

Addendum to Employee Standards and Code of Ethical Conduct Illinois State False Claims Act

This is a supplement to Trilogy's Employee Standards and Code of Ethical Conduct Handbook (Code) for employees. As stated in our Code, 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 very important laws that govern our business.

The Illinois Whistleblower Reward and Protection Act ("WRPA"), the Illinois Public Assistance Fraud law, and other Illinois laws 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 Illinois laws apply to Medicaid reimbursement and prohibit, among other things:

- Making Medicaid claims for items or services not rendered or not provided as claimed (such as billing for three hours of therapy when only a few minutes were provided);
- Submitting claims to any payor, including Medicaid, for services or supplies that are not medically necessary or that were not ordered by the resident's physician or other authorized caregiver;
- Submitting claims for items or services that are not provided as claimed, such as billing Medicaid for expensive prosthetic devices when only non-covered adult diapers were provided;
- Submitting claims to any payor, including Medicaid, for individual items or services when such items or services either are included in the health facility's per diem rate for a resident or are of the type that may be billed only as a unit and not unbundled;
- Double billings (billing for the same item or service more than once);
- Paying or receiving anything of financial benefit in exchange for Medicaid referrals (such as receiving non-covered medical products at no charge in exchange for ordering Medicaid-reimbursed products); or
- Participating in kickbacks
- 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 Illinois laws may result in civil penalties of \$5,000 to \$10,000 per claim, plus three times the amount of damages sustained by the state government. In

addition, a person who violates the Illinois Public Assistance Fraud law, commits a crime punishable by imprisonment up to 15 years.

Civil Lawsuits

The Illinois law also allows civil lawsuits to be filed by the state government or by private citizens, including employees. If the private citizen (also called a *qui tam* plaintiff) is successful in the lawsuit, he/she may share a percentage of any monetary recovery and receive an award for reasonable attorney's fees and costs. However, if the state chooses not to litigate a case, and the private citizen litigates and loses, then the court may award the defendant its reasonable attorney fees and costs against the private citizen.

Non-Retaliation Provision

Illinois laws prohibit state employers from retaliating, discriminating, or harassing state employees who report a violation of state law in sworn testimony or in an affidavit. Although Illinois law does not contain similar protections for non-governmental employees,

The WRPA prohibit employers from retaliating, discriminating, or harassing employees because of their lawful participation in a false claims disclosure or their refusal to assist employers in violating laws such as the WRPA. These laws also provide for certain monetary awards and equitable relief to the prevailing plaintiff including compensation for lost wages and reinstatement to a former position.

Trilogy expects employees to adhere to Trilogy'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 Trilogy's Code of Conduct or regulatory violation, or (2) refused to violate Trilogy's Code of Conduct or a government law or regulation, will be subject to disciplinary action up to and including separation of employment. See Trilogy's Open Door Policy and the procedure outlined in the Employee Handbook for information on reporting concerns.

Copies of Illinois Laws

The Illinois laws summarized above include: (1) The Illinois Whistleblower Reward and Protection Act, 740 Ill. Comp. Stat. §§ 175/1-175/8; and (2) The Illinois Public Assistance Fraud Statute, 305 Ill. Comp. Stat. § 5/8A 1-17. If you have questions about any of these requirements, you may contact Trilogy's Compliance Hotline at 1-800-9088618 extension 2800. This summary and others are also posted on Trilogy's external web site, www.Trilogyhs.com, and Trilogy's intranet site under the Compliance home page.