Code of Conduct

American Senior Communities
Where caring people make the difference.

ASCCare.com
Vision
To be a world-class health organization in your local community that does the right thing, at the right time, the right way and for the right reason. An honorable and trusted employer that celebrates excellent quality outcomes through innovative, customer-focused services.

Mission
To compassionately serve each customer with quality care and excellence.

Values
Compassion, Accountability, Relationships and Excellence are the core values for American Senior Communities. These words not only form the acronym CARE, they are our guiding principles and create the framework of all of our relationships with customers, team members, families and the community at large.

- **Compassion:** We treat individuals with kindness, empathy and respect.
- **Accountability:** We take ownership for our actions and results.
- **Relationships:** We build and maintain positive relationships through common purpose and open communication.
- **Excellence:** We provide the best service and outcomes possible by going above and beyond to exceed our customers’ expectations.
Dear Colleagues:

At American Senior Communities (ASC), we believe there is no profession more honorable than the one that cares for individuals who are elderly, ill, injured or in a weakened state. We support them during tough times and create joyful moments in the lives of these friends and neighbors we call customers. In our daily service to both our customers and each other, remember ASC’s vision to always do the right thing, at the right time, the right way for the right reason. In short, do all things ethically and with integrity.

This Code of Conduct covers a variety of topics to provide employees with the information they need to uphold company policy and comply with key state and federal regulations and laws. It does not, nor is it intended to, cover every regulation. It does, however, focus on important areas that you will encounter every day. The Code extends to all areas of our business, including customers, vendors, profession partners and the government.

It is your responsibility to speak up if you know of a situation or issue that violates the law, company policy or our core principles. Utilizing an outside third-party vendor, ASC offers a hotline to which you can report concerns related to customer care, employee conduct or business operations. Hotlines are designed to facilitate open communications confidentially. The hotline phone number is 1-888-788-2502. Anyone who uses the hotline is protected from any type of retaliation.

Read the Code thoughtfully. When you sign it, make or renew a personal commitment to practice and promote it every day. If there are any questions, please don’t hesitate to ask your supervisor. Our reputation belongs to all of us. I ask for your help in maintaining it and making it stronger. Thank you for the service you provide so well and thank you for choosing to serve with American Senior Communities.

Respectfully,

DONNA KELSEY, CHIEF EXECUTIVE OFFICER

MARK JACKSON, CHAIRMAN, BOARD OF MANAGERS

CATE SABATINE, CHIEF COMPLIANCE OFFICER
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Introduction

American Senior Communities (“ASC”) is committed to compassionately serving each Resident with quality care and excellence. ASC wants to ensure the organization, employees, vendors and all business operations are conducted with the highest ethical standards in accordance with all federal and state health care requirements and company policy.

ASC’s Code of Conduct (“Code”) describes our values, and our commitment to excellence. The Code outlines the ethics ASC strives to maintain in its relationships with our employees, Residents, contractors and facilities. As an organization, we must make every effort to address any concern of non-compliance. ASC and the Code support this cause by having transparency across all aspects of the organization and by promoting legal and ethical behavior. It is never acceptable for any ASC employee or contractor to ask or to be asked to act in any manner that is not in accordance with these standards of excellence.

Due to the highly regulated business in which ASC is engaged, the laws and regulations applicable to us are complex and include rules governing health care programs. The Code will review many areas of potential unethical and illegal behavior. However, this Code is not intended to be an all-inclusive rule book, as it is not possible to list all potential compliance concerns. If you have any questions or concerns about any compliance matter, you should contact a supervisor, manager, Executive Director, Regional Vice President Operations (RVPO), the Compliance Department, the Chief Compliance Officer, or the ASC Legal Department to ensure the decisions being made reflect ASC values and commitment to doing the right thing. You may also contact the anonymous ASC Hotline 24-hours a day with any questions or concerns at 1-888-788-2502. You can also file a report online at www.ASCHotline.com.

This Code provides support to all Board of Managers, officers, employees and contractors so you have a clear understanding of ASC’s commitment to integrity, as well as:

- Expectations for acting with integrity inside and outside the workplace
- Tools for reporting questions and concerns regarding integrity matters
- Available resources to learn more about integrity

Who is Covered Under the Code of Conduct?

All ASC Covered Persons (employees, officers, Board of Managers, volunteers) and all Covered Contractors, (independent contractors, subcontractors and vendors) are required to comply with ASC’s Code of Conduct, policies and procedures. You must also comply with all applicable laws and regulations, including all federal health care program requirements. Covered Contractors are encouraged to have their own compliance programs and are also expected to comply with the standards of ASC’s Code of Conduct.

Accountability under the Code

Employees will conduct themselves and ASC business with honesty and integrity. Unethical, questionable, or illegal conduct to achieve business or personal gain is not appropriate and could result in disciplinary action up to and including termination. Compliance with the Code is a term and condition of employment.
American Senior Communities Compliance Program

ASC’s Compliance Program supports doing the right thing, at the right time, the right way, for the right reason. This vision articulates the Compliance Department’s mission to provide education and guidance to all employees of ASC’s facilities.

ASC’s Compliance Program is also committed to promoting compliance with laws, regulations and policies. ASC has established systems, processes and compliance committees at every level of the organization, from our facilities and locations to the Board of Managers. The Compliance Program is administered by the Compliance Department and lead by the Chief Compliance Officer. The Chief Compliance Officer reports directly to the Board of Managers, and the Department functions independently.

ASC’s Compliance Program is based on the Department of Health and Human Services Office of Inspector General’s seven elements of an effective compliance program:

- Written Standards of Conduct
- Oversight
- Training and Education
- Monitoring and Auditing
- Performance Improvement
- Reporting Mechanisms (Hotline)
- Internal Response and Corrective Action

Obligation to Report

All employees and contractors are obligated to report any suspected or known violations of this Code. This includes any violation of applicable laws, rules, regulations or policies. Employees have the right to report concerns anonymously through the ASC Hotline or by contacting a supervisor, manager, Executive Director, RVPO, the Compliance Department or the Chief Compliance Officer.

Employees are required to report any suspected activities which could include, but are not limited to, the following:

- Suspected or known incidents of abuse, neglect or harm to a resident, family member, or employee
- Violations of state or federal health care programs
- Conduct that violates the Code, employee handbook, or any ASC policy or procedure
- Harassment, discrimination or retaliation
- Falsified information and documentation or questionable billing practices
- Unsafe work environment

It is not acceptable to overlook known or suspected wrongdoing!
What should I do if I feel that the practices in my facility or department are in violation of the Code of Conduct?

You should report the concern to the Compliance Department or the ASC Hotline.

All reported concerns are investigated as appropriate. An investigation may reveal that there is a need for correction, education or clarification. The investigation may also reveal that other individuals had similar concerns and there is a need to address the matter facility/department wide. ASC appreciates an individual’s willingness to uphold our mission by allowing us to address questions and concerns and implement appropriate corrective action when necessary.

Communication Process

For questions about the Code, ASC policies or to report any known or suspected violations, follow the steps below:

1. Talk with a direct supervisor or manager. Supervisors/managers will be familiar with ASC policy, federal and state rules, laws and regulations related to specific job titles and will be able to assist with most concerns.
2. If you are uncomfortable going to a supervisor or manager with a concern, speak with the facility Executive Director or RVPO.
3. If the matter is not addressed after speaking with your supervisor, manager, RVPO, or the Compliance Department, contact the ASC Hotline or the Chief Compliance Officer directly.

While we hope issues can be resolved internally, anyone can use the ASC Hotline at any time for its intended purpose.

How to Report a Concern

Concerns, complaints and potential violations of the Code or other ASC policies may be reported to the Chief Compliance Officer or to the Compliance Department in the following ways:

- **By calling:** the ASC Hotline at 1- 888-788-2502*
- **By reporting online:** www.ASCHotline.com
- **By mail, send to:**
  American Senior Communities
  6900 South Gray Road
  Indianapolis, IN 46237
  Attn: Chief Compliance Officer
- **By emailing:** Compliance@ASCCare.com
- **By reporting the concern:** directly to the Chief Compliance Officer or to a member of the Compliance Department.

*ASC’s Hotline is available 24 hours a day, 365 days a year. A third-party vendor operates the ASC Hotline, and calls are not recorded.
The ASC Hotline is committed to protecting the identity of all who wish to remain anonymous. To the extent possible, ASC will make every attempt to maintain the confidentiality and anonymity of all reports submitted. Please note, if you choose to be anonymous, there will be no way for ASC to contact you for more information or follow-up questions.

All concerns reported to the Hotline are taken seriously and will be addressed to the fullest extent necessary. Therefore, it is important to use the Hotline appropriately. Individuals who intentionally misuse the ASC Hotline may be subject to disciplinary action.

**When should an employee contact the ASC Hotline?**

The ASC Hotline should be contacted anytime an employee is made aware of a known or suspected violation of the Code, or any federal or state health care rules, regulations or laws and is not comfortable approaching a supervisor, management, Executive Director, RVPO or Senior Leader. An employee may also contact the ASC Hotline with any concern or issue requiring anonymity.

**Reports of any type of abuse to a resident must be reported to the Executive Director of the Facility per ASC policies and procedures. Regulatory requirements require any issue of abuse be reported timely and must to reported to the Executive Director of the facility.**

**How a Concern is Addressed**

Reports are submitted from the Hotline representatives to an ASC designee to send out for investigation. All concerns will be investigated thoroughly by an appropriate investigator. It is possible that you may be contacted by the investigator either during or at the conclusion of the investigation to discuss the outcome.

If you choose to retain your reference number and check the status of the report via the ASC Hotline, you will be told if the report is currently open or closed. Investigative findings are not available to the ASC Hotline representatives and will not be provided via the ASC Hotline.

To protect the rights of all individuals involved, employees will not be told if any disciplinary actions resulted from the call. As a result of your reported concern, you may witness changes, corrections or education taking place within the facility or your department.

**No Retaliation Policy**

ASC strictly prohibits any form of retaliation against any employee who reasonably makes a complaint, raises a concern in good faith, provides information, assists in an investigation or proceeding regarding any conduct believed to be in violation of the Compliance Program, or ASC’s policies or applicable laws, rules or regulations.

ASC prohibits employees from being retaliated against even if complaints or concerns are proven unfounded by an investigation, unless the employee knowingly, intentionally, or maliciously made a false allegation or otherwise acted in bad faith. However, ASC makes no assurances to protect the employee from appropriate disciplinary action if it was their conduct that contributed in any way to the actual wrongdoing.

For the complete No Retaliation Policy, please reference the Employee Handbook.
What should I do if I feel retaliated against?

ASC will not tolerate retaliation in any form. If you experience retaliation, you should report it immediately to a supervisor, to the Compliance Department, the Chief Compliance Officer or to the ASC Hotline so it may be addressed appropriately.

Prohibited retaliation includes, but is not limited to:

- Termination
- Demotion
- Suspension
- Failure to hire or consider for hire
- Failure to promote or be considered for promotion
- Threats
- Intimidation
- Coercion
- Denial of employment benefits
- Other actions adversely affecting working conditions or employment

Your Obligation to ASC

All members of the Board of Managers, officers and employees are required to cooperate with internal investigations. The destruction or altering of any documentation (whether written or electronic) that is associated with an investigation is strictly prohibited. ASC also prohibits lying to or misleading an investigator or obstructing an investigation by hindering collection of evidence. ASC’s policy is to comply with all reasonable and lawful requests for information and documents made by government officials.

While ASC will comply with these requests, the law does not require disclosure of certain information, which may include, but is not limited to:

- Certain resident information that may be protected by medical record privacy laws; and
- Certain quality assurance information compiled by ASC facilities in accordance with federal and state requirements.

You must notify the ASC Legal Department immediately if a government agency or other third party is asking you for information regarding a suspected violation of law or if you learn that an agency is conducting an investigation of ASC.

Consequences of Non-Compliance

The consequences can be serious for anyone or organization who fails to comply with laws and regulations. These consequences may include termination of employment, actions against your license, individual lawsuits, government investigations and prosecutions, prison, fines against you and ASC, exclusion from participating in state and federal health care programs, loss of credibility and loss of respect from your peers.

Because failure to comply with laws and regulations can lead to such serious consequences, disciplinary action, up to and including termination of employment, will be taken against any employee for:
• Participating in or authorizing any violation of laws, regulations, ASC’s Code of Conduct or ASC policies and procedures;
• Failing to report violations;
• Concealing violations;
• Refusing to cooperate with an internal investigation; or
• Threatening or retaliating against a coworker who reports a violation.

**Providing Quality Care**

Our mission is “to compassionately serve each resident with quality care and excellence.” We live our mission by being responsive to concerns and maintaining resident rights with dignity at all times. Our expectation is that each resident will be provided with respect, care and services delivered in a timely and reasonable manner. Resident abuse or neglect will not be tolerated at ASC.

We promote ethical, innovative, professional and compassionate care within an environment that nurtures our residents’ physical, social, emotional and spiritual needs.

ASC respects the rights of residents and their families to participate in health care decisions and must inform them of their rights as required by law. This includes the right to participate in decisions on whether to consent to or refuse treatment. In certain instances, a resident’s decision regarding care may conflict with ASC’s policies. These kinds of ethical issues should be reviewed under ASC’s policies and procedures and applicable state and federal laws. We are committed to providing information that will promote knowledgeable decisions.

**Protecting Resident Privacy**

ASC is committed to ensuring the privacy and security of all protected health information (PHI) and personal information (PI) maintained on its residents and employees. Federal and state laws, such as the Health Insurance Portability and Accountability Act (HIPAA) protect information we maintain on our residents and employees. Protecting this information is an important responsibility for all ASC employees. For this reason, ASC has developed policies and procedures to ensure information is maintained confidentially.

All ASC employees and contractors are required to maintain the confidentiality of resident information. All resident information, including names, social security numbers, diagnoses, treatment information and other information related to the resident constitutes PHI regardless of whether the information is verbal, written or electronic. You should treat information entrusted to you as you would treat your own private information. Employees and contractors should:

- Be continually aware of patient or resident information in your possession, which may include: paper, computer screens, printers, photographs, or fax machines.
- Ensure proper consents or authorizations are obtained before releasing resident information to anyone. When in doubt, ask!
- Log out or lock computers when not in use or when away.
- Close and lock office doors or other secure areas and information when away.
- Never share log-in information or passwords with anyone.
- Never place papers or documents with patient or resident information in the regular trash. If the information contains PHI, it must go into a locked shred container. All information needing to be shredded must be placed into a locked shred container at the end of each shift.
- Do not leave PHI unattended and in plain view (including in your vehicle).
• Do not openly discuss a patient or resident condition where others can hear or share information with those who are not directly involved with care.
• Verify email recipients and fax numbers before hitting send.
• Double check the patient or resident name and date of birth prior to giving receipts, discharge summaries, lab reports, etc.
• Do not take PHI out of the workplace without permission.
• Never post a patient or resident picture or PHI to social media without a signed ASC media consent. Failure to adhere to this policy could lead to termination.

To ensure information security, ASC has implemented safeguards including:
• Encrypting mobile devices containing PHI
• Requiring passwords for ASC systems
• Limiting access to information to the minimum necessary based on job role
• Prohibiting unauthorized software on ASC devices
• Prohibiting texting PHI

Breaches of Protected Health Information (PHI)

The unauthorized possession, access, use or disclosure of PHI that compromises the security or privacy of the PHI is a breach.

If you become aware of a breach or potential breach of any PHI, you should immediately report your concern to your ED, RVPO and the Privacy Officer. You may also report concerns to the ASC Hotline. ASC may be subject to fines and penalties for failing to respond timely and properly to breaches. The Privacy Officer will ensure that all federal and state notification requirements are followed.

Examples of potential breaches include:
• Misdirected faxes containing health information
• Lost or misdirected medical records
• Discussing a patient’s or resident’s medical condition with a person not authorized to receive the information
• Posting pictures of patients, residents or their information on any social media platform
• Sending emails to people who are not authorized to receive the information, such as by using the “reply all” feature.

What do I do if I accidentally send a fax containing protected health information (PHI) to the wrong number?

Any instance of misdirected PHI should be acted upon immediately. If a fax was sent to an unintended recipient, contact the Privacy Officer and provide him or her with details of the error (subject matter, date, time, fax number used in error). The Privacy Officer will assist you with contacting the individual by phone or fax to explain that the information was misdirected. We may ask the individual to shred all documents received from the facility.

To prevent any future occurrences, regularly used fax numbers should be programmed into fax machines. PHI may be scanned and sent by email as an alternative method.
Proprietary Information

Confidential information about ASC's business is a valuable asset and is intended for use only within ASC. All information concerning ASC's finances, operations, products, policies, customers, development plans, computer programs and related information should be treated as proprietary and confidential. This information should not be released to anyone outside of ASC, such as competitors, suppliers, outside contractors or business associates, except as required by law.

Property, Equipment and Supplies

ASC employees share responsibility for maintaining and complying with the internal control requirements and procedures established by ASC to ensure that all facilities, systems, equipment, supplies, records, and other assets are maintained, to the maximum extent possible, in a safe and secure environment. All assets should be used only for authorized purposes in accordance with ASC policies and procedures.

ASC owns all communication equipment including computers, software, email, voicemail and office supplies. Therefore, all communication sent or received through any of these devices is considered company property. ASC has the right to monitor all communication as well as internet usage on ASC equipment.

Only approved computer software should be loaded to ASC computers. Downloading unauthorized computer software is prohibited as it could allow viruses into the ASC network. If you have any questions or concerns about software, please contact the IT Department.

Employee Information

ASC employee and personnel files are also confidential. Only individuals authorized by ASC policy and state and federal law will have access to employee records.

Compliance with the Law

Due to ASC being reimbursed for many services rendered under federal and state programs, we are subject to a variety of regulations and requirements imposed by federal and state legislations designed to combat fraud and abuse and recover losses resulting from fraudulent activity. We are also committed to complying with all health, safety, environmental and employment laws. ASC policies and procedures are written in accordance with these laws.

Preventing Fraud, Waste and Abuse

ASC has adopted written policies and procedures to ensure employees understand the laws regarding fraud, waste and abuse. Employees are trained on these policies and procedures routinely via ASC’s Online Education System (Relias) and in-service training. Through training, employees understand federal and state laws regarding the detection, prevention and how to report fraud, waste and abuse. Training will also inform employees of their right to protection against penalty or retaliation for reporting fraud, waste and abuse.
What are fraud, waste and abuse, and how can I identify them in my work environment?

**FRAUD** is a false statement made or submitted by an individual or entity that knows the statement is false and knows that the false statement could result in some otherwise unauthorized benefit to the individual or entity. These false statements could be verbal or written.

**WASTE** generally means overuse of services or other practices that result in unnecessary costs. In most cases, waste is not considered to be caused by reckless actions but rather the misuse of resources.

**ABUSE** generally refers to provider, contractor or member practices that are inconsistent with sound business, financial or medical practices, and that cause unnecessary costs to the health care system.

The False Claims Act (FCA)

The False Claims Act applies to reimbursement programs such as Medicare and Medicaid and prohibits knowingly submitting false claims, documentation, records or statements to the federal government for payment or approval.

Violating the False Claims Act may result in civil, criminal and administrative penalties, including monetary penalties, imprisonment, exclusion from participation in federal healthcare programs and loss of licensure.

Federal and state laws allow private citizens who file a lawsuit on behalf of the government for false claims to share in a percentage of the settlement or monetary recovery. Such laws and ASC policy prevent discrimination or retaliation against any employee who willfully assists or initiates an FCA investigation.

Any employee who knows or suspects any false claims or fraudulent business practices must report the information to the Chief Compliance Officer or to the ASC Hotline immediately.

Examples of false claims or prohibited business practices:

- Billing of unnecessary services
- Billing for services not provided
- Upcoding or changing procedure/diagnosis codes to receive better reimbursement
- Inappropriate use of resident funds
- False accounting practices
- Kickbacks
- Fraudulent cost reporting
- Illegal referrals

Elder Justice Act

To combat elder abuse, Congress passed the Elder Justice Act Under the Elder Justice Act, all ASC employees are required to report any reasonable suspicion of a crime committed against any individual who is a resident of, or is receiving care from, a long-term care facility, including hospice services provided at a long-term care facility. The report must be made within two hours of forming
a reasonable suspicion that a crime has occurred if there is a serious bodily injury, and within 24 hours of forming a reasonable suspicion that a crime has occurred if there is no serious bodily injury. Employees will report such incidents to the Executive Director or facility designee.

Not reporting suspected crimes can expose a provider to civil money penalties up to $200,000 and may lead to exclusion from participation in federal health care programs. If failure to report a crime results in further injury to the victim of the crime or results in harm to another individual, the civil monetary penalty may be increased to $300,00.

Employees who report elder abuse in good faith will not be retaliated against. Employees have the right to contact the Secretary of Health and Human Services to file a report or complaint against anyone who fails to report elder abuse. Questions regarding the Elder Justice Act should be referred to the Compliance Department or to the ASC Legal Department.

**Did you know …**

The United States Department of Justice reports that 1 in every 10 seniors is abused each year and only about 1 in every 23 cases is reported.

**Whistleblower**

A whistleblower is any employee of ASC who reports an activity they consider to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. Appropriate management officials are charged with these responsibilities.

The ASC Whistleblower Policy is intended to encourage and enable employees to raise serious concerns internally, allowing ASC to address and correct inappropriate conduct and actions. It is the responsibility of all Board members, officers, employees and volunteers to report concerns about violations of ASC’s Code of Conduct or suspected violations of law or regulations that govern operations.

If an employee has knowledge of or a concern about suspected illegal or dishonest fraudulent activity, the employee is to contact a supervisor, manager or the Chief Compliance Officer. Employees must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action according to ASC’s Human Resources policies.

Whistleblowers are protected with confidentiality and against retaliation. The confidentiality of the whistleblower will be maintained as much as possible. However, identity may be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. ASC will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who perceives retaliation needs to contact the Chief Compliance Officer immediately. The rights of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
Examples of illegal or dishonest activities are:

- Violations of federal, state or local laws
- Billing for services not performed or for goods not delivered
- Other fraudulent financial reporting

All concerns or possible violations should be reported immediately. Reports can be made through The ASC Hotline confidentiality. **1-888-788-2502** or online at [www.ASCHotline.com](http://www.ASCHotline.com).

**Kickbacks and Referrals**

The Anti-Kickback Statute prohibits employees from providing or accepting any item of value made directly or indirectly to any individual or organization for inducing or encouraging resident referrals or other items, goods or services paid under federal health care programs, including Medicare and Medicaid. Things of value take many forms and include kickbacks, bribes and rebates made either directly or indirectly. Prohibited conduct includes not only giving or receiving payment for resident referrals, but also for giving or receiving payment in exchange for purchasing, leasing or ordering any good or service paid for under any federal health care program. Even if there are legitimate business reasons for the payment, if one of the reasons you receive payment is prohibited, a violation of the Anti-Kickback Statute has occurred. Because of this rule, ASC strictly prohibits giving or receiving any gifts, gratuities or business courtesies to any of our business partners if one of the purposes is to reward past business referrals or to encourage future business referrals.

The Physician Self-Referral Law, or Stark law, prohibits physicians from making Medicare and Medicaid referrals to a provider for designated health services when the physician or an immediate family member of the physician has a financial relationship with the provider. A financial relationship can mean ownership of, investment in or compensation from a provider. ASC is prohibited from submitting claims for services provided resulting from an improper referral. Unlike the Anti-Kickback Statute, the Stark law can be violated even if you do not have the intent to do so.

Violating the Anti-Kickback Statute may lead to both civil and criminal penalties. Civil fines for violating the Anti-Kickback Statute can be up to $50,000 for each violation. Criminal penalties include fines up to $25,000, imprisonment up to five years, or both. In addition to other fines and penalties, you or ASC may be excluded from participating in federal health care programs.

Some examples of kickbacks and improper referrals may include, but are not limited to:

- Making payments to or receiving payments from referral sources that exceed fair market value
- Providing to, or accepting from, referral sources any free or discounted goods or services
- Establishing payment arrangements with vendors, suppliers or referral sources where reimbursement is based on the amount of volume of business rather than the value of the services provided
- Making payments or providing courtesies in exchange for referrals
Bribes

In the conduct of ASC business, bribes, payments or offers of anything of value are not to be offered to or received from any business partners, suppliers, vendors, government officials, or any other third party for purposes of improperly facilitating business relationships or gaining other business advantages. Such conduct is strictly prohibited. Employees are not to solicit or accept personal benefits from any of our business partners, suppliers, vendors, government officials or others seeking to do business with ASC. This includes not only direct payments of money, but also indirect payments, including gifts, entertainment and travel, unless otherwise permitted under the gifts policy. If any employee is offered or receives anything of value in violation of this policy, the employee must immediately report the event to the Chief Compliance Officer.

Gifts, Gratuities or Business Courtesies

Gifts, gratuities or business courtesies may only be offered or received if the ASC gifts policy guidelines are followed. Gifts are not to exceed $50 per individual or organization per year. No gift can be given if it is to encourage future referrals or is a reward for past referrals. A gift may not be accepted if it has the capability of raising an actual or perceived conflict of interest.

Example of an unallowable gift:

• ASC buys lunch for a department of a local hospital with a note that says, “Thank you for all of your business.”

• The family of a resident offers you a gift in exchange for providing their family member with extra attention and care. This would not be allowed since it creates a conflict of interest and may result in a reduction in care provided to our other residents.

Example of an allowable gift:

• Providing a discharge planner with a small gift of Starbucks coffee to thank them for assisting us with the coordination of care in placing a challenging resident.

• A modestly priced gift basket is sent from a vendor to the Executive Director. The Executive Director places the gift in the break room to be shared by all staff.

Accepting Gifts from Patients or Residents

Residents are entitled to excellent care and all services offered without the exchange of gifts or gratuities. Accepting gifts or anything of monetary value from residents could give the impression that you are favoring the resident or giving special treatment. It could also give the impression that you are taking advantage of the resident.

To ensure that all residents receive equal consideration and service, employees are prohibited from accepting tips or gratuities of any kind from residents or visitors. If a resident or family member offers you a gift, you should thank them for their generosity and politely decline the gift, citing ASC policy.

Under no circumstances may an employee solicit gifts or money from a resident or their representative. Failure to comply with this policy will lead to immediate termination.
If you have any questions about this policy, please contact your supervisor, Executive Director, RVPO, or the Compliance Department.

**Gift Cards**

Internal Revenue Service’s regulation states that “if an employer gives an employee cash, a gift card, gift certificate, vouchers, or similar items that can be used in place of cash or easily exchanged for cash, the value of the gift is additional taxable salary or wages regardless of the amount.” Therefore the use of gift cards or other similar items can only be used in isolated cases and subject to the approval of the Regional Vice President. *If a gift card is given to anyone and reimbursement is sought, the name of the employee or recipient of the gift card must be clearly identified.* Gift cards cannot exceed a de minimis amount ($50.00). Under no circumstances are gift cards to be accepted by an employee from a resident, a resident’s representative or family member.

**Charity Care**

It is not a violation for ASC, or any of its facilities, to provide free or discounted “charity care” services to individual residents who are suffering from a financial hardship and have been approved in advance by the Chief Executive Officer, Chief Operating Officer or Chief Financial Officer.

**Conflicts of Interest**

Conflicts of interest occur when you have an interest that affects, or appears to affect your work responsibilities, or affects your judgment when working on behalf of ASC. ASC’s employees, officers and Board of Managers have a responsibility to put the interests of ASC and our residents ahead of any other business interests and should not engage in any activities that conflict with ASC’s interests.

Potential conflicts of interest must be disclosed to supervisors upon hire or as they occur. All reported conflicts must be reviewed by the Compliance Department. This includes any additional employment accepted while working for ASC. Executive officers must disclose any potential conflicts of interest to ASC’s Board of Managers. *Potential conflicts of interest that are not approved by an employee’s supervisor, the Compliance Department, ASC’s Board of Managers, may subject the individual to appropriate action, up to and including termination of employment, taking into account appropriate and relevant facts. When in doubt, it is best to disclose.*

**Some situations that may give rise to a conflict of interest include, but are not limited to:**

- An ASC employee accepts outside employment from or contracts with an organization that does business with ASC or is a competitor of ASC. While certain employees, such as nurses, are not prohibited from working shifts at another facility, this additional work must be disclosed to supervisors and should not interfere with the employee's work commitment to ASC or interfere with the employee's job performance at ASC.

- An ASC employee or an immediate family member has a material financial interest in a firm that does business with ASC or is a competitor of the organization where the financial interest may affect the employee's decisions or actions.
Contractors and Vendors

Any independent contractor, subcontractor or vendor conducting business on behalf of ASC must follow all applicable laws and regulations. Entities are encouraged to have their own compliance program and are also expected to comply with the standards of ASC’s Code of Conduct. Contractors providing care on ASC’s behalf must show proof of licensure, certification or other evidence of provider competency. All vendors that create, receive, maintain or transmit protected health information while performing certain functions or services on ASC’s behalf must sign a business associate agreement.

All contracts between ASC and vendors should:

- Be in writing and for a specific term;
- Be approved by ASC Legal Department;
- Include a Business Associate Agreement, when appropriate;
- Be reviewed by the Legal Department if it involves physician services or other clinical services; and
- Comply with all provisions of state and federal health care programs, laws and regulations.

Licensure and Certification

ASC employees who are required to maintain a license or certification are required to maintain such licensure and certification in good, active standing and comply with all applicable laws while employed. It is the employee’s responsibility to renew, verify and validate their information with the licensure or certification board. In the event any disciplinary action is taken against a license or certification, the employee must report the action or potential action to management or a supervisor. If a lapse or lack of valid licensure occurs, the RVPO, the Compliance Department, Human Resources and Legal Department must be notified immediately.

Exclusion Program

Federal law prohibits providers, such as ASC, from employing or doing business with individuals, vendors or entities that have been excluded from participation in federally funded health care programs (Medicare and Medicaid). The U.S. Department of Health and Human Services Office of Inspector General and the U.S. General Services Administration maintain lists of individuals and entities that have been excluded in this manner.

Before employing or conducting business with any person or vendor, the individual or business must be screened against both federal and state exclusion lists. Employees and vendors are then screened monthly to ensure compliance with all federal laws.

As an employee of or vendor for ASC, you are expected to immediately notify ASC if you receive notice that you have been placed on an exclusion list.
Commitment to Education and Training

Education and training are key elements to providing quality care, excellent service, accurate billing, and conducting legal and ethical business practices. ASC utilizes training programs in addition to ASC’s online education system to provide instructions on the compliance program and to ensure each employee receives the knowledge required to perform job functions. Minimum training requirements have been established through the Compliance Program and must be completed by the deadline set. If an employee has not completed education requirements by the deadline, the employee will be taken off the schedule until requirements are met. Education is monitored through ASC’s Online Education System (Relias), personnel files, and in-service records.

Media Relations

ASC employees, on occasion, may be contacted by media about matters related to the organization. Only authorized employees can respond to media requests. Employees not specifically authorized to do so should not speak to the media on ASC’s behalf. Media inquiries requesting the company’s statement or position are to be directed to the Vice President of Public Relations and Communications.

What to do if the Media calls:

- All employees should use the following phrase: “Thank you for calling. Please provide me with your name, business name and return phone number. I will forward this message to the appropriate person.”
- Information collected should immediately go to the Vice President of Public Relations and Communications for proper handling.
- To contact the Vice President of Public Relations and Communications, please call the Home Office at 317-788-2500.

Social Media

If an employee chooses to list ASC as an employer on social media, such employee is required to adhere to this Code while posting, commenting, or sharing information. Under no circumstance are photos, videos or any image of a resident or their information to be posted on any social media sites.
Certificate of Compliance

1. I have read the entire Code of Conduct. I have had the opportunity to ask questions regarding its contents. I understand fully how the policies relate to my position.

2. I acknowledge my obligation and agreement to fulfill duties and responsibilities set in the Code of Conduct and understand I am bound by these standards.

3. I confirm, through my employment with ASC, that I will continue to comply with the terms of the Code of Conduct.

4. I understand that violations of the Code of Conduct may lead to disciplinary action, including termination.

Signature: __________________________________________________________________________

Printed Name: _______________________________________________________________________

Date: ______________________________________________________________________________

Title/Position: _______________________________________________________________________

Facility Name: ________________________________________________________________________

If for any reason an employee does not understand or comprehend any part of this Code, contact the Compliance Department for clarity.