

COMPLIANCE AND ETHICS PROGRAM MANUAL

INTRODUCTION

Amsterdam Nursing Home’s Compliance and Ethics Program (the “Program”) consists of several core components that function in tandem to help prevent and detect wrongdoing and promote quality of care. A brief overview of the Program, provided under separate cover, sets forth the Program components and describes the role each plays in assisting Amsterdam Nursing Home achieve its mission of providing each resident with the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being while following the law and maintaining an ethical culture (the “Overview”).

The first component of the Program is established principles and practices that are reasonably capable of reducing the prospect of violations of the law and the Program. The Code of Conduct (the “Code”) is a constitution of sorts—providing a foundational framework of the facility’s ideals and conveying a synopsis of the expectations that the facility has for those who are employed by or interact with Amsterdam Nursing Home. The Code is accompanied by Standards and Procedures which crystalize these ideals and expectations into paradigm principles, guidelines and internal controls. These written materials, which together make up the Compliance and Ethics Manual (“the Manual”),¹ additionally serve as the primary method of effectively communicating Amsterdam Nursing Home’s values, practices and requirements to those working at or with Amsterdam Nursing Home. In that regard, the Manual is complemented by Training and Education programs that reinforce the information by breathing life into the codified concepts.

Although this Manual may seem quite extensive, it is not – nor is it intended to be – an exhaustive compilation of rules. Instead it is meant to alert you to key legal and ethical issues that may arise and serve as an outline of morals, standards and guidelines that should be internalized by each staff member so that its precepts and spirit can be prudently applied to Amsterdam Nursing Home’s unique conditions and utilized in the many different – and often unpredictable – situations you may face in carrying out your responsibilities. This versatility must pertain not only to the many circumstances to which the principles of the Manual must be applied, but to the principles themselves, as the Manual and the overall Program must be periodically updated and modified to reflect changing laws, compliance risks, professional standards and on-the-ground developments.

Amsterdam Nursing Home acknowledges the potential challenges involved in fully understanding the directives set forth in the Manual and knowing how to apply them and their underlying tenets appropriately. You are therefore urged to seek guidance from supervisors, compliance personnel and/or the Compliance and Ethics Hotline for further instruction.

¹ Although the Manual compiles the Program’s guidelines so that it can be used as a centralized resource for compliance and ethics standards, because the Program’s tenets permeate every facet of operations, compliance and ethics principles are embedded in many of the company’s policies and procedures.

GENERAL MATTERS

1. The Program is intended to assist Amsterdam Nursing Home in achieving its mission: to provide each resident with the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being while following the law and maintaining an ethical culture.
2. The Program applies to every Amsterdam Nursing Home staff member, as well as any individual or company working at or associated with Amsterdam Nursing Home in any capacity, including, but not limited to, Board Members, operators, executives, officers, directors, governing body members, employees, contractors, physicians, suppliers, vendors, agents, appointees, business associates, interns and volunteers (collectively, “Team Members”).²
3. The Program constitutes official company policy and all Team Members must fully adhere to the Program as a condition of any employment by or association with Amsterdam Nursing Home.³
4. Every Team Member is required to read the Manual, attend Compliance and Ethics training and education and participate in Compliance and Ethics initiatives, as appropriate.
5. While Amsterdam Nursing Home does not expect Team Members to become legal or compliance experts, Team Members are expected to have a reasonable sense of right and wrong and have a general understanding of Regulations (as the term is defined below) that relate directly to their respective responsibilities; at least enough to enable them to determine when to seek advice.⁴
6. In the event that a Team Member feels that he or she would benefit from further clarification of any legal or regulatory requirement or any facet of the Program or the application of such directives to a certain situation, he or she is responsible to seek guidance from supervisors or appropriate compliance personnel. Guidance can also be sought anonymously via Amsterdam Nursing Home’s Compliance and Ethics Hotline.⁵
7. If any Team Member knows of or suspects a violation of the law, professional standards or the Program, the Team Member is obligated to report all pertinent information to the Compliance and Ethics Hotline, which affords complete anonymity if desired. The Team

² Non-Amsterdam Nursing Home employees with little or no involvement in the delivery of or billing for health care services or supplies (i.e. landscaping or maintenance contractors) may be exempted from portions of the Program, as appropriate.

³ Amsterdam Nursing Home’s focus on making this uniquely essential Program as understandable and user-friendly for every Team Member as possible has given rise to written material that is deliberately designed to be less formal and more colloquial than other facility policies and procedures. Nevertheless, the Program is no less authoritative than any other Amsterdam Nursing Home policy or procedure and is incorporated as part of the facility’s code.

⁴ Though the responsibility to be familiar with and abide by Regulations remains with each Team Member, Amsterdam Nursing Home may, from time to time, endeavor to promote awareness of and encourage compliance with certain Regulations—via programs, activities, classes and/or publications, as appropriate.

⁵ The features and functionality of the Compliance and Ethics Hotline is addressed below and in the Overview.

Member may also discuss the known or suspected issue with supervisors and/or appropriate compliance personnel. Failure to report a known or suspected violation is itself a violation of the Program and may result in disciplinary action up to and including termination.

8. Amsterdam Nursing Home shall advertise the Hotline by hanging posters in the facility with the Hotline contact information or some alternative appropriate means.
9. Adherence to and cooperation and participation with this Program and its policies, procedures and initiatives – as an essential element of employment by or association with Amsterdam Nursing Home – may be considered in evaluations and assessments of Team Members’ standing with Amsterdam Nursing Home and violations of the Program – whether active infringements or passive failures – may result in disciplinary action up to and including termination.⁶
10. The Compliance and Ethics Officer (the “CO”) serves as point for all matters under this Program and is assisted by the Compliance and Ethics Committee (the “CEC”) in this task. The Overview contains a section describing these roles and the accompanying responsibilities.
11. The Manual does not constitute an employment contract or any other type of contract, nor should it be interpreted as a promise of continued employment or any other relationship.

CODE OF CONDUCT

1. Team Members must abide by all pertinent federal, state and local laws, rules and regulations, as well as health care program requirements, accepted industry practices, professional standards and the Program (collectively, “Regulations”).
2. The incalculable number of Regulations makes a complete presentation thereof unfeasible. Thus, the omission of a Regulation from this Manual or from express focus under the Program in no way diminishes Team Members’ duty to adhere to all operative Regulations.⁷
3. No one at Amsterdam Nursing Home has the authority to instruct or encourage a Team Member or anyone else to violate any Regulation, nor does the Amsterdam Nursing Home Board of Directors or Management desire for anyone to violate any Regulation for any reason. Each Team Member is responsible for his or her own actions and will be held accountable appropriately.
4. Because a culture of candidness and critical introspection is crucial to the success of the Program and the fulfillment of our mission, Amsterdam Nursing Home desires to maintain open lines of communication whereby Team Members or anyone else can voice concerns, share observations, report known or suspected violations of any Regulation, offer feedback

⁶ While uniformity and evenhandedness are valued, participation obligations of Team Members may vary by position and relationship. A manager or supervisor, for example, may be held to an elevated level of accountability for failure to detect or address legal or compliance issues.

⁷ Further information on operative Regulations, as well as source materials and synopses thereof, are available upon request of the CO or a CEC member or anonymously via the Hotline.

or seek guidance (collectively, to “Communicate” or a “Communication”) in a forum that provides confidentiality and anonymity, if preferred, as well as protection from any retribution for coming forward.

5. While Team Members can Communicate via the regular chain of command or directly to the CO or a CEC member, the primary tool to Communicate under the Program is Amsterdam Nursing Home’s Compliance and Ethics Toll-Free Hotline (the “Hotline”), which is available to Team Members, as well as residents, family members and visitors 24/7/365. Live operators not affiliated with Amsterdam Nursing Home will receive and document Communications. This service is available in multiple languages, including English and Spanish, and callers will never be required to share their identity. Although detailed Communications – including the identities of the parties involved – make a proper investigation more feasible, callers may maintain complete anonymity if they so desire.

- **Hotline Number: 866-485-0115**

6. Compliance reports – including those received via the Hotline – shall be shared with members of the CEC who have been suitably trained and educated regarding the appropriate treatment of such information, including properly maintaining anonymity and confidentiality. CEC members shall use their discretion when sharing reports or information contained therein (i.e. as part of an investigation) and shall do so in a manner that safeguards reporting parties’ confidences as well as all relevant privileges.
7. The seriousness with which Amsterdam Nursing Home addresses Communications and the accompanying guarantees of confidentiality and anonymity for those who come forward makes this tool vulnerable to misuse by one who seeks to perpetrate harm on another. The use of any reporting method under this Program for disingenuous or dishonest means – including, but not limited to, submitting a report for vindictive purposes and/or that one knows to be untrue – may result in disciplinary action.
8. Amsterdam Nursing Home’s commitment to openness also requires all Team Members to be forthcoming, honest and cooperative with all internal investigations, audits and requests for information by authorized Amsterdam Nursing Home compliance personnel or others acting on their behalf. No Team Member shall provide information that is imprecise, misleading or incomplete.
9. While Amsterdam Nursing Home is absolutely committed to appropriately and candidly cooperating with proper external investigations, audits and requests for information by outside groups – including federal and state government agencies and contractors acting on their behalf, as well as law enforcement officials – (“Requests”) the management of such cooperation will often require the input of legal and/or compliance personnel who can assess the many complicated – and often conflicting – rights and responsibilities involved. Therefore, please immediately refer all Requests to the Administrator or manager on duty, who can contact the appropriate parties to properly respond after considering issues of privilege, privacy and numerous other factors under the law. Legal and compliance

personnel will direct the truthful, timely and comprehensive cooperation with such Requests as required by law.⁸

10. All Communications will be held confidential to the extent that the Program can be properly implemented and operative Regulations can be obeyed.

Policy of Non-Intimidation and Non-Retaliation

11. Amsterdam Nursing Home has a policy of non-intimidation and non-retaliation that it takes extremely seriously in recognition that the authenticity and reliability of the entire Program rests upon the protection of Team Members, residents, family members and others who come forward and Communicate. It is absolutely prohibited to take any retaliatory adverse action⁹ against a Team Member or anyone else who cooperates with an investigation or comes forward with a genuine concern, question or report in good faith and who was not involved in the misconduct in question. If one fears retribution or feels uncomfortable openly requesting guidance or sharing information for any reason, he or she should report such fear or discomfort either anonymously via the Hotline or directly to a superior, the CO or a CEC member.

PROCEDURES AND STANDARDS

Compliance Program

1. Team Members shall receive a copy of the Overview and the Manual upon commencement of employment by or association with Amsterdam Nursing Home or as soon as possible thereafter.¹⁰
2. Team Members shall receive initial compliance and ethics training and education upon commencement of employment by or association with Amsterdam Nursing Home or as soon as possible thereafter. Team Members shall receive annual compliance and ethics training and education thereafter, or more often, as appropriate. Such training and education may vary based on the position of the Team Member or the nature of his/her association with Amsterdam Nursing Home. The Training and Education Program is discussed in the Overview as well.
3. Appropriate certification of receipt and understanding of and commitment to compliance and ethics materials, as well as attendance at compliance and ethics training and education

⁸ Routine government contact such as state health department surveys should be handled in accordance with Amsterdam Nursing Home's regular policies and procedures.

⁹ Prohibited retaliatory action hereunder includes, but is not limited to: termination; demotion; elimination from consideration for promotion; reduction of pay; harassment; and intimidation.

¹⁰ Program roll-out procedures may be modified for contractors, vendors and business associates, as appropriate. For example, one or more representatives of companies with whom Amsterdam Nursing Home does business may be provided with a copy of the Manual and may be educated regarding the Program and the companies, in turn, will be responsible to ensure that their employees are, at a minimum, properly acclimated to Amsterdam Nursing Home's Program as it relates to their relationship and dealings with Amsterdam Nursing Home.

programs shall be maintained. Such certifications may be accomplished via executed acknowledgments, sign-in sheets, post-training exams or other acceptable methods.

4. Copies of the Manual and other compliance material shall be made available for Team Members, as well as residents, family members and visitors.

Quality of Care

1. Amsterdam Nursing Home is committed to providing care and services necessary for each resident to attain or maintain his or her highest practicable physical, mental and psychosocial well-being and it is this commitment that shall guide everything done at Amsterdam Nursing Home.
2. Amsterdam Nursing Home shall follow operative Regulations for admitting, retaining and servicing residents, including, but not limited to, not discriminating based on payor source or race, color, religion, national origin, sex, age, disability or any other legally protected characteristic.
3. Amsterdam Nursing Home shall maintain a sufficient number of staff members who are competent and qualified to care for the unique acuity levels and needs of its residents, in accordance with relevant federal and state requirements, if any, and other relevant Regulations.
4. Amsterdam Nursing Home shall ensure that staff members obtain and maintain appropriate credentials, licensure, experience and expertise to carry out their respective tasks and in accordance with applicable Regulations; that staff members receive appropriate training and education; and that staff members are properly supervised. Amsterdam Nursing Home may require companies that serve as business associates or contractors to adopt similar programs regarding their employees who are providing services at or to Amsterdam Nursing Home.
5. Amsterdam Nursing Home shall not employ or associate with any individual or entity that is excluded from participation in the Medicare or Medicaid programs. Amsterdam Nursing Home shall similarly refrain from employing or associating with individuals or entities that have otherwise been disqualified from fulfilling the particular role for which they are being utilized, such as caregivers with direct patient access who have been found guilty of abuse, neglect or mistreatment or those with findings for similar physical or financial mistreatments on a state nurse aid registry or by a state licensure body.¹¹ Those who were

¹¹ Amsterdam Nursing Home may conduct certain investigations into Team Members – including, but not limited to, reviews of the Office of Inspector General’s List of Excluded Individuals/Entities and similar federal and state lists, as well as criminal background, licensing, certification and reference checks – upon hire or commencement of relationship and periodically thereafter. Amsterdam Nursing Home may also impose affirmative duties on Team Members to disclose any exclusions, debarments, suspensions or convictions upon hire and if such adjudications occur at any point while affiliated with the facility. Increased vetting may be conducted for and additional disclosures may be required of Team Members in positions of influence or high-risk and those vested with discretionary authority. And Amsterdam Nursing Home may require business associates, agencies and contractors to adopt similar initiatives regarding their employees who are providing services at or to Amsterdam Nursing Home. Please check the Employee Handbook and/or the Policies & Procedures Manual for details of any such policies and procedures.

employed by or associated with government offices or agencies in certain capacities may also be precluded. In the event that Team Members are found to be excluded or otherwise ineligible from continuing their association with the facility, Amsterdam Nursing Home shall take swift appropriate action up to and including termination of employment or relationship.

6. Amsterdam Nursing Home shall develop a comprehensive care plan for each resident that, to the extent practicable, includes measurable objectives and timetables to meet the actual medical, nursing, mental and psychosocial needs for each resident; uses an interdisciplinary and inclusive approach; incorporates all appropriate resources, including, but not limited to, the Resident Assessment Instrument (“RAI”) Manual; and involves all relevant parties – including physicians and residents and their family members – when feasible.
7. Amsterdam Nursing Home shall provide pharmaceutical services to meet the needs of each resident by, among other things, adopting and implementing policies and procedures that promote and help ensure reliable and safe medication management, accurate drug records and proper utilization of a consultant pharmacist. The facility may also develop methods to detect and identify inappropriate prescribing, drug switching, steering and misappropriation of resident medication – particularly when opioids or other controlled substances are implicated – which may include audits, internal controls and drug tests.
8. Amsterdam Nursing Home shall adopt and implement policies and procedures that promote and help ensure appropriate use of psychotropic medications by, among other things, working to comport psychopharmacological practices with Federal regulations and generally accepted professional standards.¹² This effort may include a focus on inappropriate use of chemical restraints and unnecessary drug usage and may include monitoring and reviewing residents’ psychotropic drugs.
9. Amsterdam Nursing Home shall endeavor to keep residents free from verbal, mental, sexual and physical abuse and neglect by, among other things, developing and implementing policies and procedures to prohibit, prevent, investigate, and respond to mistreatment, neglect and abuse of residents by staff or fellow residents as well as injuries from unknown origins; thoroughly investigating and reporting incidents to law enforcement, as required by relevant Regulations; and remaining attentive in safeguarding the dignity of residents.
10. Amsterdam Nursing Home shall endeavor to manage behavioral issues without unnecessary use of physical or chemical restraints.
11. Amsterdam Nursing Home shall endeavor to keep residents safe from any harm. To that end, Amsterdam Nursing Home shall develop and implement, among other strategies,

¹² Examples include working to ensure that residents who specifically require antipsychotic medications receive gradual dose reductions and behavioral interventions aimed at reducing medication use, as appropriate.

suitable emergency preparedness and evacuation plans,¹³ communicable disease procedures and elopement techniques.

12. Providing high quality care requires that incidents and accidents are acknowledged, investigated, addressed and corrected openly and honestly. To that end, Amsterdam Nursing Home shall comply with all applicable mandatory reporting Regulations by, among other things, timely and properly reporting events and issues, as well as compiling and maintaining documentation, all as required and appropriate. In no event shall a Team Member attempt to conceal or cover up any potential or actual violation, wrongdoing or illicit conduct.
13. Amsterdam Nursing Home's commitment to resident safety and high quality care may compel the Quality Assurance function ("QA") – for example, in the event of recurrent errors, inadequacies, lack of improvement in resident outcomes, adverse events or grievances relating to certain quality measures or Regulation issues¹⁴ – to employ the services of the CEC, as appropriate, to investigate, assess, correct and/or monitor matters on behalf of QA, as well as conduct clinical reviews to help ensure residents receive appropriate services.
14. Amsterdam Nursing Home shall provide an ongoing activities program to meet the individual needs and preferences of residents to the extent practicable.
15. Amsterdam Nursing Home shall endeavor to protect and promote the rights of each resident – including, but not limited to, residents' rights of medical and financial self-determination; privacy; appropriate discharge/transfer; notifications; and access to personal records upon request – and hereby adopts operative Federal and State Resident Rights as part of the Program.¹⁵

Billing and Reimbursement

1. Team Members must adhere to all relevant billing and claims submission Regulations.
2. Tainting the veracity of billing, coding or reimbursement documentation is absolutely prohibited.
3. Amsterdam Nursing Home shall bill only for services and items that were actually provided as claimed and were medically necessary and reasonable, as determined and ordered by an appropriate health care professional, based on residents' specific clinical conditions.
4. Proper, adequate, accurate and timely documentation to support coding and billings shall be maintained in accordance with Regulations and in as organized, legible and accessible form as practicable.

¹³ Amsterdam Nursing Home's emergency preparedness effort is multi-pronged—addressing natural, manmade, and technological catastrophes.

¹⁴ Substandard performance trends that may be handled hereunder include, for example: pressure ulcers, dehydration, malnutrition, incontinence, infections, falls, rehospitalizations, emergency room visits, mobility declines, elopements and unexpected weight loss.

¹⁵ Federal and State Resident Rights statutes shall be made available to Team Members.

5. Amsterdam Nursing Home shall abide by operative insurance Regulations, including, but not limited to, billing residents for applicable co-pay and deductible payments¹⁶ and accepting the applicable Medicare or Medicaid payment for covered items and services as the complete payment, unless a valid exception applies.
6. If a Team Member identifies or suspects the receipt of a potential overpayment or the misappropriation, conversion or wrongful retention of health care benefits and/or government funds he/she is required to report such knowledge or suspicion to the CO, a CEC member and/or the Hotline immediately.¹⁷
7. Amsterdam Nursing Home's commitment to proper billing and reimbursement practices may compel QA to employ the services of certain facility personnel, the CEC and/or consultants or contractors, as appropriate, to audit, monitor and/or review procedures and systems for accuracy, legitimacy and effectiveness on behalf of QA. QA may also utilize the CEC and/or others for the collection and analysis of select billing and reimbursement data as part of Amsterdam Nursing Home's ongoing efforts to uncover vulnerabilities and improve processes.¹⁸
8. Detailed information about certain laws, remedies and penalties regarding false claims and statements with respect to the role of such laws in preventing and detecting fraud, waste, and abuse in Federal health care programs, as well as whistleblower protections under such laws shall be provided to staff members and will be made available for all Team Members, residents, family members and visitors.¹⁹

Business Practices

1. Amsterdam Nursing Home insists that its mission to provide high quality care never be compromised by self-interest or financial interest of any kind.
2. Amsterdam Nursing Home's resolve to have nothing other than the needs of the residents drive care-related decisions compels the facility to strictly adhere to applicable federal and state Anti-Kickback Statutes and Self-Referral Laws. Team Members must never accept, offer, receive or solicit anything of value – directly or indirectly – for the purpose of

¹⁶ Waiving such payments may also implicate the Anti-Kickback Statute (i.e. when offered in order to persuade residents to extend their stay).

¹⁷ Wrongful possession of health care benefits, if confirmed, may warrant a report to state and/or federal agencies, depending on the specific circumstances. Such determinations will likely require the involvement of legal counsel.

¹⁸ Highly sensitive areas that may warrant particular attention include medical necessity; Medicare eligibility; inadequate, substandard or deficient care; RUG assessments and classifications; case-mix data; overutilization; duplicate billing; upcoding; unbundling; accuracy of cost reports (including, but not limited to, appropriate allocation of costs among payor sources, claiming of salary expenses and reimbursable costs); and ensuring that billing entries correctly reflect the care provided and are properly documented, dated and signed. Additional vigilance may be deemed appropriate when altering or amending medical and billing records to ensure that acceptable methods are being employed.

¹⁹ This material will be provided in compliance with the Deficit Reduction Act of 2005, Section 6032, under the heading "Employee Education About False Claims Recovery."

inducing or rewarding the past or potential referral or generation of business reimbursable by government health care programs. This applies to the procurement, purchase, lease or order of any health care item or service and applies to compensation in the form of cash, commissions, gifts, gratuities or discounts to or from vendors, suppliers, health care providers or beneficiaries or their family members, unless an exception or Safe Harbor applies under the law.²⁰ Cross-referral and swapping arrangements may also be problematic hereunder. As part of Amsterdam Nursing Home’s goal of avoiding even the appearance of impropriety, Amsterdam Nursing Home will endeavor to keep transactions at arm’s length, for fair market value and otherwise commercially reasonable, as well as refrain from essentially basing compensation of Team Members in a position to refer or generate business on the volume or value of referrals or generation of business, thereby eliminating potential incentives for illicit referrals, overutilization, unnecessary services and the like.²¹

Given the extreme seriousness of this group of criminal and civil statutes and the unique complexity of their application, Team Members are encouraged to seek counsel before offering or accepting anything of value in the workplace—either directly from the CO or Amsterdam Nursing Home’s attorney or anonymously via the Hotline.

3. Amsterdam Nursing Home shall avoid compensation structures that create undue pressure to pursue profit over compliance.
4. Amsterdam Nursing Home and its Team Members shall never pay or provide any money, gift or anything else of value to an investigator or public official as a bribe; to induce certain action or inaction; or for any other illicit purpose.
5. Team Members’ interests must yield to Amsterdam Nursing Home’s interests. Therefore, Team Members are required to disclose actual or potential conflicts of interest and avoid situations in which their duties and allegiances may be jeopardized—whether they are on the giving or receiving end of the benefit.²² This is particularly relevant to staff members in positions of influence over business decisions and, as such, select personnel may be required to make certain periodic disclosure statements in an attempt to eliminate even the appearance of misconduct.

²⁰ Common examples of potentially problematic “remuneration” include sports or theater tickets, lavish holiday gifts and travel arrangements—for which ill-intent may be imputed. Common examples of acceptable “remuneration” include inexpensive office supplies, simple meals and nominal gift cards—as long as no objective in the conveyance is to generate business. As stated above, the legitimacy of any benefit vis-à-vis the Anti-Kickback Statue will ultimately turn on the parties’ intent.

²¹ This principle is particularly relevant to doctors – and the facility’s medical director, specifically – and to entities with which the doctor or an immediate family member has a financial relationship pursuant to the federal Physician Self-Referral Law, commonly referred to as the Stark Law, and related state laws.

²² Potentially problematic situations hereunder include: working for or with a competitor of Amsterdam Nursing Home; ownership in or employment by any outside entity that does business with Amsterdam Nursing Home; or use or disclosure of restricted or private information regarding Amsterdam Nursing Home for personal gain or for the gain of a family member. Any such arrangements should be discussed with and approved by the CO, a member of the CEC and/or counsel, as appropriate.

6. Amsterdam Nursing Home records and documents – including electronic medical records, billing records and documentation generated pursuant to this Program – shall be created, distributed, secured, retained²³ and destroyed in accordance with the facility’s record retention program and in line with relevant Regulations.²⁴
7. Team Members shall safeguard Amsterdam Nursing Home’s confidential and proprietary information and trade secrets by, among other things, refraining from sharing any lists, reports, policies and procedures, forms, business plans, electronic media, processes or systems with competitors or anyone else outside of the company—even after employment by or relationship with Amsterdam Nursing Home has come to an end.
8. Amsterdam Nursing Home shall safeguard and protect the confidential and private information of its residents in line with relevant Regulations, including, but not limited to, the Health Insurance Portability and Accountability Act (“HIPAA”), the Health Information Technology for Economic and Clinical Health (“HITECH”) Act and the Omnibus Rule of 2013.²⁵ The sensitive and private nature of much of the information handled at Amsterdam Nursing Home, coupled with the information-sharing culture in which we live, makes the protection of confidential material a particularly challenging issue. For example, the widespread use of text messaging as a means of communication, posting of photographs on social media and utilization of other mediums through which data is freely transmitted, requires Team Members to remain vigilant in maintaining confidences appropriately and to reach out for guidance and direction when questionable situations arise.²⁶
9. Amsterdam Nursing Home shall adhere to operative Regulations regarding cyber-security and appropriate planning for a possible cyber-attack to help avoid or mitigate potential compromising circumstances.
10. Amsterdam Nursing Home shall have proper business associate agreements in place before sharing confidential material – including protected health information – with certain vendors, contractors or other non-Amsterdam Nursing Home employees, in accordance with relevant Regulations.
11. Amsterdam Nursing Home shall maintain accurate books and records and shall ensure that all accounting entries and financial documentation are in line with relevant Regulations.

²³ HIPAA mandates a six-year minimum for retaining medical records, for example.

²⁴ In the event that regular document retention procedures must be suspended (i.e. audits, investigations, lawsuits), appropriate Team Members shall be informed of such suspension along with instruction for the specific circumstances.

²⁵ Compliance efforts hereunder may include paper document safekeeping and cyber-security; restrictions on obtaining, discussing or destroying confidential information; limiting access to sensitive information to specific active Team Members; and authorization and breach notification procedures, all in accordance with operative Regulations.

²⁶ Please refer to the appropriate manual and/or handbook for Amsterdam Nursing Home’s numerous policies and procedures regarding the protection and handling of private information; the use of electronic devices and social media; and disclosure and authorization processes.

12. Amsterdam Nursing Home shall endeavor to safeguard resident funds by, among other things, properly monitoring resident fund activity and investigating allegations of misappropriation as appropriate.
13. Advertising and marketing material shall comply with relevant Regulations and be truthful and accurately reflect the services provided at Amsterdam Nursing Home.
14. Team Members shall treat each other with respect in accordance with relevant Regulations and refrain from abusive or harassing behavior of any kind.
15. Amsterdam Nursing Home shall adhere to operative Regulations regarding the health and safety of its personnel, including, but not limited to those involving the Occupational Safety and Health Administration (OSHA) and related state organizations.
16. Amsterdam Nursing Home personnel shall properly and timely complete and submit time cards and/or other documentation evidencing the time they work in accordance with facility policies and procedures and operative Regulations, thus enabling Amsterdam Nursing Home to fulfill its desire to pay all employees for all time worked as appropriate.

CONCLUSION

As stated above, this Manual is not an all-inclusive presentation of the rules and practices under the Program. Instead, it is a means of conveying Amsterdam Nursing Home's ideals—the letter and spirit of which should be applied appropriately by Team Members through their use of good judgment. Should you desire further clarification of any aspect of this Manual or the Program, please reach out to the CO or a CEC member or anonymously via the Hotline.

With our shared commitment and participation in the Program we will effectively prevent and detect wrongdoing and promote quality of care and thereby achieve long-term success.