

Code of Ethics and Business Conduct

Our Mission: Our mission is to empower older adults to enhance purpose and well-being through a portfolio of innovative health care services.

Letter from Our President

Dear Colleagues,

The New Jewish Home and our Divisions have a long-standing reputation for lawful and ethical behavior, a reputation which you and your fellow employees have earned over the years. This is more than a source of pride for us; it is one of our greatest assets. In an increasingly complex health care environment, we will maintain our leadership in care, education and research only if we continue to merit the trust of those for whom we provide services, the community, government regulators and one another.

The Board of Trustees has approved a Compliance Program designed to ensure that all of the entities that comprise The New Jewish Home family maintain their commitment to legal and ethical conduct by all employees. We have appointed Dana Penny, as Chief Compliance Officer, with responsibility for overseeing this program.

This is your personal copy of the Home's Code of Ethics and Business Conduct, which reaffirms the principles that have guided this organization since its founding in 1848. It sets forth our standards of legal and ethical conduct. The Code is supplemented by a more detailed Compliance Program Manual and by the policies and procedures pertaining to specific areas.

We expect all employees, consultants, students, volunteers, trustees and vendors to uphold these legal and ethical principles without exception. To do so, we all must read this Code carefully and apply it to our work. If you have any questions about how our principles, standards or policies apply, seek answers from your supervisor, the Chief Compliance Officer, or other appropriate individuals in our system.

Remember that violations of legal or ethical standards jeopardize the welfare of our organization, its employees and those for whom we care, and the communities we serve. Remember, too, that standards of conduct mean little without personal commitment. Ultimately, the responsibility for ethical behavior, and thus for our reputation, rests largely in our hands.

Thank you for all you do.

Jeffrey Farber, MD
President and Chief Executive Officer
The New Jewish Home

Dana Penny
Chief Compliance Officer
The New Jewish Home

Rules of Conduct

The New Jewish Home is committed to providing the highest quality of care in all of our services. We expect that all of our caregivers will maintain the same commitment to clinical excellence.

The New Jewish Home expects all employees to conduct themselves in accordance with all legal requirements and organizational policies that apply to their position.

The basic rules outlined below must be adhered to by each of our employees, consultants, students, volunteers, vendors and trustees.

Rule 1: Compliance with Legal Requirements

We must abide by the letter, as well as the spirit, of all applicable laws and regulations.

Rule 2: Adherence to Ethical Standards

We must adhere to the highest ethical standards of conduct in all of our activities.

Rule 3: Respect for Those for Whom We Care

All of our residents, patients and clients are entitled to equal access to high-quality care and to be treated with dignity and respect. In addition, we must respect the privacy of our residents, patients and clients and comply fully with special confidentiality rules.

Rule 4: Respect for Other Employees

All employees are entitled to be treated fairly and respectfully. Discrimination based on race, color, religion, gender, national origin, age, disability or sexual orientation is strictly prohibited, as is sexual harassment.

Rule 5: Maintenance of Accurate Records and Documentation

All of our records, documents, and reports must be accurate, complete and in compliance with the organizational and governmental requirements. All bills for services provided by The New Jewish Home must be based on the services actually provided and supported by the required documentation.

Rule 6: Avoidance of Conflict of Interest

We must avoid conduct which has even the appearance of conflict between our personal interests and those of The New Jewish Home, and comply fully with the Policy on Conflicts of Interest. All potential Conflicts of Interest must be disclosed.

Rule 7: Adherence to Proper Business Practices

We must conduct our business activities on the basis of fair competitive practices. All purchases of services and supplies must be from qualified and reliable sources and be based upon objective factors.

Rule 8: Commitment to Environmental Responsibility

We strive to do all that we can to sustain and improve our environment and to provide leadership in environmental responsibility. One aspect is that we must comply fully with all environmental laws and regulations. All hazardous materials and infectious wastes must be stored, handled and disposed of in full compliance with all laws, regulations, and institutional policies. Unsafe storage or release of such materials into the environment must be promptly reported and addressed.

Rule 9: Protection of Occupational Safety

As one way to promote a culture of safety, we must abide by all laws and regulations regarding safety on the job. Any accidents or injuries must be reported immediately and the root cause of the incident must be addressed.

Rule 10: Maintenance of a Drug and Alcohol - Free Workplace

As per Federal regulations the use, sale, purchase, transfer, possession or presence in one's system of illegal drugs is strictly prohibited. Similarly, the use, sale, purchase, transfer, possession or presence in one's system of alcoholic beverages while on duty is prohibited.

Reporting of Violations

Employees are required to come forward with any information regarding any actual or possible violations of this Code or The New Jewish Home policy and to cooperate fully in the investigation of any alleged violation.

Reports may be made either in person, by telephone or in writing to any of the following:

- Your Supervisor
- Administration
- Human Resources
- Chief Compliance Officer: (212) 870-4752 or toll free at 1 (800) 448-3598 e-mail: dpenny@jewishhome.org
- The Compliance Hotline: 1 (877) 778-5463, is available to all employees to report concerns about possible violation of the law or The New Jewish Home policy. You do not need to identify yourself to report a violation.
- Confidential on-line reporting application available on The New Jewish Home website at www.jewishhome.org under the Compliance heading.
- You can report completely anonymously. You can use our ReportIT Compliance reporting application at:

<http://www.reportit.net>

USER NAME: JewishHome

PASSWORD: compliance

Confidential reports made in this manner will be reported directly to the Chair of the Board's Audit and Compliance Committee and to the Chair of the Board of Directors without first going through management.

You can also contact:

- Office of the Inspector General (OIG) National Hotline: **1-800-323-8603**
OIG Fax: 202-254-4292 OIG Email: DHSOIGhotline@dhs.gov
- Centers for Medicare & Medicaid Services (CMS): **1-800-633-4227**
- The Joint Commission at 800-994-6610 or complaint@jointcommission.org
- The New York State Department of Health Nursing Home Hotline: **1-888-201-4563**
- The New York State Department of Health Home Health Hotline: **1-800-628-5972**

The New Jewish Home is committed to promptly investigating any suspicions of improper activities and requires all employees to assist in such investigations. If an employee or other representative believes that The New Jewish Home is not responding to his or her report within a reasonable period of time, the employee shall bring these concerns to The New Jewish Home's Compliance Officer.

No type of disciplinary action will be taken against any employee who in good faith reports actual or possible violations of this Code. We will make every effort to keep the identity of anyone reporting a violation confidential to the extent permitted by law unless doing so prevents The New Jewish Home from fully and effectively investigating an alleged violation.

Any possible Fraud, Waste and Abuse will be reported to the appropriate Medicare Advantage or Prescription Drug Plan or to State or Federal authorities.

Discipline for Violations

We will take disciplinary action, including dismissal when appropriate, against any employee who violates any legal requirements or institutional policies, including anyone who fails to report violations or retaliates against any individual for reporting in good faith a possible violation.

Questions Regarding the Code

This code is designed to remind you of the general legal requirements and institutional policies that you must adhere to as an employee, consultant, student, vendor or trustee of The New Jewish Home. It is not a substitute for existing and future policies of the Organization. A more detailed Compliance Manual has been provided to all supervisors, who will communicate the relevant sections to employees under their supervision. A copy of the Compliance Manual is available to any employee upon request.

If you have any questions regarding the Code, you may direct them to your supervisor, Administration, or the Chief Compliance Officer.

Chief Compliance Officer: 212-870-4752/(800) 448-3598
Anonymous Compliance Hotline: 877-778-5463

What is a False Claims Act?

Federal and State laws provide for penalties to be imposed on anyone who is found to have presented a bill or claim for payment to a government agency that is untruthful or otherwise requests payment for services that were not provided as required.

Federal law has recently been used to penalize healthcare providers who have billed Medicare for services that were not provided or that did not reach an agreed upon quality of care. The Jewish Home is subject to Federal and New York State False Claims Acts.

False Claims Acts allow for “*qui tam*” (also known as “*whistleblower*”) lawsuits. This is when an employee (the whistleblower) who knows that an organization is acting fraudulently in its Medicare or Medicaid billing practices (including billing for egregiously sub-standard care), has brought these practices to the attention of management and management has been unwilling to stop the practices. The employee then has the right to sue the employer on behalf of the government agency involved. If the lawsuit is successful, the employee is entitled to anywhere between 10% and 30% of the amounts recovered plus any penalties.

The False Claims Acts allow the government to recover three times the amount of the value of any false claim, plus civil monetary penalties. The civil monetary penalties under the Federal False Claims Act are from \$10,781 to \$21,563 per claim. Under the New York State False Claims Act the range is different, from \$6,000 to \$12,000.

Both the Federal and New York State False Claims Acts also provide protection to a whistleblower against retaliation. Any whistleblower who is fired, demoted, suspended, threatened, harassed or otherwise discriminated against by his employer in the terms and conditions of his employment because of engaging in lawful acts of any whistleblower action under this statute, can recover damages against the employer and shall be entitled to relief to make the employee whole.

Generally, a whistleblower needs to show that they attempted to get the employer to address the problem and the employer refused and that the employee was not performing any illegal activity themselves. Jewish Home policies on this matter require all employees who know of any improper or illegal activities to bring it to the attention to management.

The full Jewish Home Policy on these matters is available in the on-line Corporate Policy application (PolicyTech), or the Compliance section of The New Jewish Home Intranet, and Web-site and as a hard copy to anyone who requests it.

If you have any questions on these regulations or policies, please contact Dana Penny, Chief Compliance officer at 212-870-4752 or at dpenny@jewishhome.org