



Policy 9-12: Compliance Standards of Ethical Conduct

Changes from Previous Version: The name of this Policy has been changed from “Compliance Code of Ethical Conduct” to provide clarity with respect to 18 NYCRR Subpart 521-1. This Policy has also been updated in accordance with this new regulation.

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PURPOSE:

LIFEPlan is committed to maintaining a premier level of professional and ethical standards in the conduct of its business – to include conformity with all Federal and State laws, regulations, interpretations thereof. To support this commitment, LIFEPlan will maintain written Compliance Standards of Ethical Conduct to provide guidance on employee and organizational responsibilities related to compliance. This Policy serves as a foundational document describing the Organization’s fundamental principles, values, and commitment to conduct its business in an ethical manner.

It is the responsibility of all Affected Individuals, as defined in Policy 9-99, *Compliance Program Roadmap*, to follow, in the course and scope of their work at LIFEPlan, all applicable laws, rules, regulations, and policies, as well as federal and state requirements. LIFEPlan strives to maintain an environment that is committed to integrity and ethical conduct.

POLICY STATEMENT:

It is LIFEPlan's policy to develop, maintain, and update as appropriate written Standards of Conduct to provide Affected Individuals with guidance on requirements for conduct related to employment, contract, association, or appointment by LIFEPlan.

This Policy is applicable to all Affected Individuals, all of whom are required to review the Compliance Standards of Ethical Conduct (or "Standards of Ethical Conduct") and comply with the Compliance Program. LIFEPlan will take disciplinary action for those who participate in non-compliant behavior, fail to report a suspected violation of the Compliance Program, encourage, direct, facilitate or permit non-compliant behavior and/or engage in retaliatory behaviors directed at those who report non-compliant behavior. The Standards of Ethical Conduct will be signed on or before the staff's first day of employment and annually thereafter.

PROCEDURE:

A. Overview and Applicability.

The following standards are intended to provide guidance to all Affected Individuals to assist them in their obligation to comply with applicable laws and regulations. These standards are neither exclusive nor complete. Affected Individuals are required to comply with all applicable laws and regulations whether or not specifically addressed in this Policy.

If questions regarding the existence, interpretation or application of any law or regulation arise, they should be directed to LIFEPlan Office of General Counsel or the Corporate Compliance Officer.

1. LIFEPlan's Commitment.

LIFEPlan is committed to compliance with all applicable laws, rules, and regulations. All staff, board members, contractors, and volunteers are required to report any concerns that may be violations of law, regulation, contract, or policy to the appropriate party. LIFEPlan encourages such reports and will take no adverse action against anyone who makes such reports in good faith. LIFEPlan maintains a strict policy specifically prohibiting retaliation against persons who report compliance concerns.

LIFEPlan ensures all aspects of member care and business conduct are performed in compliance with our mission statement, policies and procedures,

professional standards and applicable governmental laws, rules, and regulations. LIFEPlan expects every person who provides services to members to adhere to the highest ethical standards and promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately. Similarly, any contractor that violates the standards of conduct places at risk their business relationship with LIFEPlan.

2. Development and Review.

The Compliance Officer is responsible for the development and periodic update of LIFEPlan's Standards of Conduct. The Standards of Conduct will be written at a basic reading level, avoiding complex language and legal terminology.

The Standards of Conduct will be reviewed at least annually as part of the review of the Compliance Plan and Compliance Program Policies and Procedures. The Compliance Committee and the Board of Directors will be responsible for oversight and final approval of the Standards of Conduct.

3. Content.

a) General.

The Standards of Conduct will communicate the expectation that all Affected Individuals will act in accordance with the Standards of Conduct, that they must refuse to participate in unethical or illegal conduct, and that they must report any unethical or illegal conduct to the Compliance Officer.

b) Specific Areas of Potential Fraud.

The Standards of Conduct will address specific areas of potential fraud or similar wrongdoing (e.g., claims development, submission processes, and coding).

The Standards of Conduct will address critical areas such as compliance with laws and regulations, key human resource practices, conflicts of interest, proprietary rights, confidentiality, recordkeeping, service provision, reimbursement practices, fair dealing, gifts and kickbacks, the Organization's risk areas, and its measures to prevent fraud, waste, and abuse.

c) Responsibilities of Affected Individuals.

The Standards of Conduct will communicate the responsibility of Affected Individuals to report suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal or State laws and regulations; actual or suspected violations of the Standards of Conduct, the Compliance Program and LIFEPlan's policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively

referred to as “compliance concerns” for purposes of this Policy) directly to the Compliance Officer or other management personnel.

d) *Communication Regarding Compliance Concerns.*

The Organization’s confidential reporting and non-retaliation/non-intimidation policies will be referenced and included as part of the Standards of Conduct to encourage communication and report potential non-compliance.

The Standards of Conduct will provide written guidance on how Affected Individuals may report actual or suspected compliance concerns without fear of retribution, retaliation, or intimidation to the Compliance Officer through a confidential and/or anonymous mechanism that bypasses Management.

e) *Disciplinary Mechanisms.*

The Standards of Conduct will include a description of disciplinary mechanisms utilized by the Organization and the procedures for addressing disciplinary actions.

4. Dissemination.

a) *General.*

LIFEPlan’s Standards of Conduct and Compliance Plan will be provided to all Affected Individuals. LIFEPlan’s Standards of Conduct and Compliance Plan will be posted on its website.

The Compliance Officer will ensure that all Affected Individuals, as defined by this Policy, are provided with a copy of the Compliance Plan and Standards of Conduct as part of their orientation to the Organization.

The Compliance Officer will ensure that each Board member is provided with a copy of the Compliance Plan and Standards of Conduct at the time of Board orientation.

b) *Acknowledgement.*

All Affected Individuals will attest to having: (a) received a copy of the Compliance Plan and Standards of Ethical Conduct, (b) read and understood its contents, and (c) agreed to abide by the provisions of the documents.

c) *Training.*

The Compliance Officer will ensure that all Affected Individuals, as defined by this Policy, receive training annually related to the contents of the Standards of Conduct to help them understand how it applies to everyday

situations. The Compliance Officer will ensure that records are maintained to document the receipt of training.

5. Compliance Officer Responsibilities.

The Compliance Officer will include in their report to the Compliance Committee and Board of Directors the status of training, along with any recommendations for updating or improving the contents of the Standards of Conduct and/or training.

The Compliance Officer is responsible for investigating possible violations of the Standards of Conduct and Compliance Program and ensuring appropriate disciplinary action is taken when necessary.

B. Standards of Conduct Areas.

1. Privacy & Confidentiality.

LIFEPlan is committed to the protection of confidential information. Federal and state laws and LIFEPlan policies prohibit the unauthorized seeking, disclosing, or giving of confidential information, contained in member or employee records. All LIFEPlan staff, board members, contractors, and volunteers are required to know and to comply with laws and policies related to information privacy and security.

2. Honest Communication.

LIFEPlan requires candor and honesty from staff in the performance of their responsibilities and in communication with its attorneys, auditors, and regulatory bodies. No staff member will make false or misleading statements to any member, person, or entity doing business with LIFEPlan about themselves or about other members, persons or entities doing business or competing with LIFEPlan, or about the products or services of LIFEPlan or its competitors. All communication, but most particularly with LIFEPlan members, will be conducted with civility and respect.

3. Accuracy and Fairness in Billing/ Documentation Practices.

LIFEPlan takes great care to ensure that all claims submitted to Federal health care programs and other insurance payors reflect truth and accuracy and conform to all federal and state laws and regulations. Consistent with these laws and regulations, billing practices are guided by a regulatory environment external to LIFEPlan.

All billing must be accurate and truthful and based on adequate documentation of the justification for the services provided. Staff involved in delivering care will assess and document each member's service timely and accurately. Under no circumstances may anyone knowingly misrepresent any information to ensure reimbursement or obtain a higher reimbursement rate.

Staff involved in any way with false, fictitious, or fraudulent claims are subject to the most severe disciplinary measures.

4. Fraud and Abuse.

LIFEPlan expects all staff to refrain from conduct that may violate the fraud and abuse laws, particularly those pertaining to Federal health care programs. Briefly, these laws prohibit:

- a) The submission of false, fraudulent, or misleading claims to any governmental entity or third-party payor, including claims for services not rendered, or claims that characterize the service differently than the service actually rendered, or claims that do not otherwise comply with applicable program requirements.
- b) Making false representations to any person or entity to gain or retain participation in a program or to obtain payment for any service.
- c) Retaining an overpayment made by a governmental program.
- d) The knowing and willful offering, paying, asking, or receiving any money or other benefit, directly, or indirectly, overtly, or covertly, in cash or in kind, for the purpose of influencing member referrals or procuring goods or services.

5. Exclusions.

LIFEPlan is committed to using good faith efforts to not employ, contract, or affiliate with individuals or entities that are currently excluded, debarred, or otherwise ineligible to participate in Federal health care programs. LIFEPlan utilizes a system for checking such individuals and entities against the government exclusion databases. All staff and board members are required to notify Human Resources within two (2) business days of being found guilty of committing a crime (this does not include traffic violations) or receiving notification that they have been excluded from a federal health care program. HR will communicate with Compliance to determine if this excludes the staff or board member's continued affiliation with LIFEPlan.

6. Proprietary Information.

a) *General.*

Information, ideas, and intellectual property assets of LIFEPlan are important to organizational success. Information pertaining to LIFEPlan's competitive position or business strategies, payment and reimbursement information, and information relating to contract negotiations must be protected and shared only with individuals having a need to know such information to perform their job responsibilities. Affected Individuals must exercise care to ensure that intellectual property rights, including members, trademarks, copyrights, and software licenses are carefully maintained and managed to preserve and protect their value.

b) *Misuse of Proprietary Information.*

Affected Individuals will not misappropriate confidential or proprietary information belonging to another person or entity or utilize any publication, document, computer program, information, or product in violation of a third party's interest in such product. All staff are responsible to ensure they do not improperly copy for their own use documents or computer programs in violation of applicable copyright laws or licensing agreements.

Affected Individuals will not utilize confidential business information obtained from LIFEPlan or its competitors, including but not limited to member lists, price lists, contracts, or other information in violation of a covenant not to compete, or prior employment agreements, or in any other manner likely to provide an unfair competitive advantage to LIFEPlan. In addition, Affected Individuals may not disclose such confidential information to any third party after leaving employment except with the prior written consent of LIFEPlan, or as required by applicable law.

7. Personnel Actions/Decisions.

Salaries, benefits, contracts, and other personal information relating to staff will be treated as confidential. Personnel files, payroll information, disciplinary matters, and similar information will be maintained to ensure confidentiality. Staff will exercise due care to prevent the release or sharing of information beyond those individuals who may need such information to fulfill their job function.

8. Conflict of Interest.

All staff, board members, contractors, and volunteers are expected to act with integrity, honesty, and fairness to avoid any conflict, or appearance of a conflict, between personal or external interests and the interests of LIFEPlan. A conflict of interest arises during any circumstance in which one's personal interest or relationships might affect his or her objectivity or ability to fulfill responsibilities regarding the organization. Any person in a position of authority over the affairs of LIFEPlan may not use his or her position to benefit personally or to assist others in benefiting from a decision he or she could make.

9. Gifts.

Staff are prohibited from soliciting tips, personal gratuities, or personal gifts from members or families of members. Staff may accept unsolicited gifts or gratuities of a nominal value (worth less than \$25) from members or families of members, such as candy or flowers.

10. Financial Reporting.

LIFEPlan has established and maintains a high standard of accuracy and completeness in the documentation and reporting of all financial records. Financial reports, accounting records, cost reports, expense accounts, and time and attendance records must accurately and clearly represent the



relevant facts and true nature of a transaction. Improper or fraudulent accounting, documentation, or financial reporting is contrary to LIFEPlan policy and national standards and may be in violation of federal and state laws. Illegal or inappropriate activities of this sort must be reported immediately to LIFEPlan's Office of General Counsel, Corporate Compliance Officer, and the external auditors for LIFEPlan.

11. Personal Use of Corporate Assets.

a) *General.*

Each staff member is responsible for preserving the organization's assets including time, materials, supplies, equipment, services, and information. All property and business of LIFEPlan will be used or conducted in a manner designed to further LIFEPlan's interests rather than the personal interests of a staff member.

b) *Restrictions.*

Staff are strictly prohibited from the unauthorized use of or taking of LIFEPlan's assets. Staff are responsible for exercising good judgement and following departmental guidelines regarding the reasonable personal use of computing resources.

Staff are permitted to use LIFEPlan's internet systems for non-business reasons during "non-working time" provided such activity does not interfere with the productive business functions of other staff. Staff are expected to always use the internet responsibly and productively. Reasonable personal use of organizational computing resources is permitted where such use does not affect the individual's business performance, is not detrimental to the organization in any way, not in breach of any term and condition of employment and does not place staff or the organization in breach of statutory or other legal obligations.

12. Non-Intimidation and Non-Retaliation.

All staff and board members are expected to participate in and comply with LIFEPlan's Compliance Program, including the reporting of any violation or compliance issue. Retaliation or intimidation in any form against an individual who in good faith reports possible unethical or illegal conduct or otherwise participates in the Compliance Program is strictly prohibited and is itself a serious violation of the Standards of Ethical Conduct. Acts of retaliation or intimidation should be immediately reported to the Compliance Officer and, if substantiated, will be disciplined appropriately.

C. Compliance Statement.

As part of its ongoing auditing and monitoring process in its Compliance Program, LIFEPlan will review this policy based on changes in the law or regulations, as LIFEPlan's practices change, and, at minimum, on an annual basis. Additionally, this policy will be tested for effectiveness on an annual basis or more frequently as identified in accordance with LIFEPlan's Compliance Program. Testing will include but is not limited to ensuring that the policy is appropriately followed; the policy is effective; the policy has been disseminated to all Affected Individuals, as well as notified of any updates or changes.

Tracking of the criteria above and results of this testing will be completed by the Compliance Officer, or designee. Additionally, results will be reported to the Compliance Committee and Governing Body on a regular basis.

D. Record Retention.

LIFEPlan will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six (6) years.

E. Additional Policy Information

1. Originating Departments.

- a) Corporate Compliance and Risk Management
- b) General Counsel

2. Contributing Departments.

- a) Board of Directors Corporate Compliance Subcommittee
- b) Internal Corporate Compliance Committee

3. Regulatory References.

- a) 18 NYCRR SubPart 521-1
- b) 18 NYCRR SubPart 521-3
- c) NYS False Claims Act [*State Finance Law §§ 187-194*]
- d) NYS Labor Law 740
- e) NYS Labor Law §741
- f) NYS Penal Law Article 155, Larceny
- g) NYS Penal Law Article 175, False Written Statements
- h) NYS Penal Law Article 176, Insurance Fraud
- i) NYS Penal Law Article 177, Health Care Fraud
- j) NYS Whistleblower Protections New York False Claims Act (Finance Law 191)
- k) Social Service Law §145
- l) Social Service Law 363-D
- m) Social Services Law 366-b
- n) The False Claims Act [*31 USC Chapter 37, §§ 3729-3733*]


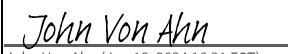
4. Related Internal Policies and Procedures.

- a) Policy 9-99, Compliance Program Roadmap
- b) Policy 9-11, *Conflict of Interest and Conflict-free Care Management*
- c) Policy 9-13, *Compliance Auditing and Monitoring*
- d) Policy 9-14, *Enforcement of Compliance Standards and Discipline for Violations*
- e) Policy 9-15, *Federal Healthcare Exclusion Checks*
- f) Policy 9-16, *Fraud Prevention Policy*
- g) Policy 9-17, *Response to Government Inquiries*

- h) Policy 9-18, *Duty to Report and Whistleblower Protection Policy*
- i) Policy 9-19, *Anti-Kickback Policy*
- j) Policy 9-20, *Compliance Education and Training*
- k) Policy 9-22, *Open Access and Lines of Communication to the Compliance Officer*
- l) Policy 9-23, *Role of Leadership*
- m) Policy 9-24, *Role of Corporate Compliance Officer*
- n) Policy 9-25, *Role of the Internal Corporate Compliance Committee*

Related Standard Operating Procedures: N/A

Approval:

Approved by:	 <p style="text-align: right;">01/09/2024</p> <p style="text-align: center;">Lauren Albaroni, Senior Vice President of Quality Assurance, Corporate Compliance and Risk Management</p>
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