



Compliance Policy
516

Subject:	ANTITRUST POLICY
Endorsed By:	Compliance Committee
Approved By:	Compliance Committee, Board of Managers
DSRIP Implementation Deadline:	
Effective Date:	October 2015
Supersedes:	N/A
Purpose:	The Staten Island PPS, (“PPS”) has been established for purposes of participating in the New York State Delivery System Reform Incentive Payment Program (“DSRIP Program”) and achieving the precompetitive DSRIP goals of facilitating the clinical integration of health care providers with the goal of controlling medical expenses and improving the quality of services. The purpose of this policy is to ensure that the participation of individuals and organizations in the PPS exclusively serves this procompetitive purpose and does not become a framework for anticompetitive behavior that violates state and federal antitrust laws.
Policy:	This policy is applicable to all PPS participating providers and any other entities providing services to the PPS (collectively, “Participating Providers”). The policy also applies to directors, officers, employees and agents of PPS Organizations (collectively “PPS Associates”).
Procedure:	Restrictions on PPS Activities The PPS will take reasonable steps to minimize the risk that PPS activities result in anticompetitive behavior. These steps will include, but not be limited to, the following:

- Limiting the agendas of PPS board, committee and other meetings to matters integral to the mission of the PPS. The chairs of PPS bodies are expected to consult with the PPS Compliance Officer or Legal Counsel if they have any questions or concerns as to whether particular agenda items are appropriate subjects for discussion by the PPS.
- Restricting the distribution of data and information among the PPS Organization to the minimum necessary for carrying out the PPS's mission. If data or information that potentially could be used for anticompetitive purposes must be analyzed to carry out a PPS activity, the PPS will engage a third party to perform the analysis and generate aggregated results.
- The PPS will not impose any restraints on the activities of PPS Organizations outside the scope of the PPS's activities, except as deemed necessary to advance the PPS's mission and with the approval of the PPS's Legal Counsel.

Prohibition on Ancillary Collusion

PPS Associate may serve on the governing body or committees of the PPS and may be otherwise involved in the oversight or management of PPS functions.

In this capacity, PPS Associates may gain access to non-public information in order to carry out their duties to the PPS. PPS Associates may also engage in business discussions with one another as necessary to coordinate PPS activities. At the same time, PPS Organizations may compete with one another in the marketplace outside the PPS. Accordingly, special caution must be exercised to ensure that PPS Associates use their position in the PPS solely for purposes consistent with the PPS's mission and do not engage in ancillary anticompetitive activity.

PPS Associates may not use PPS meetings or other opportunities provided through PPS governance or management activities to collude or improperly coordinate with one other regarding the competitive activities of the PPS Organizations with which they are affiliated. Examples of improper collusion, include, but are not limited to:

- Sharing information about the prices sought from or paid by health plans or other third-party payers for health care services provided by different PPS Organizations.

- Sharing information about other contract terms offered by third-party payers to PPS Organizations, such as utilization review, claims processing and auditing provisions.
- Sharing information about business plans, pricing plans, payor contracting strategies, market strategies, or other similar initiatives of PPS Organizations.
- Agreeing to any type of collective action by PPS Organizations that is unrelated to the activities of the PPS, such as establishing prices or pricing methodologies, boycotting or threatening to boycott a particular health plan or provider organization, setting minimum standards of participation in third party coverage arrangements or dividing up markets for particular services.

Prohibition on Most Favored Nation Provisions

The PPS may not require PPS Organizations to agree to a most favored nation provision that prohibits the PPS Organization from accepting rates of payment from other performing provider systems or third party payers that are higher than the rates paid for such services by the PPS or any of its affiliates.

Training

As part of the training provided under the PPS Compliance Program, all PPS Associates shall receive training regarding the terms of this policy. Training shall be conducted within 30 days of the commencement of a PPS Associates' activities on behalf of the PPS or 30 days of the adoption of this policy, whichever is later. Training shall be performed by the PPS Organization with which the PPS Associate is affiliated. The PPS Organization shall maintain records of such training, which shall be provided to the PPS Compliance Officer upon request.

Reporting:

All PPS Associates are expected to report actual or suspected violations of this policy to the PPS Compliance Officer or the Compliance Officer of their PPS Organization. No PPS Associate may be retaliated against for making such a report in good faith.

Interpretation of Policy

Project(s):	<p>The PPS Compliance Officer, in consultation with the PPS's Legal Counsel, is responsible for the interpretation of this policy. PPS Associates are encouraged to consult with the Compliance Officer of their PPS Organization or the Compliance Officer of the PPS if they have any questions as to whether actual or proposed activities are prohibited by this policy.</p> <p>This policy is not intended to be comprehensive. PPS Associates are encouraged to consult with counsel for their respective PPS Organizations regarding any matters outside the scope of this policy that may implicate the antitrust laws.</p> <p>Enforcement</p> <p>PPS Associates who do not comply with this policy will be subject to disciplinary action by the PPS. Depending on the facts and circumstances of each case, the PPS may suspend or terminate the right of PPS Associates or PPS Organizations to participate in some or all PPS activities for a failure to comply with this policy.</p>
Scope:	<p>PPS participating providers and any other entities providing services to the PPS (collectively, "Participating Providers"). The policy also applies to directors, officers, employees and agents of PPS Organizations (collectively "PPS Associates").</p>
Regulatory Alignment:	
Reference(s):	
Attachment(s):	none

Commented [RB1]: This is the title noted in the Compliance Manual for the Providers in the Network

Reviewed by C. White – May 2016

Reviewed/Revised by Regina Bergren – May 2016

Approved by Compliance Committee: August 2016

Partner Organization	Responsible Staff Name & Title	Date Reviewed	Signature

