

# ApexHealth

## Code of Conduct

Adopted: 04/25/2022





# A Message from Our President/CEO

Hello ApexHealth Partners,

I write to you today not just as one of the health plans that you have contracted with, but as your partner. We, at ApexHealth, do not build a *network* of providers, vendors, and contractors; we build partnerships. It is the only way we view all of our relationships and it is for a very simple but important reason. It is the only way to provide the very best quality and service possible. This means everyday we strive to go above and beyond not only to exceed our members expectations, but yours as well. We do not take it lightly that people are depending on us 24/7, 365 days a year.

One of the key pillars to accomplishing this lofty goal is ensuring that we all hold ourselves to the highest standard of excellence. A strong foundation must be built on integrity and honesty. We will always conduct ourselves with the highest of ethical standards, and we know you will as well.

Like any good partner, we are here to help. I truly believe our Corporate Compliance Program is second to none. We have spent countless hours refining our program and the tools to make it best in class. I encourage you to read this Code of Conduct and familiarize yourself with our values. They are, after all, at the heart of every decision we make.

I cannot thank you enough for being a part of the ApexHealth family, and always remember, we can't do this without you.

Your partner,

A handwritten signature in black ink, appearing to read "Jon B. Cotton".

Jon B. Cotton  
President and CEO

Welcome to  
*bold* ~~old~~ age.



# A Message from Our Compliance Officer

Dear Trusted Partner,

At ApexHealth, we have an unwavering commitment to conduct our business in accordance with the highest standards of compliance and ethics. Honoring this commitment is a pivotal component of our success and requires each of us to act and make business decisions with integrity. The Code of Conduct is our guiding principle and directs us how to act in several situations; however, we rely on everyone on our team to use good judgment and ask questions whenever there is doubt about what to do.

Our culture is a product of each of us recognizing that we have an obligation to emulate our values while performing our job duties. To preserve this culture, we must disclose actions and behaviors that do not conform to our values, ethics, or compliance standards. You should never feel alone when facing an ethical dilemma – we implore you to approach your manager or executive team with any concern. We also allow you to voice concerns anonymously using our Compliance and Ethics Hotline.

Our success relies on each of us acting in a fair and honest way in all interactions. Only together, can we solidify and uphold our reputation for honesty and integrity!

Thank you,

A handwritten signature in black ink, appearing to read "Nate Martin".

**Nate Martin**

Medicare Compliance Officer

**Welcome to**  
*bold* ~~old~~ **age.**

# Purpose and Values



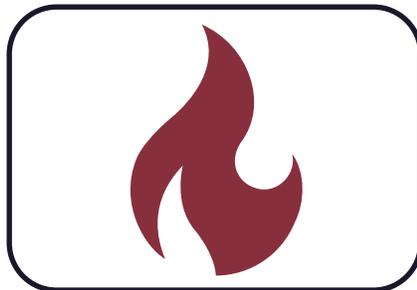
**Our Mission:** To optimize the health and well-being of those we serve through a rooted commitment to quality respect and compassion



**Our Vision:** To provide premier healthcare services and outcomes that exceed the expectations of those we serve.

## Our Values

All employees are expected to demonstrate ethical values that align with our mission and vision. We believe these values will lead to acts that will exceed the expectations of our members, providers, business partners, and the expectations of each other.



Passion



Integrity



Quality



Vision

# Responsibilities

## Your Responsibilities

You are expected to adhere to this Code, follow all department/corporate policies and procedures, and comply with all applicable Federal and State laws and regulations. You are also responsible for reporting any suspected or potential instances of noncompliance, unethical behavior, or fraud, waste, or abuse. Such incidents may be reported to your direct leader or the Compliance Officer. If you are uncomfortable reporting an issue to either party, you may submit an anonymous report using EthicsPoint, a third-party reporting system. EthicsPoint provides Apex a dedicated compliance hotline for you to make a report or you may submit it from their website. **Apex does not tolerate retaliation or intimidation for making a good faith report or for participating in an investigation.** Your other responsibilities include, but are not limited to:

- › Being cognizant of and considering ethical concerns when making all business decisions. Never commit, or ask others to commit, unethical or illegal acts
- › Being respectful, fair, and honest in all your dealings with providers, beneficiaries, vendors, and each other
- › Remaining up to date and complying with all applicable laws, regulations, and policies

## Leader's Responsibilities

Leadership entails special responsibilities, including making strategic business decisions that align with our ethical standards. In addition to setting the tone at the top, a leader must be knowledgeable about the content and operation of the Code and the overall Compliance Program. The leadership team plays an important role in building integrity, respect, credibility, and long-term sustainability for Apex. As leadership sets an example for all employees, they must:

- › Foster and further an environment of transparency
- › Maintain a positive, ethical work environment
- › Make certain that employees understand what is expected of them both professionally and ethically
- › Maintain an environment where employees are encouraged to ask questions and raise concerns
- › Address issues raised by employees by listening and taking action, when appropriate
- › Be fair and objective
- › Be a positive role model

### **Q: Who is expected to adhere to ApexHealth's Code of Conduct?**

**A:** All board members, officers, employees, vendors, providers, business associates, and volunteers must adhere to the Code.

### **Q: My immediate supervisor has directed me to do something that I believe is against the law. I am afraid that if I don't do as I am told, my job would be in jeopardy. What should I do?**

**A:** You should clarify with your supervisor the specific request so that you may rule out any misunderstanding of what is being asked of you. If that conversation does not resolve the matter to your satisfaction, you should take your concern either to the Compliance Officer or ApexHealth's anonymous Compliance & Ethics Hotline at (844) 634-1167 or on the web at: [www.apexhealth.ethicspoint.com](http://www.apexhealth.ethicspoint.com). Do not jeopardize your job, your colleagues' job(s) or the company's future by taking part in what you believe may be illegal or unethical activity. There are no circumstances where breaking the law would be acceptable to ApexHealth.

## Apex's Responsibilities

Apex's Compliance department is responsible for investigating and responding to all reports of noncompliance, unethical behavior, and fraud, waste, or abuse in a timely manner. The Compliance department engages with Human Resources, and other departments as necessary, to ensure all pertinent information is considered during the investigation. After the investigation is complete, and dependent on the type of report submitted, Compliance makes an effort to notify the reporting party of the steps taken and resolution of the issue.

The results of all investigations are shared with the Board of Directors, or a subcommittee of, at least quarterly. Additionally, we report violations of the Code, including violations of law, regulation, and applicable government contracts to the appropriate regulatory agency or business partner as needed.

# Compliance with the Law

## Corporate Compliance

Apex has a corporate responsibility of providing industry-leading health services to the people and communities we serve. We also hold ourselves to the highest ethical standards while adhering to the rules and regulations that govern our business. The Compliance Program reinforces our commitment to ethical operations and standards of conduct. Organizational integrity is of utmost importance at Apex and begins with each employee. Each employee is required to observe the spirit and letter of all applicable laws and regulations, as well as demonstrate the highest standards of proper compliance and personal integrity.

The Compliance department ensures that compliance best practices are proactively embedded into the daily operations of the company and performs the day-to-day activities of the Compliance Program. The Compliance department is led by and works under the supervision of the Compliance Officer who is vested with the day-to-day operations of the Compliance Program. The Compliance Officer has the express authority to provide unfiltered, in-person reports to the President/CEO when deemed necessary. At least quarterly, the Compliance Officer reports to the Compliance Committee and/or Board of Directors on the status of the Compliance Program, including issues identified, investigated, and resolved. This routine reporting schedule ensures that Committee members are aware of the content and operation of the Compliance Program and allows for exercising reasonable oversight, with respect to the implementation and effectiveness of the Compliance Program. Our Compliance Program

### **Q: Will I be notified of the outcome of an issue I reported?**

*A: All efforts will be made to notify you of the outcome. Due to confidentiality reasons, we may not be at liberty to notify you of the outcome; however, rest assured that your issue will be thoroughly investigated.*

### **Q: Where can I get more information on compliance?**

*A: You are always encouraged to contact the Compliance department or Compliance Officer with inquiries. You may submit inquiries to [complianceofficer@apexhealth.com](mailto:complianceofficer@apexhealth.com) or via the EthicsPoint web intake form at: [www.apexhealth.ethicspoint.com](http://www.apexhealth.ethicspoint.com).*

**Q: Will results from monitoring and auditing activities be shared with government agencies?**

**A:** We are committed to maintaining and transparent relationship with our government partners. As such, depending on the severity and risk of the findings, results may be shared.

encompasses each of the seven elements of a compliance program as promoted by the Office of Inspector General (OIG) and includes:

- › Written policies, procedures and Standards of Conduct
- › Designation of a Compliance Officer
- › Training and education
- › Open lines of communication
- › Publicized and enforced disciplinary standards
- › Monitoring and auditing systems to identify issues
- › Systems to respond to compliance issues

Written Policies, Procedures, and Standards of Conduct

Apex has developed and maintains policies and procedures that support the Compliance Program and work in conjunction with department policies develop and used by Apex business areas. These policies demonstrate to associates, non-employee Board Members, FDRs, and the community at large our strong commitment to honest and responsible business conduct.

Training & Education

Training and education are an essential element to Apex's overall Compliance Program. At Apex, compliance training is required. Training occurs upon hire as part of initial orientation and on an annual basis, or more frequently if training is updated as a result of changes in regulatory requirements or business needs, thereafter.

Exclusion from Government Programs

Federal law prohibits the payment by Medicare, Medicaid, or any other healthcare program for any item or service furnished by a person or entity excluded from participating in these federal programs. Apex does not engage with employees, vendors, or providers who are excluded from participating via the OIG List of Excluded Individuals and Entities (LEIE) or the General Services Administration (GSA) System for Award Management (SAM). Apex screens individuals/entities with whom it wishes to contract with against these exclusion systems prior to contracting and on a monthly basis thereafter.

If you have been debarred, excluded, or suspended from working with any governmental agency, you must immediately notify Compliance.

# Respect & Conduct in the Workplace

## Equal Employment Opportunity & Discrimination

Employment decisions are made based on merit. Apex complies with the laws prohibiting discrimination on such factors as race, color, religion, sex, national origin, marital or veteran status, age, citizenship status, genetic information, disability, or any other status or condition protected by applicable State or Federal law. All personnel programs like compensation, benefits, transfers, layoffs, return from layoff, company-sponsored training, education, and social and recreational programs are administered without regard to any status or condition protected by applicable State or Federal law.

Additionally, we comply with all applicable federal and state employment laws including those governing discrimination, harassment, and retaliation. All employees have a right to work in an environment free of harassment of any kind. We act decisively to eliminate discrimination and any unprofessional behavior.

## Drug-Free Workplace/Substance Abuse

Apex prohibits the unlawful manufacture, distribution, dispersion, sale, transfer, or possession of any illegal or unauthorized use of a controlled substance, including cannabis, by employees. Violation of such will result in appropriate discipline up to and including immediate termination. Be aware of the following regarding the drug-free workplace policy:

- › Management may mandate random drug testing at any time.
- › Apex is not required to employ anyone who uses drugs unlawfully or who is involved in the unlawful manufacture, purchase, sale, or possession of drugs. A “positive” test result for unlawful use violates this policy.
- › Reporting to work or working under the influence of drugs or alcohol violates this policy. “Under the influence” means that the employee’s behavior or ability to safely and efficiently perform their job may be impaired.
- › Refusing to cooperate fully in any drug or alcohol testing or inspection request violates this policy.

## Weapon-Free Workplace

The possession, custody, and use of weapons by unauthorized persons in or around Apex facilities is forbidden. For purposes of this policy, a “weapon” is

**Q: I overheard Betty tell a joke about religion and I found it offensive. What should I do?**

*A: If you are comfortable approaching Betty and telling her that what she did was inappropriate, you may do so. Otherwise, you may talk to your manager, Compliance Officer, or submit an incident via EthicsPoint.*

**Q: May I have an alcoholic beverage while attending a conference?**

*A: You may; however, when representing ApexHealth you must not imbibe to the extent that you become impaired.*

any firearm, knife, explosive or other object, even if manufacture for a nonviolent purpose, that has a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the object is for use, or threat of use, as a weapon.

## Safety/Workplace Violence

Safety is everyone's concern. An active health and safety program exists at Apex for the protection of employees and visitors. Employees are responsible to immediately correct or report any hazardous conditions that are noticed. When necessary, employees should also inform their manager of the hazardous conditions. Any employee who is injured on the job must report the incident to the supervisor immediately.

Apex is concerned about workplace violence and has taken steps to help prevent incidents of violence from occurring. This includes adopting and encouraging the use of an "if you see something say something" policy. Apex expressly prohibits any acts or threats of violence by any employee or former employee against any other employee in or about its facilities or elsewhere at any time.

## Sexual & Other Unlawful Harassment

Apex is committed to providing a professional work environment that maintains employee equality, dignity, and respect. In keeping with this commitment, Apex strictly prohibits discriminatory practices, including sexual harassment and harassment due to race; color; religion; sex; national origin; citizenship, martial, AIDS/HIV, or veteran status; height or weight; age; genetic information; misdemeanor arrest record; disability; or any other status or condition protected by applicable State or Federal law. Any sexual or other unlawful harassment, whether verbal or physical, is unacceptable and will not be tolerated, whether it occurs in the workplace or in conjunction with an outside work-sponsored event or activity.

Sexual Harassment is defined by the Equal Opportunity Commission as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- › Submission to the conduct is made either explicitly or implicitly a term or condition of an individuals' employment
- › Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual
- › The conduct has the purpose or effect of unreasonable interfering with the individual's performance or of creating an intimidating, hostile, or offensive working environment

**Q: I injured myself at work. What should I do?**

**A:** *You should immediately inform your supervisor of the injury. Your supervisor may need you to complete an Incident Report describing what happened.*

**Q: A colleague sent me an inappropriate joke. What should I do?**

**A:** *If you feel comfortable approaching your colleague, let them know it made you feel uncomfortable. Otherwise, report it to your manager or Human Resources.*

# Conflicts of Interest

## Avoid Personal Conflicts of Interest

The term “conflict of interest” describes any circumstance that would cast doubt on an individual’s ability to act with total objectivity with regard to Apex’s interest. An individual may have a conflict of interest if his or her private activities or interests could interfere, or appear to interfere, with the actions or decisions the individual conducts on behalf of Apex. Employees are required to avoid actual or apparent conflicts of interest as they may damage Apex’s reputation and jeopardized the employee’s ability to perform his or her job objectively. Activities which could raise a question of conflict of interest include, but are not limited to the following:

- › To conduct business on behalf of Apex with a member of the employee’s family or a business organization in which the employee or a member of his or her family has a significant association, that could give rise to a conflict of interests, without first obtaining a written non-objection from Apex’s General Counsel
- › To serve in an advisory, consultative, technical, or managerial capacity for any non-affiliated business organization that does business with, or is a competitor of Apex
- › To supervise or work for a family member or someone with whom you have a close personal relationship

Employees must disclose potential conflicts of interest prior to hire or immediately upon discovering the conflict. Employees are expected to reaffirm the absence of conflicts annually thereafter to Human Resources. If it is determined that a conflict of interest exists, the employee is asked to correct the situation that gave rise to the conflict.

## Policy on Gifts

The policy relating to entertainment, gifts, favors, and gratuities is to avoid any implication that unfair or preferential treatment is granted or received by Apex’s employees in their course of dealing on the behalf of the company. A basic consideration should be that public disclosure would not be embarrassing to Apex or the recipient.

It is never permissible to give or accept expensive gifts or other benefits, especially gifts of chase, gift cards, or other cash equivalents. Inexpensive gifts, favors, and gratuities may be given or received only if they are consistent with accepted business practices are of such limited value, defined as fewer than five dollars (\$5), that they cannot be considered a bribe or pay-off. If someone offers an employee an expensive or inappropriate gift, the employee is expected to politely refuse the gift and explain Apex’s policy regarding the acceptance of gifts.

**Q: An Account Manager at a vendor that I work with sent me a \$5 Starbucks gift card. What should I do?**

**A:** *You may accept the gift card so long as the action is not intended to influence you.*

**Q: I will occasionally answer calls relating to my side business during ApexHealth work hours, but I always finish my work on time. Is this permissible?**

**A:** *No, you may not conduct activities which relate to your side business while on company time or using company property.*

**Q: My daughter is participating in her school's walkathon fundraiser. May I request my colleagues donate money to help her reach her goal?**

**A:** *You may not ask your colleagues to contribute to her walkathon. Solicitation on company property is expressly prohibited.*

**Q: I work in the Finance department and am responsible for preparing a quarterly regulatory filing. We recently changed systems and I'm concerned the data is incomplete. What should I do?**

**A:** *You should discuss the situation with your manager. If there are differences between what you previously reported and what you are currently reporting, there may be data that wasn't migrated. This must be resolved immediately, and any past reports with inaccurate data should be resubmitted. Legal Affairs may be contacted for additional guidance.*

Similarly, an employee is prohibited from accepting any preferential treatment offered as a result of the employee's relationship with Apex, except for corporate discounts negotiated for all its employees.

## Outside Employment

Activities performed away from the job must not adversely affect job performance or compromise the interests of Apex. Employees are not permitted to have any relationship with any client, competitor, or contracted vendor if such relationship would result in a real or perceived conflict of interest. Generally, an employment or other relationship where the employee receives financial or other remuneration from a client, competitor, or contracted vendor is prohibited.

If Apex determines an employee's outside work interferes with performance or the ability to meet the company's requirements, the employee may be asked to terminate the outside employment to remain with Apex.

## Solicitation/Distribution

Solicitation during working time anywhere on company property and distribution of literature during work time in working areas for any purpose is strictly prohibited. Solicitation includes, but is not limited to, requests for contributions or donations, buying or selling of chances, placing of orders, collecting/paying for merchandise, circulation of petitions, selling of tickets/subscriptions, and the solicitation of signatures/money for any purpose of memberships in any organization.

# Safeguarding Our Data

## Accuracy of Information

Apex is committed to providing complete and accurate information in any transaction. Providing false information verbally and/or in writing is strictly prohibited. This applies to the intentional misrepresentation of facts and circumstances during investigations, audits, and other fact-finding activity conducted by, or on behalf of, Apex.

## Computer and Internet Usage

Access to the Apex-assigned email and internet through its network is a privilege. All employees must use email and the internet in a responsible and ethical manner. Care must be taken by all employees to ensure that access to company email and the internet does not jeopardize Apex's interests. For this reason, Apex may monitor, intercept, and search and seize any communication or data transiting or stored on its information systems. This includes email, internet usage, personal computer files, or any personal effects stored at Apex workstations or otherwise on company property.

Violation of the Acceptable Use Policy subjects the employee to immediate revocation of system privileges and may result in further disciplinary action, up to and including termination.

## Property Use

Apex facilities and its property are to be used only for corporate purposes. Employees may not utilize the postage meter, stationary, inter-office mail, computers, internet, supplies, or equipment for personal use except as otherwise provided for in related policies and procedures.

## Confidential Information

All employees are required to sign a Confidentiality Agreements as a condition of employment. Protection of confidential business information and trade secrets is imperative. Confidential information/trade secrets include, but are not limited to:

- › Beneficiary medical records/history
- › Technological prototypes and data
- › Proprietary software and source code
- › Scientific formulas and prototypes
- › Research and development strategies
- › Client/customer lists
- › Company contracts and legal documents
- › Current or pending projects and proposals
- › Marketing plans/information
- › Financial data/information
- › Compensation data of other employees
- › Confidential information of third parties that Apex is required to hold in confidence

Some employees may have access to records, employment information, beneficiary medical records/history, proprietary information, trade secrets, and intellectual property to which Apex, its vendors and partners, or its customers hold rights. Employees must not discuss this information with anyone else without proper authority.

Oral, written, or electronic communication of personal health information outside of Apex business operations is strictly forbidden. HIPAA regulations forbid disclosure of personally identifiable protected health information (oral, written, or electronic) other than for the purpose of treatment, payment, or healthcare operations, where required or permitted by law or with the written authorization from the individual. Violating of these policies can be cause for disciplinary action, up to and including termination.

**Q: I need to enter an email address to register for a CMS conference & webcast. May I use my company-issued email address for this?**

**A:** *Yes, that is considered an appropriate use of your company-issued email.*

**Q: What is Protected Health Information (PHI)?**

**A:** *PHI is any health information that can be used to identify a patient and that relates to the patient, healthcare services provided to the patient, or the payment for these services.*

If employees leave the company for any reason, the obligation not to disclose personal health and proprietary information of the company and its customers continue.

## Records Retention

CMS requires that we maintain for a period of ten (10) years all applicable documents and evidence related to ownership and operation of our financial, medical, and other records keeping systems, financial statements, Federal income tax or returns, asset acquisition, lease or sale agreements, contracts, and subcontracts, claim charges and payments, costs of operations, income received by source and payment, cash flow statements, and any financial reports filed with Federal programs or State authorities. From time to time the length of retention for certain information may be extended by our legal department. Employees are required to follow any special instructions from legal in this regard.

# Fair Business Dealings

## Antitrust Laws

These laws are designed to protect competition by prohibiting monopolies, price fixing, predatory pricing, and other practices that restrain trade. We never discuss pricing, supplies, or territories with competitors, nor make agreements with them on these or other competitive issues. We gain information about competitors only in legal and ethical ways. Competitor proprietary information that is improperly obtained cannot be used at Apex.

## FWA

Apex strictly follows Fraud, Waste, and Abuse (FWA) protocols and all must do the same. Employees are required to understand the laws that affect their business unit.

- › **Fraud** is an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him or herself or some other person. It includes any act that constitutes fraud under applicable State or Federal law. Examples include:
  - Knowingly submitting false statements or making misrepresentations of fact to obtain a federal health care payment for which no entitlement would otherwise exist
  - Knowingly soliciting, paying, and/or accepting remuneration to induce or reward referrals for items or services reimbursed by Federal health care programs
  - Making prohibited referrals for certain designated health services

**Q: A close friend of mine is employed by one of ApexHealth's local competitors. During a weekend outing, my friend begins to discuss supplier pricing with a vendor that also services ApexHealth and has documentation which has sensitive information regarding their employer. What should I do?**

**A:** You should not review the documentation and immediately stop the conversation. In addition, you should report this occurrence either to Human Resources, the Compliance Officer, or ApexHealth's anonymous Compliance & Ethics Hotline at (844) 634-1167 or on the web at: [www.apexhealth.ethicspoint.com](http://www.apexhealth.ethicspoint.com).

**Q: What is the difference between a "compliance" issue and a "fraud, waste, and abuse" issue?**

**A:** Fraud, waste, and abuse issues are types of compliance issues, and usually involve a financial or monetary impact to the government and taxpayers.

- Knowingly billing for services not furnished, supplies not provided, or both, including falsifying records to show delivery of such items or billing Medicare for appointments that the patient failed to keep
- Knowingly billing for services at a level of complexity higher than the services actually provided or documented in the file
- › **Waste** involves the taxpayers not receiving reasonable value for money in connection with any government funded activities due to an inappropriate omission by player with control over or access to government resources. Waste goes beyond fraud and abuse and most waste does not involve a violation of the law. Waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. Examples include:
  - Overpayment of claims
  - Payment of claims submitted in error
  - Overutilization of services
- › **Abuse** consists of practices that are inconsistent with sound fiscal, business, or medical practices and result in an unnecessary cost to the Medicaid, Medicare, and Commercial programs or in reimbursement for services that are not medically necessary/fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the health care programs. Examples include:
  - Billing for services not medically necessary
  - Charging excessively for services or supplies
  - Misuse of codes on a claim, such as upcoding or unbundling codes to inflate payment

## Fraud and Abuse Laws

### False Claims Act [31 U.S.C. §§ 3729-3733]

Prohibits any person/entity from engaging in any of the following activities:

- › Knowingly submit a false or fraudulent claim for payment to the United States Government;
- › Knowingly make a false record or statement to get a false or fraudulent claim paid or approved by the Government
- › Conspire to defraud the Government by getting a false or fraudulent claim paid or approved by the Government
- › Knowingly make a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government

Further, the civil False Claims Act contains a *whistleblower provision* that allows a private individual to file a lawsuit on behalf of the United States and entitles that whistleblower to a percentage of any recoveries.

### Anti-Kickback Statute [42 U.S.C. § 1320a-7b(b)]

This statute prohibits anyone from knowingly and willfully receiving or paying anything of value to influence the referral of federal health care program business, including Medicare and Medicaid. This can take many forms, such as cash payments, entertainment, credits, gifts, free goods or services, the forgiveness of debt, or the sale or purchase of items at a price that is not consistent with fair market value. It may also include the routine waiver of copayments and/or coinsurance.

### Physician Self-Referral Law [42 U.S.C. § 1395nn]

This statute, commonly referred to as the *Stark Law*, prohibits a physician from making referrals for certain designated health services (DHS) payable by Medicare or Medicaid from an entity with which he or she (or an immediate family member) has a financial relationship (ownership, investment, or compensation), unless an exception applies. The statute prohibits the submission of claims to Medicare for those referred services.

### Exclusion Statute [42 U.S.C. § 1320a-7]

This statute excludes from participation in all Federal healthcare programs individuals and entities convicted of the following types of criminal offenses:

- › Medicare or Medicaid fraud, as well as any other offenses related to the delivery of items or services under Medicare or Medicaid;
- › Patient abuse or neglect;
- › Felony convictions for other health-care-related fraud, theft, or other financial misconduct; &
- › Felony convictions for unlawful manufacture, distribution, prescription, or dispensing of controlled substances

No Part C or Part D sponsor, including its delegates, may submit for payment any item or service provided by an excluded person or entity, or at the medical direction or on the prescription of a physician or other authorized person who is excluded.

### Non-Retaliation

In accordance with federal law, Apex prohibits retaliation or intimidation against any employee who, in good faith, reports an ethical or legal concern, regardless of the outcome of the reported concern. Further, Apex prohibits discrimination against the terms or conditions of employment for any person or persons who initiated or assisted in a false claims action.

### **Q: Can I get in trouble for making a report?**

**A:** *As long as your report is made in good faith, you are protected by our non-retaliation and non-intimidation policy and cannot get in trouble. However, if your report is not in good faith then action may be taken against you. Reports made without grounds, to cause disruption, or to otherwise engage in malicious intent are bad faith reports.*

# Resources for Raising and Reporting Concerns

Throughout your day-to-day work at Apex, you will have to apply your own judgement to a range of situations, both anticipated and unanticipated. If you need guidance or become aware of a suspected or detected violation of Apex's Code of Conduct, Compliance Program, or any related law or policy, you should immediately contact the ApexHealth Compliance Hotline at (844) 634-1167, the EthicsPoint reporting site at [www.apexhealth.ethicspoint.com](http://www.apexhealth.ethicspoint.com), your supervisor/manager/another leader, or your Compliance Officer. These resources are available to help you navigate an array of situations and will take the necessary action to address the reason for your contact:

- › Nate Martin  
Attn: Compliance Officer  
96 Kercheval Avenue, Suite 200  
Grosse Pointe Farms, MI 48236  
O: 313.327.3288  
[ComplianceOfficer@apexhealth.com](mailto:ComplianceOfficer@apexhealth.com)  
[Nate.Martin@apexhealth.com](mailto:Nate.Martin@apexhealth.com)
- › EthicsPoint (Apex's third-party incident management vendor)  
(844) 634-1167  
[www.apexhealth.ethicspoint.com](http://www.apexhealth.ethicspoint.com) or scan the QR code below



**As a reminder, Apex does not tolerate retaliation or intimidation against employees who, in good faith, report a suspected or detected instance of noncompliance or unethical behavior.**

**Q: Do I have to do any investigation or extensive research before reporting an issue?**

*A: No, as long as you have a reasonable basis for believing a compliance issue has occurred, once reported, we will do the fact finding and investigation.*



96 Kercheval Avenue, Suite 200  
Grosse Pointe Farms, MI 48236

1-844-279-0508 (TTY: 711)  
[www.apexhealth.com](http://www.apexhealth.com)

©2022 ApexHealth