

HIMSS Business Conduct Guidelines **Frequently Asked Questions**

The following FAQs are intended to respond to general questions that HIMSS Members - Corporate, Individual and Organizational Affiliates - may have relative to the HIMSS Business Conduct Guidelines. These Guidelines are provided as general information and do not constitute legal advice. HIMSS encourages all of its Members to support compliance programs within their own organizations and address specific questions to their compliance executives.

Q. Why is HIMSS publishing Business Conduct Guidelines for its Members?

A. HIMSS is responding to requests from its Corporate Members to provide guidance for the industry in the area of compliance to the Anti-Kickback Statutes (AKS). These statutes describe very specific guidelines for HIT suppliers and buyers who are engaged in health information technology (HIT) business transactions. HIMSS urges all of its Members to become familiar with AKS and incorporate appropriate policies in their compliance programs.

Q. Do these Guidelines apply to HIT companies, provider organizations or consultants?

A. Yes, HIMSS Business Conduct Guidelines, like AKS, apply to all suppliers and buyers of HIT products and services. The Guidelines are intended to help all HIMSS Members understand the general requirements and limitations relative to federal anti-kickback statutes that may impact their organizations - whether software companies, hospitals, consulting firms or other stakeholders who may participate in HIT commerce.

Q. What should HIMSS Member do if he or she becomes aware of a potential violation of the anti-kickback regulations?

A. All HIMSS Members are encouraged to become educated about the laws that govern their business conduct and use these Guidelines to support their organizations' compliance programs. Specific concerns should be addressed with your organization's Compliance Officer.

Q. What should HIMSS Members do to facilitate internal compliance with these Guidelines?

A. HIMSS Members should consider adopting adequate compliance programs to assure conformity with applicable laws and regulations. Compliance programs might involve executive management, legal, and accounting personnel in the following activities: (i) educating personnel about their obligations under applicable laws and regulations; (ii) setting procedures to approve the types of funding, payments, expenses, grants, gifts, donations, compensation, or activities related to the evaluation and acquisition of health information technology; (iii) conducting due diligence with respect to these activities; and (iv) monitoring and auditing the types of funding, payments, expenses, grants, gifts, donations, compensation, or activities related to the evaluation and acquisition of health information technology.