered persons and designated employees should disclose all potential or actual conflicts through the COI disclosure certificate. Workforce members who are not considered designated employees should notify the Enterprise Risk and Governance Division of any known conflicts.
- Keep your COI disclosure statement updated at all times by reporting new disclosures as they occur.
- Direct any questions regarding potential or actual conflicts of interest to your supervisor, manager, or the Enterprise Risk and Governance Division via email at [conflictofinterest@highmarkhealth.org](mailto:conflictofinterest@highmarkhealth.org).

To further ensure independent decision-making, Highmark Health shall not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit in the form of a personal loan to or for any member of the Board of Directors.



### DID YOU KNOW?

- Without proper documentation, you cannot prove activities were performed.
- Failing to keep documentation could subject Highmark Health to financial penalties.
- Willful recording of incorrect information could be considered a false claim and you could be violating regulations within your licensure.

**Do you or a family member have:**

- Another job outside of the company that could influence your judgment or decisions you make in your Highmark Health work? Refer to Human Resources Policy on Outside Employment.
- A financial interest or investment in a business outside of the company that may conflict with the interests of Highmark Health?
- Received an offer of a gift or entertainment from someone who has a business relationship with Highmark Health?

If you do, a potential conflict of interest exists. You should have a discussion with your manager and consult with the Enterprise Risk and Governance Division.

**Gifts, Gratuities, and Entertainment**

It is the policy of Highmark Health to preserve integrity and objectivity in dealing with patients, customers, vendors, auditors, government personnel, and others with whom the organization conducts business. Workforce members must be free from influence created by unauthorized gifts or business entertainment.

**QUESTION & ANSWER**

**Q:** I work in Finance, and I am pursuing a career as a licensed sales agent. I plan to seek a second job with an external insurance agency selling health insurance products, including competitors' products. Does this situation create a conflict of interest?

**A:** Yes. Your primary obligation is to Highmark Health. You also have access to confidential and proprietary information about Highmark Health products and customers. You will not be able to work for Highmark Health while also working in the external agent position.

Gifts or business entertainment may be offered and accepted only when such items are permitted as outlined in the Corporate Gifts and Entertainment policy, do not violate the Code of Business Conduct, do not create a conflict of interest and do not compromise or appear to compromise the workforce member's ability to make fair and objective business decisions that are in the best interest of Highmark Health.

Furthermore, it is the policy of Highmark Health that employees, leaders, medical staff and board members, allied health professionals, and vendors may not accept or extend a gift or business courtesy to influence purchasing decisions, patient care, or referrals. It is also Highmark Health's policy to observe all state and federal anti-kickback laws and regulations, the Foreign Corrupt Practices Act, and the laws of the United States of America and of other countries that restrict gift-giving to government officials.

Employees and their family members are prohibited from soliciting gifts, entertainment, or other hospitalities or anything of value in connection with their employment and for their own personal benefit from outside third parties including vendors, customers, patients, and providers.

The following specific limitations and guidelines are not intended to cover all possible interactions. For any situations not specifically listed, workforce members should consult, in advance, with the Enterprise Risk and Governance Division.

- Monetary gifts including cash or cash equivalents, gift cards, gift certificates, loans, stock, stock options
- Honoraria for company-related activities
- Charitable contributions made in the name of or in honor of an employee or a member of the employee's family
- Gifts accepted during a Request-For-Proposal (RFP) or near the time of a contract award
- Initiatives/programs that involve the provision of free or discounted items or services without

prior approval from the Law Department and the Enterprise Risk and Governance Division

- Gifts that include an agreement for something to be given in return

### Non-Monetary Compensation/Business Courtesies and Incidental Benefits Provided to Physicians

The information below is intended to provide direction on the internal and external requirements governing Non-Monetary Compensation/Business Courtesies to physicians and/or to their immediate family members:

- The compensation must not be determined in any manner that takes into account the volume or value of referrals or other business generated by the referring physician, and cannot be offered or provided by either party as an inducement to refer patients or business or as a reward for such referrals.
- It must not be solicited by the physician or the physician's practice (including employees and staff members).
- It must not violate the Stark or Anti-Kickback statutes and regulations or any federal or state law or regulation governing billing or claims submission.
- Compensation in the form of services (NOT including cash or cash equivalents, i.e., gift cards) on a cumulative basis per physician and staff, must not exceed the then current yearly ceiling established under 42CFR411.357(k) and (m), which for CY2023 is \$489 per calendar year. (Compensation limit is updated annually and established at 42CFR 411.357(k) [https://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/CPI-U\\_Updates](https://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/CPI-U_Updates).)

Workforce members should refer to the Corporate Policy on Non-Monetary Compensation/Business Courtesies and Incidental Benefits Provided to Physicians for additional information and guidance.

### Vendor Gifting

Highmark Health manages our consulting, subcontractors, suppliers, and vendor relationships in a fair and reasonable manner, free from conflicts of interest, and consistent with applicable laws and good business practices. Highmark Health selects consultants, subcontractors, suppliers, and vendors based on objective criteria, such as quality, technical excellence, price, delivery, adherence to schedules, service, and maintenance of adequate sources of supply. We make purchasing decisions based on the vendor's ability to meet our needs and not on personal relationships. Strict adherence to entity-specific policies that govern vendor relationships is required. Furthermore, a gift may never be accepted if it is offered during a time where the individual or vendor providing the gift is seeking to do business with the company, involved in a bid for work, Request for Proposal, in negotiations with the company, or near the time of a contract award or renewal by the company.

Food and meals may only be accepted from a vendor if the food or meal is provided in connection with an accredited educational event. Meals or entertainment intended to serve all or part of a department, whether on- or off-site, with no associated business purposes, shall never be accepted.

If a vendor offers to sponsor training or educational events, which may or may not include payment for travel, express approval must be granted by management and the Enterprise Risk and Governance Division. In addition, several conditions must be met. Please refer to the Gifts and Entertainment Policy for more information.

#### SCENARIO:

*A vendor has offered to give an employee an Apple Watch in return for spending 30 minutes listening to their presentation. Employee wanted to know if it was within the company's policy for him to accept the watch and then give it away to one of his employees as a recognition reward.*

*Enterprise Risk and Governance Division advised that since the gift is more than \$50 per source, per occasion, it is not permissible. Additionally, the acceptance of the gift has the perception of influencing the employee's independence to influence or induce a business decision.*

### **Patient Gifting**

Workforce members, vendors, and contractors may not offer any gifts to patients unless such gift is of nominal value or unless express approval from the Enterprise Risk and Governance Division is granted. Cash and cash-equivalents are never to be offered or accepted. To prevent an actual or perceived conflict of interest when offering or accepting gifts from patients, strict adherence to policies and procedures that govern activities related to gifts, gratuities, and items of value is required.

### **Gifts/Grants from Pharmaceutical or Device Manufacturing Companies**

We will avoid arrangements with pharmaceutical or device manufacturing companies that would give the perception that any of our workforce members have a relationship with these companies that would influence clinical decision-making, including prescribing patterns or the use of products. To that end, gifts and lunches without Continuing Medical Education (CME) accreditation from pharmaceutical manufacturers, biotechnology, medical device, and hospital equipment supply industry entities and their representatives are prohibited.

As it pertains to grant funding, the Office of Inspector General (OIG) has specifically cautioned against programs under which drug and device manufacturers offer grants to physicians or other practitioners for studies of prescription products when the studies are of questionable scientific value and require little or no scientific pursuit. Highmark Health workforce members should understand that payments may generally be considered improper if the payment is

made to persons in a position to generate business for the donor company, related to the volume of business generated or exceeds the fair market value of any legitimate service provided to the donor company, or is unrelated to any service at all other than the referral of patients. To prevent a real or perceived conflict of interest, a pharmaceutical or device manufacturer contemplating making a grant or donation to Highmark Health should be referred to the Development Office or the Enterprise Risk and Governance Division.

In addition to the standards outlined above, Highmark Health maintains policies and procedures that provide specific guidance around the offering and acceptance of gifts, gratuities, and items of value. Strict adherence to this Code as well as the Gifts and Entertainment Policy is required. The Enterprise Risk and Governance Division is available to assist workforce members, vendors, and contractors with any questions or concerns.

### **Speaker Programs and Transparency (Sunshine ACT)**

In November 2020, the Office of Inspector General (OIG) issued a Special Fraud Alert highlighting the fraud and abuse risks associated with the offer, payment, solicitation, or receipt of remuneration relating to company-sponsored speaker programs by pharmaceutical and medical device companies. OIG recommended that physicians consider the propriety of any proposed relationship with a company and advised that if the basis for a physician's compensation "is your ability to prescribe a drug or use a medical device or refer your patients for particular services or supplies, the proposed consulting arrangement likely is one you should avoid as it could violate fraud and abuse laws." The government monitors activities of physicians and advanced practice practitioners through requiring pharmaceutical companies and medical device manufacturers to report monies paid to these individuals. The report is published annually and is publicly posted. Please speak with your leader

about your contract or the Enterprise Risk and Governance Division about such programs.

**SCENARIO:**

*The Enterprise Risk and Governance Division received an email from an employee asking if it would be appropriate for her to be a panelist at a conference for college students on non-academic careers in mathematics. Employee stated that she has also been asked to answer questions about actuarial work and what she does at Highmark.*

*The Enterprise Risk and Governance Division advised the employee that she is permitted to accept the offer provided she has management approval.*

*The employee was reminded that she is bound by the company's Confidentiality Policy as well as the Business Travel and Expense Policy.*

## Marketing and Advertising

Highmark Health uses marketing and advertising activities to educate the public and increase awareness of our products and services, and to provide information to the community.

Highmark Health will present truthful, fully informative, and non-deceptive information in these materials and announcements. All advertising materials content must be clear, honest, and fair.

The Centers for Medicare and Medicaid Services (CMS) imposes certain requirements related to the enrollment of Medicare beneficiaries in Medicare Advantage and prescription drug plans. In addition, CMS strictly regulates the marketing of these plans to beneficiaries. CMS requirements, as well as applicable federal and state laws, must be adhered to at all times.

## Public Representation of Highmark Health

When communicating publicly, you must be cognizant of keeping your personal views separate from communications you make and actions you take on behalf of the company.

## Communications with Government Officials

Employees who are part of personal membership groups (examples include, but are not limited to, local or state medical societies, specialty physician societies, pharmacist trade association, etc.) and are planning to participate in an advocacy action on behalf of that trade group must notify the Government Affairs Department. For example, an employee who is called to testify or write a letter in support or opposition of regulation is not permitted to represent the company in any form unless expressly permitted by Government Affairs.

Additionally, any public communication on a public policy on behalf of the company must be done under the direction of the Government Affairs Department. Employees are required to comply with the appropriate corporate policies around communications with Government Officials as well as all applicable federal, state, local, and corporate codes of conduct and requirements when representing the company before government bodies and officials.

## Interacting with the Media

To ensure that the views of Highmark Health are accurately depicted and appropriately and consistently represented in public, and to comply with applicable laws and corporate policies, procedures, and standards,

**Q:** A friend who is a local newspaper reporter asked me about Highmark Health's plans for expansion in the area. How should I respond to the question?

**A:** Only authorized individuals can communicate the company's official position on certain topics such as business strategy, financial performance, and legal matters. You should refer your friend to Corporate Communications.

all news media communications must be coordinated through Corporate Communications and Public Relations. You should not be interacting directly with the media on behalf of Highmark Health.

### Participating in Social Media

Participation in social media on behalf of the company must be coordinated through Corporate Communications and Enterprise Social Media. When you speak, write, or participate in public forums or social media networks, do not associate Highmark Health with your own personal opinion unless specifically authorized to do so.

Employees are encouraged to engage with our corporate social media pages (e.g., like and share content) and talk about us on their own social media channels in manners that are consistent with applicable policies and laws. However, employees should take care to ensure their personal social media activity does not reflect poorly on Highmark Health's business reputation or the reputation of its patients, customers, and providers.

#### SCENARIO

*Ted is an emergency department (ED) nurse at an Allegheny Health Network hospital. He is very personable and has great rapport with his patients. While walking his patient to the door, he posed for a picture with her in the waiting room, and she then posted it on social media. After work and while at home, Ted saw the post and commented with his personal account that she was the best patient ever and that she would feel better soon.*

*Despite the fact that Ted does not personally release the names or detailed information of his patient, the fact that he engaged with her social media posts without a written release is still a violation of the Social Media Policy and may even be a violation of privacy laws as additional patients or confidential information may have been shown in the picture.*

### Endorsing Other Organizations or Products

As a general rule, Highmark Health directors, officers, and workforce members shall not provide testimonial statements that could be used as an advertisement for suppliers or their products unless supported by Highmark Health. If you receive a request for an endorsement of an external entity, you must consult with the Enterprise Risk and Governance Division before you respond to such request. For the purpose of this Code, an endorsement means any promotional message reflecting opinions or experiences of a third party's services or products that the third party could use for advertising purposes. References provided for suppliers in the ordinary course of business are not considered endorsements.

### Gathering Information About Competitors

Obtaining public information about other organizations, including our competitors, through legal and ethical means such as public documents, public presentations, journal and magazine articles, and other published information is not unusual nor is it restricted. We are not permitted and should always avoid using improper means, such as misrepresentation, theft, bribery, or improper infiltration to gather competitive intelligence.



**CHAPTER 3**

**Protecting Highmark  
Health's Information**

Our customers, clients, and patients trust us with some of their most personal information and data. Highmark Health has strict policies, procedures, and standards in place to protect that confidential information. It is crucial that you follow these safeguards for the protection of our company and customers.

We must safeguard all of the company's Confidential Information, including, but not limited to Protected Health Information (PHI), Personally Identifiable Information (PII), Proprietary/Trade Secret Information, and Competitively Sensitive Information (CSI). All of us must strive to prevent improper use or disclosure of, or access to, that information. Even after our employment ends, certain obligations remain in effect, as outlined in the agreements we signed when we began employment.

All information that is maintained by the company is classified into three major categories: Public Information, Government Information, and Confidential Information. The information within each category is subject to specific data-sharing requirements and approval processes.

1. **Public Information:** Public information represents all information created or received by the company that is generally found in the public domain and is not otherwise sensitive, confidential, classified, or secret. There are no special use or disclosure requirements regarding this information.
2. **Government Information:** Most of the information relating to government contracts is government property. Certain government contracts prohibit the use of government-owned information or data to further Highmark Health's private business endeavors. Release of such data, even to our own subsidiaries, without the permission of the relevant government entity is not permitted.
3. **Confidential Information:** Confidential Information includes information either generated by the company or made available to the company for purposes of conducting its business operations.

Confidential information is further subdivided into the following categories: financial information, human resources information, group customer account information, proprietary information, provider information, competitively sensitive information (CSI), protected health information (PHI) and personally identifiable information (PII), and personal data (under the European Union [EU] General Data Protection Regulation [GDPR] and the California Consumer Privacy Act [CCPA]). Please refer to the Highmark Health Data Ethics, Policy, and Privacy Handbook for additional information regarding the different categories of information and the requirements for protection during use, storage, and release of information.

### Intellectual Property and Research

Intellectual property or IP refers to intangible assets, rather than physical assets such as buildings, real estate, and equipment. IP includes patents and potentially patentable inventions, copyrights, trademarks, and trade secrets. Highmark Health has entity-specific policies and procedures which address IP and allow us to be competitive and constantly improve how we prevent, diagnose, and treat illness.

Highmark Health (or a third-party sponsor, if applicable) owns all IP rights in all inventions and copyrightable works that any employees, contractors, or students of AHN: (a) creates with use of resources of Highmark Health entities; or (b) creates that relates to their regular duties at Highmark Health; or (c) develops under a federal funding contract or grant and that involves Highmark Health entities, including but not limited to their facilities; or (d) develops under any funding agreement with a third-



party sponsor and that involves Highmark Health entities, including but not limited to their facilities; or (e) develops using any philanthropic funds provided to Highmark Health entities.

### Cyber Attacks (Phishing Awareness)

Phishing attacks are a constant threat to company data and are becoming increasingly sophisticated, as well as costly to mitigate. Employees who click on a malicious link can be responsible for data loss, financial loss, and reputational damage to the company, which could lead to disciplinary action, as well as put the employee's personal information at risk.

Each individual in the company, from the CEO to the junior-most employee, must share the responsibility to avoid becoming the victim of a phishing scam. Immediately report suspected phishing emails by forwarding the email to [phishing@highmark.com](mailto:phishing@highmark.com) to safeguard the company's cybersecurity.

#### QUESTION & ANSWER

**Q:** Jack has been working a side job in the evening as a freelance website developer. Can he use Highmark Health assets to create his customer's websites, if it is in the evening and during non-work hours?

**A:** No, although Jack is working off-hours, company assets are only to be used to conduct Highmark Health business and never should be used for personal gain or profit. In addition, all information created or stored on the company's information systems is property of Highmark Health.

**QUESTION & ANSWER**

**Q:** I am working from home and need to compare two documents but do not have two screens. Can I email some of my work documents to my personal email account so that I can print out the material and compare the information?

**A:** No. Company policy strictly prohibits using personal email or non-work-issued or approved computing devices to conduct company business as the security of such email accounts or computers is unlikely to be as secure as required by company policy. You should only use your work-provided devices or personal devices with Highmark Health's software and secure solutions. Never send documents to your personal email, never try to connect to printers outside of the office, and never use unsecure communication platforms.

**Personal Use**

Authorized users, defined as any person to whom the company has granted a unique user identification to gain access to the company's systems, should only use Highmark Health assets for business-related purposes. Highmark Health's information systems may never be used for personal gain or profit. The use of external personal email accounts (e.g., Hotmail, Gmail, Comcast, Verizon) to conduct company work or transmit company information is prohibited.

**No Expectation of Privacy**

Authorized users have no legitimate expectation of privacy regarding any communication that they create, receive, or store in Highmark Health's assets and systems, including, but not limited to emails, instant messages, and photographs. Authorized users should be aware that all information created or stored on the company's information systems, is the property of Highmark Health, and is subject to monitoring and auditing. The company cannot and does not guarantee the privacy or confidentiality of any personal (i.e., non-business-related) information stored on Highmark Health's information systems. Personal (i.e., non-business-related) information that is intended to remain private and/or confidential should therefore not be created or stored in Highmark Health's systems.

**Monitoring**

All activity conducted on the network by either authorized or unauthorized users is monitored. Highmark Health maintains the absolute right to monitor all information used by authorized users or unauthorized users for any purpose, and particularly to ensure proper working order, to assure appropriate use, and to maintain the security and integrity of the company's information. Highmark Health may retrieve the contents of any communication or file created or stored on the company's systems. Highmark Health may access any authorized user's files, including archived material of present and former authorized users, without the authorized user's consent, for any purpose deemed appropriate by the company.

**Acceptable Use of Electronic Communication and Information**

The company's information systems are the exclusive property of Highmark Health and are to be used for business purposes only. Highmark Health has established rules and guidelines that govern acceptable access to and use of Highmark Health information systems, which includes computers, mobile devices, cloud environments, network equipment, software applications,

telephones, and internet capabilities. The guidelines apply to any person whom Highmark Health has identified as an authorized user. An authorized user is any person to whom Highmark Health has granted a unique user ID so that the person can use Highmark Health's computer network equipment and, by virtue of the assigned user ID, gain access to Highmark Health's network systems.

For example, authorized users must take steps to prevent unauthorized access to their accounts by logging off or locking their workstations, or logging out of or securely locking business or clinical applications when their computer will be unattended, consistent with the corporate policy on Acceptable Use of Electronic Communication & Information (14.05 Acceptable Use of Electronic Communication & Information).

### Work from Anywhere (Telework)

Highmark Health has a Telework Policy which outlines the steps an individual must follow while performing their duties from a remote location. The decision to permit a telework arrangement is solely the prerogative and discretion of the company. The

teleworker must at all times be in compliance with all company mandatory training and all company policies. Please refer to the Telework Policy 20.61 and related procedures for additional information.

### Acceptable and Impermissible Content

Authorized users must exercise good judgment and professionalism when creating, editing, publishing, storing, or transmitting content on or from Highmark Health's systems. This applies to all systems and applications, including but not limited to email, instant messages, video, audio, images, or pictures.

For more information, please review the corporate policy regarding acceptable use of electronic communication and information.

### Privacy Resources

Additional information related to protecting Highmark Health's information can be found in the Highmark Health Data Ethics, Policy, and Privacy Handbook or by contacting the Privacy Legal Team via [privacy@highmarkhealth.org](mailto:privacy@highmarkhealth.org).

#### QUESTION & ANSWER

**Q:** Donna is attending a Zoom meeting from her home that has both screen-sharing and video enabled to discuss a new state mandate with numerous individuals across the organization. During the meeting, Donna checks her email and begins to look at a message regarding a high-dollar claim that was received and needs to be investigated. Were Donna's actions appropriate?

**A:** No, by searching for and reading her email, Donna has exposed the member's information to all of the attendees on the call. While screen-sharing, it is important that you not search for documents or make visible other unintended materials to the participants. Additionally, it is important to make sure that your workspace is a separate space where all work materials can be kept secure, private, and out of sight. Remember that as you're working from home, you should continue to follow the same confidentiality protocols you would as if you were in the office.

**CHAPTER 4**

**Complying with  
Legal and Regulatory  
Requirements**

Whether you're an employee, vendor, or contractor, everything you do at Highmark Health must be done according to applicable laws, rules, regulations, and contractual obligations. We are required to obey all applicable laws, including United States laws that have application outside of the United States and foreign laws that have application within the United States. If you violate these laws, rules, or regulations, not only do you open up Highmark Health to civil or criminal liability or loss of business, but you may also be subject to individual, civil, or criminal liability.

This Code provides general direction on a broad range of issues; however, it is not intended to address every law and regulation in existence or in the future that could impact our jobs or Highmark Health.

Because of the wide range of health care services we provide, separate policies and procedures specific to the various operations of physician practices and hospital operations have been adopted. These policies and procedures are more specific and may be more stringent than the standards set forth in this Code. For example, the Department of Health or Joint Commission may require specific procedures that are not addressed in this Code but are detailed in the separate policies and procedures maintained by your department.

### Competition and Antitrust Laws

The United States antitrust laws are designed to create a level playing field in the marketplace and to promote fair competition. Federal and state antitrust laws are intended to encourage such competition by prohibiting agreements that restrain trade, such as agreements by competitors regarding the price they will charge for their products. Other practices limiting competition, such as agreeing on product characteristics, dividing up markets, "rigging" bids for contracts, and agreeing to boycott competitors or suppliers, may also violate the antitrust laws.

Under antitrust laws, competitors may not make agreements on the prices they will charge for products or services, the territories in which each company will sell products, customers to whom each company will

offer its products or services, how much they will pay employees, the sale of only certain types of products or services, or the amount of any product each company will produce or offer for sale in the marketplace. In addition, competitors may not agree on the use or non-use of suppliers or on any contract terms and conditions except in the context of participating in a group purchasing organization that complies with all regulatory requirements.

Tying arrangements exist when one company conditions the sale of goods or services on the purchase of some other, unrelated good or service. In certain circumstances, antitrust laws prohibit these arrangements. Seek guidance from the Law Department with any questions or concerns.

Members of trade associations and other industry groups are, by their very nature, competitors. You must be particularly sensitive about trade association

#### QUESTION & ANSWER

**Q:** What are examples of conduct that are considered unfair competition?

**A:** Unfair competition can include stealing or misusing a competitor's trade secrets; making false statements about competitors or their products or services; obstructing competitors' supply sources; and paying bribes to help increase company business or hurt a competitor.

**QUESTION & ANSWER**

**Q:** When I attend trade shows and conferences, I usually have an opportunity to meet with representatives of competitors. Is it OK or me to talk to them?

**A:** Yes, but you must avoid conversations about inappropriate topics such as pricing, marketing plans, labor costs, and terms and conditions of sales to customers.

activities that might be construed as leading toward an agreement concerning prices or services and should contact the Highmark Health Law Department for advice when you have questions or concerns.

### Federal False Claims Act

The Federal False Claims Act applies to the submission of claims by health care providers for payment by Medicare, Medicaid, and other federal and state health care programs. The False Claims Act is the federal government's primary civil remedy for improper or fraudulent claims. It applies to all federal programs, from military procurement contracts to welfare benefits to health care benefits.

The False Claims Act provides for monetary penalties to be imposed upon a health care provider or individual person for knowingly and willfully making false statements or representations in connection with a filing of a claim seeking reimbursement. In the False Claims Act, the definition of "knowingly" includes actual knowledge, deliberate ignorance, and reckless disregard for the truth. The False Claims Act, state law, and organizational policies protect workforce members, vendors, and contractors who report concerns to the government related to the submission of false claims or who file a False Claims lawsuit from being fired, demoted, threatened, or harassed by their employer.

### Detecting and Preventing Fraud, Waste, and Abuse

Highmark Health is committed to preventing, detecting, correcting, and reporting fraud, waste, and abuse committed either internally or externally against government entities as well as against the company. Fraud, waste, and abuse can include, but is not limited to, illegal or fraudulent conduct, waste of resources or funds, abuse of property or resources, mismanagement, or misappropriation of funds.

We value our reputation for integrity and require everyone to act in accordance with legal, ethical, and moral standards. Highmark Health provides information and training to all employees so that they understand fraud, waste, and abuse, the federal and state laws pertaining to the False Claims Act, and whistleblower protection under such laws. Highmark Health will investigate and, when required, report evidence of fraud, waste, or abuse to the proper authorities in a timely and accurate manner.

### Definitions of Fraud, Waste, and Abuse

#### What is health care fraud?

Fraud is generally defined as knowingly and willfully executing, or attempting to execute, a scheme or artifice to defraud any health care benefit program or to obtain (by means of false or fraudulent pretenses, representations, or promises) any of the money or property owned by, or under the custody or control of, any health care benefit program (18 U.S.C. § 1347).

Health care fraud is most prevalent in these areas:

- Fraudulent charting, coding phantom complications and other misrepresentations of care provided, and falsifying certifications of medical necessity, plans of treatment, and medical records to justify payment
- Billing for services not rendered, which may include unbundling charges and up-coding
- Waiving of Medicare/Medicaid patient deductibles and copayments when not based on patient financial need



- Soliciting, offering, accepting, or receiving a kickback in order to obtain a referral and/or diverting business from Highmark Health to a private enterprise

#### **What is health care waste?**

Waste is overutilization of services or other practices that, directly or indirectly, result in unnecessary costs to the health care system. Health care waste occurs when there is no intent to deceive for a monetary gain but there is inappropriate utilization and/or inefficient use of resources. Example: A provider's belief that every patient should receive an X-ray every time they have an appointment.

#### **What is health care abuse?**

Abuse includes actions that may, directly or indirectly, result in unnecessary costs to the company and/or federal or state government. Abuse involves receiving payment for items or services when there is no legal entitlement to that payment but the provider has not knowingly or intentionally misrepresented facts to obtain payment. Health care abuse may result in one or more of the following:

- Unnecessary costs to the health care system, including the Medicare and Medicaid programs
- Improper payment for services
- Payment for services that fail to meet professionally recognized standards of care
- Services that are medically unnecessary

### **Emergency Medical Treatment and Labor Act (EMTALA)**

We comply with the provisions of the Emergency Medical Treatment and Labor Act (EMTALA), which means:

- We provide a medical screening examination and (if necessary) stabilizing treatment to all patients who come to a hospital for emergency treatment, regardless of their insurance or their ability to pay.
- In an emergency situation or if the patient is in labor, we do not delay medical screening and necessary stabilizing treatment to seek financial and demographic information.

- We do not admit or discharge patients with emergency medical conditions based simply on their ability (or inability) to pay or any other discriminatory reason.
- We only transfer patients with emergency medical conditions to another facility, in compliance with state and federal requirements, and EMTALA policies.

### **Controlled Substances**

Certain licensed practitioners employed by Highmark Health are registered to purchase, acquire, and dispense narcotics and other controlled substances. Improper use of these substances is illegal and extremely dangerous. Highmark Health complies with all federal and state laws regulating controlled substances.

Access to controlled substances is limited to persons who are properly licensed and who have express authority to handle them. No health care practitioner or researcher may dispense controlled substances except in conformity with state and federal laws and the terms of the practitioner's license.

The unauthorized manufacture, distribution, use, or possession of controlled substances by Highmark Health workforce members, vendors, or contractors is strictly prohibited. All workforce members, vendors, or contractors who know of any unauthorized handling of controlled substances should provide such information immediately to their supervisor or the Enterprise Risk and Governance Division.

### **Compliance with Human Rights Laws**

Highmark Health fully supports the elimination of human trafficking and the advocacy of human rights for all individuals. Highmark Health believes that respecting human rights and rejecting human trafficking are essential to our operations. In addition, certain of our U.S. Government contracts require that we comply with Federal Acquisition Regulation (FAR) 52.222-50 entitled "Combating Trafficking in Persons." Highmark Health must adhere to



## DID YOU KNOW?

Inside information is positive or negative information about a company not yet released to the public that a reasonable investor would find useful in determining whether to buy, sell, or hold a stock, bond, or security. Examples may include:

- Financial results or forecasts
- Change in dividends
- Major new contracts or contract cancellations
- Litigation involving the company
- Change in senior management
- Possible mergers, acquisitions, or joint ventures

regulations prohibiting human trafficking and comply with all applicable local laws in the country or countries in which they operate.

### Anti-Kickback Statute

The Anti-Kickback Statute makes it a crime for any person to knowingly and willfully offer or pay any remuneration, directly or indirectly, overtly or covertly, in cash or in kind, to induce a person to make referrals for services that may be covered by a federal health care program or to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any services that may be covered by a federal health care program. The Anti-Kickback Statute also prohibits any person from soliciting or receiving any remuneration in return for making referrals for any services covered by a federal health care program or purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any service covered by a federal health care program.

### Stark Law

The Stark Law prohibits a physician from making referrals to an entity for the furnishing of Designated Health Services (DHS), which include inpatient and outpatient hospital services, clinical laboratory, and radiology if the physician or an immediate family member has a financial relationship (ownership or compensation) with the entity (unless an exception applies). Further, the entity may not submit a claim to or bill for DHS furnished services pursuant to a prohibited referral, and no payment may be made under Medicare for DHS furnished services pursuant to a prohibited referral.

Because these laws and the accompanying safe harbor provisions are complex, leaders must follow Highmark Health and its subsidiaries' policies when contracting with or offering/accepting anything of value to/from a physician or a physician's immediate family member. You should refer any questions/concerns regarding a specific transaction to the Highmark Health Law Department.

### Export Restrictions

Employees involved with the export or re-export of goods and services must be familiar with and follow the regulations of those countries where any subsidiary conducts business. Employees are responsible for knowing with whom they are transacting business and must not facilitate business with entities or individuals specifically prohibited by law, or with countries that may fall under comprehensive trade embargoes or economic sanctions. Employees should seek guidance from the Highmark Health Law

Department concerning export or re-export of goods and services, including transactions involving a foreign subsidiary, if they have any questions or concerns.

### Anti-Boycott

Any subsidiary that conducts international business must also comply with the anti-boycott requirements of the Export Administration regulations. These anti-boycott requirements prohibit certain conduct and actions that further boycott or restrict trade practices not supported by the United States, such as agreeing to boycott terms and conditions in a transaction. Generally, we are required by law to report a request to participate in an unapproved boycott to the United States government.

### Insider Trading

Although Highmark Health is not a publicly traded company, Highmark Inc. and AHN have (and may issue) publicly traded bonds and as a result, members of the Board of Directors, officers, and employees are obligated to comply with certain insider trading laws. In the course of conducting business, we may become aware of non-public information about Highmark Health material and its affiliates that may be useful to an investor's decision to buy or sell the bonds. If you become aware of such information, you may not use this information to buy, sell, or retain stocks, bonds, or securities of that company. You also may not disclose such material non-public information to anyone outside of our company and, within our company, you may discuss the information only with those who need to know it in the course of their duties for our company.

### Copyright and Trademarked Materials

It is critical that we understand and comply with the laws governing the use of intellectual property, including those regarding copyrighted and trademarked materials. Intellectual property generally consists of documented knowledge or creative ideas that have a

monetary value and are protected under copyright, patent, service mark, trademark, or trade secret laws.

A copyright is an intangible right of the creator of certain works such that the creator is the only individual allowed to copy the work, or a significant portion of it. In general, we may not copy or distribute, electronically or otherwise, any copyrighted materials unless prior written permission is obtained from the copyright owner. A copyrighted work can usually be recognized by the symbol ©, date of publication, and the name of the copyright owner displayed prominently on the work.

The term "trademark" includes any word, name, symbol, or device or any combination thereof adopted and used by an individual or a corporation to distinguish its goods from those sold by others. Highmark Health also licenses computer software from a variety of suppliers. Most of our software license agreements contain restrictions regarding the use of the software. This means that we are prohibited from copying, downloading, or reproducing the software for personal use. In addition, Highmark Health is prohibited from creating or loading any unauthorized copies of software programs.

All workforce members, vendors, and contractors are prohibited from copying, downloading, or reproducing software for personal use.

### Political Activities

Federal law restricts the use of corporate funds in connection with federal elections. There are similar

#### QUESTION & ANSWER

**Q:** I volunteer in the local campaign office for a political candidate. Is this okay?

**A:** Yes. As long as your activities are done on your own time, at your own expense, and outside of Highmark Health, this is permissible.

laws in many states governing state and local elections. Highmark Health is generally prohibited from using company resources or facilities to support fundraising activities of candidates for office.

Examples of activities prohibited to be performed by employees running for elected office as a candidate or on behalf of a political candidate include, but are not limited to:

- Participating in or intervening in, including the publishing or distributing of statements, any political campaign on behalf of or in opposition to any candidate for public office during working hours
- Using corporate funds in connection with federal elections
- Using Highmark Health corporate funds to directly or indirectly contribute to individual political campaigns or to political parties
- The use of company resources, including workforce members', vendors', and contractors' time, or facilities to support or oppose any candidate for office
- Examples of activities prohibited to be performed by employees running for elected office as a candidate or on behalf of a political candidate include, but are not limited to:
  - Use of Highmark Health's office supplies, facilities, or food services
  - Purchases of prizes by Highmark Health for use or consumption in a fundraiser
  - Calling or emailing potential supporters or voters from Highmark Health assets

Highmark Health will not:

- Reimburse workforce members, vendors, and contractors for any personal contributions and/or activities described above.
- Permit workforce members, vendors, and contractors to use their position to coerce another member of the workforce to work for a candidate or political organization, or to make personal contributions to a party or candidate.

- Allow political statements to be made on Highmark Health letterhead or in any manner which leads the reader to believe that the statement is an official statement of Highmark Health.

Highmark Health recognizes everyone's freedom of choice regarding political matters. As individuals, employees may, of course, choose to participate in the political process on their own time and in the manner they choose. Employees who are personally involved in the political process must clearly identify that their actions are personal and not those of Highmark Health or its family of companies. Employees must avoid conflicts of interest when serving in public office by recusing themselves from any political matters involving Highmark Health and its subsidiaries and affiliates.

Highmark Inc. operates a political action committee. The law permits corporations to establish such committees, usually referred to as PACs. All exempt level employees of Highmark Inc. and its federally taxable subsidiaries and affiliates are eligible to join the PAC and make voluntary contributions to it by payroll deduction or otherwise. Highmark PAC also accepts voluntary contributions from the exempt level employees of Highmark Health and its federally tax-exempt subsidiaries and affiliates.

Funds contributed to the PAC are permitted to be used for contributions to candidates for elected office. Other than through the PAC, no contribution to federal candidates for elected office can be made on behalf of Highmark Inc. Highmark Inc. makes corporate contributions to state and local candidates and campaign committees where permissible. Contact the Government Affairs Department if you have any questions regarding political activities.

**CHAPTER 5**

**Complying with  
Government Program  
Requirements**

Certain Highmark Health subsidiaries are government contractors under both federal and state contracts. In the course of your employment, you may directly or indirectly perform services or work related to one or more of these contracts.

Be aware of any additional requirements and obligations imposed by the government when you're performing services related to any of these contracts. We go above and beyond the minimum requirements for legal and regulatory compliance to make sure we avoid impropriety. Regardless of your role, it's important to know what our legal and regulatory obligations are in these situations.

### **Government Investigations and Interacting with Government Personnel**

Appropriate handling of government investigations is very important, both for Highmark Health and its workforce. Virtually all the laws regulating Highmark Health's business — including antitrust, insurance, and government contracting laws — contain criminal and civil penalties. Violation of these laws can result in criminal penalties not only for the company but also for individuals. It is Highmark Health's policy to provide full cooperation with any government agency responsible for audits, investigations, or corrective actions. If you are contacted by a government agency regarding an investigation related to Highmark Health, you must immediately contact the Highmark Health Law Department.

Government officials rely upon the accuracy of oral and written statements made by Highmark Health and its employees. It is a violation of the law for any individual to knowingly make a false or misleading statement to a government official or representative, including auditors conducting audits on behalf of the government, in connection with a government program. In every instance, it is the obligation of Highmark Health and its employees to provide accurate and complete information to the government.

### **Interacting with Foreign Government Personnel**

Corruption can distort the marketplace and erode public confidence. There are United States laws that address this concern. Specifically, the Foreign Corrupt Practices Act (FCPA) imposes criminal penalties on American enterprises that bribe officials of foreign governments. The FCPA prohibits payments of (including promises to pay, or authorizations to pay) money, gifts, or anything of value to officials of foreign governments in order to obtain or retain business. Payments or gifts to a third party while knowing that all or part of the money or gifts will be offered to a foreign government official are also prohibited.

Highmark Health is committed to conducting ethical business practices free from unfair inducement by ensuring that its employees are aware of their responsibilities whenever conducting business in the United States and throughout the world. Those employees with a responsibility in international operations must be familiar with, and comply with, the FCPA and with similar laws that govern our operations in other countries in which our company conducts business. If there is any uncertainty, you should consult the Highmark Health Law Department for guidance.

## Bidding on Government Contracts

When bidding on or negotiating federal or state contracts, Highmark Health is subject to specific legal requirements. The Federal Procurement Integrity Act dictates certain business conduct for companies seeking to obtain work from the federal government. During the bidding process, we may not offer to discuss employment or business opportunities at Highmark Health with agency procurement officials; offer or give gratuities or anything of value to any agency procurement official; or, seek to obtain any confidential information about the selection criteria before the contract is awarded.

Another federal law, the Truth in Negotiations Act, requires Highmark Health to certify cost and pricing data submitted to the government as “current, accurate, and complete.” It is Highmark Health’s policy to ensure that only accurate and complete information is provided to the government.

## Procurement Compliance

Highmark Health’s subsidiaries and affiliates who are government contractors must adhere to a variety of government procurement laws and regulations such as prior notification and approval when amounts exceed certain dollar thresholds or when certain subcontracting requirements are met. These entities must follow certain procedures to help ensure that we are paying the most appropriate costs for goods and services. In addition, Highmark Health’s subsidiaries and affiliates must make sure that its contracts to procure goods and services for a government contract do not present actual, potential, or apparent conflicts of interest. To comply with the government’s diverse and complex procurement rules, Highmark Health’s subsidiaries’ and affiliates’ procurement policies must be followed for all procurement activities. Procurement activities must also be conducted on a competitive basis based on such factors as functionality, cost, quality, and any other relevant business factors.

With regard to fulfilling its obligations under its government contracts, Highmark Health’s subsidiaries and affiliates will not knowingly enter into a contract with an entity that has been convicted of a criminal offense involving government business, listed by a federal agency as suspended, debarred, excluded, or proposed for debarment or suspension, or otherwise excluded from federal program participation.

*Remember: All supplier and sourcing needs must be handled by Procurement.*

## Making Claims, Statements, and Representations to the Government

Contracts and subcontracts on government projects often require Highmark Health to submit various certifications. These contracts usually contain clauses wherein Highmark Health is required to make affirmative representations about a variety of matters in addition to financial data, such as compliance with government programs, contract specifications, environmental laws, and various procurement regulations. These certifications and representations are serious matters. Highmark Health relies upon the truthfulness and accuracy of the information it receives from its employees and covered personnel when it submits these certifications.

It is a violation of federal laws to knowingly make fraudulent claims or misleading statements to the government or to alter documents being processed in connection with claims against or with the government. A violation of these federal laws can lead to severe civil and criminal penalties against the individual and the company, and can lead, among other things, to sanction, debarment, or exclusion penalties.

It may also be a potential violation of federal law if an employee makes little or no effort to validate the truth and accuracy of statements, representations, or claims, or otherwise acts in a reckless manner as to the truth even if the individual is unaware that the



## DID YOU KNOW?

Individuals who are under federal exclusion or debarment cannot be employed by Highmark Health for work under its federal government contracts.

data or information is false, or deliberately avoids finding out whether the statements, representations, or claims are true or false.

Government officials rely on the accuracy of verbal and written statements of Highmark Health and its employees. These “statements” could include formal certifications, reports, or responses provided during audits and applied to conversations with government representatives. In every instance, it is the obligation of Highmark Health and all of its employees to provide accurate and complete statements to the government.

### Allocating Appropriate Costs to Government Contracts

A cost that is a legitimate business expenditure for Highmark Health’s subsidiaries and affiliates may be considered an unallowable cost under our contracts with the federal government. Under some government contracts, Highmark Health’s subsidiaries and affiliates must certify that our cost submissions do not contain any unallowable costs.

We must charge all direct and indirect costs accurately to the appropriate contracts in accordance with the guidelines specified under the respective contract. Inflating time reporting or individual or department workload statistics is strictly prohibited as these statistics are often used as the basis to determine the cost allocation.

### Hiring Former and Current Government Employees

The federal government regulates the employment activities of current and former government employees in order to restrict a company from gaining an unfair competitive advantage by hiring a current or former government employee. The terms of these restrictions vary according to the employment status and function of the government employee and what the employee’s role will be at Highmark Health. These restrictions can last for varying periods of time from one year to a lifetime.

It is Highmark Health’s policy to comply with all laws concerning the recruitment and employment of former and current government employees, either as employees or consultants. Before entering into employment discussions or negotiations with former or current federal, state, or local government employees, legislators, or members of their immediate families, whether initiated by you or them, seek approval from Highmark Health Human Resources and the Highmark Health Law Department.

### Mandatory Disclosure Requirement

Contractor business ethics compliance program and disclosure requirements obligate federal contractors to disclose certain violations





to the government. These provisions state that the agency suspension and debarment official may suspend or debar a contractor if it is determined that there was a knowing failure by a principal of the contractor of timely disclosure to the government, in connection with the award, performance or closeout of a contract or subcontract thereunder, credible evidence of (a) a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations in Title 18 of the U.S. Code; (b) a violation of the civil False Claims Act; or (c) significant overpayments on the contract.

As federal government contractors, certain Highmark Health subsidiaries are obligated to timely disclose to the government, in writing, information regarding credible evidence of the conduct described above. For the purpose of this disclosure requirement, the term “principal” means an officer, member of the Board of Directors, owner, partner, or a person having primary management or supervisory responsibilities within a business entity (e.g., general manager, head of

subsidiary, division, or business segment, and similar positions).

Prompt disclosure of all known facts and circumstances is to be made to the Enterprise Risk and Governance Division to enable Highmark Health to properly assess such information and to determine whether it has an obligation to further investigate and/or make a disclosure to the government.

### Dealing with Excluded or Ineligible Persons

Highmark Health is prohibited by law or contractual provision from entering or maintaining certain relationships with individuals or entities that have been excluded from participation in federal health care programs.

In addition, AHN entities may not accept medical orders from individuals or entities who are excluded from participation in federal or state health care programs.

## **CHAPTER 6**

# **Maintaining a Safe, Respectful, and Dignified Working Environment**

Highmark Health is committed to maintaining a safe, positive, and healthy environment for all of our customers, business partners, and fellow employees.

One of the guiding principles of our company is to provide equal employment to qualified individuals regardless of their race, age, sex, religion, national origin, ancestry, creed, sexual orientation, mental or physical disability, veteran status, or any other status or condition protected by law.

Differences in backgrounds that each individual brings to Highmark Health are to be respected, as it is those differences that bring value and diversity to the company. We are expected to treat all people we encounter with professional respect and courtesy, regardless of their position, age, race, sex, disability, or other differences and we should expect the same level of respect in return whether they are our co-workers, patients, customers, or suppliers.

### Diversity and Inclusion

Highmark Health is committed to diversity and the creation of an inclusive work environment where everyone is valued for both their similarities and their differences. Highmark Health respects the unique attributes and diverse thinking of each employee and recognizes and embraces the many diverse perspectives and life experiences that everyone brings to the workplace. A diverse and inclusive workforce ensures Highmark Health's capacity to serve all communities and to reach new and emerging markets.

### Equal Employment Opportunity

Current and prospective workforce members, vendors, and contractors can be assured that our work environment promotes fairness and equal opportunity in the employment process. Equal opportunity is provided in all aspects of the employment relationship, including recruitment, hiring, work assignment, promotion, transfer, termination of employment, wage and salary administration, and selection for training.

### Workforce Members and Applicants with Disabilities

Our company provides a work environment that helps prevent discrimination against qualified individuals with disabilities with respect to any offer, condition, or privilege of employment. Applicants and employees are assured that all information regarding a disability will be kept confidential.

### Harassment-Free Work Environment

All Highmark Health workforce members and visitors must be treated with professional respect and courtesy. Harassment, which may be of a sexual, physical, written, or verbal nature, will not be tolerated from employees, management personnel, co-workers, customers, outside business invitees, or visitors.

### Safe and Healthy Environment

We have the right to a safe and healthy work environment, free of illegal drugs, alcohol, and workplace violence. Highmark Health will not tolerate actions or threats by anyone who disrupts business activities or places our patients, customers, workforce members, vendors, contractors, suppliers, or visitors at risk of harm. Possession of weapons, firearms, firearm ammunition, firearm replica, or firearm components on owned or leased company property, regardless of whether the workforce member, vendors, and contractors possess a license to carry a concealed weapon, is prohibited (unless required by their position as an employed police officer). If you have a

concern for your own or someone else's safety, please contact the Corporate Security and Employee Safety Department. Workplace safety also extends to our physical work environment. It is, therefore, important that you identify and promptly report any condition that could create a physical hazard in your area to the Corporate Security and Employee Safety Department.

### Sustainability

Our commitment to a healthy environment extends beyond the walls of our buildings. At Highmark Health, we know that creating a healthy environment helps to create healthier people. We are committed to being responsible corporate citizens by being active in the communities where we do business. We strive to make our communities stronger and healthier places to live through employee volunteerism, corporate philanthropy, and eco-friendly business practices to protect the environment.

### QUESTION & ANSWER

**Q:** I overheard a co-worker make an off-color joke that I found offensive. I am also pretty sure the joke made my co-worker very uncomfortable, too. What should I do?

**A:** Notify your manager, Employee Relations, or the Enterprise Risk and Governance Division. Our company strives to maintain a professional working environment. Workforce members should refrain from making comments that could be perceived as offensive.



**CHAPTER 7**

**Seeking Advice  
and Reporting  
Concerns Without  
Fear of Reprisal**

If you have concerns about suspected misconduct, you have an obligation to speak up and report it. While we do everything we can to keep information confidential, there are some cases where information may be shared as required by law.

Call our anonymous helpline to make a report: 1-800-985-1056.

### Types of Suspected Misconduct That Should Be Reported

Some examples are:

- Submitting false timesheets or expense reports.
- Identifying an overpayment.
- Lying or not cooperating during an investigation.
- An ethical dilemma or suspected violation of the code.
- Policy violations.
- Knowledge of real or suspected privacy violations.

### Personal Obligation to Report

It is important to remember that the designation of a Compliance Officer and the existence of an Enterprise Risk and Governance Division in no way diminishes your individual responsibility to comply with laws and regulations, the integrity process, the Code, and related policies and procedures. In carrying out our day-to-day business activities, we need to be sensitive to situations that could lead us or others to violate the Code or other Highmark Health policies. If you are aware, or become aware, of a potential or actual violation of the Code, you must report it to management or the Enterprise Risk and Governance Division as soon as possible.

If the potential or actual violation of the Code involves your

immediate supervisor, you must report it to the next highest level of management or the Enterprise Risk and Governance Division. Failure to report a violation of the Code may subject you to disciplinary action.

Disciplinary or corrective action in response to substantiated allegations is an integral part of the Highmark Health Integrity Process. Knowledge of a possible violation of a law that is not reported may result in disciplinary action or termination of a contractor or vendor business relationship.

You are expected to fully cooperate with inquiries made by the Compliance Officer or the Enterprise Risk and Governance Division and respond completely and truthfully to any and all questions. You must refrain from discussing such inquiries with others to protect ourselves, the accused, and the integrity of the investigation.

#### QUESTION & ANSWER

**Q:** I saw my supervisor engaged in an activity that is against the principles of the Code. The matter does not concern me personally. What should I do?

**A:** Even though the matter does not concern you personally, you have an obligation to report any suspected violations to the next highest level of management and/or to the Enterprise Risk and Governance Division. You may use the anonymous Integrity Helpline or other confidential means to report this concern. Highmark Health maintains a reprisal-free environment and has a policy of non-retaliation and non-intimidation to encourage employees to raise ethical or legal concerns in good faith.

## Good Faith Reporting

Good Faith Reporting is raising an issue or concern in a timely manner with no ulterior motive; or raising an issue or concern that could be a violation of the Code, law, regulation, or policy.

Good Faith Reporting is not making frivolous reports to get someone in trouble or reporting something only when you are facing disciplinary action.

## Corporate Reporting Requirements

All employees must report any evidence of a violation of a law or regulation as well as breach of fiduciary duty or similar violation by Highmark Health, its employees, subsidiaries, affiliates, or agents to either the Chief Legal Officer or the Chief Risk, Audit, and Compliance Officer.

All reports of suspected violations, including all submissions to the Integrity Helpline, will be promptly reviewed by the Enterprise Risk and Governance Division. A thorough investigation will be conducted, and an appropriate response will be implemented. In appropriate instances, Highmark Health may report the matter to governmental agencies for further investigation.

## Protection from Retaliation and Intimidation

Highmark Health maintains a reprisal-free environment and has a policy of non-retaliation and non-intimidation to encourage workforce members, vendors, and contractors to raise ethical or legal concerns in good faith. Retaliation or intimidation against those who, in good faith, report wrongdoing to management, the Enterprise Risk and Governance Division, or a government agency is prohibited. Management must refrain from speculating or questioning individuals in an effort to determine who might have reported a possible violation or cooperated in an investigation. Such behavior can give the appearance of retaliation or can be perceived as intimidation by an individual who has reported or is thinking of reporting a matter to the Enterprise Risk and Governance Division.

The federal and state False Claims Acts also protect anyone who files a False Claims lawsuit from being fired, demoted, threatened, or harassed by their employer for filing the suit. Additional employee whistleblower protections were established under the Deficit Reduction Act of 2005 and the National Defense Authorization Act for Fiscal Year 2013. Similar to the False Claims Act, we cannot discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information (except for classified information) that the employee reasonably



## DID YOU KNOW?

Highmark Health has a non-retaliation non-intimidation policy to assure no one will be subject to any adverse action if they report in good faith.

All reports will be promptly investigated and, when necessary, appropriate actions will be taken to reduce the potential for reoccurrence and to ensure ongoing compliance.

believes is evidence of any of the following: a gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a federal contract (including competition for or negotiation of a contract) or grant.

Employees who disclose these types of information to the following persons or entities are protected: a member of Congress or a representative of a committee of Congress; an Inspector General; the Government Accountability Office; a federal employee responsible for contract or grant oversight or management at the relevant federal agency; an authorized official of the Department of Justice or other law enforcement agency; a court or grand jury; or their management or the Enterprise Risk and Governance Division, who has the responsibility to investigate, discover, or address misconduct.

Pursuant to the Defend Trade Secrets Act of 2016, an individual may not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that: (a) is made in confidence to a federal, state, or local government official, either directly or indirectly, or to an attorney; and solely for the purpose of reporting or investigating a suspected violation of law; or (b) is made in a complaint or other document that is filed under seal in a lawsuit or other proceeding.

Further, an individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the employer's trade secrets to the attorney and use the trade secret information in the court proceeding if the individual: (a) files any document containing the trade secret under seal; and (b) does not disclose the trade secret, except pursuant to court order.





# Conclusion



## Conclusion

If you see something that violates our Code of Conduct, say something. Use the resources on the next page to make an anonymous report. Thank you for helping us maintain Highmark Health's integrity and brand reputation.

### Making a Report

If you choose to make an anonymous report, you should provide enough information about the situation to allow us to properly investigate it. If you do not provide enough details, our ability to pursue the matter will be limited.

All reports will be promptly investigated and, when necessary, appropriate actions will be taken to reduce the potential for reoccurrence and to ensure ongoing compliance. Depending on the circumstances, corrective actions may include changes in business processes, employee coaching, or disciplinary actions.

All matters will be handled with the appropriate level of confidentiality. However, if a matter necessitates the involvement of law enforcement, information may be shared as required by law.

In order to receive status updates on the matter or to provide additional information, you are encouraged to re-contact the Enterprise Risk and Governance Division, referencing the matter you have reported.

### Amending the Code

Highmark Health reserves the right to modify the Code at any time when determined necessary. The most current version of the Code is always available on Highmark Health's websites.



## Contact

You should speak with your supervisor or manager or contact the Enterprise Risk and Governance Division by any one of the following methods:

### When contacting the Enterprise Risk and Governance Division:

- You will be treated with dignity and respect.
- You do not have to give your name.
- No caller ID is used when calling the toll-free Integrity Helpline number.
- All matters will be handled with the appropriate level of confidentiality.
- Your questions or concerns will be promptly reviewed and addressed.
- You will be protected from any form of retribution or intimidation.

<b>VISIT</b>	Highmark Health Enterprise Risk and Governance Division Fifth Avenue Place 120 Fifth Avenue 20th Floor Pittsburgh, PA 15222
<b>MAIL</b>	Highmark Health Enterprise Risk and Governance Division P.O. Box 22492 Pittsburgh, PA 15222
<b>FAX</b>	1-412-544-2475
<b>CALL</b>	Anonymous Reporting Helpline Toll-free, 24/7: 1-800-985-1056  AHN workforce: 1-877-867-7325
<b>EMAIL</b>	integrity@highmarkhealth.org integrity@highmark.com compliance@ahn.org
<b>MESSAGE</b>	Click below for the Secure Message Platform: <a href="https://www.highmarkhealth.org/hmk/responsibility/integrity/contact.shtml">https://www.highmarkhealth.org/hmk/responsibility/integrity/contact.shtml</a>

# Definitions

These terms and phrases pop up a lot throughout this Code of Conduct. Use this as your cheat sheet if you're unfamiliar with any of them.

## **AFFILIATION(S)/ AFFILIATED PERSON**

means any paid or non-paid position as officer, employee, board member, volunteer, or member, of any other governing or advisory body; trustee of any entity; a consulting or other contractual arrangement; or any other significant relationship.

## **CONFLICT OF INTEREST**

arises when a person in a position of authority over an organization, such as an officer, director/trustee, or manager, may benefit financially from a decision that could be made in such capacity, including indirect benefits such as to family members or businesses with which the person is closely associated. In these circumstances, conflicts arise between a person's private interests on the one hand, and fiduciary and professional obligations to the company (and the community it serves) on the other hand.

## **COPYRIGHT**

is an exclusive right to reproduce, distribute, create derivative works from, and otherwise disseminate a work of authorship that is fixed

in a tangible medium. Copyright does not protect ideas, but rather the expression of ideas in a fixed form such as books, papers, reports, educational materials, recorded media, software code, etc. Securing a copyright does not require any formal action or examination by the government. However, registration may be required to stop others from infringing on a copyright.

## **COVERED PERSONS**

includes any director or officer, any member of any committee of the Board of Directors, any key employee as designated by the Chief Legal Officer of Highmark Health, and any person who has authority to act on behalf of the Board of Directors.

## **CREATOR**

is any employee, contractor, or student of a Highmark Health entity.

## **DESIGNATED EMPLOYEE**

includes employed physicians and non-employed physicians serving in an elected or appointed leadership position, supervisors and above, persons with purchasing or contracting

authority including procurement department employees and committees which may influence purchasing decisions, and any other employees as designated by the Enterprise Risk and Governance Division.

## **DESIGNATED HEALTH SERVICES (DHS)**

means all inpatient and outpatient hospital services and other services as defined at 42 CFR (Code of Federal Regulations) 411.351. A DHS entity would be an entity that provides DHS services.

## **Designated Health Services (DHS) includes:**

- Clinical laboratory services
- Physical therapy services
- Occupational therapy services
- Outpatient speech-language pathology services
- Radiology and certain other imaging services
- Radiation therapy services and supplies
- Durable medical equipment and supplies
- Parenteral and enteral nutrients, equipment, and supplies
- Prosthetics, orthotics, and prosthetic devices and supplies

- Home health services
- Outpatient prescription drugs
- Inpatient and outpatient hospital services

#### **FAMILY MEMBER**

Includes spouse, domestic partner, parents (including step-parents), grandparents, parent-in-law, siblings (whole, step, or half), children (natural or adopted), stepchildren, grandchildren, great-grandchildren, and the spouses of siblings, children, grandchildren and great-grandchildren. This also includes anyone living in the same residence as the director, officer, or employee, anyone who is financially dependent on the director, officer or employee; and/or, anyone whose investments are controlled by the director, officer, or employee.

#### **INCIDENTAL BENEFITS**

include compensation in the form of items or services (not including cash or cash equivalents) from a hospital to a member of its medical staff when the item or service is used on the hospital's campus.

#### **INTELLECTUAL PROPERTY (IP)**

refers to intangible assets, rather than physical assets, such as buildings, real estate, and equipment. IP includes patents and potentially patentable inventions, copyrights, trademarks, and trade secrets.

#### **INVENTION**

is a process, machine, article of manufacture, or composition of matter. To receive a patent, the invention must be new, non-obvious, useful, and it must cover patent-eligible subject matter.

#### **NON-MONETARY COMPENSATION/BUSINESS COURTESIES**

For purposes of this policy, includes the provision of items of value given free of cost (gifts) by AHN, as well as invitations to social events sponsored or hosted by AHN such as meals, sporting events, theatrical events, and receptions. It would also include advertising or the promotion of activities for a physician's private practice.

#### **OWNERSHIP INTEREST**

means any ownership or investment interest that is equal to or more than 5% of the total ownership of an entity including but are not limited to stock, limited liability company membership interests, securities, options, warrants, debt instruments (including loans and bonds), private investment, partnership, proprietorship, or rights to acquire any of the foregoing; provided, however, that the term shall not include interests in mutual funds.

#### **PATENT**

is a government-issued document that provides the patent holder with a right to prevent others from making, using, or selling a patented invention for a limited period of time.

#### **TRADEMARK**

is an identifier of source of a product or service, and is often referred to as a "brand." Trademark rights arise through use in commerce and/or registration with the United States Patent and Trade Mark Office (USPTO).

#### **TRADE SECRET**

is anything that is valuable to a business and not known to others outside of an agreement of confidentiality. Examples of trade secrets include formulas, patterns, know-how, and company policy and guidelines. The key to trade secret protection is to maintain the secret's confidentiality. Any disclosure of the trade secret must be made in confidence following the terms of an applicable non-disclosure agreement.

#### **WORKFORCE MEMBERS**

includes officers, employees, volunteers, trainees, and other persons who work for Highmark Health and its affiliates and subsidiaries.

