

STANDARDS OF HONESTY & CONFIDENTIALITY

BAYADA'S Compliance Program



Compassion. Excellence. Reliability.

A Message from David Baiada

Part of what makes BAYADA special—on the inside and looking from the outside—is our commitment and loyalty to our clients and their families, to each other, and to our organization. Doing the right thing is what that commitment looks like.

To provide the highest quality home health care services available and someday reach that House on the Hill, we must be intentional in earning our clients' trust every day in setting the standards that will get us there.

The enclosed Standards of Honesty & Confidentiality are part of that intentional approach. We set a high bar for ourselves to always do the right thing by following these BAYADA Standards and having the awareness to call a supervisor, ask for support, and get help whenever these BAYADA Standards may be in question.

By taking the time and effort to internalize and reinforce these BAYADA Standards, we reaffirm just how seriously BAYADA is committed to excellence and loyalty. It is part of the bedrock of what makes us special as an organization, and how we are building and maintaining our lasting legacy as the world's most compassionate and trusted team of home health care professionals.

We are all in this together. If you ever have any question about how these BAYADA Standards are being applied in your daily work, we are counting on you to do the right thing by calling your clinical manager, director, division director, the Legal Services office, or our Chief Compliance Officer for guidance. If you see a problem, call the Compliance Hotline at 866-665-4295 to report your concerns. A whole support network is here to help.

Onward and Upward,



David Baiada
CEO



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To assist us in understanding our Standards of Honesty & Confidentiality, two symbols or icons are used throughout this booklet to indicate special information.



Indicates a **Do the Right Thing—Alert** that directs us to important information that should be noted.



Indicates a **Do the Right Thing—Question and Answer** that will address a commonly or frequently asked question about the surrounding topic.

The BAYADA Way

What is *The BAYADA Way*?

The BAYADA Way is our company philosophy. It expresses the values and beliefs that have been the foundation of our work since 1975.



The **BAYADA** Way®

In 2002, Mark Baiada, the founder and president of BAYADA Home Health Care, set out to formally identify and articulate the company's mission, vision, and values. With the help of Dr. Al Freedman, a psychologist and parent of a BAYADA client, he solicited input from thousands of clients, family members, and employees. Over time, *The BAYADA Way* emerged.

We invite you to read *The BAYADA Way*, but perhaps the best way to understand it is in the stories of our clients, families, and caregivers. Our clients see *The BAYADA Way* in the high quality of care they receive, and they feel it in the respect and compassion our BAYADA caregivers show them.

Our Mission

BAYADA Home Health Care has a special purpose: to help people have a safe home life with comfort, independence, and dignity. BAYADA Home Health Care provides nursing, rehabilitative, therapeutic, hospice, and assistive home health care services to children, adults, and seniors in the comfort of their homes. We care for our clients 24 hours a day, 7 days a week.

Families coping with significant illness or disability need help and support while caring for a family member. Our goal at BAYADA is to provide the highest quality home health care services available. We believe our clients and their families deserve home health care delivered with compassion, excellence, and reliability, our BAYADA core values.

Our Vision

With a strong commitment from each of us, BAYADA Home Health Care will make it possible for millions of people worldwide to experience a better quality of life in the comfort of their own homes. We want to build and maintain a lasting legacy as the world's most compassionate and trusted team of home health care professionals.

We will accomplish our mission and achieve our vision by following our core beliefs and values.

Our Beliefs

1. We believe our clients come first.
2. We believe our employees are our greatest asset.
3. We believe building relationships and working together are critical to our success as a community of compassionate caregivers.
4. We believe we must demonstrate honesty and integrity at all times.
5. We believe in providing community service where we live and work.
6. We believe it is our responsibility to strengthen the organization's financial foundation and to support its growth.

Our work is guided by our fundamental values of compassion, excellence, and reliability.

Our Values

Compassion

Key result: Our clients and their families feel cared for and supported.

Key actions:

1. Work with a spirit of universal faith, hope, and love.
2. Demonstrate exceptional care and kindness to others. Be led by our hearts.
3. Be respectful. Treat others the way they wish to be treated.
4. Listen closely, show empathy, and respond to the needs of others.
5. Be friendly. Let our smiles be seen and felt.

Excellence

Key result: We provide home health care to our clients with the highest professional, ethical, and safety standards.

Key actions:

1. Consistently demonstrate the highest level of skill, competence, and sound judgment in our work.
2. Demonstrate honesty, commitment, and loyalty to our clients and their families, to fellow employees, and to our organization.

3. Strive to provide the very best service to our clients. Set specific goals and work hard and efficiently to achieve them.
4. Continuously improve our work through evaluation, education, and training.
5. Recognize and reward those who set and maintain the highest standards of excellence.

Reliability

Key result: Our clients and their families can rely on us and are able to live their lives to the fullest, with a sense of well-being, dignity, and trust.

Key actions:

1. Keep our commitments as promised.
2. Consistently deliver expected services.
3. Fulfill our clients' needs promptly and thoroughly.
4. Be creative, flexible, and determined—get the job done for our clients.
5. Communicate clearly and consistently with clients and fellow employees.

Our Standards of Honesty & Confidentiality

Compliance Mission

At BAYADA, we believe in doing the right thing, every time. We hold ourselves to the highest standards of personal and professional ethics and always strive for compliance with all regulations that govern our work. Our Compliance Program

is built to provide the framework for setting clear standards for our employees, to continuously educate our employees, and to identify and proactively mitigate or avoid compliance risks we face in the work we do.

Do the Right Thing—Alert



If your concerns are not appropriately addressed or resolved, or you are not comfortable talking to your supervisor, you may reach out to the Chief Compliance Officer. You may also communicate anonymously via our toll-free **Compliance Hotline** by calling **1-866-665-4295** or by sending an email to hotline@bayada.com.

Our commitment to compliance is built on the values of *The BAYADA Way*, and supported by our Standards of Honesty and Confidentiality, policies, and procedures. These values and standards promote and support the fundamental responsibilities that each BAYADA employee is expected to maintain:

“Doing the right thing” has always been important to BAYADA Home Health Care. For our clients, doing the right thing means providing the highest quality of care that we can. For our employees, it means that BAYADA hires heroes. Part of the commitment

as a BAYADA employee is to be honest and to uphold our values, which include protecting our clients’ confidentiality and communicating concerns to supervisors. We do the right thing when questions and concerns arise, or when the answers aren’t clear, by speaking up and asking for help.

Honesty—always the best policy

Employees of BAYADA Home Health Care are asked to uphold the highest standards in providing care, respecting others, and embracing honesty and integrity in all our transactions. We act in compliance with the laws that govern our work and the services we provide, and operate our activities with integrity in every aspect of our business dealings.

BAYADA does not retaliate against employees for reporting honesty and confidentiality violations or concerns about safety or quality of care. In fact, it is part of the employees' responsibilities to uphold our values and report instances when they suspect the law or our policies and procedures are being broken.

Confidentiality—it's a matter of trust

At BAYADA, we uphold confidentiality as a core value. This means both the confidentiality of our clients' information and information about our business practices and employees. A client's personal information is communicated in many ways –through computer records, the client's chart, and conversations. One of the most common breaches of confidentiality occurs through idle conversation and gossip, which may lead to inadvertent disclosures that you don't really intend to make.

Share your concerns—ask for help!

If you have concerns about your own actions or those of another employee, or the safety or quality of care provided by BAYADA Home Health Care, you should not hesitate to ask for help! It is important to share these concerns with supervisors or directors. In these instances, we ask that each employee give their supervisor time to look into and address their concerns.

Demonstrate honesty,
commitment, and loyalty to
our clients and their families,
fellow employees, and our
organization. ~The BAYADA Way

The BAYADA Compliance Program

All of us at BAYADA Home Health Care are committed to serving our clients according to the highest professional, ethical, and safety standards. This commitment is expressed in the conscientious way we comply with every law, regulation, and standard governing our work.

Our Compliance Program, along with numerous policies and procedures, are designed to help everyone at BAYADA uphold their personal responsibility to clients, employees, payors, and all who govern our work. The program is made up of seven key elements:

1. Written policies, procedures, and our Standards of Honesty & Confidentiality
2. Chief Compliance Officer and Compliance Council
3. Regular and effective training and education
4. Effective lines of communication and reporting channels to address and remediate compliance questions or concerns
5. Internal auditing and monitoring
6. Well-publicized disciplinary guidelines to enforce compliance standards
7. A mechanism to respond promptly to detected offenses and develop corrective action

Compliance Program—key elements

1. *Written policies, procedures, and BAYADA's Standards of Honesty & Confidentiality*

To help ensure compliance with the various laws and regulations that govern our work, BAYADA has established a formal Compliance Program. This program reinforces our commitment to honesty and confidentiality and also fosters communication within our organization. BAYADA has developed specific compliance-related policies and procedures to address regulatory issues and standards. The policies and procedures also provide guidance on expectations for acceptable behavior for those who work on behalf of BAYADA. For additional compliance policies and procedures, please visit www.bayada.com/compliance.

2. Chief Compliance Officer and Compliance Council

The Compliance Department at BAYADA operates independent of daily operations and is headed by the Chief Compliance Officer, who has been appointed to oversee and implement the Compliance Program. The Chief Compliance Officer and Compliance Council are dedicated to compliance and ethical behavior. The purpose of the Compliance Council is to support the Chief Compliance Officer in administering the Compliance Program and assist the Board in fulfilling its responsibility to adhere to applicable federal and state laws, regulations, and statutes relative to the following compliance elements:

- Client referral sources and other marketing activities
- Medical necessity and other requirements to render services
- Claim development and submission process
- Clinical staff licensure requirements
- Office licensure requirements
- Medicare conditions of participation
- Sanctioned or excluded employees, contractors, or vendors
- New employee background screening
- Federal and state cost reporting
- Adverse and other required event reporting

The objectives of the Compliance Council include the following:

- Approve changes to the organization's Compliance Program policies, procedures, and our Standards of Honesty & Confidentiality
- Oversee the review of complaints received through the organization's compliance hotline and other notification methods
- Approve the annual compliance training and education package
- Review the results of disciplinary action imposed for noncompliance
- Approve the compliance annual work plan that provides for the ongoing assessment of compliance with established policies and procedures
- Review the results of planned compliance audit procedures and approve, as needed, corrective actions resulting from audit findings
- Monitor the overall completion of the compliance work plan areas of focus throughout the compliance year
- Approve the performance of unscheduled audit procedures

- Review the results of unscheduled audit procedures
- Determine if third party notification (ie, Self-disclosure notification) is required
- Approve third party notification documents (ie, Self-disclosure notification)
- Ensure that all requested documentation is provided in a timely fashion
- Review the results of the investigation and identify any internal actions necessary to validate the findings
- Approve the response based upon investigation findings

The Compliance Council is composed of senior management-level employees with a focus on a broad spectrum of skill sets and responsibilities. The Compliance Council is appointed by the Compliance and Audit Committee of the Board. The Compliance and Audit Committee of the Board is appointed by the Board, and is comprised of Board members and internal senior leaders who oversee the Compliance Program on behalf of the Board.

3. *Regular and effective training and education*

It is the policy of BAYADA Home Health Care to require mandatory ongoing and regular education and training programs of all new and existing employees. The purpose of the training and education is to ensure that all employees are familiar with the organization's Compliance Program, our Standards of Honesty & Confidentiality, and compliance-related standards, policies, and procedures. In addition, the training and education provides an understanding of fraud and abuse laws, as well as the requirements imposed by Medicare, Medicaid, and other applicable government and commercial third-party payors.

The Chief Compliance Officer is responsible for overseeing the training and education of employees and contractors with respect to compliance issues. The general compliance training and education will be conducted upon hire and annually thereafter. Persons providing the education and training will be assigned by the Chief Compliance Officer, or designees of the Chief Compliance Officer, and will have sufficient knowledge and training to conduct the program. The general education and training program will include, but not be limited to, the following topics:

- BAYADA's general commitment to compliance
- General compliance standards, policies, and procedures applicable to all employees
- The employee's obligation to adhere to all applicable laws, regulations, and BAYADA's Standards of Honesty & Confidentiality, and the consequences for violations

- The employee's obligation to report any suspected illegal or improper conduct and the procedures for making such reports
- Identification of the Chief Compliance Officer and his or her authority and responsibility

In addition to the general compliance education and training all employees receive, employees who are required to adhere to specific compliance standards or perform duties which require specific compliance training shall receive additional training and education in the relevant areas.

Specific training and education shall be conducted upon hire, annually, and more frequently if necessary. Circumstances which may warrant more frequent training and education include changes in applicable laws or regulations, identification of specific risk areas, issuance of new government directives, or discovery of areas of noncompliance.

Copies of standards, policies and procedures covered in the training will be available electronically on SharePoint and hardcopies will be available in all offices.

4. *Effective lines of communication and reporting channels to address and remediate compliance questions or concerns*

BAYADA Home Health Care has procedures for reporting, investigating, and responding to reported violations of compliance with the laws, regulations, and values that govern our work.

Clients, employees, and the general public may anonymously report any actions or conduct that they believe do not adhere to BAYADA's standards, policies, and procedures, or values of honesty, confidentiality, and fairness. The Compliance Hotline can be accessed in any one of the following ways:

- a. By telephone to **1-866-665-4295**
- b. By email to hotline@bayada.com
- c. By BAYADA's website at www.bayada.com/compliance
- d. By writing to: **ATTN: Chief Compliance Officer**
4300 Haddonfield Road | Third Floor | Pennsauken, NJ 08109
Phone: **856-505-4790** | Fax: 856-864-0115

5. *Internal auditing and monitoring*

BAYADA monitors and audits its compliance activities to help ensure the accuracy of information submitted to third parties and overall effectiveness of the Compliance Program.

Monitoring systems have been designed to assess day-to-day processes and include assessments of both clinical and operational process, while auditing efforts typically use a retrospective approach. Audit procedures are designed based upon the development of an annual compliance audit work plan.

In addition, BAYADA regularly monitors adherence to its compliance policies to verify whether such policies are being followed and effectively enforced.

6. *Well-publicized disciplinary guidelines to enforce BAYADA's compliance standards*

BAYADA employees are required to comply with all compliance policies and standards and federal and state laws and regulations applicable to the performance of their duties as employees of the organization. If it has been determined that an employee has violated any provision of BAYADA's compliance standards or policies, or has engaged in conduct which violates state or federal law, the employee will be subject to disciplinary action in accordance with this policy.

The Chief Compliance Officer shall be made aware and maintain a record of all disciplinary actions for compliance-related activities and documentation supporting the rationale for the action enforced. The Chief Compliance Officer will be responsible for ensuring disciplinary action is enforced on a fair and equitable manner across all levels of employees.

The BAYADA management team supervising employees is responsible for complying with all applicable laws and BAYADA compliance standards and policies, and for ensuring that employees under their supervision comply with the same. A member of the management team will be subject to disciplinary action for their failure to comply with applicable laws and policies pursuant to this policy in the same manner as any other employee. In addition, management personnel will be subject to disciplinary action if it is determined, in consultation with the Chief Compliance Officer, the individual:

(a) was negligent in the supervision of employees or agents under their control or direction; (b) did knowingly or willfully fail to take reasonable measures to prevent the misconduct of employees under their control or direction; or (c) intentionally condoned or encouraged illegal or otherwise wrongful conduct.

All non-employed workers will be required, as a term of their contractual relationship with BAYADA, to comply with all applicable state and federal laws and regulations, as well as compliance standards and policies, as related to their performance of duties for BAYADA. Failure to comply with applicable laws and regulations and compliance standards and policies shall be grounds for termination of the contractual relationship with BAYADA.

7. *A mechanism to respond promptly to detected offenses and develop corrective action*

Upon notification of instances of reports or reasonable indications of suspected noncompliance, the Chief Compliance Officer will initiate prompt steps to investigate the conduct in question to determine whether a material violation of applicable law or the requirements of the Compliance Program has occurred, and if so, take steps to correct the problem.

Depending upon the nature of the alleged violations, an internal investigation will include interviews and/or a review of relevant documents. Outside counsel, auditors, or health care experts may assist in the investigation.

After an offense or violation of the compliance standards or policies has been detected, the organization will take all reasonable steps to respond appropriately to the offense or violation, and to prevent further similar offenses or violations including any necessary modifications to the Compliance Program.

All reports of potential violations of laws, regulations, policies, or questionable conduct, from any source, shall be logged and maintained by the Chief Compliance Officer. Records of the investigation will contain documentation of the alleged violation, a description of the investigative process, copies of interview notes, and key documents, including but not limited to, a log of the witnesses interviewed, the documents reviewed, and the results of the investigation, (eg, any disciplinary action taken, and the corrective action implemented). Please refer to the **BAYADA Compliance Reporting and Investigation Policy (37-2144)**.

Compliance with Laws and Regulations

Do the Right Thing—Question and Answer



Q: What are “kickbacks”?

A. Kickbacks are gifts, gratuities, incentives, or anything of monetary value given to or from someone with the expectation or understanding that they will make referrals to us. In addition to cash and cash equivalents (e.g., gift certificates or gift cards), examples of prohibited kickbacks include:

- Gifts and other financial incentives given with an expectation of future referrals or as a reward for past referrals
- Supplies, equipment, or space provided free or at less than fair market value
- Free trips, lodging and food (in excess of what is allowed by BAYADA policies)
- Excessive discounts

The Anti-Kickback Statute

The federal Anti-Kickback Statute prohibits individuals or entities from knowingly and willfully offering, paying, soliciting, or receiving “remuneration” (or kickbacks) to induce referrals of items or services paid for by a federally funded program. Medicare and Medicaid are examples of federally funded programs covered by the Anti-Kickback Statute.

In short, we may not directly or indirectly pay clients or other health care providers to refer clients to us. The Anti-Kickback Statute is intended to prevent:

- Medical judgment and treatment decisions being compromised because of an expectation of kickbacks
- The overutilization of items or services covered by federal health programs
- Increased costs to the Medicare/Medicaid programs because unnecessary or excessive care has been provided
- Unfair competition

The law is complex and broad and as a result, Congress authorized regulations designating specific exceptions called “safe harbors” for various payment and business practices that, while potentially prohibited by the law, would not be prosecuted. Examples of what safe harbors address include the following types of business or payment practices: space rental, equipment rental, personal services and management contracts, referral services, discounts, and employee compensation.

Although most states have anti-kickback acts and provisions of state regulations, they vary from state to state. For example, some states apply the anti-kickback provisions only to Medicaid payments or reimbursement, while others apply the regulation to any state payment or reimbursement. It is important to know and understand the federal Anti-Kickback Statute as well as state regulations.

BAYADA employees must avoid any conduct that violates, or appears to violate, the federal or state anti-kickback statutes. If you are in doubt about whether a

Do the Right Thing—Alert



Asking yourself the following questions may help determine if a proposed arrangement with a referral source may be a problem:

1. Would you enter into the arrangement on the same terms with a party who was not in a position to make referrals?
2. Would you offer or accept the same price, or offer the same compensation to a party who was not in a position to make a referral?
3. Overall, is the benefit to the referral source greater than the corresponding benefit to BAYADA?

particular situation may involve the Anti-Kickback Statute, or have any questions, you should contact the Chief Compliance Officer. Please refer to the [Anti-Kickback and Self-Referral Policy \(0-7186\)](#).

The Stark Law

The federal Stark Self-Referral Law (Stark Law) prohibits a physician from referring Medicare/Medicaid clients to a health care provider if the physician (or an immediate family member of the physician) and provider have any type of financial relationship. However, referrals are permitted if the financial relationship is structured to comply with certain exceptions to the Stark Law.

If the relationship does not comply with an exception, the physician cannot refer clients to the provider with whom he/she has a financial relationship, and the provider cannot bill for services provided to those clients. The Stark Law is complex and numerous exceptions exist. Many states have similar laws.

Unlike the Anti-Kickback Statute which requires that the parties knowingly violate the law, the Stark Law is a “strict liability” statute. This means that even unintentional violations of the Stark Law may have significant consequences to the individuals involved

and their organizations. BAYADA employees with questions about whether a particular situation may involve the Stark Law should contact Legal Services or the Chief Compliance Officer for guidance before proceeding. Please refer to the [Anti-Kickback and Self-Referral Policy \(0-7186\)](#).

False Claims Act

The federal False Claims Act (31 USC § 3729-3733) helps the federal government combat fraud and recover losses resulting from fraud in federal programs, such as Medicare and Medicaid. A person or entity violates the False Claims Act by “knowingly:”

- Submitting a false claim for payment
- Making or using a false record or statement to obtain payment for a false claim
- Conspiring to make a false claim or get one paid
- Making or using a false record to avoid payments owed to the government
- Concealing or improperly avoiding an obligation to pay the government.

Do the Right Thing—Question and Answer



Q: A physician provides medical director or advisory services to BAYADA and is paid for these services. Under the Stark Law, does this result in a financial relationship?

A. Yes. For purposes of the Stark Law, a financial relationship occurs whenever anything of economic value is transferred between BAYADA and a physician (or one of the physician's immediate family members). Thus, a written contract must exist and be structured to comply with an exception under the Stark Law.

“Knowingly” means that a person either has actual knowledge that the information is false, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the truth or falsity of the information. Examples of potential false claims include:

- Billing for goods and services that were never delivered or rendered
- Performing inappropriate or unnecessary medical procedures to increase Medicare reimbursement
- Billing for work or tests not performed
- Double billing: charging more than once for the same goods or service
- Billing to increase revenue instead of billing to reflect actual work performed
- Forging physician signatures when such signatures are required for reimbursement from Medicare or Medicaid

Non-retaliation:

BAYADA promotes an environment that encourages all of us to seek clarification of issues and report questions and concerns. It is our duty and responsibility to report possible violations of our standards, guidelines, or policies. You will be protected from retaliation if you make a good-faith report, complaint, or inquiry. A person who retaliates against you for making a good-faith report is subject to discipline, up to and including dismissal from employment or termination of a business relationship with BAYADA. Non-retaliation policies do not protect you if your actions violate the policies of BAYADA or applicable laws.

Protecting Against Fraud & Abuse

Any employee with a concern about a possible false claim should report their concern to their supervisor or use the **Compliance Reporting and Investigation, #37-2144** process immediately so that BAYADA can investigate and correct any errors. These reports can be made by utilizing the methods outlined in **Compliance Hotline, #37-2143**.

Employees making a good faith claim will not be retaliated against as outlined in **Compliance Policy, #37-2142**.

Do the Right Thing—Question and Answer

Q: If documentation is not available or complete when we are ready to submit a bill, is it ok to submit the bill?

A. No. Do not submit a bill until all appropriate documentation is on file. This verifies that the services were provided to the client.

Complete and accurate billing and coding

BAYADA Home Health Care's policy is to provide services in compliance with the Deficit Reduction Act of 2005, the False Claims Act, and similar state laws. BAYADA has specific policies and procedures that address creation and filing claims for payment of services.

BAYADA's Honesty & Confidentiality Program is designed to help detect and deter waste, fraud, and abuse of all types. Our program includes various mechanisms for employees, clients, contractors, or the general public to report concerns and follow-up processes designed to prevent or detect potential problems.

BAYADA does not knowingly provide gifts or inducements to referral sources in an effort to improperly induce referrals for services that may be reimbursed by federal or state funds or other payors.

BAYADA requires all employees involved in creating and filing claims for payment of all services to use true, complete, and accurate information to make the claim. Prior to billing for services, office staff will verify that services have been rendered.

BAYADA will not knowingly:

- Bill for medically unnecessary services
- Bill for services not provided
- Misuse provider numbers
- Bill for services performed by an unlicensed provider or one who has been excluded from a federal health care program
- Bill for services not ordered by a physician when a physician's order is required
- Submit a claim for payment that is false, inaccurate, or incomplete

Upon hire and periodically, employees and contractors will be provided with information about state and federal regulations governing the False Claims Act via paycheck messages, email, educational bulletins, and website publications.

Maintenance of professional licenses, certifications, and the prohibition of excluded persons or entities

BAYADA Home Health Care verifies professional licensure and certification, and eligibility to provide government reimbursed care in accordance with laws and regulations.

The federal government will not pay for services provided by an individual or entity that the government has excluded from participating in a federally funded health care program. We do not knowingly employ, conduct business with, or contract with excluded providers. Excluded providers are not eligible to be employed with BAYADA. Upon hire and monthly thereafter, all office staff, field staff, contractors, and physicians are screened for eligibility to provide all federal and state-funded care or supplies, including Medicare, Medicaid, Medicaid Waiver, Veterans Affairs, and Tricare. Every individual is required by regulation and policy to be checked and screened against the Office of Inspector General (OIG), the System for Award Management (SAM), and all State Medicaid exclusions lists.

Responding to requests from government or regulatory agencies

We respond to federal, state, or local government requests for information on a timely basis and in a cooperative manner, while preserving our organization's legal rights. If a government agent approaches you or you receive a subpoena, either at work or at home, you should:

- Be calm and respectful
- Ask for identification and verify the authority of the agent
- Immediately contact your director, division director, Legal Services, and Chief Compliance Officer

Do the Right Thing—Question and Answer



Q: I received a telephone call from someone who said he was a government investigator. He asked me about our home care policies and said an investigator would come to our office in the next few weeks. I did not give him any information. What should I do if an investigator does come to my office?

A. You were right not to give any information on the telephone because you could not verify the caller's identity. If an investigator comes to your office, ask for identification. Then, contact your director, division director, Legal Services and Chief Compliance Officer before you decide to speak with the investigator. The Chief Compliance Officer and Legal Services will provide instructions on how to proceed.

If a government agent asks to speak with an employee, the employee may volunteer to talk with the agent but is not required to do so. Employees should not feel frightened or pressured to speak with a government agent.

If a government agency conducts an interview or investigation, do not:

- Alter, remove, or destroy documents or records belonging to BAYADA, including paper, electronic, or computer records
- Lie or provide false, misleading, or incomplete information
- Persuade any employee or other person to provide false, misleading, or incomplete information
- Persuade any employee or other person to not cooperate with government investigators
- Offer any item of value to a government official, as it may be interpreted as a bribe

HIPAA

Health Insurance Portability and Accountability Act

HIPAA is the acronym for the Health Insurance Portability and Accountability Act that was passed by Congress in 1996. The HIPAA Privacy regulations require health care providers and organizations, as well as their business associates, to develop and follow procedures that ensure the confidentiality and security of protected health information (PHI) when it is transferred, received, handled, or shared. This applies to all forms of PHI, including paper, verbal, and electronic, etc.

HIPAA requires the protection and confidential handling of protected health information including patient health information, demographic information, physical or mental health, health care payment provisions, and client identity. At the same time, the Privacy Rule is balanced so that it permits the disclosure of health information needed for patient care and other important purposes. Failure to comply with HIPAA can result in civil and criminal penalties (42 USC § 1320d-5).

Examples of HIPAA violations:

- Improper disposal of client records; shredding is necessary before disposing of patient's record.
- Insider snooping, which refers to family members or coworkers looking into a person's medical records without authorization. This can be avoided with password protection, tracking systems, and clearance levels.
- Releasing information to an undesignated party; only the exact person listed on the authorization form may receive client information.
- Releasing the wrong client's information; through a careless mistake, someone releases information to the wrong patient. This sometimes happens when two patients have the same or similar name.
- Unprotected storage of private health information, such as a laptop that is stolen. Private information stored electronically needs to be stored on a secure device. This applies to a laptop, thumbnail drive, or any other mobile device.

Scenarios of HIPAA violations:

- Telling friends or relatives about clients who are under your care
- Discussing private health information in public areas
- Discussing private health information over the phone in a public area
- Not logging off your computer or a computer system that contains private health information
- Including private health information in an unsecured text or email
- Using social media (i.e., Facebook, Instagram, etc.) to post client information without permission

Do the Right Thing—Question and Answer



Q: One of my family members is receiving services from BAYADA. May I look at her medical information to let other family members know how she is doing?

A. No. You may not access medical information without proper authorization from the client. Being an employee of BAYADA does not give you greater access rights. You are still required to follow the proper procedure that any family member would have to follow to look at a family member's health information. The client must give written authorization for you to review the client's medical information.

Client rights and employee expectations

- We respect client rights and the confidentiality of their personal health information.
- Our Privacy Notice describes client rights and how to report any concerns or issues regarding our services.
- Employees are expected to act in accordance with the laws, regulations, and standards that govern our work.
- Employees are expected to promptly report any situation or activity that may violate the law to an immediate supervisor, the Privacy Officer, the Chief Compliance Officer, or the BAYADA toll-free Compliance Hotline, 866-665-4295.
- Employees are expected to help detect and deter any compliance violations by BAYADA employees or contractors that could potentially infringe on client rights and expose the company to civil or criminal liability and damage its reputation, client and business relationships, or financial status.

Confidentiality of client medical information

Individuals in our care expect us to maintain the confidentiality and security of all their Personal Health Information (PHI). BAYADA does not use, disclose, or discuss client-specific information with others unless the client authorizes the release of his or her information, or we are required or authorized by law to release the information.

BAYADA Home Health Care maintains the confidentiality of client medical information and uses appropriate security measures to protect this information, including information contained in client charts. BAYADA also uses appropriate security measures of PHI in all communications.

For additional information please refer to policy #37-2197 Confidentiality of PHI- Access and Disclosure.

If clients feel that their privacy rights have been violated, or have any questions or concerns regarding possible violations of their privacy, they can contact the local BAYADA Home Health Care office or BAYADA Privacy Officer using the methods listed below:

- Toll Free Compliance Hotline: **866-665-4295**
- Compliance Email: hotline@bayada.com
- Confidential online [Compliance Report Form](#)
(located at www.bayada.com/compliance)

Clients may also file a complaint with the Secretary of the US Department of Human Services or their state home health agency hotline.

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We provide home health care to our clients with the highest professional, ethical, and safety standards.

~The BAYADA Way
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Business & Financial Information

Do the Right Thing—Question and Answer



Q: Before coming to work for BAYADA, I worked for a competitor and obtained confidential information about the competitor that would help BAYADA negotiate contracts. Should I share this information?

A. No. Do not disclose confidential information learned through another job. It is inappropriate to use a competitor's confidential information and we may not use this information in any business dealings. Likewise, it would also be unethical for you to share BAYADA's confidential information with another employer.

Retention of company records

BAYADA Home Health Care retains charts, files, and records in accordance with all applicable federal, state, and local laws. When no longer needed, these documents are destroyed in a manner which protects the confidentiality of personal health information contained in them. All BAYADA records should be prepared accurately, reliably, and honestly. Take the time to learn what kinds of records are required in your job and see that they are prepared and stored properly, in accordance with BAYADA's policies. Never enter false or misleading information into BAYADA records!

Protecting the company's proprietary information, trade secrets, & intellectual property

Proprietary information includes information about BAYADA's finances, business practices, processes, employees, and clients. Trade secrets are information and intellectual property used by BAYADA that may not be subject to patent, copyright, or trademark secret, but will not be known by competitors and which BAYADA takes measures to protect. All employees are responsible for safeguarding from public disclosure BAYADA's proprietary information and trade secrets.

Antitrust

BAYADA's policy and training on Antitrust, Policy #0-10282, is designed to establish safeguards against improper exchange of price or other competitively sensitive information among competitors in order to avoid any antitrust risk or appearance of impropriety. Employees may not communicate with other health care providers, either directly or through other employees, providers, medical staff, consultants, other agents and representatives about the following:

- Rates, discounts, prices, pricing formulas, or payment methodologies in connection with any health care services, including nursing services
- Costs of goods, supplies, equipment, or services
- Employee salaries, wages or benefits, compensation policies, staffing policies, employment contracts, or severance agreements

- Price and non-price terms and provisions of contracts with private or government payors, including health plans, managed care organizations, commercial payors, employers, unions or other entities
- Price and non-price terms and provisions in contracts for equipment, supply, or services
- Allocation among competitors of customers, services, or territories
- Exclusion of any existing or potential competitor, provider, or supplier from the market
- Joint bidding or joint venture arrangements

If an employee has any question or concern about these types of communication or has received information about the above concerning a competitor, they should reach out to the Chief Compliance Officer or General Counsel's office to discuss further and determine appropriate next steps.

Respecting the property rights of third parties

BAYADA's employees are prohibited from using and/or disclosing the intellectual property and proprietary information of third parties when performing responsibilities on behalf of BAYADA. Information received by mistake should be reported to BAYADA's Legal Services office.

Conflicts of Interest

Conflicts of interest occur when an individual's personal interests or activities influence, or appear to influence, our ability to act in the best interest of BAYADA. BAYADA makes every attempt to avoid conflicts of interest, but requires employees to report them when they occur. Employees should avoid situations in which their personal interests conflict or appear to conflict with the interests of the organization.

BAYADA employees must disclose to the Chief Compliance Officer if they believe they may have a conflict of interest. This may include any relationship they have with a referral source of BAYADA, a competitor, or a vendor or partner of BAYADA. All employees will receive a copy of the Conflicts of Interest, Policy #0-975, at hire and are required to sign a copy of the Acknowledgement of Receipt, #0-10932. All members of BAYADA's Board of Trustees, Officers, and Key Employees as defined in policy are required to complete a Conflict of Interest Disclosure Statement, #0-4102, upon hire/appointment and annually thereafter.

BAYADA believes that the offer, acceptance, solicitation and/or receipt of gifts may present a conflict of interest or adversely influence an individual's business or ethical judgment. Therefore, employees may not give or accept cash gifts or any gifts of substantial size from contacts or referral sources. More information can be found in our Code of Ethics and Behavior, #0-598 and in the Anti-kickback policy, #0-7186.

Most importantly, BAYADA expects all employees to use prudence and sound judgment in all business dealings and to raise questions or concerns with their supervisor and/or the Chief Compliance Officer.

Disciplinary Action for Violation of our Standards

BAYADA employees are required to comply with all BAYADA policies and standards and all federal and state laws and regulations applicable to the performance of their job responsibilities, and duties as employees of BAYADA. If it has been determined that an employee has violated any of BAYADA's standards or policies or has engaged in misconduct that violates state or federal laws or regulations, the employee will be subject to disciplinary action. See also Policy 0-7185.

It is important to note that BAYADA expects its employees to promptly report any situation or activity that may violate the law to an immediate supervisor, the Privacy Officer, the Chief Compliance Officer, or the BAYADA toll-free Compliance Hotline, 866-665-4295. Do not hesitate to raise concerns or ask questions if you feel a fellow employee or subcontractor is violating a law or standard. The Chief Compliance Officer has a duty to ensure all concerns raised are appropriately investigated so that corrective action may be taken promptly.

BAYADA does not retaliate against employees for reporting or raising compliance concerns or asking. In fact, it is our employees' responsibility to uphold our values and report instances when they suspect the law or our policies and procedures are being broken. We expect our leaders to respond timely and appropriately when matters are brought to their attention, and all managers, supervisors, directors and other leaders are required to comply with BAYADA's non-retaliation policy.

We believe we must demonstrate honesty and integrity at all times.

~The BAYADA Way

References

Compliance contact information

Clients who have questions about a particular policy, practice, or procedure should contact the director of the office providing service for clarification.

Employees should first contact their supervisors for clarification on policies, practices, or procedures. However, contacting the Compliance Office or filing a report via the methods below are always encouraged should the circumstances call for it or if the individual is more comfortable doing so.

The Compliance Office has the following methods of communication available:

- Compliance Office, **856-505-4790** (fax: 856-864-0115)
- Chief Compliance Officer, direct line: **856-406-0033**
- Compliance Hotline, **866-665-4295** (reports may be made anonymously)
- Email: hotline@bayada.com
- Complete a compliance report online (located at www.bayada.com/compliance)
- Write to:
BAYADA Home Health Care
ATTN: Chief Compliance Officer
4300 Haddonfield Road
Third Floor
Pennsauken, NJ 08109

Listening closely and responding to client and family needs are at the heart of our work. No one should hesitate to contact their office with any concerns or to use the compliance contact information above. Once a report is received, BAYADA, through the Chief Compliance Officer and the Compliance team ensures all reports are investigated and responded to in a timely and appropriate manner and that those who report violations of these BAYADA Standards of Honesty & Confidentiality or our Code of Ethics and Behavior are not subject to retaliation.

Notes



BAYADA[®]

Home Health Care

BAYADA Home Health Care
ATTN: Chief Compliance Officer

4300 Haddonfield Road
Third Floor
Pennsauken, NJ 08109

856-505-4790
856-864-0115 (fax)

Compliance Hotline (toll free): 866-665-4295
hotline@bayada.com
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