	Policy		Page 1 of 3
	Title: Vendor Compliance		
	Department: Compliance		
	Effective Date: 11/20/2020	Approval Date: 04/10/2025	Approved By: Compliance and Privacy Office

1. Principle / Purpose

National Jewish Health (NJH) is committed to establishing and observing high standards of ethical conduct in business and operational practices. NJH extends this commitment to all contractors and vendors conducting business with NJH. NJH requires these individuals and organizations to comply with applicable state and federal laws and regulations.

2. Definitions


- A. **First Tier, Downstream or Related Entity:** Any party, including an agent or broker, that enters into an agreement with a delegated entity or with another downstream entity for purposes of providing administrative or health care services related to the agreement between the delegated entity and the Qualified Health Plan (QHP) issuer. The term “downstream entity” is intended to reach the entity that directly provides administrative services or health care services to qualified individuals, qualified employers, or qualified employees and their dependents.
- B. **Delegated Entity:** Any party, including an agent or broker, that enters into an agreement with a QHP issuer to provide administrative services or health care services to qualified individuals, qualified employers, or qualified employees and their dependents.

3. Scope

All NJH workforce members including officers, managers, faculty, affiliates, volunteers, contractors, vendors and others working at or on behalf of NJH, whether or not they are paid by NJH.

4. Policy

- A. **Excluded Individuals or Entities**
 - a. As recipients of federal health care program funds, including Medicare and Medicaid, NJH will not employ, affiliate, or contract with, or otherwise enter into or continue any relationship, whether or not billing or payment are involved, with any person or entity excluded or otherwise ineligible to participate in federal health care programs.
- B. **Exclusion Screenings**
 - a. NJH will check vendors against appropriate lists to verify they are not excluded prior to contracting and monthly thereafter.
- C. **Compliance Obligations**
 - a. Vendors that have not been excluded from federal health care programs may work and become affiliated with NJH with the expectation that they will comply with this


	Policy		Page 2 of 3
	Title: Vendor Compliance		
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Policy: Vendor Compliance and Proprietary policy and all other related policies made available on the [National Jewish Health Vendor Compliance Information](#) web page.

- b. All contractors and vendors will attest to having reviewed NJH's Vendor Compliance Information prior to contracting through the NJH New Vendor Onboarding Process.
- c. Vendors will be subject to annual auditing for compliance with these requirements.
- d. All contractors and vendors conducting business with NJH must comply with applicable state and federal regulations including, but not limited to the following:
 - i. Title XVIII of the Social Security Act
 - ii. Medicare regulations governing Parts C and D found at 42 C.F.R. §§ 422 and 423 respectively
 - iii. Patient Protection and Affordable Care Act (Pub. L. No. 111-148, 124 Stat. 119)
 - iv. Health Insurance Portability and Accountability Act (HIPAA) (Public Law 104-191)
 - v. False Claims Acts (31 U.S.C. §§ 3729-3733)
 - vi. Federal Criminal False Claims Statutes (18 U.S.C. §§ 287, 1001)
 - vii. Anti-Kickback Statute (42 U.S.C. § 1320a-7b(b))
 - viii. The Beneficiary Inducement Statute (42 U.S.C. § 1320a-7a(a)(5))
 - ix. Civil monetary penalties of the Social Security Act (42 U.S.C. § 1395w-27 (g))
 - x. Physician Self-Referral ("Stark") Statute (42 U.S.C. § 1395nn)
 - xi. Fraud and Abuse, Privacy and Security Provisions of the Health Insurance Portability and Accountability Act, as modified by HITECH Act
 - xiii. Prohibitions against employing or contracting with persons or entities that have been excluded from doing business with the Federal Government (42 U.S.C. § 1395w-27(g)(1)(G))
 - xiv. Fraud Enforcement and Recovery Act of 2009

D. Non-Contracted Services

- a. NJH provides requisitioned healthcare services through our Advanced Diagnostics Laboratory ("ADx"). The use of this requisition does not obligate NJH as a First Tier, Downstream or Related Entity (FDR) or Delegated Entity arrangement as defined in 45 CFR 156.20.
 - i. These services are offered "as-is" and NJH will not undertake additional compliance obligations by a client's use of these requisitioned services nor is NJH obligated to attest or certify to compliance.

	Policy		Page 3 of 3
	Title: Vendor Compliance		
	Department: Compliance		
	Effective Date: 11/20/2020	Approval Date: 04/10/2025	Approved By: Compliance and Privacy Office

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- ii. NJH is obligated to have and maintain a Compliance Program. It is the expectation of NJH that clients who utilize this requisition platform review NJH's [Vendor Compliance Information](#) and applicable policies.

E. Accountability

- a. All Business Units are expected to comply with Legal Affairs compliance requests. Any contractor or vendor who is in violation of NJH expectations are subject to corrective action up to and including termination. Any relationships or agreements with a vendor that have been found to be excluded from Federal health care programs will be terminated.

5. References

45 CFR 156.20 – Definitions

45 CFR 156.340 - Standards for downstream and delegated entities.

6. Tags or Linked Documents

- A. First Tier, Downstream or Related Entity (FDR)
- B. Medicare Advantage Compliance Requirements