

The False Claims Act

As a recipient of federal health care program funds, including Medicare and Medicaid, Trinity Health and Saint Alphonsus Health System, are required by law to include in its policies and provide to all associates, agents and contractors, detailed information regarding the federal False Claims Act and applicable state civil and criminal laws intended to prevent and detect fraud, waste and abuse in federal health care programs.

What is the False Claims Act?

The False Claims Act is a federal law that makes it a crime for any person or organization to knowingly make a false record or file a false claim regarding any federal health care program, which includes any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States Government or any State health care program. "Knowingly" includes having actual knowledge that a claim is false or acting with "reckless disregard" as to whether a claim is false. Examples of potential false claims include knowingly billing Medicare for services that were not provided, submitting inaccurate or misleading claims for actual services provided, or making false statements to obtain payment for services.

The False Claims Act contains provisions that allow individuals with original information concerning fraud involving government health care programs to file a lawsuit on behalf of the government and, if the lawsuit is successful, to receive a portion of recoveries received by the government.

State Laws

In most states it is a crime to obtain something (i.e., such as a Medicaid payment or benefit) based on false information. In addition to the federal law, several states in which Trinity Health operates (California, Indiana and Michigan) have adopted similar laws allowing individuals to file a lawsuit in state court for false claims that were filed with the state for payment, such as the Medicaid program.

Penalties for Violating the False Claims Act

There are significant penalties for violating the federal False Claims Act. Financial penalties to an organization that submits a false claim can total as much as three times the amount of the claim plus fines of \$5,500 - \$11,000 per claim. In addition to fines and penalties, the courts can impose criminal penalties against individuals and organizations for willful violations of the False Claims Act. The false claims laws adopted in the states of California, Indiana and Michigan also carry significant fines and penalties of \$5,000 - \$10,000 per claim.

Protections Under the False Claims Act

The federal False Claims Act protects anyone who files a lawsuit under the Act from being fired, demoted, threatened or harassed by his or her employer as a result of filing a False Claims Act lawsuit. Similar protections are also provided to individuals under the state False Claims Act laws adopted in California, Indiana and Michigan. Ohio also has specific laws providing protections.

Our Commitment to Integrity

Trinity Health and Saint Alphonsus Health System are committed to fully complying with all laws and regulations that apply to our health care ministry. We have established the Organizational Integrity Program (OIP) as evidence of our commitment to operating with the highest degree of integrity. The OIP includes the Standards of Conduct, policies and procedures, training and education, auditing and monitoring, and mechanisms for individuals to raise issues and concerns without fear of retaliation.

Whether you are an associate, contract worker, volunteer, medical staff member, vendor or other business partner with Trinity Health and/or Saint Alphonsus Health System, **you are reminded to:**

- Act with honesty and integrity in all of your business activities
- Follow all laws and regulations that apply to your work activities, including requirements of Medicare, Medicaid and other federal health care programs. These requirements generally include maintaining complete and accurate medical records, and submitting only complete and accurate claims for services provided
- Contact one of the following resources available within Trinity Health or Saint Alphonsus Health System if you have knowledge or concern regarding a potential false claim:
 - Your Local Integrity Officer – Jennifer Johnson, System Integrity & Privacy Officer, (208) 367-7855
 - The Integrity Line – 1-866-477-4661. The Integrity Line is staffed 24 hours a day, seven days a week by an outside organization. You may choose to remain anonymous when filing a report.
 - You may also file a report online at www.mycompliancereport.com. When prompted for an access ID, please use THO.

Trinity Health and Saint Alphonsus Health System policies strictly prohibit retaliation, in any form, against an individual reporting an issue or concern in good faith. Retaliation is subject to discipline, up to and including dismissal from employment or termination of the business relationship with Trinity Health and/or its Ministry Organizations.

Please contact your Local Integrity Officer using the information above if you have any questions. Thank you for your commitment to operating with integrity and the highest standards of ethical behavior.

- Addendum 1 of the *Standards of Conduct* -