

Wyoming

Compliance Program: Code of Conduct

This is a supplement to Kindred's Employee Handbook for employees who work in Wyoming. 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, Wyoming's Medicaid fraud laws and regulations 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 Wyoming laws apply to Medicaid reimbursement and prohibit, among other things:

- Billing Wyoming's Medicaid program for services or goods not provided;
- Billing Wyoming'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 Wyoming's Medicaid program for services that are medically unnecessary;
- Characterizing non-covered services or costs in a way that secures reimbursement from Wyoming'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;
- Altering, falsifying, destroying, or concealing 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 Wyoming laws may result in recovery of the overpayments, completion of an educational program regarding the proper submission of claims and appropriate utilization of services, referral to the Medicaid Fraud Control Unit for further investigation and action, and/or suspension or termination from the Medicaid program. In addition, any person who violates these laws commits a felony punishable by imprisonment for up to ten years and/or a fine of up to \$10,000.00.

Civil Lawsuits

Currently, unlike the Federal False Claims Act, Wyoming 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

Like federal law and Kindred policy, Wyoming's State Government Fraud Reduction Act prohibits state employers from discharging, disciplining or retaliating against a state employee who in good faith reports fraud, waste or gross mismanagement in a state agency, a violation of state or federal law, or a condition or practice that threatens the health or safety of that employee or any other individual. Wyoming law does not contain whistleblower protections for non-governmental employees. Nevertheless, Kindred expects employees to adhere to Federal law and to Kindred's policy prohibiting retaliation.

Any employee who engages in or condones any form of retaliation against another employee because that employee either (1) reported a potential 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 Wyoming Laws

The Wyoming laws summarized above include: (1) Medical Assistance and Services Act (false statements provision), Wyo. Stat. Ann. § 42-4-111; and (2) State Government Fraud Reduction Act, Wyo. Stat Ann. § 9-11-101. 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.