

## COMPLIANCE CODE OF CONDUCT

It is Oceans Policy that all Personnel comply with all laws, regulations and ethical standards applicable to their duties. The following Standards of conduct apply to all personnel.

### A. General Standards

- Honesty and Lawful Conduct. Personnel must fully respect the rights of the individuals served including their right to privacy, respect, dignified existence, self-determination, participation in their own care and treatment, freedom of choice, ability to voice grievances, and reasonable accommodation of individual needs.
- Confidentiality. Personnel must hold the information concerning the individuals they serve in the strictest of confidence. Such information will not be disclosed to anyone unless authorized by the individual or his/her representative or otherwise permitted or required by law.<sup>1</sup> Records, both electronic and paper copies must be handled in a confidential manner. All Personnel are expected to maintain the integrity of both active and closed records in accordance with all confidentiality laws and regulations, including HIPAA, the HITECH Act, and the Red Flag Identity Theft rules and Oceans Policies and Procedures.
- Business Information. Personnel may not disclose or release any confidential information relating to Oceans operations, pending or contemplated business transactions, trade secrets, and confidential Personnel information without the prior authorization of the appropriate supervisor. All confidential information is to be used for the benefit of Personnel, their families, or individuals it serves, and is not to be used for the personal benefit of Personnel, their families or friends. Personnel may not discuss Oceans or its business practices or information on any social media outlet.
- Oceans Assets. All Oceans assets shall be used solely for the benefit and purpose of Oceans. Personal use of Oceans assets is not allowed unless disclosed to and approved by the Personnel's Supervisor or the Compliance Officer. Personnel with access to cash must adhere to internal control procedures at all times and refrain from misappropriating Oceans Funds or assets.
- None-Discrimination. Personnel shall not discriminate based on the recipient's sex, gender race, sexual preference, religion, creed, military status, national origin, marital status, disability, status as a victim of domestic violence, or source of payment or sponsorship.
- Dangerous Substances. Medications or other substances that can cause drowsiness, loss of motor function, or that diminish cognitive thinking (we refer to these as "mind altering" substances) can impair the ability to safely care for patients, adequately perform job duties, and operate motor vehicles. Employees who are under the influence of these mind-altering substances are prohibited from providing working and/operating Company-owned

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<sup>1</sup> Oceans Personnel should be familiar with confidentiality and privacy regulations specific to mental health records, including but not limited to, Mental Health Law § 33.13 (c); CPLR § 4504; CPLR § 2302; and the Family Law Act §§ 1046 and 1058 as well as all other applicable federal and state laws. Personnel should consult Oceans Privacy Practices for further information on the confidentiality of an individual's medical information.

vehicles. To ensure we are meeting the highest standards of patient care and workplace safety, any employee who is taking any mind-altering substance must inform the appropriate facility representative (either the Compliance Officer, HR Director, or Administrator at the facility in which the employee works) prior to the start of any shift. The company will keep all such information confidential in accordance with law and will make reasonable accommodations of any covered disabilities as required by applicable law. Violations of this policy may result in discipline up to and including termination of employment.

## **B. Billing for Services**

- Accurate and Truthful Claims and Reports. Claims submitted for payment must be accurate and truthful, and reflect only those services and supplies which were ordered and provided. Expense reports, cost reports, reimbursement requests, and financial statements must be prepared as accurately as possible and adequate documentation must exist to support information provided in report. No individual shall willfully or purposefully misrepresent any financial reports or reimbursement requests. Non-allowable cost must be appropriately identified and removed, and related party transactions must be treated consistent with applicable laws and regulations.
- Coding. Coding of services shall accurately reflect the services rendered.
- Ordered Services. All services ordered, provided, and billed must be believed by Oceans to be reasonably necessary.
- Adequate Documentation. Billing of services and supplies must be based on accurate and adequate documentation to support the services and supplies, and in accordance with applicable laws and regulations and third-party payor requirements. All documentation must be completed by Personnel in a timely manner.
- Inadequate or Substandard Care or Services. Claims shall not be knowingly submitted for payment for inadequate or substandard care or services.
- Excluded Providers. Claims for items or services furnished by an individual or entity that has been excluded from participation in a federal or state health care program shall not knowingly be submitted for payment.

## **C. Payment**

- Credit Balances. A “credit balance” is an excess or improper payment as a result of billing or claims processing errors. If a department or program knows that it has received payments for which it was not entitled from a governmental or private payor or a recipient, the payments will be refunded to the appropriate payor or recipient.
- Receipt of Payments and Gifts. Personnel may not give anything of value, including bribes, kickbacks, or payoffs, to any government representative, fiscal intermediary, carrier, contractor, or vendor, or any other person in position to benefit Oceans in any way.

#### **D. Medical Necessity and Quality of Care and Services**

- Delivery of Care and Services. All individuals served by Oceans will be afforded the care and services necessary to attain or maintain the highest possible physical, mental, and psycho-social well-being. All clinical staff will be trained to evaluate and provide appropriate services and encourage to ask management or other senior staff members if unsure in any area. An individual's identified needs will drive any decisions related to the provision of services.
- Ability to Provide. Oceans will refer individuals and their families to other appropriate providers when it cannot provide for the individual's identified needs.
- Medical and/or Education Necessity. Medical care and services shall be based on medical necessity and professionally recognized standards of care. Non-medical services shall be based on the programmatic requirements for those services.
- Appropriate Treatment. Oceans shall provide appropriate and sufficient treatment and services to address individual's clinical conditions in accordance with their plans of care and professional standards of practice. All Personnel shall be informed of, protect, and preserve the basic right of individuals served by Oceans. Personnel must interact with all individual's cultural, religious, or ethics background and should strive to continuously improve their understanding of all cultures.
- Quality Assurance. Oceans shall have processes to measure and improve the quality of its care and services and the safety of the individuals served. To the extent possible, Oceans quality assessment and improvement processes shall be coordinated with its Compliance Program.
- Accountability. Personnel shall be responsible for being knowledgeable, balancing individual needs, allowable benefits, and limited resources in caring out services, supervision and case management.

#### **E. Professional Practices**

- Behavior of Personnel. Personnel shall seek to model appropriate and acceptable behavior to the individuals served and shall maintain professional boundaries with individuals served, both in and out of the office. Personnel shall not share personal information with individuals, including phone numbers and addresses.
- Prohibited Activities. Personnel shall not engage in any activity that constitutes abuse or neglect and shall refrain from working under the influence of alcohol, illegal substances, or perception/non-prescription medications or while appearing impaired (generating odor, impaired speech or judgement). Personnel are not allowed or authorized to photograph or record other Personnel, patients, or family members without the express consent and knowledge of such individuals and failure to adhere to this requirement may cause such Personnel, if they are an employee to lose the qualifications of being an employee (retroactively) and terminated immediately. Personnel are not allowed to possess a firearm of any type at any Oceans locations or satellite site. Personnel must also refrain from selling

drugs (prescription or otherwise), alcohol, or other illegal substances to any individual receiving services from Oceans.

- Abusive Practices. Personnel shall not intentionally prescribe or administer improper medications or have any intentional physical contact with or engage in psychological abuse of an individual that causes or has the potential to cause harm. Personnel must also refrain from any activity that could constitute sexual harassment and may not engage in sexual contact or allow or encourage sexual contact with any individual receiving services from Oceans.

#### **F. Governance**

- Board Oversight. The Oceans Board of Managers shall exercise reasonable oversight over the implementation of the Compliance Program and ensure that they receive appropriate information in a timely manner as is necessary and appropriate. The duty of the Oceans Board of Managers of “reasonable oversight” includes the duty to make reasonable inquiry when presented with extraordinary facts or circumstances of material nature (i.e., indications of financial improprieties, self-dealing, or fraud) or major governmental investigation.
- Conflict of Interest. In accordance with Oceans Conflict of Interest Policy, any actual or potential conflict of interest or potential conflict of interest must be disclosed to ensure that the integrity of Oceans operations is not compromised. All Personnel must disclose to the Compliance Officer any financial interest that they or a member of their family have in any entity that does business or competes with Oceans in any manner.

#### **G. Mandatory Reporting**

- Abuse, Neglect, Mistreatment. Individuals receiving services will be free from abuse, neglect and mistreatment. Any allegations of abuse, neglect or mistreatment must be immediately reported to the appropriate supervisor and other officials as required by law and investigated in accordance with applicable policies, rules, and regulations.

#### **H. Credentialing**

- Background Checks. Oceans, through the Human Resources Department, shall screen prospective employees, members, and contractors prior to engaging in their services against websites which provide information on excluded individuals and entities, criminal backgrounds, and professional licensure and certifications.<sup>2</sup>
- Physicians. For physicians and other healthcare practitioners, Oceans shall consult the National Practitioner Data Bank at <http://www.npdb.hpdb.com> and verify the physician’s license.

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<sup>2</sup> All Personnel shall be screened to ensure they are not excluded individuals/entities and all Personnel providing direct care to individuals receiving services from the Organization shall undergo criminal background checks.

- Other Personnel. For all applicable employees, vendors, contractors, and medical staff members, Oceans shall consult the Office of Inspector General's List of Excluded Individuals/Entities at: <http://www.oig.hhs.gov/fraud/exclusions.asp>; and [www.EPLS.gov](http://www.EPLS.gov);
- Employee, Member, and Contractor Certifications. Oceans shall require all potential employees, members, and contractors to certify that they have not been convicted of an offense that would preclude employment or a contractual relationship with Oceans and that they have not been excluded from participation in any federal or state health care program. Oceans shall require all employees to report to Oceans if, subsequent to their employment or commencement of an action against them that could result in their exclusion from participation in any program or if they are subsequently excluded from participation in any program.

## **I. Business Practices**

- Improper and Illegal Means. Oceans will forego any and all business transactions or opportunities that can only be obtained by improper and illegal means, and will not make any unethical or illegal payments to anyone to induce the use of Oceans services.
- Business Records. Business records must be accurate and truthful, with no material omissions. Oceans assets and liabilities must be accounted for properly in compliance with all tax and financial reporting requirements.
- Computer Resources and Internet Use. All Personnel who use Oceans computer hardware and information systems assume the responsibility for using these resources in an appropriate manner and in accordance with Oceans policies, as such may be created or amended from time to time. Oceans owns all information communicated and stored via computer or through devices that use microchips such as cell phones or iPads.
- Loans. Oceans shall maintain familiarity with all terms, conditions, and covenants contained in any loan/financing agreement, and shall refrain from any activity in direct conflict or breach of the terms, conditions, or covenants. Financial loans to or from any individual or business (other than recognized financial institutions) that furnish or receive supplies or services to Oceans are prohibited.
- Purchasing. Purchasing decisions must be made with the purpose of obtaining the highest quality product or service for Oceans at the most reasonable price. No purchasing decision may be made based on considerations that Personnel or their family member or friend, will benefit.
- Research. All individuals associated with sponsored research grants shall conduct their activity in accordance with grant guidelines. All grant funds shall be used only in accordance with grant approval guidelines. All documentation related to the grant and research must be maintained by Personnel.
- Marketing and Referral. All Personnel must refrain from improper or high-pressure individual solicitation or marketing. Personnel must be truthful in the representations they

make in marketing Oceans services, and never agree to offer anything of value in return for referrals.

- Relationships with Other Providers. Contracts, leases, and other financial relationships with hospitals, physicians, hospices, other medical providers and suppliers who have a referral relationship with Oceans will be based on the fair market value of the services items being provided or exchanged, and not on the basis of the volume or value of referrals of Medicare or Medicaid business between the parties. Free or discounted services or items will not be accepted or provided in return for referrals.

#### **J. Scope and Application of Standards and Personnel**

- Responsibility of All Personnel. All Personnel are expected to be familiar with and comply with all federal and state laws, regulations, and rules that govern their job and may be tested on such expertise at any time with or without notice. Personnel are also expected to comply with this Compliance Plan (including ancillary materials) and Compliance Program and any applicable departmental and other compliance policies and procedures. Strict compliance with such standards is a condition of employment, and violation of any of these standards will result in discipline, up to and including termination.
- Department Heads, Supervisors and Managers. All department heads, supervisors and managers have the responsibility to help create and maintain a work environment in which ethical concerns can be raised and openly discussed. They are also responsible to ensure that the employees they supervise understand the importance of the Compliance Plan (including the Code of Conduct) and Compliance Program. The failure of department heads, supervisors and managers to so instruct their subordinates or to take reasonable measures to detect non-compliance by their subordinates will result in discipline, up to and including termination.
- Departmental Compliance Policies and Procedures. In addition to the Compliance Plan (including any ancillary materials) and Compliance Program, many of the departments have specific compliance policies and procedures. These additional policies and procedures are an integral part of the Compliance Program and are designed to complement the standards set forth in this Plan.