

# Standards of Conduct



## Memorandum from the Board of Directors Announcing Ethics and Compliance Program at Tribal Diagnostics

This memorandum announces the development of Tribal Diagnostics' Ethics and Compliance Program. We are required by law to have such a program that essentially protects federal, state, and private insurance programs that pay for healthcare services, such as laboratory testing, from fraud, waste, and abuse by people or entities seeking illegal gain.

Aside from fulfilling a legal obligation, we are developing our Ethics and Compliance Program because it is the right thing to do, and that is for two reasons. First, it helps to ensure the continued ability of government programs such as Medicare and Medicaid, as well as private payors, to continue to assist people with their medical expenses. Second, it also helps to improve the quality of health care nationwide.

Our Ethics and Compliance program will include standards of conduct, education, auditing,

monitoring, policies procedures and other elements, some of which will involve your participation and support. The program will assist Tribal Diagnostics in the prevention, detection and mitigation of risks that could violate and compromise federal, state, and private insurance programs. These violations could cause severe financial and reputational damage to Tribal Diagnostics. It is our mission to constantly strive to do the right thing so that we not only avoid these consequences, but also so we can continue to uphold our reputation as a respected corporate citizen.

Developing an effective Ethics and Compliance program is an ongoing process, woven into the fabric of our company. Doing the right thing is everyone's responsibility. We will do our very best to oversee and support our Ethics and Compliance program, and we look forward to your support and participation.

### Key Takeaways

Required by law to combat fraud, waste, and abuse.

All about doing the right thing.

Assists in the prevention, detection and mitigation of risks to Tribal Diagnostics.

Ongoing process.

It is everyone's responsibility to participate in and support the program.

# Introductory Comments



## APPLICABILITY:

This code applies to all Tribal Diagnostics workforce members, including officers, directors, consultants, vendors, and contractors. This Code, together with related Tribal Diagnostics policies and procedures, provides the information you need to perform your job ethically and in line with applicable laws and regulations.

## YOUR RESPONSIBILITIES:

- Read the code and understand how the elements of the code apply to your job duties at Tribal Diagnostics.
- Always strive to comply with the code and “do the right thing”.
- Seek guidance and ask questions. If something does not seem right, ask. Tribal Diagnostics requires all individuals in leadership roles to maintain an open-door policy. That means you should always feel welcomed by your supervisor or manager to approach them with a question or concern that you might have. If, for some reason, you are uncomfortable speaking with that person, you are encouraged to work your way up through the chain of command (for example, go to that person’s supervisor or manager), consult

with Tribal’s Compliance and Privacy Officer, the Director of Human Resources or use Tribal’s confidential reporting hotline. You have many options to seek guidance and ask questions. Take advantage of them. It is your responsibility to perform your duties with clarity.

- **Duty to Report.** If you have observed or are concerned about any possible violations of this Code or any laws or regulations, you have a duty to report any such perceived or potential violation. The consequences for failing to report can be as serious as the violation itself.
- Take inquiries and/or investigations seriously. Whether your daily responsibilities involve investigating potential violations or you are asked to participate in a particular inquiry or investigation, you must cooperate fully and to the best of your ability.
- Do not retaliate against anyone reporting a concern or violation. Tribal Diagnostics prohibits retaliation of any form against someone who has made a good faith report of a suspected violation of this Code, a Tribal Diagnostics policy, or applicable law or regulation.

## Key Takeaways

Nobody is exempt from complying with this Code.

Always strive to comply and to doing the right thing.

When in doubt, seek guidance. There are several options from which to choose.

Failing to report a violation may be as bad as the violation itself, with similar consequences.

Retaliation is never an option.



## Mission Statements at Tribal Diagnostics

### What is a Mission Statement?

A mission statement is used by a company to explain, in simple and concise terms, its purpose(s) for being. The statement is generally short, either a single sentence or a short paragraph. A company's mission statement defines its culture, values, ethics, fundamental goals, and agenda.

Some departments may develop a more specific mission statement that focuses on their unique function. The Compliance Department at Tribal Diagnostics also has a mission statement. See below for Tribal Diagnostics' Mission Statement and Compliance Mission Statement.

#### **Tribal Diagnostics Mission Statement**

At Tribal Diagnostics, we are committed to delivering high-quality, affordable laboratory testing to all healthcare providers, with a special focus on underserved communities, particularly Native American populations. Through price transparency and clinical excellence, we ensure that everyone has access to the critical health data needed to make informed decisions and ultimately improve health outcomes.

#### **Compliance Mission Statement**

The Office of Compliance at Tribal Diagnostics provides standards, education, monitoring, and investigations in an ongoing effort to assist management and the organization in identifying, prioritizing, and mitigating risk. The overall mission of Tribal's Ethics and Compliance Program is to identify risks, ensure management mitigates those risks, and works to prevent reoccurrence of non-compliant activities.

**Mission Statements can feel more like a “management thing” than a “me” thing. But, if you think about the two missions above, you will likely come up with an idea or two on how you can help Tribal Diagnostics meet these two missions. Take it one step further, turn those ideas into your own personal mission that can guide you in your daily endeavors to help us meet the challenges of these missions.**

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# Core Values

Ponte de Scissortail, OKC



A company's core values are the guiding principles and beliefs that define how the company operates and how it interacts with each other and customers. They are often short, easy-to-remember statements. Tribal Diagnostics currently has 8 core values.

**Attention to Quality:** As our mission states, we are committed to delivering high quality laboratory testing.

**Open Communications:** Fostered in the workplace by promoting transparency, respect, trust and an open door policy.

**Non-Retaliation:** Individuals should feel comfortable expressing concerns without fear of retribution.

**Reporting Violations:** See something, say something.

**Integrity and Compliance:** Employees are personally accountable for achieving goals with integrity and supporting all company policies, principles, procedures and core values.

**Raising Questions:** Employees are responsible for raising and resolving questions about complying with company policies and procedures.

**Cooperating with Others:** actively supporting and helping your colleagues by sharing knowledge, providing assistance with tasks, and working together to achieve common goals.

**Zero Tolerance Rule:** There are certain behaviors that Tribal Diagnostics will not permit and which may result in immediate termination. Examples are retaliation against others, harassment of any kind or breaking the law.

## Putting it into practice

**Attention to Quality:** Strive for excellence in everything that you do.

**Open Communications:** Listen attentively and be open-minded.

**Non-Retaliation:** Never permitted. Always prohibited.

**Reporting violations:** Failing to report a violation may be worse than the violation itself.

**Integrity and Compliance:** You are the captain of your ship; sail it with integrity and compliance.

**Raising Questions:** Let doing the right thing always be your guide. If in doubt, ask.

**Cooperating with Others:** Together, we conquer. Keep your eye on the goal.

**Zero Tolerance:** Consider the consequences before taking the action.





## Fraud and Abuse Laws.....but first, some definitions:

### Fraud

When someone intentionally or in deliberate ignorance or reckless disregard of the truth misrepresents information to a health insurance company, for example, Medicaid, or Medicare, to obtain money. This can include billing for services that were not provided, misrepresenting a diagnosis, or altering claim forms.

People make mistakes. Newly established processes can have errors. Inaccurate claims because of mistakes or unforeseen errors are not considered to be fraudulent. It is when someone knowingly and willingly sets out to misrepresent the truth or should have known better, that the action is considered to be fraudulent.

### Abuse

Abuse describes practices that may directly or indirectly result in unnecessary costs to the Medicare or Medicaid programs. Abuse includes any practice that does not provide patients with medically necessary services or meet professionally recognized standards of care. The difference between “fraud” and “abuse” depends on specific facts, circumstances, intent, and knowledge. Examples of Medicare abuse include:

- Billing for unnecessary medical services
- Charging excessively for services or supplies
- Misusing codes on a claim, such as upcoding or unbundling codes. Upcoding is when a provider assigns an inaccurate billing code to a medical procedure or treatment to increase reimbursement

**If you suspect fraud or abuse:**

**Notify your Supervisor**

**Contact Tribal Diagnostic's Compliance Officer [Jacke@tribaldiagnostics.com](mailto:Jacke@tribaldiagnostics.com)**

**Call Tribal Diagnostics Anonymous Reporting Hotline at 866-852-2492**

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# Healthcare Fraud and Abuse Laws

## False Claims Act

Knowingly or deliberately being ignorant to the correct processes for claims submission that results in a misrepresentation of the services provided or the provision of services that were not medically necessary. Submitting claims for poor quality laboratory services. Risk areas are billing and laboratory operations.

## Anti-Kickback Statute

Giving something of value to receive orders for laboratory services in exchange. Risk areas are phlebotomists and collectors stationed in provider's office and sales and marketing activities.

## Stark Law

A complex law that applies mostly to physicians but it can apply to the laboratory as well, for example, exceeding the allowable amount of money for meals and entertainment when recruiting new clients.

## Exclusions Statute

This statute is violated by establishing a business relationship with providers, vendors and/or employees who have been excluded from federal programs (for example, Medicare).

## A Few Notes To Remember

- The consequences for violating any of these fraud and abuse laws are severe.
- Violations could result in massive civil and criminal fines, which could even lead to imprisonment.
- Violations could also result in being excluded from participating in Federal programs such as Medicare and Medicaid.
- Actions taken for violations are not necessarily against the organization, but also may be for individuals within the organization.

State Game Bird, Wild Turkey



# Employment Practices



## Discrimination and Harassment

Tribal Diagnostics will not tolerate any unlawful discrimination, harassment or retaliation of any kind.

Discrimination is defined as any action or decision which affects the terms and conditions of an individual's employment, such as job applicant selection, hiring, promotions, job assignment, compensation, benefits, corrective action, layoffs or terminations on the basis of an individual's protected status.

Harassment is a form of employment discrimination. Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work

environment that would be intimidating, hostile, or offensive to reasonable people. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct. Unlawful harassment may occur without economic injury to, or discharge of, the victim. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

## Drugs and Alcohol

Tribal Diagnostics employees may not possess, use or unlawfully sell drugs on Tribal Diagnostics property or perform their work under the influence of alcohol or the unlawful use of drugs. Tribal Diagnostics may require employees to take drug and/or alcohol tests to ensure a drug and alcohol -free workplace.

## Key Takeaways

Zero tolerance for unlawful discrimination, harassment or associated retaliation.

Offensive conduct comes in several ways, such as words, actions, behavior, objects or pictures.

The victim does not have to be the person harassed, but can be anyone affected by the offensive behavior.

If you feel you are being harassed, consult with management immediately.

Tribal Diagnostics may randomly require you to take a drug and/or alcohol test



# Raising Concerns and Doing the Right Thing

Bridge Over Route 66, Tulsa



Tribal Diagnostics operates within the highly regulated and somewhat complex healthcare industry. Making the right decision during the course of providing patient care can sometimes be challenging. There may be occasions when you need advice to resolve an issue. In these circumstances, there are several resources available from which to choose.

## Open Door Policy:

Tribal Diagnostics maintains an open-door policy. What that means is that we encourage all individuals holding a leadership position to make themselves readily available, in a supportive and non-retaliatory way, to any employee who seeks their advice or counsel. Put another way, you should always feel comfortable seeking the advice of your immediate supervisor.

## Chain of Command:

If you are uncomfortable with the open door approach, we encourage you to follow the chain of command and go to the next person in the chain; typically, that would be your supervisor's supervisor. You should never not seek advice on an issue because you feel uncomfortable doing so; that could result in compromised patient care or possibly even breaking the law.

## Access to the Compliance and Privacy Officer:

The quickest and sometimes most efficient way to obtain a resolution to common questions or concerns is using the options just presented. But, if you are not comfortable using those options, you always have an open line of communication with TDL's Compliance and Privacy Officer with whom you can consult without any fear of retaliation or retribution. Our Compliance and Privacy Officer is available to you at any time.

## Compliance Hotline:

Another resource for you to raise a concern, especially if you wish to remain anonymous, is TDL's anonymous reporting hotline. The hotline is run by a third party company called Syntrio. It is available to you 24/7. You have the option to call the hotline, report your concern on their website, download their app to your cell phone, or send them a fax or email. See your toolbox on this page for further information on using the hotline.

## No Retaliation Permitted:

It is against the law for anyone at Tribal Diagnostics to take any form of action against you for reporting your concerns or observations. If you would like more information on our Non-Retaliation policy, ask your supervisor.

## Your Toolbox

Hotline Phone Number  
(English)  
866-852-2492  
(Spanish)  
800-216-1288  
Hotline Website:  
<https://report.syntrio.com/tribaldiagnostics>

Hotline App:  
Anonymous Reporting  
Keyword:  
Tribaldiagnostics

Compliance and Privacy Officer:  
Jack Ewart  
[jacke@tribaldiagnostics.com](mailto:jacke@tribaldiagnostics.com)  
713-679-8360



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# HIPAA: Privacy, Security, Confidentiality and Minimum Necessary

Philbrook Museum of Art Gardens, Tulsa



## The HIPAA Privacy Rule:

The Rule requires appropriate safeguards to protect the privacy of a patient's protected health information. The Rule sets limits and conditions on the uses (uses means the way Tribal Diagnostics handles PHI *within* Tribal Diagnostics) and disclosures (disclosures means the way Tribal Diagnostics *releases* PHI to others outside of Tribal Diagnostics) that may be made of such information without an individual's authorization. The Rule also gives individuals rights over their protected health information. Some examples of the rights granted to individuals by the Privacy Rule include the right to examine and obtain a copy of their health records or the right to direct Tribal Diagnostics to transmit to a third party an electronic copy of their protected health information in an electronic health record, or the right to request corrections to their laboratory records.

## The HIPAA Security Rule:

The HIPAA Security Rule establishes national standards to protect individuals' **electronic** personal health information that is created, received, used, or maintained by a covered entity, such as Tribal Diagnostics. The Security Rule requires appropriate administrative, physical and technical safeguards to ensure the confidentiality, integrity, and security

of electronic protected health information. Examples of these safeguards include policies and procedures that limit access to patient information based on an employee's position at Tribal Diagnostics, locked doors to limit access to areas that contain patient information to only those individuals who have a need to see or use it, or encrypting email that is sent outside of Tribal Diagnostics.

## Breach Notification Rule:

This rule requires TDL and our business associates to notify an individual if that individual's PHI was breached. A breach of unsecured PHI means that PHI was improperly disclosed, and the confidentiality of that individual's PHI may have been compromised. As an employee of Tribal Diagnostics, you are responsible for reporting any information you become aware of that could be a breach to your immediate supervisor. For example, if you work in Customer Service and you become aware that a patient's laboratory report was faxed to the wrong fax number, you should immediately notify your supervisor. Tribal Diagnostic's Privacy Officer must evaluate each instance of a potential information breach, and the Privacy Officer must be notified of the situation immediately.

## Key Takeaways

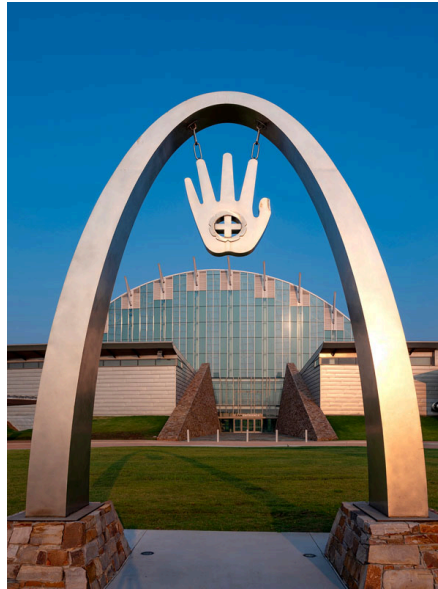
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For a full list of patient rights under the Privacy Rule, go to Tribal Diagnostics.com. Scroll to the bottom of the opening page and click on Privacy. Your work at TDL may require assisting a patient exercise their Privacy Rights.

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You are responsible for immediately notifying your supervisor if you ever become aware of a possible breach of a patient's PHI.

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## HIPAA Minimum Necessary Standard

The HIPAA minimum necessary standard applies to uses and disclosures of PHI that are permitted under the HIPAA Privacy Rule, including accessing PHI by healthcare professionals and disclosures to business associates and other covered entities. The standard also applies to requests for protected health information from other HIPAA-covered entities, such as a patient's cardiologist requesting records for lab tests ordered by the patient's primary care physician. Under the HIPAA minimum necessary standard, HIPAA-covered entities must make reasonable efforts to ensure that uses and disclosures of PHI are limited to the minimum necessary information to accomplish the intended purpose of a particular use or disclosure. For example, if a provider is calling for a copy of all of a patient's lab results for the calendar year 2024, and the records for all years on file (for example, 2018 to 2024) are released, that would be a violation of the minimum necessary standard as only 2024 were requested.

The terms 'reasonable' and 'necessary' are open to interpretation, which can cause some confusion. Using these terms leaves it up to the judgment of the covered entity as to what information is disclosed and the efforts that should be made to restrict disclosures to more than necessary. Any decisions that are made with respect to the minimum necessary standard should be supported by a rational justification, should reflect the technical capabilities of the covered entity, and should also factor in privacy and security risks.

Whenever there is a question about the "minimum necessary," please ask your supervisor or get in touch with Tribal Diagnostic's Privacy Officer for guidance.

You will learn much more about these rules during your annual HIPAA training. It will be your duty and responsibility to follow the guidance provided in these Standards of Conduct and what is provided in your annual HIPAA training.

## Key Takeaways

Refers to permitted uses and disclosures of PHI such as responding to a provider's request for test results on a patient or the release of billing information to submit a claim for services provided.	Only provide that which is requested, nothing more.
May require you to exercise some judgment. If ever in doubt check with your supervisor or Privacy Officer.	Privacy Officer Jack Ewart Jacke@tribaldiagnosics.com 713-679-8360

# Conflicts of Interest

Oklahoma State Capitol Complex



## Conflicts of Interest:

A conflict of interest may arise when an employee's private interest interferes or even appears to interfere with Tribal Diagnostic's interests. Employees must work objectively and effectively for Tribal Diagnostics.

## Financial Conflicts of Interest:

May arise when you or a relative have financial interests, a job or a position with any Tribal Diagnostics competitor, supplier, client, distributor, health care organization, vendor or any such entity that is in a position to offer you something of value that would result in your acting in a manner that could or would compromise what would be in the best interest of Tribal Diagnostics.

## Internal Conflicts of Interest:

May arise if you and a family member, domestic partner, or individual with whom you have a close personal relationship works in the same department, shares a reporting structure, are members of the same management team, or have influence or decision-making authority with respect to one or the other's position. Disclose the relationship to your supervisor to determine whether there is a conflict and what to do about it.

Conflicts of Interest may happen when you are engaged in a second job or business of your own that may conflict with your responsibilities to Tribal Diagnostics.

In any of these situations, or any other situation not described above in which you may be in a position to make a decision that is not in the best interest of Tribal Diagnostics, we request that you have a conversation with your immediate supervisor or any other member of Tribal Diagnostic's management team with whom you feel comfortable, so that you can mutually resolve the conflict.

## Key Takeaways

Conflicts of interest can interfere with Tribal Diagnostics' best interests.

Can be caused by being offered something of value.

Can be caused by a relationship you have with a co-worker.

Can be caused by working another job such as for a competitor or client of Tribal Diagnostics.

It is your responsibility to work with management to resolve the conflict.



## Exchange of Gifts and Entertainment

In many industries, exchanging courtesies such as gifts and entertainment is integral to conducting business. However, in the healthcare industry, things are different. The most significant reason is that federal and state agencies that pay for healthcare, for example, Medicare and Medicaid paying for enrollee's laboratory testing, want relationships between the ordering provider and the laboratory to be based on quality decisions, not on an exchange of something of value. Providing or accepting inappropriate gifts and entertainment can harm Tribal Diagnostic's business and reputation and may be illegal.

Ethical relationships with clients and vendors are critical to supporting Tribal Diagnostic's mission. Occasional meals and business courtesies can help facilitate legitimate scientific and educational discussions about Tribal's products and services. However, Tribal Diagnostics may not give or receive gifts, meals, entertainment, recreation, or other valuable items in a manner that could improperly influence a

a clinical or business decision. In the United States, federal and state laws limit what Tribal Diagnostics can provide to healthcare professionals who refer patients for diagnostic testing to our laboratory. When interacting with clients and third parties, Tribal Diagnostics must abide by the guidelines and restrictions for providing and receiving gifts, meals and entertainment found in our Non-Monetary Compensation Policy and follow all applicable laws and regulations.

Generally speaking, accepting modest gifts, entertainment, or other business courtesies is permissible if the gift or entertainment helps improve business, political, or community relationships. Tribal Diagnostics' employees can accept modest meals, entertainment, or small gifts if they are not given to influence purchasing decisions or during the purchasing or contracting decision process with an agreement (implicit or explicit) to purchase.

### A few more thoughts...

If you interact with clients or third parties, familiarize yourself with our Non Monetary Compensation Policy.

You may receive or offer courtesies of value if related to a legitimate business purpose and:

It is not cash or cash equivalent (no gift card) and is modest in value.

It is not requested or offered in exchange for making a business decision.

It is offered in an open and transparent way (not hidden or disguised).



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# Background and Exclusions Checks

Rosa Oklahoma, State Flower



## Background Checks

All individuals being considered for employment at Tribal Diagnostics undergo rigorous background checks, which include:

1. **National Criminal Search:** A search of various databases for potential criminal records (arrests, charges, convictions, etc.)
2. **Social Security Verification:** To comply with employment regulations and prevent identity fraud.
3. **Sex Offender Registry Check:** A database search that contains information about convicted sex offenders.
4. **Motor Vehicle Check:** Prospective employees for courier positions have this check performed to ascertain if an individual has a safe driving record

## Exclusions Checks

An "exclusion check" is a process of verifying whether an individual or entity is listed on a government database of excluded individuals, meaning they are prohibited from participating in certain federal programs, like Medicare and Medicaid, due to past misconduct or violations, typically related to fraud, abuse, or neglect; essentially, it's a check to ensure someone isn't banned from doing business with government-funded programs by appearing on an "exclusion list.". Prior to onboarding any new provider, vendor or employee, and then monthly thereafter, the following exclusions databases are searched:

1. Department of Health and Human Services Office of Inspector General List of Excluded Individuals and Entities
2. Texas Office of Inspector General (onboarding only)
3. Sam.gov (onboarding only)

## A few more thoughts...

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All perspective employees regardless of position or title undergo background and exclusions checks.

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All providers and vendors undergo exclusions checks, as described.

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Pending the results of these checks, prospective and current employees, providers and vendors may be denied employment or will be disengaged with Tribal Diagnostics.

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# Cooperating with Investigations

Scissorstail Flycatcher, Oklahoma State Bird



## Overview:

It is possible for government agencies to investigate an issue with Tribal Diagnostics. Some causes for an investigation could be a competitor or consumer, “whistleblower”, or insurance company complaints. Enforcement agencies that would likely be investigating could be the Department of Justice, the Office of the Inspector General at the Department of Health and Human Services, state Attorneys General, other Federal and State Agencies, or Laboratory Accreditation programs. These agencies could come without any prior notice. They could walk into the laboratory and begin conversing with the first person they see. This section of the Standards of Conduct provides some education and guidance on how you should respond.

## Terminology:

**Search warrant:** Authorizes law enforcement to search a specific area and seize evidence of a crime. They require probable cause, judicial approval, and a specific description of what to search for and where to search. Law enforcement executes the warrant and can seize evidence.

**Subpoena:** A court order that requires an individual or entity to appear in court, produce documents,

or testify. A court or an attorney can issue subpoenas. The recipient of a subpoena is responsible for complying with it.

**Affidavit:** A written statement of fact, signed under oath and used as evidence to proceed with legal proceedings.

**Fifth Amendment:** Protects citizens from self-incrimination and is often called “the right to remain silent”. It guarantees that individuals cannot be forced to provide evidence or testimony that could be used against them in a criminal case. It is important to know that this right applies to individuals, not corporations. Legal counsel could assist in determining when this right would be applicable.

## Key Takeaways

Investigators may arrive at anytime in front of anyone. Knowledge of the process will help you to respond.

Law enforcement agencies execute search warrants which allows them to search for and seize evidence.

Courts execute subpoenas which are generally mailed. They differ from search warrants in that there is no seizure of evidence.

Consult with legal counsel if you are considering exercising your right to remain silent during an investigation.

# Search Warrant Protocol

Oklahoma State Fruit



**Step 1:** Be cordial and cooperative. Demeanor sets the tone for a congenial experience with all parties involved. There is no reason to be guarded or defensive in demeanor; investigations are fact-finding missions, nothing more. Cooperation is crucially important. If the investigation concludes that some level of wrongdoing has occurred, the level of cooperation put forth by Tribal Diagnostics will be considered when calculating a penalty or fine.

**Step 2:** Step 2: Notify anyone on Tribal Diagnostics Investigations Response Team. The individual you notified will notify the other members of the Team. That individual will also give you instructions on what to communicate to the investigators. For example, you may be asked to ask the investigators for a copy of their search warrant or subpoena and then either fax or email it to the team member.

The remaining steps are to be taken by the Investigation Response Team:

**Step 3:** Consider if legal counsel should be engaged in the investigation. If it is decided to engage legal counsel, inform the investigators of that decision and ask them to allow some time for that to occur.

**Step 4:** If the investigation includes a search, consider minimizing the number of individuals in the search area to only those who are most knowledgeable about the information being sought.

**Step 5:** Review the search warrant carefully. Technically, agents may only seize what is listed on the warrant.

**Step 6:** Because corporations do not have Fifth Amendment rights, agents can seize original documents but cannot seize or make copies of personal records. If possible, make copies of all documents being seized. If not possible, keep an accurate list of areas searched, documents and items seized, and questions asked by agents.

**Step 7:** There is no requirement to speak to agents or to respond to questions. Respectfully decline and refer agents to counsel. Search warrants are for documents and electronic data, not testimonial evidence.

**Step 8:** Identify and determine the agency of each investigator and the agent in charge and request contact information.

## Key Takeaways

Adopt a cordial and cooperative tone for a smoother experience.

Investigation Response Team:  
Cory Littlepage  
Jack Ewart  
Jen Bennett  
Joy Lord

Consider involving legal counsel from the outset.

Consider moving employees away from active search sites, if possible.

Carefully review the search warrant and allow access to only those areas.  
Document items seized.

# Relationships with Third Parties



“Third parties” are defined as any business entity that has a relationship with Tribal Diagnostics to provide products or services directly to Tribal Diagnostics or any of its affiliates. “Third party” is an umbrella term for a vendor, supplier, provider, etc.

## Business Associates

Business Associates are a special subset of a third party. A “business associate” is a person or entity that performs certain functions or activities that involve the use or disclosure of protected health information on behalf of, or provides services to, a covered entity (Tribal Diagnostics is, by HIPAA definition, a covered entity). Put another way, a business associate's functions include creating, receiving, maintaining, or transmitting protected health information (PHI) on behalf of a covered entity. HIPAA requires that Tribal Diagnostics execute a Business Associate Agreement (BAA) with any third party that fits the definition of Business Associate. Any Tribal Diagnostics workforce member who, in the course of their work, initiates or establishes a relationship with a Business Associate must notify Tribal Diagnostics' Privacy Officer so that a BAA can be executed, as required by law.

## Onboarding Third Parties

The first step in establishing a third-party relationship is to conduct adequate due diligence on the prospective third party to ensure they are reputable and qualified. Due diligence steps that may be taken are:

- Identifying potential risks in establishing a relationship
- Assessing the party's financial stability
- Reviewing their compliance with relevant regulations
- Evaluating their operational capabilities
- Conducting a thorough review of their company overview and background information

Once a third party has been selected, the relationship should be articulated in writing to ensure that all transactions are transparent. All transactions should be based on the concept of “an arm's length transaction”, which refers to a business deal in which buyers and sellers act independently without one party influencing the other. Arm's length transactions assert that both parties act in their own self-interest and are not subject to pressure from the other party. Remuneration for services provided must be no more than fair market value for similar products and services.

## Key Takeaways

A Business Associate is a third party that performs functions for Tribal Diagnostics that involve protected health information (PHI).

Tribal Diagnostics is required by law to execute a Business Associate Agreement with Business Associates.

If you are involved in onboarding a Business Associate, notify Tribal Diagnostics' Privacy Officer.