



**COMPLIANCE PROGRAM
AND
COMPLIANCE CODE OF CONDUCT**

I. COMPLIANCE PROGRAM – IN GENERAL

A. MISSION

It is the mission of My Choice Family Care (“MCFC”) to respect the dignity and personal autonomy of each of the Members it serves by honoring Member choice and by providing high quality, cost-effective service and support. In furtherance of this commitment, MCFC strives to promote honesty, integrity and ethical behavior that promotes a culture of compliance with all applicable Federal and State laws, rules and regulations which apply to MCFC operations and business activities.

B. PURPOSE

MCFC’s Compliance Program is designed to further MCFC’s commitment to adhere to all applicable laws, regulations and guidance, promote quality performance throughout MCFC, and maintain a working environment that promotes integrity and high ethical standards. MCFC’s Compliance Program is an integral part of MCFC’s mission, and all Personnel are expected to support the Compliance Program.

This overall description of the Compliance Program is designed to inform and educate all Personnel of the components of the Compliance Program. The Compliance Code of Conduct, which is part of the Compliance Program, is intended to instruct Personnel about legal and ethical principles and standards, and their responsibility to support the Compliance Program.

C. AMENDMENTS

The Compliance Program may be amended from time to time. To the extent that there is any conflict between the principles, standards, policies or procedures enumerated in the most current Compliance Program and those principles, standards, policies or procedures enumerated in earlier versions of the Compliance Program, then the principles, standards, policies and procedures enumerated in the most current Compliance Program will control.

D. DEFINITIONS

As used in the Compliance Program, unless the context clearly indicates otherwise:

1. “MCFC” means My Choice Family Care.
2. “C&E Committee” means MCFC’s Compliance and Ethics Committee.
3. “CO” means MCFC’s Chief Compliance Officer.
4. “Compliance P&Ps” means MCFC’s compliance policies and procedures that deal with risk areas specific to MCFC including, but not limited to HIPAA compliance, contracting, Personnel screening, regulatory reporting, record access and retention, documentation and Personnel training and monitoring and conflicts of interest.
5. “Compliance Program” means all components of MCFC’s compliance program, including the Compliance Code of Conduct and Compliance P&Ps.

6. “Contractor” means any person retained by or contracted with MCFC as an independent contractor to provide health care and related services to Members or administrative, technical or professional services to MCFC.
7. “Family Member” means any member of a Personnel’s immediate family including a Personnel’s spouse, parents, children, brothers and sisters (and spouses of these individuals) and members of a Personnel’s household.
8. “HIPAA” means the Health Insurance Portability and Accountability Act, a US law designed to provide privacy standards to protect patients' medical records and other health information provided to health plans, doctors, hospitals and other health care providers.
9. “Member” means an individual who is enrolled with MCFC to obtain healthcare services, living assistance and related services and may include a Member’s legally authorized guardian or representative.
10. “Personnel” means, individually and collectively, a MCFC director, officer, manager, supervisor, staff member or volunteer.
11. “Protected Health Information” means individually identifiable health information related to a MCFC Member that is transmitted or maintained in any form or medium (electronic, oral, or paper) by MCFC or its business associates.
12. “Provider” means the persons and entities with which MCFC contracts to provide medical, living assistance and related support services to MCFC Members.
13. “Vendor” means a person who does, or is in a position to do, business with MCFC, other than a Contractor.

E. CHIEF COMPLIANCE OFFICER

1. MCFC has designated the CO as the individual within MCFC who is responsible for the overall development, implementation and administration of MCFC’s Compliance Program, including enforcement activities. The CO serves as the Privacy and Security Officer for MCFC.
2. The CO is responsible for ensuring that:
 - a. Compliance P&Ps are developed, implemented, reviewed and updated as necessary;
 - b. Personnel and Contractor screening mechanisms are in place and are operating properly;
 - c. Contractors and Vendors are informed of the requirements of the Compliance Program, as appropriate;
 - d. Personnel (and Contractors, as appropriate) are receiving education and training regarding the Compliance Program and that such education and training is documented;
 - e. Monitoring and auditing procedures are implemented in accordance with Compliance P&Ps to detect compliance problems;
 - f. Procedures are developed which encourage Personnel, Members, and Contractors to report suspected fraud, waste and abuse and other potential compliance problems or concerns.

g. Reports and other matters related to compliance are promptly and thoroughly investigated and acted upon;

h. Adequate steps are taken to correct any identified compliance problems and prevent the recurrence of such problems.

3. The CO will maintain a written log of all compliance activities, including reports of potential violations and any actions taken regarding such potential violations. This report will include the status of compliance activities and any recommendations resulting from monitoring activities, and any other information requested by the C&E Committee.

4. The CO will coordinate with MCFC's management with respect to screening Personnel and Contractors and disciplining or sanctioning Personnel or Contractors (up to and including termination) for violations of the Compliance program.

5. The CO has the authority to design, conduct and coordinate internal investigations, and any resulting corrective action within all sections and departments of MCFC.

6. The CO has the authority to review all documents and other information which are relevant to compliance activities, including but not limited to, Member records, health care provider records, billing records, and individual Personnel arrangements and agreements with other parties. The CO has the authority to sample, at his or her sole discretion, the records of any Personnel.

7. The CO has the authority to seek the advice of legal counsel on behalf of MCFC with respect to any matter pertaining to compliance.

8. All Personnel are expected to cooperate with the CO in the development, implementation and ongoing administration of the Compliance Program.

F. COMPLIANCE AND ETHICS COMMITTEE

1. The MCFC Board of Directors has created the C&E Committee to assist in the development, implementation and ongoing administration of the Compliance Program. The CO shall not be a member of the C&E Committee, but shall consult with the C&E Committee and attend Committee meetings.

2. The C&E Committee's responsibilities include all of the following:

a. Analyzing, upon advice of the CO, the legal requirements with which MCFC must comply, and the risk areas specific to MCFC;

b. Assessing existing policies and procedures for consistency with the Compliance Program;

c. Working with the CO and other Personnel to develop and update the Compliance Code of Conduct and policies and procedures which promote compliance with the Compliance Program;

d. Recommending and monitoring the development of internal systems and controls to carry out MCFC's Compliance Code of Conduct and Compliance P&Ps;

e. Determining the appropriate strategy to promote and encourage compliance with the Compliance Program and to detect any potential violations;

f. Assist the CO in the implementation and effective operation of the Compliance Program which will include advising the CO on the development, adoption, and revision from time to time, as necessary, of any of Compliance P&Ps.

G. COMPLIANCE POLICIES AND PROCEDURES

1. Compliance P&Ps are kept current with applicable laws, standards of conduct and other legal requirements. Compliance P&Ps deal with risk areas specific to MCFC including, but not limited to, contracting, Personnel screening, regulatory reporting, record access and retention, documentation, Personnel training/education and monitoring.
2. Compliance P&Ps are a resource for Personnel and are designed to enhance their ability to perform their responsibilities in compliance with applicable laws and other legal requirements. Compliance P&Ps are made available to all Personnel.

H. TRAINING

It is the goal of the Compliance Program that all Personnel are educated about the Compliance Code of Conduct, the Compliance Program, and in particular, legal obligations that govern particular work functions. Personnel will be guided by both the letter and the spirit of the Compliance Program and the Compliance Code of Conduct, which may mean making judgment calls about certain situations. If Personnel have questions regarding the existence, interpretation, or application of any Law or other legal obligation, they should contact the CO.

MCFC requires all Personnel, and Contractors as appropriate, to participate in programs of training and continuing education with respect to the Compliance Program. Training sessions will be conducted and training materials will be distributed, at least yearly, or when a significant change is made in the Compliance Program. Training will include, at a minimum, the introduction or review of the following:

1. Compliance P&Ps
2. Disciplinary Guidelines for Non-Compliant Behavior
3. Procedures for How-to-Ask Compliance Questions or Report Potential Non-Compliance
4. Training on the Health Insurance Portability and Accountability Act and the importance of maintaining the confidentiality of Protected Health Information
5. An Overview of the Privacy and Security of Personally Identifiable Information

II. COMPLIANCE CODE OF CONDUCT

A. The Compliance Code of Conduct (“Code”) consists of the following Principles articulating the policies of MCFC and Standards which are intended to provide additional guidance to Personnel. Conduct not specifically addressed by the Standards must be consistent with the Principles.

B. MCFC expects all Personnel to abide by the Code and to conduct the business and affairs of MCFC in a manner consistent with the Code. Failure to abide by the Code may result in disciplinary action. In MCFC’s sole discretion, discipline may range from verbal correction to termination.

C. MCFC will generally attempt to communicate a change to the Code before the change is implemented. However, MCFC reserves the right to modify, amend or alter the Code without advance notice to any Personnel.

PRINCIPLE 1 - LEGAL COMPLIANCE

MCFC will strive to ensure all activity by or on behalf of MCFC is in compliance with applicable laws and other legal obligations.

MCFC is subject to a wide variety of legal requirements that govern our overall mission as well as our day to day business activities. Personnel are required to comply with all applicable laws, whether or not specifically addressed in these Standards. The following Standards are intended to provide guidance to Personnel to assist them in their obligation to comply with applicable laws and other legal obligations. The following Standards are neither exclusive nor complete.

Standard 1.1 – Fraud, Waste and Abuse

Personnel will refrain from conduct which may violate any laws pertaining to fraud, waste and abuse. Fraud is defined as an intentional deception, false statement or misrepresentation made by a person with the knowledge that the deception could result in unauthorized benefit to oneself or another person. It includes any act that constitutes fraud under applicable federal or state law. Waste is defined as failure to control costs or regulate payments associated with federal program monies. Abuse is defined as practices that are inconsistent with professional standards of care; medical necessity; or sound fiscal, business, or medical practices. Intent is the key distinction between fraud and waste/abuse. An allegation of waste and abuse can escalate into a fraud investigation if a pattern of intent is determined.

Integral to the prevention of Fraud, Waste and Abuse is the support of the Center for Medicare and Medicaid Services (“CMS”) Program Integrity initiatives. MCFC will support the regulations and measures promulgated by CMS in order to detect and prevent any activities which divert monies intended to provide for, promote and safeguard the health and welfare of its Members. The CO serves as MCFC’s Program Integrity Officer.

Standard 1.2 – Kickbacks

Personnel will not offer, give, solicit, or receive payments or gratuities, in cash or in kind, that are intended to induce the referral of Members to MCFC or to any health care provider.

Standard 1.3 - MCFC Contracts

Employment contracts, independent contractor agreements and other business contracts and arrangements will comply with applicable laws. All MCFC contracts and arrangements will be in writing and will be subject to review and approval as provided in the Compliance P&Ps.

Standard 1.4 - Investment and Financial Relationships/Conflicts of Interest

Personnel’s investments in or financial relationships with Contractors, Vendors and Providers will comply with applicable laws and MCFC’s Compliance P&Ps. Personnel will disclose to MCFC their investments in or financial relationships with a Contractor, Vendor and Providers according to the parameters set forth in the MCFC Conflict of Interest Policy and Conflict of Interest Disclosure Form. MCFC may request information pertaining to any such investment or financial relationship. MCFC will evaluate each investment or financial relationship on a case-by-

case basis and may limit or prohibit the investment or financial relationship as a condition of continuing an employment or contractual relationship with MCFC.

Standard 1.5 - Participation in Governmental Programs

Personnel, Contractors and Vendors will not provide any service to Members while debarred, excluded, suspended, or otherwise ineligible for participation in any governmental health care program, including without limitation, Medicaid and Medicare. MCFC will not knowingly do business with a Contractor or Vendor, or will not knowingly permit a Contractor to provide services to Members, if the Contractor or Vendor is debarred, excluded, suspended, or otherwise ineligible for participation in any governmental health care program.

Standard 1.6 - Dealings with Governmental Agencies

MCFC has dealings with governmental agencies in the normal course of its business. All such dealings with governmental officials and agencies will be conducted in an honest and ethical manner. Any attempt to influence the decision-making process of governmental officials or agencies by an improper offer of any benefit is absolutely prohibited. Any requests or demands by any governmental representative for any improper benefit should be immediately reported to the CO.

Standard 1.7 - Antitrust

Personnel, Contractors and Vendors will comply with applicable laws concerning antitrust and unfair competition. Examples of conduct prohibited by these laws include agreements to fix prices, bid rigging and unfair trade practices including bribery, deception, intimidation and similar unfair practices.

Standard 1.8 - Licensure

Personnel, Contractors and Vendors will obtain and continuously maintain all permits, certifications, registrations and licenses required under applicable laws for the performance of the services they perform for MCFC.

Standard 1.9 - Discrimination

Personnel, Contractors and Vendors will not unlawfully discriminate against Members on the basis of race, color, religion, sex, ethnic origin, age, disability, or any other classification prohibited by Law or MCFC Policy.

Standard 1.10 - Financial Reporting

All financial reports, accounting records, expense accounts, time sheets, and other documents will accurately and clearly represent the relevant facts or the true nature of a transaction. Improper or fraudulent accounting, documentation or financial reporting is contrary to the policy of MCFC, and may violate applicable laws or other legal obligations. MCFC shall maintain internal controls to reinforce and verify our own compliance with these policies. Personnel, Contractors and Vendors are responsible for accurate recording of transactions by following appropriate procedures and obtaining appropriate management authorization.

PRINCIPLE 2 - BUSINESS ETHICS

MCFC will strive to maintain high standards of business ethics and integrity.

The following Standards are designed to provide guidance to Personnel to ensure that MCFC's business activities reflect MCFC's commitment to ethics and integrity.

Standard 2.1 - Honest Communication

MCFC expects candor and honesty from Personnel in the performance of their responsibilities and in communications with persons outside of MCFC. Personnel will not make false or misleading statements to any Member, Contractor, or Vendor about MCFC, other Members, Contractors or Vendors. Personnel will not misrepresent MCFC's services or the services of MCFC's competitors.

Standard 2.2 - Activities

Personnel will accurately and honestly represent MCFC in dealings with third-persons and will not engage in any activity or scheme intended to defraud anyone of money, property or services.

PRINCIPLE 3 - PROFESSIONAL ETHICS

Personnel will perform their jobs in accordance with codes and standards of professional conduct and ethics that may be applicable to the professional licensure or certification.

Standard 3.1 - Professional Responsibility

All licensed professionals employed by MCFC will follow the Code of Ethics of their respective disciplines.

Standard 3.2 - Competition

It is our responsibility to maintain and enhance MCFC's reputation for honesty and integrity. Therefore, we compete vigorously, but fairly. Every action we take reflects on the reputation of MCFC. We offer our services on their merits, not by disparaging competitors or their services.

PRINCIPLE 4 - CONFIDENTIALITY

MCFC will strive to maintain the confidentiality of Member information and other confidential information in accordance with applicable laws and ethical standards.

Personnel possess and have access to a broad variety of confidential, sensitive, and proprietary information. The inappropriate disclosure of such information could be injurious to Members, MCFC, and other persons. The following Standards are intended to inform Personnel of their obligation to actively protect and safeguard confidential, sensitive and proprietary information in order to prevent the unauthorized disclosure of information. MCFC contracts with Contractors will include confidentiality provisions consistent with these Standards, as appropriate. If Personnel receive information that they know or suspect was wrongfully obtained, they shall not use or further disclose that information.

Standard 4.1 - Member Information

Personnel will not disclose any confidential information, including Protected Health Information, concerning Members unless disclosure of such information is permitted or required under MCFC's policies and procedures or is required by Law.

Standard 4.2 - Proprietary Information

MCFC's business methods, business strategies, business or financial information, Member lists, payment and reimbursement information, methodologies and rates, marketing plans, Personnel information and all other information concerning the property, business and affairs of MCFC are valuable and proprietary information and will be kept confidential. Personnel will not disclose any proprietary information to any unauthorized person unless disclosure is permitted under MCFC's applicable policies and procedures, under the terms of a MCFC contract, or is required by Law. Personnel and Contractors will exercise care to ensure that proprietary information is carefully maintained and managed to preserve and protect its value.

Standard 4.3 - Third Party Confidential Information

Personnel will not disclose to any unauthorized person any information which MCFC is legally obligated to keep confidential under a written agreement with a third party.

PRINCIPLE 5 - CONFLICTS OF INTEREST

Personnel owe a duty of undivided and unqualified loyalty to MCFC. Personnel will not use their positions to profit personally or to assist others in profiting in any way that unfairly expenses MCFC.

The following Standards are intended to provide guidance to Personnel so as to avoid actual impropriety or the appearance of impropriety which might arise from the influence of outside activities on business decisions of MCFC, or from disclosure or private use of business affairs or plans of MCFC.

Standard 5.1 - Outside Financial Interests and Activities

Personnel will disclose to MCFC any of the following financial interests or activities of themselves or their Family Members:

- a. Ownership in or employment by any health care provider. This does not apply to stock or other investments held in a publicly held corporation, provided the value of the stock or other investments does not exceed 5% of the corporation's stock. MCFC may, following a review of the relevant facts, permit ownership interests which exceed this amount if it concludes that such ownership interests will not adversely impact MCFC's business interest or the judgment of the individual;
- b. Conduct of any material or substantial business not on behalf of MCFC, with any third-party payer, governmental agency, Contractor, Vendor, any of their directors, officers, employees or agents; or any person to whom or from whom MCFC receives or might receive, directly or indirectly, money or Member referrals. For purposes of the foregoing, business conducted by any Personnel on his or her own behalf which is immaterial need not be disclosed;

- c. Representation of MCFC in any transaction in which Personnel or a Family Member has a substantial personal interest;
- d. Serving as an officer or management position with, any Contractor or Vendor;
- e. Disclosure or use of proprietary or other confidential, special or inside information of or about MCFC, including, but not limited to, personal profit or advantage of the Personnel or Family Member;
- f. Competition with MCFC by Personnel, directly or indirectly, in any business opportunity;
- g. The performance of work or services for any Contractor, Vendor, or governmental agency.

Standard 5.2 - Limitations on Personnel and Contractor Financial Interests and Activities

In its sole discretion, MCFC may: (a) request Personnel to terminate or decline to accept a position as a director, trustee, officer, manager, employee, contractor, or agent for or on behalf of any Contractor, Vendor or governmental agency; (b) require Personnel to obtain prior approval before acquiring a financial interest in or engaging in any outside activity for or on behalf of any such persons; (c) impose conditions on Personnel financial interests in or outside activities for or on behalf of any such persons; (d) prohibit Personnel from acquiring a financial interest in or engaging in any outside activity for or on behalf of any such persons; or (e) terminate or modify an agreement with a Contractor if the Contractor acquires a financial interest in or engages in any activity for or on behalf of any such persons.

PRINCIPLE 6 - BUSINESS AND MEMBER RELATIONSHIPS

Personnel will transact MCFC business and provide services for Members without offering, giving, soliciting, or accepting gifts, favors, entertainment or other gratuities of greater than nominal value. Personnel will not offer, solicit, or accept gifts, gratuities, or other improper inducements in exchange for, or as a condition of, influence or assistance in a business transaction or providing services.

The following Standards are intended to guide Personnel in determining the appropriateness of their activities or behaviors within the context of MCFC business and Member relationships. These Standards should be construed broadly to avoid even the appearance of improper activity. These Standards do not prohibit appropriate and authorized marketing activities on behalf of MCFC by authorized Personnel or Contractors. These Standards do not prohibit MCFC from offering or accepting contractual consideration under contracts that comply with Compliance P&Ps. If there is any doubt or concern about whether specific conduct or activities are ethical or otherwise appropriate, Personnel should contact the CO.

Standard 6.1 - Gifts and Gratuities

6.1.1 Gifts to and from Members. Personnel will not offer or give Members or Members' Family Members monetary gifts or other gratuities. Personnel will not solicit or accept monetary gifts or other gratuities from Members or Members' Family Members. Personnel may offer, give or accept a non-monetary gift of nominal value (as defined in the Compliance P&Ps) to or from a Member or a Member's Family Member, if in compliance with applicable laws, standards of care, and ethical obligations.

6.1.2 Gifts Influencing Decision-Making. Personnel will not accept gifts, favors, services, entertainment or other things of value to the extent that decision-making or actions affecting MCFC might be influenced. Personnel will not offer or give money, services or other things of value with the expectation of influencing the judgment or decision making process of any Member, Contractor, Vendor, or government official or agency.

6.1.3 Gifts to or from Contractors or Vendors. Personnel will not offer, give or accept money, gratuities or gifts to or from Contractors or Vendors, except gifts, meals or entertainment of nominal value (as defined in the Compliance P&Ps). Personnel will not solicit money, gifts or gratuities from Contractors or Vendors. To the extent possible, gifts of nominal value from Contractors or Vendors should be shared with co-workers.

6.1.4 Workshops, seminars and training sessions. Attendance at local workshops, seminars and training sessions sponsored by Contractors or Vendors is permitted in accordance with guidelines set forth in the Compliance P&PS. Attendance at Contractor or Vendor expense, at out-of-town seminars, workshops or training sessions is permitted only with the prior approval of the CO and in accordance with guidelines set forth in the Compliance P&PS.

Standard 6.2 - Contracts

Personnel will conduct all business relations with Contractors and Vendors at arm's length both in fact and in appearance and in compliance with Compliance P&Ps and applicable laws. Personnel will disclose personal relationships and business activities with Contractors or Vendors which may be construed by an impartial observer as influencing Personnel's performance or duties.

Standard 6.3 - Business Inducements

Personnel will not seek to gain any advantage through the improper use of payments, business or professional courtesies or other inducements. Offering, giving, soliciting or receiving any form of bribe or other improper payment is prohibited. Appropriate commissions, rebates, discounts and allowances by or on behalf of MCFC are customary and acceptable business inducements provided that they are approved in advance by the CO and are not illegal or unethical payments.

Standard 6.4 - Marketing Practices

MCFC will market its services on the basis of quality and cost-effectiveness in accordance with MCFC's approved marketing policies and procedures that comply with applicable laws. Personnel will not engage in marketing activities prohibited under MCFC's marketing policies and procedures.

PRINCIPLE 7 – DOCUMENTATION AND REIMBURSEMENT PRACTICES

MCFC will strive to ensure that its services and the services provided by Contractors are fully documented and that all claims and other submissions for reimbursement for services rendered by MCFC or by any Contractor comply with applicable laws.

Standard 7.1 Record Integrity

Personnel will not destroy or alter Member or business records, will retain all such records, and will not copy or remove such records from MCFC's offices, except in accordance with Compliance P&Ps and any other document retention policies.

Standard 7.2 - Monitoring

MCFC will monitor documentation and in a manner which will enable MCFC to promptly identify deficiencies in process which may result in inaccurate claims and/or billings. MCFC will conduct monitoring activities in accordance with the procedures contained in the applicable monitoring tool or protocol identified in the Compliance P&PS. MCFC will devote such resources as are reasonably necessary to ensure that monitoring activities are adequately staffed by individuals with appropriate knowledge and experience to conduct the activities. MCFC will ensure that monitoring tools and protocols are periodically updated to reflect changes in applicable laws and third-party payer requirements.

PRINCIPLE 8 - PERSONNEL AND CONTRACTOR SCREENING

It is the policy of MCFC to make reasonable inquiry into the background of all Personnel. It is also the policy of MCFC to make reasonable inquiry into the background of Contractors who render medical services or whose activities may materially impact financial accounting or reporting, the claims/billing development and submission process or MCFC's relationship with government agencies.

Standard 8.1 - Personnel

Personnel will be screened to determine whether they have been (a) convicted of a felony or any criminal offense related to health care; or (b) listed by a federal or state agency as debarred, excluded, suspended or otherwise ineligible for federal or state health program participation.

Standard 8.2 - Contractors

MCFC will not knowingly contract with a Contractor who has been (a) convicted of a felony or any criminal offense related to healthcare (unless such Contractor has implemented a compliance program as part of an agreement with the federal or state government); (b) listed by a federal or state agency as debarred, excluded, suspended, or otherwise ineligible for federal or state program participation; or (c) otherwise sanctioned by a court or governmental agency under the Medicare, Medicaid, or other federal or state health care program (unless such Contractor has implemented a compliance program as part of an agreement with the federal government).

PRINCIPLE 9 - INVESTIGATION AND RESPONSE

It is MCFC's policy to respond promptly and appropriately to: (a) reports by Personnel or others that Personnel, Contractors or Vendors are engaging in activity which may violate or be contrary to MCFC's Compliance Program.

Standard 9.1 – Lines of Communication

MCFC is committed to creating and maintaining open lines of communication between the CO and Personnel, Providers, Members, Contractors, and Vendors. MCFC will provide independent

reporting paths for Personnel, Providers, Members, Contractors and Vendors to report fraud, waste and abuse, potential compliance issues, or other potential misconduct as they are identified. Reporting paths will allow for anonymity and confidential good faith reporting and may include a one-on-one meeting, telephone hotline, email, or another form of written correspondence.

MCFC will provide channels to maintain open lines of communication for all Personnel, Providers, Members, Contractors, and Vendors, as required. MCFC may use phones, the website, written memoranda, electronic newsletters, posters, bulletin boards, or other forms of information exchange to maintain open lines of communication.

Standard 9.2 - Reporting

All MCFC Compliance P&Ps are distributed to all Personnel, including confidentiality and non-retaliation policies to encourage reporting of potential incidents of fraud, waste and abuse, non-compliant or unethical behavior, safety and quality of care issues. The Compliance P&Ps clarify when and how a suspected violation of non-compliance or unethical behavior should be reported. It is the responsibility of all Personnel to report to MCFC their good faith belief of any violation of MCFC's Compliance Program or applicable laws. MCFC will not retaliate against Personnel, Members, Contractors or Vendors for good faith reporting of a suspected violation. MCFC's reporting system is described in the Compliance P&Ps. These policies ensure the availability and accessibility of the CO.

Standard 9.3 - Purpose and Control of Investigations

The purpose of an investigation will be to: (a) identify those situations in which the Compliance Program or applicable laws may not have been followed; (b) identify individuals who may have knowingly or inadvertently engaged in non-compliant or unethical behavior; (c) facilitate the correction of any non-compliant practices; (d) implement those procedures necessary to ensure future compliance; (e) protect MCFC in the event of civil or criminal enforcement actions; and (f) preserve and protect MCFC's assets.

Standard 9.4 - Investigations

An investigation will be conducted upon receipt of a report or other information, including a monitoring result, which suggests conduct in violation of the Compliance Program or applicable laws.

Standard 9.5 - Monitoring

MCFC shall routinely perform monitoring activities pursuant to Compliance P&Ps, to identify compliance risks, detect and eliminate non-compliant activity, including fraud, waste, and abuse, eliminate unethical behavior, and ensure HIPAA privacy and security. Routine monitoring will include a process of ongoing evaluation, including regular, periodic compliance audits by internal or external evaluators with the necessary expertise in federal and state laws, regulations and other requirements. Auditing will be designed to identify problem areas and resolve them.

Standard 9.6 - Resolution

If MCFC finds what appears to be criminal or other improper activity on the part of any Personnel, Contractor or Vendor, MCFC will undertake reasonable and appropriate steps to

promptly resolve the problem. Such steps may include, but not be limited to, initiating an appropriate corrective action plan, taking disciplinary action against the individual or individuals whose conduct violates the Compliance Program or applicable laws, notification of government agencies, and repayment of improper payments.

PRINCIPLE 10 – PERSONNEL DISCIPLINE AND EVALUATION

It is MCFC's policy to discipline any Personnel or Contractor who willfully or negligently fails to comply with the Compliance Program or applicable laws. It is further MCFC's policy to evaluate Personnel based in part on their efforts to ensure MCFC's compliance with the Compliance Program and applicable laws.

Standard 10.1 - Discipline

Personnel and Contractors may be subject to discipline for failing to participate in compliance efforts, including, but not limited to:

- a. Failing to perform any obligation required of the Personnel relating to the Compliance Program or applicable laws;
- b. Failing to report to MCFC suspected violations of the Compliance Program or applicable laws;

Or

- c. Failing to implement and/or follow policies and procedures reasonably necessary to ensure compliance with the Compliance Program or applicable laws.

These examples are not comprehensive or exclusive. The decision as to what action or inactions constitute a failure to comply with the Compliance Program or applicable laws and the decision as to appropriate discipline are at the sole discretion of MCFC.

**EMPLOYEE CERTIFICATE OF COMPLIANCE
WITH THE MCFC COMPLIANCE PROGRAM**

I, the undersigned staff member of My Choice Family Care (“MCFC”) hereby certify to MCFC that:

(i) I am aware of MCFC's Compliance Program and Compliance Code of Conduct and have received a copy of the same;

(ii) I understand that I have a duty to report any known or suspected unlawful conduct or violations of MCFC's Compliance Program and Compliance Policies and Procedures;

(iii) I have been informed that compliance with the Compliance Program and Compliance Policies and Procedures is a condition of my employment;

(iv) I have been informed that MCFC may take disciplinary action, including dismissal as appropriate, for violation of any of the Compliance Program or Compliance Policies and Procedures;

(v) I have no knowledge of any known or reasonably suspected unlawful conduct or misconduct relating to MCFC's operations, whether committed by an employee of MCFC, an employee of another company or organization, an employee of a governmental agency, or any other person; and

(vi) I have no knowledge of any violation of MCFC's Corporate Compliance Policies and Procedures.

Signature

Printed Name

Date

*Please return the executed certificate to the Chief Compliance Officer.