

2019 Banner Health Network Offshore Services Attestation for Downstream Entities

To ensure that BHN meets the applicable federal and state laws, rules, regulations, and Medicare mandates, you are prohibited from using any individual or entity that performs services under the BHN contract that is physically outside of the United States or one of its territories. The only exception is if an authorized BHN representative has expressly allowed the use of offshore services in advance and in writing.

If you perform services offshore or use an offshore entity to perform services involving the receipt, processing, transferring, handling, storing, viewing, creating, or otherwise accessing of PHI, and BHN approves the arrangement, BHN must submit an attestation to its Medicare Advantage (MA) plans. Those plans in turn will report the arrangement to CMS. You will need to provide the necessary information to BHN so that BHN can share it with the MA plans in order that it can be provided to CMS.

One example provided by CMS that triggers this requirement is “offshore subcontractors that receive radiological images for reading, because beneficiary PHI is included with the radiological image and the diagnosis is transmitted back to the U.S.”¹ Another example is any coding or billing that is done outside of the U.S.

Attestation Form Submission Instructions

Please complete the following Offshore Attestation in its entirety and provide to BHN immediately.

The completed Attestation may be emailed to: BHNcompliance@bannerhealth.com.

BHN Compliance Contact Information:

- Teresa McMeans, Compliance Officer: Teresa.McMeans@bannerhealth.com / (602) 747-3140
- Robin Morrone, Senior Compliance Consultant: Robin.Morrone@bannerhealth.com / (602) 747-8454

¹ “Sponsor Activities Performed Outside of the United States (Offshore Subcontracting) Questions & Answers,” Centers for Medicare & Medicaid Services, at 2 (Sept. 20, 2007).

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This attestation is required for Organizations who have contractual relationships or functions located offshore (“offshore” refers to any country not one of the fifty United States or one of the United States territories (American Samoa, Guam, Northern Marianas, Puerto Rico, and U.S. Virgin Islands)).

Required Information

Company (Contractor) name:

Offshore Entity name (Company or its Downstream Entity):

Offshore Entity country:

Offshore Entity address:

Describe offshore functions being performed by the Offshore Entity (“Offshore Services”):

State the proposed or actual effective date for the aforementioned Offshore Services:

Description of all PHI that will be provided to the Offshore Entity:

Explain why providing PHI is necessary to accomplish the Offshore Services:

Please describe any and all alternatives considered to avoid providing PHI, and why each alternative was rejected:

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Medicare Offshore Services Attestation

Offshore Entity name: _____

With respect to the Offshore Services provided by the above named Offshore Entity to Medicare beneficiaries, Organization certifies and attests that:

- (i) The Offshore arrangement requires the Offshore Entity to have policies and procedures in place to ensure that Organization's Medicare Plans' PHI remains secure;
- (ii) The Offshore arrangement prohibits the Offshore Entity's access to data not associated with the arrangement;
- (iii) Organization has policies and procedures in place that allow Organization to immediately terminate the Offshore Services upon discovery of a significant security breach if such services are provided by Organization's Downstream Entity; and if Organization is performing the Offshore Services, Organization recognizes and agrees that BHN has the right to immediately terminate the Offshore Services upon discovery of a significant security breach;
- (iv) If the Offshore Services are being provided by Organization's Downstream Entity, Organization's contract with the Offshore Entity includes all required Medicare Part C and D language (e.g., record retention requirements, compliance with all Medicare Part C and D requirements, etc.);
- (v) If the Offshore Services are being provided by Organization's Downstream Entity, Organization will conduct an annual audit/review of its relationship with the Offshore Entity;
- (vi) If the Offshore Services are being provided by Organization's Downstream Entity, the annual audit/review results are used by Organization to evaluate the continuation of its relationship with the Offshore Entity;
- (vii) If the Offshore Services are being provided by Organization's Downstream Entity, Organization agrees to share such audit results with CMS, or with BHN should CMS require or request BHN to produce such audit results directly, and:
- (viii) If the Offshore Services are being provided by Organization's Downstream Entity, Organization shall provide such additional information about its arrangement with the Offshore Subcontractor to CMS or its authorized agents as required or requested by CMS, and shall provide such additional information to BHN directly should CMS require or request BHN to produce such additional information about Organization's Offshore Subcontractor.

[Signature on following page]

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I certify, as an authorized representative of my Organization, that the statements made above are true and correct to the best of my knowledge. Also, my Organization agrees to maintain documentation supporting the statements above. My Organization will produce evidence of the above to BHN or CMS upon request. My Organization understands that the inability to produce this evidence will result in a request from BHN for a Corrective Action Plan (CAP) or other contractual remedies such as contract termination.

Organization Name [Printed]

Signature of Organization's Authorized Representative

Date

Organization's Authorized Representative Printed Name and Title

Organization Mailing Address: _____