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POLICY

It is the policy of VITAS to seek to assure that its operations are conducted in full compliance with all applicable federal, state, and local laws and regulations regarding health regulatory matters. VITAS does not, and will not, condone any activities or practices that violate such laws and regulations, including, without limitation:

1. the payment of any improper remuneration to any present or prospective customers, suppliers, contractors (including physicians, hospitals and nursing facilities) or third party payors of VITAS in return for, or to induce, payments or the referral of business from such persons.
2. any billing practices that are not true, fair and correct and in compliance with all applicable laws, regulations and policies; and
3. the admission or recertification of any patients who do not comply with applicable criteria.


VITAS employees and agents must know that hospice services will only be reimbursed if ordered, certified, covered, provided and are reasonable and necessary for the patient, given his or her clinical condition. VITAS will only seek reimbursement for services it has reason to believe are reasonable and necessary for the palliative care and management of the terminal illness, and were ordered by a physician or other appropriately licensed individual.

OBJECTIVE(S)

To ensure VITAS operations are conducted in full compliance with all applicable federal, state, and local laws and regulations regarding health regulatory matters.

CODE OF ETHICAL AND LEGAL CONDUCT

As part of its Compliance Program and as part of implementing the VITAS Compliance Policy, VITAS has adopted the following Code of Ethical and Legal Conduct (the “Code”). The Code is the foundation of the VITAS Compliance Program. The Code describes VITAS’ standards of ethical and legal conduct and promotes a corporate culture based upon ethical leadership and a company-wide commitment to high ethical standards.

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APPROVED BY:	TITLE: General Manager	DATE:	
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The purposes and objectives of this Code are to:

1. Document, establish and communicate standards and policies of ethical and legal conduct to be complied with by all VITAS employees, representatives and agents;
2. Instruct VITAS employees, representatives and agents to report issues and concerns to VITAS management, the VITAS Compliance Officer and/or the VITAS Compliance Hotline; and
3. Prevent, through early detection and reporting, variation from laws, regulations and VITAS standards and policies.

The Code sets forth the basic ethical and legal standards by which VITAS requires its employees to comply. The Code does not address all issues, concerns, and standards of a legal and ethical nature. An employee who has any doubts whatsoever as to the propriety of a particular situation, whether or not the situation is addressed in the Code, should submit the concern to his or her supervisor, the VITAS Compliance Officer, or the VITAS Compliance Hotline.

The Code contains the following overall standards of conduct, which are the responsibility of each VITAS employee:

1. To observe the tenets of the VITAS Compliance Policy in the performance of his or her duties.
2. To familiarize himself or herself with sound business practices and procedures that are consistent with the VITAS Compliance Policy, including such operating policies and procedures as may be developed in furtherance of the VITAS Compliance Policy, and to adhere to such practices and procedures.
3. To participate actively in all applicable education and training programs associated with the VITAS Compliance Policy. VITAS shall produce and retain attendance records of each VITAS employee's attendance and participation in such programs.
4. To consult on a timely basis with the Compliance Officer regarding any questions as to the interpretation or potential applicability of the VITAS Compliance Policy or Code.

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5. To report promptly apparent and actual violations of the VITAS Compliance Policy or the Code to the Compliance Officer and/or the VITAS Compliance Committee, and to fully cooperate with any investigation into compliance matters.
6. To otherwise support the purposes of the VITAS Compliance Policy.

The Code includes, but is not limited to, the following:

I. CLINICAL STANDARDS

Complete Services and Appropriate Utilization.

VITAS is committed to the appropriate allocation and utilization of resources in order to provide optimal care consistent with patient and family needs. The team meetings of the Interdisciplinary Group (“IDG”) must be held regularly with an objective of reviewing the appropriate utilization of hospice services with attention paid to issues such as (1) appropriateness of patient admission to hospice, (2) appropriateness of level of care, (3) regular review of patient length of stay, and (4) compliance with recertification requirements.


In each case, the IDG must sufficiently review the patient’s medical condition and status in order to address any concerns with the appropriateness of patient eligibility for hospice services and must assure that the clinical progression of the patient’s disease and medical condition are properly documented. It is also the responsibility of the IDG to utilize the appropriate level of services based upon the patient’s medical conditions. IDG members are prohibited from underutilizing appropriate resources for the purpose of avoiding costly care.

Quality of Care.

VITAS is committed to the delivery of patient care to provide treatment without regard to race, color, religion, sex, sexual preference, national origin, age, disability or payment source. To avoid compromising the quality of care, clinical decisions (including tests, treatments and other interventions) are based on identified patient health care needs, not on financial arrangements. It is our goal to provide superior service to our patients with skill, concern and compassion.

Patient Rights and Responsibilities.

A copy of the Patient Rights and Responsibilities form will be presented to the patient/family during the

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admission process in order to assure that the patient/family understands VITAS services and their rights and responsibilities as a VITAS patient/family.

Charity Care.

VITAS will not compromise quality of care to achieve other goals, and remains loyal to patients who are qualified indigents when they are not able to pay for their services. VITAS will provide charity care to qualified indigents in accordance with Policy 3:09 Charity Care.

II. BUSINESS STANDARDS


Gifts.

Gifts can be in the form of money, favors, gratuities, discounts or other things of value. Except in limited circumstances, VITAS employees, representatives, and agents are prohibited from receiving or providing gifts from patients, their families, their friends, or any person or company doing business with VITAS. Personal non-cash gifts or favors of nominal value may be accepted or given, however they must be reported to the employee's immediate supervisor. The supervisor will use his/her discretion to determine if the gift should be returned and should seek guidance, as appropriate, from the VITAS Compliance Officer.

Offers of money in any amount must be reported to the employee's supervisor. Any offers to or solicitation of offers from VITAS employees which appear to be attempts at political or commercial bribery shall be reported immediately to the VITAS Compliance Officer. Any offer to give or solicitation to accept money, favors, gratuities, discounts or other things of value where the intent or the effect might be to influence a business decision must be reported to the VITAS Compliance Officer. In such cases, the gift must be courteously declined or returned. For further information on this subject, please see Policy 1:02 Conflicts of Interest.

Entertainment.

VITAS employees, representatives, and agents may attend business meals or participate in entertainment provided as part of a business meeting by a vendor, referral source, or other person transacting or potentially transacting business with VITAS as long as the value is nominal and the occurrence infrequent. VITAS employees, representatives, and agents may provide business lunches or meals as part of a business meeting, to a vendor, a referral source, or other person transacting or potentially transacting business with VITAS as long as the value is nominal and the occurrence infrequent. The VITAS employee, representative or agent may seek guidance from the VITAS Compliance Officer, who

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shall have discretion to determine whether a particular event is prohibited. In some circumstances, consideration may be given to other factors, such as the appearance of impropriety, rather than monetary value. For further information on this, please see Policy 1:04C Marketing Practices.

Marketing.

VITAS applies a high standard of business ethics in marketing its services and in providing full and accurate information to prospective patients and families. VITAS' marketing and advertising information must be accurate and not intended to mislead or pressure prospective patients and families. VITAS employees, representatives, and agents are prohibited from making misrepresentations or distorting the truth with regard to VITAS services. All marketing activities that involve giving anything of value to a patient or family or vendor must comply with the section of this Code relating to gifts. For further information on this, please see Policy 1:04C Marketing Practices.

Record-keeping.

Employees who create and/or maintain VITAS records, including financial, clinical and administrative records, must do so accurately, timely and properly. All assets, liabilities, revenue and expenses must be recorded in the books of VITAS. All transactions must be appropriately documented and all assets used for the purpose approved. All business records of VITAS are proprietary and confidential. Employees are prohibited from removing business or corporate records, or copies of such records, from any department of VITAS without supervisor authorization.

All clinical information of VITAS patients must be maintained in a confidential and detailed clinical record accurately reflecting the care provided to each patient/family. Clinical records must be maintained in accordance with VITAS policies and procedures and professional standards, including those related to who has authority to make entries in the record and the appropriate method for making late entries.


In order to protect patient information from inappropriate disclosure, employees must comply with the Company's HIPAA policies.

Other policies which support and elaborate on the VITAS Compliance Policy and the Code include the following:

1:02 Conflicts of Interest

1:04A Compliance to Billing and Coding Standards/False Claims Prevention

1:04B Prohibition on Kickbacks and Relationships/Contractual Arrangements with Referral

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Sources

1:04C Marketing Practices

1:04D Charitable Donation Policy

1:04E Employee Compliant Procedures for Accounting and Auditing Matters

1:05 Regulatory Approval of New or Changed Location

1:07 Overpayment

VITAS is devoted to the delivery of high quality services in an ethical, professional and legal manner to patients with terminal illness and their families. This Code has been adopted by VITAS as a general guide in carrying out this mission. Each employee of VITAS must certify his or her compliance with the Code as a condition of employment.


COMMUNICATING LEGAL AND ETHICAL ISSUES

VITAS encourages its employees to seek guidance through the VITAS chain of command if legal and ethical issues arise while performing their jobs. VITAS prohibits retaliation or retribution against any employee for reporting a legal or ethical concern. However, the failure to report any activity or practice at VITAS that is a clear violation of any law, regulation, policy, or part of this Code may lead to disciplinary action, including termination.

The following action rules are intended to provide simple, step-by-step guidelines to the employee who identifies a question or concern with regard to VITAS compliance matters. As a general rule, the employee should use the chain of command whenever possible.

1. The employee should speak to his or her immediate supervisor/manager first, when possible.
2. If circumstances exist that prevent the employee from doing so (such as the concern is with the immediate supervisor, or the immediate supervisor is unavailable), then the employee should contact the next level of management.
3. If serious concerns remain, the employee should call the VITAS Compliance Officer and/or a VITAS Compliance Committee member and/or the VITAS Compliance Hotline.

Also, if an employee knows of a practice or activity at VITAS that clearly violates any law, regulation, policy, or part of this Code, the employee should immediately either report the violation to their

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supervisor, as well as the VITAS Legal Department, the VITAS Compliance Officer and/or the VITAS Compliance Hotline.

If any employee wishes to preserve his or her anonymity when reporting either a violation or concern, the employee should report directly to the VITAS Compliance Hotline (1-800-638-4827). The VITAS Compliance Hotline is a toll-free phone line that is dedicated to the reporting of serious concerns relating to known or suspected violations of law or regulations.

RELATIONSHIP WITH THE GOVERNMENT


It is the policy of VITAS to cooperate with government inquiries, investigations or audits. All notifications of a violation or citation alleging a violation relating to a matter addressed in this Code from a governmental regulatory agency must be immediately referred to the Legal Department and/or the Compliance Officer.

Employees shall contact the Legal Department immediately upon receipt of any non-routine request (subpoena, affidavit, warrant, etc.) from any government agency or its representative. VITAS employees must fully cooperate with all internal and external audits as well as Compliance Officer investigations.

PROMOTION OF THE VITAS COMPLIANCE POLICY AND THE CODE


Failure to comply with the VITAS Compliance Policy and the Code, as well as other elements of VITAS' compliance program, is a form of employee misconduct. Accordingly, an employee's promotion and adherence to the Compliance Policy and/or the Code, as well as other elements of VITAS' compliance program, shall be a factor in evaluating his or her performance. If it is determined that an employee has acted in violation of the VITAS Compliance Policy, the Code, or compliance program, the employee will be subject to disciplinary action up to and including termination.

It is incumbent upon managers and supervisors to uphold, promote and instruct subordinates regarding the VITAS Compliance Policy, the Code, and other elements of the compliance program. As a result, managers will be subject to disciplinary action up to and including termination, for failure to adequately instruct other subordinates or failure to detect noncompliance with applicable policies and legal requirements.

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<p>VITAS COMPLIANCE COMMITTEE</p> <p>The VITAS Corporate Compliance Committee has responsibility for, among other things, reviewing existing compliance procedures, establishing new procedures, overseeing the development and implementation of effective systems for monitoring compliance with such procedures, including employee training and education, and developing and finalizing a cohesive compliance program for VITAS. The Compliance Officer has responsibility for, among other things, assessing the effectiveness of the VITAS Compliance Policy and the Code, the compliance procedures, overseeing the implementation of the compliance program, and for implementing the directives of the VITAS Compliance Committee.</p> <p>MONITORING AND AUDITING</p> <p>In an effort to assist in implementing and assuring ongoing adherence to the VITAS Compliance Policy and the Code, VITAS, through various means such as its Compliance Committee, Quality Assessment and Performance Improvement Program, investigations of alleged noncompliance reported to the VITAS Compliance Hotline or otherwise, and through other methods, will continually monitor and evaluate adherence to the VITAS Compliance Program.</p>

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