

## Offshore Subcontracting Attestation: Participating Provider

<p><b>If you are a Health Net of California, Inc., Health Net Community Solutions, Inc. and/or Health Net Life Insurance Company (Health Net) participating provider (also referred to as first-tier, downstream or related entities) using offshore subcontractors, indicate your business name and tax identification (ID) number below.</b></p>	
<p><b>Name of participating provider (if applicable):</b></p>	
<p><b>Tax ID:</b></p>	
<p><b>If you manage multiple participating providers, list the name(s) and tax IDs for whom you are completing this attestation or attach a separate sheet.</b></p>	
<p> </p>	
<p><b>Enter your name, title, phone number, signature, and date that you completed this attestation.</b></p>	
<p><b>Name:</b></p>	<p><b>Title:</b></p>
<p><b>Phone number:</b></p>	
<p><b>Signature:</b></p>	
<p><b>Date:</b></p>	
<p><b>Do you utilize offshore subcontractors?</b>          The Centers for Medicare &amp; Medicaid Services (CMS) defines <i>offshore subcontractor</i> as follows:          “The term subcontractor refers to any organization that a Medicare Advantage Organization or Part D sponsor contracts with to fulfill or help fulfill requirements in their Part C and/or Part D contracts. Subcontractors include all first-tier, downstream and/or related entities. The term offshore refers to any country that is not within the United States or one of the United States territories (American Samoa, Guam, Northern Marianas, Puerto Rico, and Virgin Islands). Examples of countries that meet the definition of ‘offshore’ include Mexico, Canada, India, Germany, and Japan. Subcontractors that are considered offshore can be either American-owned companies with certain portions of their operations performed outside the United States or foreign-owned companies with their operations performed outside the United States. Offshore subcontractors provide services that are performed by workers located in offshore countries, regardless of whether the workers are employees of American or foreign companies.”          Health Net policy prohibits the transfer or storage of data outside the United States.</p>	<p><b>Response:</b>  <b>Yes</b>  <b>No</b></p>
<p><b>Do you engage in offshore subcontracting that involves processing, handling or accessing protected health information (PHI)?</b>          If “No,” the survey is complete and you do not need to complete or submit the attestation.          If “Yes,” continue completing the form and submit a copy via mail or fax to:           Health Net          Kristina Rodriguez          Director, Provider Network Management Operations          Email: Kristina.M.Rodriguez@healthnet.com</p> <p>This form must be completed in full for each new offshore subcontractor, and sent to Health Net within 20 calendar days from the date the contract is signed with the offshore subcontractor to the address or fax number provided above.</p>	<p><b>Response:</b>  <b>Yes</b>  <b>No</b></p>

**Offshore Subcontracting Attestation: Participating Provider**

<b>Part I. Offshore subcontractor information</b>	
Offshore subcontractor name:	
Offshore subcontractor country:	
Offshore subcontractor address:	
Describe offshore subcontractor functions:	
State proposed or actual effective date for offshore subcontractor (Month, day, year):	

<b>Part II. Precautions for PHI</b>	
Describe the PHI that will be provided to the offshore subcontractor:	
Discuss why providing PHI is necessary to accomplish the offshore subcontractor objectives:	
Describe alternatives considered to avoid providing PHI and why each alternative was rejected:	

### Offshore Subcontracting Attestation: Participating Provider

<b>Part III. Attestation of safeguards to protect beneficiary information in the offshore subcontract</b>		
<b>Item</b>	<b>Attestation</b>	<b>Response: Yes No</b>
<b>III.1</b>	Offshore subcontracting arrangement has policies and procedures in place to ensure that beneficiary PHI and other personal information remain secure.	
	Participating provider to provide a copy of the policies and procedures that document the process used to ensure the security of beneficiary PHI and other personal information. Copies are provided to Health Net along with this completed attestation.	
<b>III.2</b>	Offshore subcontracting arrangement prohibits subcontractor's access to data not associated with the sponsor's contract with the offshore subcontractor.	
<b>III.3</b>	Offshore subcontracting arrangement has policies and procedures in place that allow for immediate termination of the subcontract upon discovery of a significant security breach.	
	Participating provider to provide a copy of the policies and procedures that document the process used for the immediate termination of the subcontract upon discovery of a significant security breach. Copies are provided to Health Net along with this completed attestation.	
<b>III.4</b>	Offshore subcontracting arrangement includes all required Medicare Part C and Part D language, such as record retention requirements, compliance with all Medicare Part C and Part D requirements, etc.	
	Applicable to participating providers contracting with Health Net for the Medicare Advantage line of business – Participating provider to provide a copy of the provider's agreement (proprietary information removed) with the offshore subcontractor. A copy is provided to Health Net along with this completed attestation.	

<b>Part IV. Attestation of audit requirements to ensure protection of PHI</b>		
<b>Item</b>	<b>Attestation</b>	<b>Response: Yes No</b>
<b>IV.1</b>	Participating provider will conduct an annual audit of the offshore subcontractor.	
	Participating provider to provide a copy of the policies and procedures documenting the process used for conducting annual audits, for monitoring and tracking results, and resolving any identified deficiencies. Copies are provided to Health Net along with this completed attestation.	
<b>IV.2</b>	Audit results are used by the participating provider to evaluate the continuation of its relationship with the offshore subcontractor.	
<b>IV.3</b>	Participating provider agrees to share offshore subcontractors' audit results with Health Net or CMS upon request.	