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- Policy Name:** PrimeTime Code of Business Conduct and Ethics
- Version Number:** 6
- Scope:** PrimeTime Health Plan employees, including contractors, first tier, downstream and related entities, directors and company leadership
- Policy/Purpose:** The PrimeTime Health Plan Code of Business Conduct and Ethics is our commitment to regulatory compliance and legal conduct. Every employee, including contractors, first tier, downstream, and related entities, directors and company leadership (hereinafter referred to as “employees”) must make a personal commitment to adhere to the PrimeTime Health Plan Code of Business Conduct and Ethics.
- The PrimeTime Health Plan Code of Business Conduct and Ethics describes the guiding principles of business conduct applicable to all activities conducted by PrimeTime employees. It is a condition of employment with PrimeTime to read, understand and abide by principles outlined in the Code of Business Conduct and Ethics.
- Reference Policies:** N/A
- Regulatory Reference(s):** Compliance Program Guidelines, Chapter 9 Medicare Prescription Drug Benefit Manual Prescription Drug Benefit Manual, Chapter 21 Medicare Managed Care Manual
- Record/Document Control:** AultCare Health Insuring Corporation dba PrimeTime Health Plan Code of Business Conduct and Ethics

**Definitions:**

- 1. CMS:** Centers for Medicare and Medicaid Services
- 2. Employee(s)** refers to those persons employed by the sponsor or a First Tier, Downstream or Related Entity (FDR) who provide health or administrative services for an enrollee.
- 3. FDR:** First Tier, Downstream or Related Entity
- 4. First Tier Entity** is any party that enters into a written arrangement, acceptable to CMS, with an MAO or Part D plan sponsor or applicant to provide administrative services or health care services to a Medicare eligible individual under the MA program or Part D program. (See, 42 C.F.R. § 423.501).
- 5. Downstream Entity** is any party that enters into a written arrangement, acceptable to CMS, with persons or entities involved with the MA benefit or Part D benefit, below the level of the arrangement between an MAO or applicant or a Part D plan sponsor or applicant and a first tier entity. These written arrangements continue down to the level of the ultimate provider of both health and administrative services. (See, 42 C.F.R. §, 423.501).

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6. **Related Entity** means any entity that is related to an MAO or Part D sponsor by common ownership or control and (1) Performs some of the MAO or Part D plan sponsor's management functions under contract or delegation; (2) Furnishes services to Medicare enrollees under an oral or written agreement; or (3) Leases real property or sells materials to the MAO or Part D plan sponsor at a cost of more than \$2,500 during a contract period. (See, 42 C.F.R. §423.501).
7. **MAO:** Medicare Advantage Organization

**The PrimeTime Health Plan Code of Business Conduct and Ethics** articulates the standards by which employees must conduct themselves in order to protect and promote organization-wide integrity and to enhance PrimeTime Health Plan's ability to achieve its mission.

1. **Mission and Values** – PrimeTime Health Plan is committed to provide quality and cost-effective services. We operate transparently; demonstrating openness, cooperation, honesty, and integrity in our day-to-day relationships with members, providers, regulatory agencies, law enforcement agencies, contractors, and vendors. We will treat members with respect and fairness. We will be attentive in our evaluation of our health delivery service programs to ensure we are meeting or exceeding standards of practice.
2. **General Compliance** - Employees must report any activity or conduct believed to be in violation of the PrimeTime Health Plan Code of Business Conduct and Ethics or any Federal, State or local law, regulation, or ethical standard. Any employee found to have known of such activity or conduct, but failed to report it may be subject to disciplinary action, up to and including termination. Reports of non-compliance or suspected non-compliance should be based on facts and objective information only, and will be treated with complete anonymity. Reporting actual or suspected violations should be done in accordance with the recommendations outlined in the Compliance Procedures section of the Code of Business Conduct and Ethics document.
3. **Legal Compliance** - Employees shall ensure that all activities undertaken by or on behalf of the Company are in compliance with all applicable Federal, State and local laws and regulations. If a law conflicts with a policy in the PrimeTime Health Plan Code of Business Conduct and Ethics, employees must first comply with the law. Violation of the standards of the Code may result in disciplinary action, up to and including termination. Moreover, violations of the Code may also be violations of the law and may result in civil or criminal penalties for employees, their supervisors, and/or the Company. Employees who encounter a situation that may violate, or lead to a violation of, the Code should immediately seek guidance from their supervisor and/or the Compliance Officer.

Some of the laws and regulatory requirements that pertain to the Company's products include, but are not limited to:

- Federal False Claims Act
- Federal Anti-Kickback Statute
- Health Insurance Portability and Accountability Act (HIPAA)
- Code of Federal Regulations, specifically 42 C.F.R. § 400 (Medicare Program), §

403 (Medicare Supplemental Policies), § 411 (Stark Regulations), § 417 (Qualified HMO Plans), § 422 (Medicare Advantage Plans), § 423 (Medicare Prescription Drug Benefit), § 1001 (Anti-Kickback Regulations) and 1003 (Civil Monetary Penalties and Exclusions).

- Regulatory guidance produced by the Centers for Medicare and Medicaid Services (CMS), including requirements in the Medicare Managed Care Manual (MMCM) and the Prescription Drug Benefit Manual (PDBM), as well as all other policy guidance.
- Applicable State laws, including Ohio Revised Code Title 39, Insurance, Chapter 17, Health Insuring Corporations, and Chapter 4123, Workers' Compensation, and the corresponding regulations in the Ohio Administrative Code. Contractual obligations and commitments Health Care Consumer Bill of Rights and Responsibilities ("Patients' Bill of Rights") in accordance with the U.S. Office of Personnel Management (OPM) guidance.

**4. Government Relationships** – Employees must conduct their interactions with the Government in an honest and ethical manner. Employees must;

- Ensure compliance with all Federal, State and local laws and regulations.
- Show appropriate respect to Government and regulatory officials.
- Cooperate with all reasonable requests for information, as directed by the Company's Legal Affairs Department, and provide accurate and truthful responses in a timely manner.
- Safeguard and protect confidential Government information. Notify the Company's Compliance Department of any information requests stemming from government investigations or legal proceedings.
- Never lie or make false or misleading statements of any kind to any government agency or official, or induce or attempt to induce anyone working on behalf of the Company to do the same.
- Never attempt to alter or destroy documents or other information in connection with a request from a government agency or court.
- Never attempt to obstruct or improperly influence the outcome of any investigation or review by a government agency or official.
- The U.S. Government has a number of laws and regulations regarding business gratuities that may be accepted by U.S. Government personnel. The promise, offer or delivery to an official or employee of the U.S. Government of a gift, favor or other gratuity in violation of these rules not only violates Company policy but may also be a civil or criminal offense. State and local governments often have similar rules, and employees are required to strictly adhere to any such rules.

**5. Business Relationships** – Employees must conduct themselves honestly and professionally and treat everyone with whom they interact with appropriate respect and courtesy. Employees have a right to a workplace that is free from harassment, discrimination, and offensive or threatening behavior, and in turn are expected to avoid discriminating against anyone on the basis of their position, age, family status, race, ethnicity, gender, sexual orientation, religion or national origin.

6. **Business Ethics** – Employees must maintain the highest standards of business ethics and integrity in all its dealings. Employees must conduct their activities on behalf of the Company accordingly, and may not engage in any activity or scheme intended to defraud anyone of money, property, or honest services. No employee shall make false or misleading statements to any member, person, or entity doing business with the Company about other members, persons, or entities doing business or competing with the Company, or about the products or services of the Company or its competitors.
7. **Confidentiality** - Any unauthorized disclosure of confidential information, medical or otherwise, regarding any member, employee, client, vendor, or business practice is prohibited. Confidential information must be handled strictly in accordance with all Federal and State laws and regulations, and may never be revealed to a third party unless authorized or required by legitimate business. Employees are responsible for ensuring that this information is stored in secure company systems. Authorized users of confidential information are responsible for preventing unauthorized access to confidential information, whether stored on paper or electronically.
8. **Conflict of Interest** - Employees must not use their position at the Company for personal gain or to enrich others at the Company's expense. Any associations, interests and business relationships that an employee may have that might cause him or her to act in ways that are not in the best interests of the Company, or that might be perceived to cause divided loyalties, will be permitted only with the Company's approval. Any time the possibility of a conflict of interest arises, employees must seek guidance from their supervisor and/or the Compliance Department.
9. **Lobbying and Political Activity** - No employee may enter into any agreement to contribute any money, property, or services of any officer, director, or employee at the Company's expense to any political candidate, party, organization, committee, or individual in violation of any applicable law. No employee shall engage in propaganda or otherwise attempt to influence legislation, except as otherwise permitted in accordance with Section 501(h) of the Internal Revenue Code of 1986, as that section now exists or may subsequently be amended (or the corresponding provision of any future United States Internal Revenue Law). All employees shall follow applicable local, state, and federal regulations regarding lobbying and gifting to public officials.
10. **Protection of Assets** - All employees should protect the Company's assets and ensure their efficient use. All Company assets are to be used for legitimate Company purposes. Any suspected incident of fraud or theft should be immediately reported for investigation. Company assets should not be used for non-Company business. Employees are required to limit Internet use to those activities that directly support the completion of their job duties. Email is to be used for Company business only. The Company's confidential information must never be shared outside of the Company without authorization.
11. **Information Management** - Employees must ensure the integrity of the Company's business operations by accurately and truthfully recording all Company information by strictly following established accounting and business practices. Employees will ensure that company records are adequately and accurately documented and accessible, but also properly safeguarded. Accuracy and reliability in the preparation of all business records is mandated by law and is of critical importance to the Company's

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decision-making processes and to the proper discharge of the Company's financial, legal and reporting obligations. Employees must never misrepresent facts, or falsify or withhold records. Employees must never take any steps that would impede, obstruct, or improperly influence the conclusions, or affect the integrity or availability of information for any audit, review or investigation performed by the Government, an external entity or internal associates. Employees must contact the Company's Compliance Officer immediately if a representative of the Company asks or instructs him or her to report data that is not accurate or truthful or to falsify or improperly alter or destroy data in any Company record or document. If an employee is concerned that others may be falsifying or improperly altering data, he or she must convey those concerns to the Compliance Officer immediately.

12. **Compliance Procedures** - Employees must work to ensure prompt and consistent action against violations of the Code. All employees and officers are subject to the Company's Code of Conduct, which describes procedures for the internal reporting of violations of the Code. All employees and officers must comply with those reporting requirements and promote compliance with them by others. Failure to adhere to the Code by any employee or officer will result in disciplinary action, up to and including termination. Employees who encounter a situation that may violate, or lead to a violation of, the Code should immediately seek guidance from their supervisor and/or the Company's Compliance Officer. Employees may also contact the Compliance/FWA hotline anonymously and without fear of retaliation at <https://aultcarepthp.alertline.com> or 1.866.307.3528.

**Procedure:**

1. The written PrimeTime Health Plan Code of Business Conduct and Ethics is distributed by one of the following methods: email, posting on the company's intranet /website, or in hardcopy to employees/FDRs within 90 days of hire/contracting, when the standards are updated, and annually thereafter.
2. All employees are required to sign/attest that they have received, read, and will comply with all provisions in the Code of Business Conduct and Ethics. All FDRs are required to certify that they reviewed PrimeTime Health Plan's Code of Business Conduct and Ethics or have comparable policies and procedures and Standards of Conduct of their own.
3. The Compliance Department is responsible for obtaining documentation. Employee and FDR certifications are maintained by the Compliance Department.