

## **Idaho**

### **Compliance Program: Code of Conduct**

This is a supplement to Kindred's Employee Handbook for employees who work in Idaho. 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 Idaho Public Assistance Law and associated regulations impose liability on any person who, with intent to defraud or deceive, makes, or causes to be made or assists in the preparation of any false statement, representation, or omission of a material fact in any claim or application for any payment, regardless of amount, from the Medicaid Agency, knowing the same to be false. These Idaho laws prohibit, among other things:

- Billing Idaho's Medicaid program for services or goods not provided;
- Billing Idaho'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 Idaho's Medicaid program for services that are medically unnecessary or that fail to meet professionally recognized standards for health care;
- Characterizing non-covered services or costs in a way that secures reimbursement from Idaho'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 Idaho laws may result in restitution for any improper payment plus interest, a civil penalty of \$1,000 for each false claim, plus three times the amount by which any figure is falsely overstated, and suspension or termination from the Medicaid program. In addition, any person who violates these laws commits a felony punishable by imprisonment for one to twenty years and a fine not to exceed \$10,000, plus mandatory exclusion from the Medicaid program.

### **Civil Lawsuits**

Currently, unlike the Federal False Claims Act, Idaho 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**

Similar to Federal law and Kindred policy, the Idaho Protection of Public Employees Act prohibits retaliating, discriminating or harassing employees who report a violation of state law or who cooperate in any investigation of waste of public funds, property or manpower, or a violation of a law or regulation. Idaho law does not contain similar 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 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 Idaho Laws**

The Idaho laws summarized above include: (1) Public Assistance Law, Idaho Code Ann. §§ 56-227, 56-227A and 56-227B; (2) Crimes and Punishments--Theft, Idaho Code Ann. §§ 18-2401 to 18-2421; and (3) Idaho Protection of Public Employees Act (public sector whistleblower law), Idaho Code Ann. §§ 6-2101 to 6-2109. 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](http://www.kindredhealthcare.com), and Kindred's intranet site (KNECT) under the Compliance home page.