

Oklahoma

Compliance Program: Code of Conduct

This is a supplement to Kindred's Employee Handbook for employees who work in Oklahoma. As stated in our Employee Handbook, the federal False Claims Act and similar state laws assist the federal and state governments in combating fraud and recovering losses resulting from fraud in government programs, purchases and/or contracts. These laws are some of the most important laws that govern our business. Like the federal False Claims Act, the Oklahoma Medicaid Program Integrity Act and other Oklahoma laws impose liability on persons or companies that make or cause to be made false or fraudulent claims to the government for payment or who knowingly make, use or cause to be made or used, a false record or statement to get a false or fraudulent claim paid by the government. These Oklahoma laws apply to Medicaid reimbursement and prohibit, among other things:

- Billing Oklahoma's Medicaid program for services or goods not provided;
- Billing Oklahoma's Medicaid program for undocumented services;
- Making inaccurate, false or improper entries in medical records, cost reports and any other records used to support reimbursement;
- Billing Oklahoma's Medicaid program for medically unnecessary services;
- Characterizing non-covered services or costs in a way that secures reimbursement from Oklahoma's Medicaid program;
- Assigning an incorrect code to a service in order to obtain a higher reimbursement;
- Failing to seek payment from beneficiaries who may have other primary payment sources
- Participating in kickbacks and rebates;
- Failing to maintain, or destroying, medical records, income and expenditure reports or any other records that support Medicaid reimbursement.

Civil and Criminal Penalties for False Claims or Statements

A violation of these Oklahoma laws may result in penalties up to \$2,000 for each false claim, plus two times the amount of restitution and interest, payment of the government's expenses to pursue reimbursement, and exclusion from the Medicaid program for up to five years. In addition, a person who violates these laws commits a crime punishable by imprisonment for up to three years and a fine of up to \$10,000 or three times the amount of payments unlawfully received, whichever is greater.

Civil Lawsuits

Currently, unlike the Federal False Claims Act, Oklahoma law allows civil lawsuits to recover monetary damages to be filed only by the state government and not by private citizens or employees. There is no provision for a private citizen to share a percentage of any monetary recoveries.

No Retaliation

Kindred policy prohibits retaliating, discriminating or harassing employees because of their lawful participation in a false claims disclosure or their refusal to assist employers in violating laws such as the Oklahoma Medicaid fraud laws.

Any employee who engages in or condones any form of retaliation against another employee because that employee either (1) reported a potential violation of violation of Kindred's Code of Conduct or regulatory violation, or (2) refused to violate Kindred's Code of Conduct or a government law or regulation, will be subject to disciplinary action up to and including separation of employment. See Kindred's Concern Resolution Procedure in the Employee Handbook for information on reporting concerns.

Copies of Oklahoma Laws

The Oklahoma laws summarized above include the Oklahoma Medicaid Program Integrity Act, Okla. Stat. tit. §§ 56-1001-1007. If you have questions about any of these requirements, you may contact Kindred's Compliance Hotline at 1-800-359-7412. This summary and others are also posted on Kindred's external web site, www.kindredhealthcare.com, and Kindred's intranet site (KNECT) under the Compliance home page.