

CODE of CONDUCT

February 2022



Approved by the
Board of Directors
2/17/22

Amida Care Diversity Statement:

Amida Care respects our rich diversity and nurtures a welcoming environment where everyone's uniqueness is not only accepted but celebrated. We are committed to full inclusion and elimination of discrimination in all its forms, from the people we employ to the people we serve. We will continue to develop, promote, and sustain a culture that values equality and leverages diversity and inclusiveness in all that we do.

CEO's STATEMENT

Central to Amida Care's ability to conduct business is its reputation and integrity. We owe it to our Members, to the people with whom we do business, and to each other to enhance this reputation with consistent ethical behavior. Adhering to laws, regulations, and policies is also critical to our success. We must always act honestly, ethically, and responsibly. By doing so, we will earn and maintain the trust and respect of our colleagues and everyone with whom we do business.

This Code of Conduct serves as both a statement of values and ethics and as a guide to day-to-day business practices. The Code of Conduct provides the tools necessary to help us do the "right thing" when presented with difficult choices. However, it is impossible for this Code of Conduct to cover every question or situation that may come up. When in doubt, ask for help. I have confidence in each of you to uphold the standards of our Code of Conduct. It is what we value and what we expect.

This Code of Conduct should be considered a "living document" that we will update routinely. It will change and expand as policies are revised and as new resources become available. Please read through it and contact your supervisor with any questions or concerns. If after speaking with your supervisor you still have questions or concerns, please contact the Sr. Director Medicaid Compliance/Compliance Officer or myself.

I am personally committed to making certain that Amida Care is firmly rooted in the Code of Conduct. With a commitment to act honestly, ethically, and responsibly, we will continue to succeed in whatever we do. Thank you for all you do, each and every day, for our Members and for each other.

Sincerely,

A handwritten signature in black ink that reads "Doug Wirth". The signature is written in a cursive, flowing style.

Doug Wirth
Chief Executive Officer
12/2/16

PURPOSE OF THE
CODE *of* CONDUCT

The Code of Conduct is intended to assist Amida Care Board members, employees, and contractors in the exercise of sound judgment. It provides a brief summary of the basic standards of ethics and conduct which Amida Care follows.

The Code of Conduct applies to everyone at Amida Care, at every level.

It is the obligation of everyone receiving this Code of Conduct to abide by it.

THINGS TO KNOW ABOUT THE CODE OF CONDUCT

The Code of Conduct is provided as a guide to help you choose appropriate conduct and explain the mechanisms available for addressing issues and questions. It is essential that you take time to read and understand it.

We all must:

- Know and follow this Code of Conduct;
- Know and comply with Amida Care's requirements and expectations;
- Take responsibility for our own conduct;
- Speak up if you believe anyone is violating the Code of Conduct or if you feel pressure to commit an act that conflicts with the Code of Conduct; and
- Cooperate with any investigation of a potential Code of Conduct violation.

Violations of the Code of Conduct may result in one or more of the following, as appropriate: a warning, a reprimand, termination of employment, contract termination, required reimbursement for losses or damages, and referral for criminal prosecution or civil action.

STATEMENT OF OUR MISSION AND VALUES

Amida Care's mission is to provide access to comprehensive care and coordinated services that facilitates positive health outcomes and general well-being for our members.

Amida Care is committed to promoting wellness and vitality and the provision of quality services to all members.

Amida Care treats members, colleagues, providers, and others associated with the organization with respect, trust, and fairness.

Amida Care professionals strive for excellence in everything we do, for our members and for our organization.

Amida Care professionals are defined by a standard code that is based upon commitment, confidentiality, trust and integrity, and accountability.

Amida Care professionals operate as a team to best serve our members and providers every day.

HOW TO GET ANSWERS AND REPORT VIOLATIONS

It is the responsibility of everyone to report suspected fraud, abuse or other improper activity relating to the operation of Amida Care, whether committed by Amida Care employees, vendors, members, providers, or others. Employees are encouraged to work through their supervisor first to report these issues. You have the right to file reports anonymously by calling Amida Care's Compliance Hotline, which is available 24 hours a day, 7 days a week at (888)394-2285.

REPORTING CONCERNS – NON-RETALIATION, NON-INTIMIDATION

Amida Care is committed to our policy of non-retaliation and non-intimidation against any employee who reports a suspected violation in good faith. Retaliation or intimidation against any employee who seeks advice, raises a concern or reports an ethical or compliance issue in good faith will not be tolerated. Staff who deliberately make a false accusation with the purpose of harming or retaliating against another staff member will be subject to disciplinary action.

PROTECTION AND RIGHTS FOR MEMBERS

Confidentiality and Security

All employees and contractors are entrusted with certain confidential information during the course of their work for Amida Care. In compliance with federal and state laws, Amida Care protects the privacy and confidentiality of every member's personal, medical, financial and claims records. Never compromise a member's trust by disclosing confidential information to anyone, internally or externally, other than those with a legitimate business need for the information who are authorized to receive it.

The laws that protect HIV related information, mental health information and substance abuse information are more strict than those that protect other medical information. Training is provided upon hire and annually to all staff. It is staff's responsibility to adhere to the Amida Care privacy and confidentiality policies. In addition, remember that information recorded electronically, including email, is subject to these requirements. All confidential information sent via email outside of the Amida Care network must be encrypted. Improper disclosure of confidential information could lead to termination of employment or contract, as well as other possible legal action.

Care Coordination, Case Management and Utilization Management

Amida Care utilization management activities strive to ensure that the care and services rendered to members are necessary, appropriate and provided in the right delivery setting. Utilization decisions should focus on the appropriate use of health care services performed by providers, access to preventive/screening services for our members and specific quality and service outcomes. Services that require utilization review are based on claims/utilization data analysis and the type of services. Emergency services never require utilization review.

Amida Care does not permit or provide compensation for a claim being reduced for payment, or for the number of claims or the cost of services for which the person has denied authorization or payment, or any other method that encourages the rendering of an adverse determination.

Non-Discrimination

Amida Care does not discriminate in marketing and enrollment activities based on a prospective enrollee's physical or mental condition, prior health service use, need for future services, age, gender, gender identity, national origin, race, marital status, religious or sexual orientation or any other legally protected characteristic. Decisions must only be based on legally established criteria.

Complaints and Grievances

Amida Care is committed to ensuring that member grievances are handled in a manner that is dignified, thorough and prompt. Under no circumstances will Amida Care retaliate or take any discriminatory action against the member because he/she filed a complaint or grievance. A provider who files a grievance or counsels a member on medical care different from that which the Plan recommends will not be discriminated or retaliated against.

A Network of Quality Providers

Amida Care is committed to having a highly qualified network in good standing and in compliance with standards outlined by regulatory and oversight agencies, including the Centers for Medicaid and Medicare Services, New York State Department of Health, the National Committee for Quality Assurance (NCQA) and/or Joint Commission on Accreditation of Health Care Organization (JCAHO).

COMPLIANCE RESPONSIBILITIES FOR STAFF

Compliance with all Laws, Regulations, Policies and Accreditation Standards

Amida Care is committed to acting in full compliance with all laws, regulations, organizational policies and accrediting authorities. You are required to know and follow all of the rules and policies that apply to your job. No Amida Care employee should ever enter into any business arrangement which is either unethical or illegal with any potential referral source, payor, competitor, client, or any other parties. If you are not certain as to the ethical or legal nature of a given business arrangement, you should immediately consult with your supervisor or the Sr. Director Medicaid Compliance/Compliance Officer.

In addition to the general laws and regulations with which you must comply, there are also many specific laws and regulations on the federal, state and local levels regarding Managed Care Organizations (“MCO”) such as Amida Care. It is our intent to fully comply with these industry-specific regulations.

In summary, Amida Care, as an MCO, is subject to New York State regulations as well as Federal regulations. Such regulations generally provide requirements that records be properly protected and retained, that the confidentiality of medical records be assured at all times, that subcontractors and providers be expected to comply with all contract responsibilities and regulatory requirements, and that fraud and abuse concerns be treated seriously, promptly and effectively. This is not a comprehensive list of regulatory obligations of the areas about which each employee should become familiar.

You are expected to understand and comply with all regulations and rules insofar as they relate to your responsibilities. More information on the rules and regulations summarized here can be obtained from the Sr. Director Medicaid Compliance/Compliance Officer.

For a list and description of applicable laws, please see pages 13-14.

Duty to Report Known or Suspected Violations

You are required to report suspected fraud, abuse or other improper conduct in accordance with Amida Care’s Fraud, Waste and Abuse Reporting Policy. You are also required to cooperate in all other aspects of Amida Care’s Compliance Program,

including audits, investigations and remedial actions. No one who files a report of suspected fraud, abuse or other improper conduct in good faith or otherwise participates in Amida Care's Compliance Program will be subject to retaliation in any form for doing so. Nor will anyone who refuses to carry out any activity that is the subject of a good faith report be subject to retaliation. At the same time, intentionally filing false or misleading reports violates the Code of Conduct.

Persons Who Are Ineligible to Participate in Government-Sponsored Programs

Amida Care will not employ or contract with individuals or entities (including delegated entities and their employees) that have been (1) excluded from participation in government health care programs or (2) have been convicted of a criminal offense related to the provision of health care items or services or (3) have otherwise engaged in improper conduct. All employees and applicants are required to disclose whether they are ineligible persons before they start working at Amida Care. Prior to employment or contract execution, Amida Care will conduct a search of the federal and state government's exclusion lists. Amida Care will then screen all existing contractors and employees on a monthly basis against the exclusion lists. If this screening reveals that an employee or contractor is excluded, Amida Care will immediately terminate the employment or contract.

If you learn of information indicating that a provider, delegated entity, contractor, or vendor is subject to such exclusion, you must promptly notify the Sr. Director Medicaid Compliance/Compliance Officer.

Additional Leadership Responsibilities

Officers and Board members have a special responsibility to safeguard and promote a culture of integrity and honesty and are subject to the requirements of the Code of Conduct. Managers are both role models and resources and are expected to promote an ethical work environment. As such, they should encourage staff to raise concerns and propose ideas free from fear of retaliation or retribution. An ethical workplace requires open and honest two-way communication, as well as being alert to indications that illegal or unethical conduct has occurred.

RELATIONSHIPS WITH OTHERS

Ethical Marketing Practices and Activities

Amida Care will market its services in strict compliance with the Marketing Guidelines disseminated by the Centers for Medicaid and Medicare Services and the New York State Department of Health. Staff will represent Amida Care and describe the benefits of the Plan fully, fairly and accurately. Staff will not offer material or financial gain to Medicaid beneficiaries as an inducement to enroll; and staff will only offer federal, city and state approved nominal gifts valued at the maximum allowed by law, or lesser amount as directed by senior management.

Antitrust

Amida Care complies with all applicable fair competition and antitrust laws. These laws are very complex. They are intended to provide customers with a variety of products at competitive prices unrestricted by artificial constraints such as price fixing, illegal cartels, boycotts and tie-ins. These laws cover our relationship with providers and with any other MCO providing similar services to the community. Staff should not discuss provider terms and conditions with anyone not a party to the specific contract. If staff discusses pricing, marketing or similar information with employees of other MCOs, staff should take care to limit those discussions to matters in the public domain so that it is not construed as an improper attempt to share proprietary information.

If you have questions about potential antitrust implications, consult the Sr. Director Medicaid Compliance/Compliance Officer.

Conflicts of Interest

In the course of conducting Amida Care business, staff is expected to put Amida Care's interests ahead of any outside business, commercial or personal interest. Staff should avoid situations in which conflict of interest, or the appearance of a conflict, could arise. A conflict of interest may also exist if the demands of your outside activities influence or appear to influence your ability to make objective decisions in the course of your job responsibilities.

Amida Care is prohibited from entering into a contract with any entity in violation of Amida Care's Board of Directors Conflicts of Interest Policy or Employee Conflicts of Interest Policy. If an employee becomes aware that Amida Care has entered into or is contemplating a contract with an entity in violation of such policies, the employee must immediately notify the Sr. Director Medicaid Compliance/Compliance Officer.

Gifts and Gratuities

Employees are prohibited from accepting gifts or gratuities of any kind from vendors or providers or prospective vendors and providers of Amida Care. Gifts include, but are not limited to, the provision of any item or service to an employee at less than fair market value. The only exception to this prohibition is that employees are permitted to accept unsolicited gifts of nominal value, such as candy during the holiday season, from existing vendors and providers of Amida Care. Employees must contact the Sr. Director Medicaid Compliance/Compliance Officer if they have any questions about whether a gift from a vendor or provider violates this policy.

Employees may not permit vendors or providers or potential vendors or providers to pay for business-related meals, entertainment or travel having a value of more than \$100 per year without the prior approval of the Sr. Director Medicaid Compliance/Compliance Officer. Meals, entertainment and travel are considered business-related only if they are used predominantly to facilitate business-related discussions.

Kickbacks

The federal anti-kickback statute prohibits any person from knowingly and willfully soliciting, receiving, offering or paying anything of value to another person in return for the referral of a member, or in return for the purchasing, leasing, ordering, or arranging for any item or service, reimbursed by a federal health care program such as Medicare or Medicaid. Penalties for violating the statute include imprisonment, criminal fines, exclusion from government health care programs and civil monetary penalties. A similar New York law prohibits the exchange of remuneration for referrals for items or services covered by the state's Medicaid program. Payments by vendors to induce Amida Care to contract with them may implicate the state and federal anti-kickback statutes.

When negotiating arrangements with vendors, anything of value conveyed by the vendor to Amida Care must generally be reflected as a price discount or rebate. Discounts and rebates usually fit within a “safe harbor” to the anti-kickback laws. Any other payments, in cash or in kind, proposed by vendors that are not structured as discounts or rebates, such as “contract implementation allowances,” free equipment, grants or charitable contributions, must be approved by the Sr. Director Medicaid Compliance/Compliance Officer in consultation with legal counsel as appropriate.

A violation of this policy’s restrictions on gifts and gratuities may also be illegal under state and federal anti-kickback laws.

NON-DISCRIMINATORY, SAFE AND FAIR EMPLOYMENT

It is the policy of Amida Care to be in full compliance with all applicable federal, state and local laws and regulations regarding employment practices. We will provide a safe and healthy work place for our employees and they will be compensated in a fair and equitable manner. Amida Care will promote equal opportunity in all areas of employment and will not tolerate discrimination or harassment against any individuals who fall within any protected class (e.g., race, color, ancestry, place of birth, national origin, religion, age, sex, marital status, sexual orientation, gender identity, disability or any other status prohibited by law) in recruiting, hiring, placement, promotion, or any other condition of employment. Employees with disabilities that require reasonable accommodations may request an accommodation through Human Resources.

Amida Care is committed to having a work environment that is free not only of discrimination, but also of unwelcome, unsolicited and discriminatory sexual advances or harassment. For additional guidance on these or other specific employment-related issues, including guidance regarding reporting sexual and other forms of harassment, discrimination, or other suspected misconduct, please refer to the Employee Handbook or contact the Amida Care Human Resources Department.

Amida Care’s anti-nepotism policy indicates that members of an employee’s immediate family will be considered for employment on the basis of their qualifications. Immediate family may not be hired if the employment would: 1) create a supervisor/subordinate relationship with a family member, 2) have a potential for creating an adverse impact on work performance, or 3) create either an actual conflict of interest or the appearance of a conflict of interest. For additional guidance on Amida Care’s employment of relatives policy, please refer to the Employee Handbook.

Amida Care enforces a comprehensive drug and alcohol abuse policy for all employees. Amida Care is a drug and alcohol-free environment. Amida Care's policy involves the following two approaches: 1) providing reasonable assistance to the employee with a drug or alcohol abuse problem who is willing to cooperate in treatment for that problem; and 2) enforcing through disciplinary procedures, where the use of alcohol or non-prescription drugs affects performance or behavior at work. For additional guidance on Amida Care's alcohol and controlled substances policy, please refer to the Employee Handbook.

Amida Care is committed to promoting a safe and secure work environment that promotes the achievement of its mission and services. All employees are expected to maintain an environment free from violence, threats of harassment, violence, intimidation or coercion. For additional guidance on Amida Care's violence in the workplace policy, please refer to the Employee Handbook.

SAFEGUARDING RESOURCES AND ASSETS

Employees should strive to make prudent and effective use of Amida Care resources and assets, including time, materials, supplies, equipment, capital, space and information. Employees are responsible for ensuring that assets, such as telephones, computers, copiers and equipment are not improperly or unreasonably used. As a general rule, employees should not use Amida Care's resources without prior approval. Occasional personal use of things such as telephones and computers is allowed so long as that use is consistent with Amida Care policies. Any use of Amida Care's assets or resources for personal financial gain is strictly prohibited.

ACCURATE CLAIMS SUBMISSIONS AND DOCUMENTATION

Amida Care is committed to ensuring that providers prepare and submit accurate claims for reimbursement consistent with the statutes and regulations governing federal and state health care programs, as well as guidance from the Centers for Medicare and Medicaid Services and the New York State Department of Health. A provider should never knowingly submit false claims for payment, including using the wrong billing codes, falsifying the medical record or billing for services that are not provided or are not medically necessary.

In addition, Amida Care staff is expected to be complete all documentation in accurate, truthful and timely manner.

CONFIDENTIALITY OF INFORMATION

Employees and contractors are prohibited from photocopying, disseminating or communicating information which is classified by Amida Care as confidential. This includes, but is not limited to the following:

- Personal data/information which is part of a member's record;
- Personal data/information which is part of an employee's personnel record;
- Amida Care data/information which concerns operations for non-Company purposes;
- Information related to Amida Care operations or objectives which could give another group or organization unfair advantage over Amida Care; or
- Sharing any information which conflicts with the interests of Amida Care.

Disclosure of the Amida Care's confidential, proprietary, or privileged information could put us at a competitive disadvantage or could harm or embarrass employees, customers, or ventures in which we participate. You must take precautions to avoid improper, inappropriate or inadvertent disclosures of Amida Care's sensitive information. Such information may include trade secrets, processes, data, software, improvements and techniques, as well as business forecasts, plans and strategies, proposal information, financial information, customer lists, and information concerning employee records, customers, or vendors.

FRAUD, WASTE AND ABUSE DETECTION AND PREVENTION

Amida Care is committed to identifying and preventing any fraud, waste or abuse activities that may occur within the company, as well as with providers, delegated entities and vendors. It is everyone's responsibility:

- To be sure you are up to date with laws, regulations & policies;
- To be sure data/billing is both accurate and timely;
- To verify information provided to you;
- To be on the lookout for suspicious activity;
- And, to report any suspected fraud, waste or abuse to the Sr. Director, Medicaid Compliance/Compliance Officer.

INTERNAL MONITORING AND AUDITING

Amida Care is committed to an ongoing assessment process. Auditing activities are conducted under the direction and oversight of the Sr. Director Medicaid Compliance/Compliance Officer. Monitoring activities are conducted by the operational units and reports of this activity are forwarded to the Sr. Director Medicaid Compliance/Compliance

Officer. The audits will be designed to address Amida Care’s compliance with law, regulations and policies governing, among other things, coding, documentation, payments, medical necessity and other areas that may be deemed as high-risk areas.

RELEVANT LAWS

Whistleblower Law

The Whistleblower Law gives protections to employees who may notice and report inappropriate activities. Under this law, Amida Care may not take any retaliatory personnel action against an employee who in good faith reports an inappropriate activity. The law allows employees who are the subject of a retaliatory action to bring a civil action in court in order to seek reinstatement of their previous position, back-pay and compensation of reasonable costs. The employee must first bring the alleged violation to the attention Amida Care.

False Claims Act (State and Federal)

The False Claims Act makes it illegal to:

- Present a false claim for payment or approval;
- To make or use a false record or statement in support of a false claim;
- To conspire to violate the false claims act.

If this law is violated, New York State has the right to recover civil damages that are equal to three times the amount of the false claim, plus a civil monetary penalty between \$5,000 and \$10,000 for each claim.

Federal Deficit Reduction Act of 2005

Detection and Prevention of Fraud, Waste, and Applicable Federal and State Laws

This Act also makes it illegal to submit a false or fraudulent claim for payment to a federal or New York State funded health care program. This Act states that organizations such as Amida Care must have an employee education plan about state and federal false claims laws and whistleblower protections.

Anti-Kickback Statute

The Anti-Kickback Statute prohibits knowingly and willfully soliciting, receiving, offering or paying remuneration (money, gifts, etc.) for referrals for services that are paid under a federal health care program (which includes Medicare).

Fines for violating the anti-kickback statute can be up to \$25,000, and/or imprisonment up to five (5) years.

Antitrust Act

This Act is intended to provide customers with a variety of products at competitive prices that are not restricted by artificial constraints such as price fixing, illegal cartels, boycotts and tie-ins. These laws cover Amida Care's relationships with providers and with any other MCO providing similar services to the community. Staff should not discuss provider terms and conditions with anyone not a party to the specific contract.

Stark Law

This law prohibits physicians or their immediate family members from referring patients to an entity with which the physician or family member have a financial relationship (through compensation, investment or ownership) unless an exception is provided in the law.

Important Compliance Phone Numbers

You should familiarize yourself with the following important telephone numbers at Amida Care to make inquiries or reports about the Compliance Program:

Compliance Hotline
(888) 394-2285

**Sr. Director, Medicaid
Compliance/Compliance Officer**
(646) 757-7041

Chief Executive Officer
(646) 757-7501

**Chief Operations & Strategy
Officer:**
(646) 757-7197

Chief Financial Officer
(646) 757-7507

Vice President of Human Resources
(646) 757-7093

HIPAA Helpline
(866) 857-4040

Compliance email box:
Compliance@amidacareny.org

HIPAA email box:
HIPAA@amidacareny.org

Compliance Manager/Privacy Officer
(646)-757-7178

ACKNOWLEDGMENT OF RECEIPT OF THE **CODE of CONDUCT**

I, _____ have read and understand the information contained in this Code of Conduct. I understand that I should consult with an Amida Care contact (supervisors in the case of employees or designated Amida Care contacts in the case of independent contractors or vendors) for clarification or more information on any section outlined in the Code of Conduct. I further understand that I may contact the Sr. Director Medicaid Compliance/Compliance Officer directly or utilize Amida Care's Compliance Hotline to report a known or suspected violation and that my anonymity is assured. I may also report a privacy or confidentiality violation to the Compliance Manager/Privacy Officer directly or through the Compliance Hotline.

Signature

Title

Date