

CODE OF ETHICS AND BUSINESS CONDUCT

→ Asbury Communities, Inc.
and Affiliated Entities

Updated Feb 2020



ASBURY
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DEAR ASSOCIATES,



Together, our Mission and Vision call us *to do all the good we can by providing exceptional lifestyle opportunities to those we serve and thereby continually redefine the expectations of aging.* This is a big responsibility. More than a job, it is a collective calling.

The foundation of the Mission and Vision are the stated Values of this organization. The Values are more fully defined by the ethical principles which guide our day-to-day personal interactions with those we serve, fellow associates and all stakeholders. When striving *to do all the good we can*, we also commit *to doing the right thing* at all times. This is our commitment to compliance in all areas of service and business operations.

The purpose of this Code of Conduct is to provide everyone with an understanding of these key foundational principles and important components of our Compliance Program. As stated in this Code of Conduct, you are encouraged to ask questions and raise concerns. We support open communication through our non-retaliation policy and our varied communication channels, including the Compliance Hotline.

Remember, the overarching objective here is to ensure that we all do our personal best to make the experience exceptional for one another and especially those we serve. Thank you for your dedication, commitment and service.

Doug Leidig
President & CEO
Asbury Communities

INTRODUCTION

The Mission, Vision and Values are the cornerstones of Asbury's culture. They inform our actions as individuals and as an organization. In the following sections, these statements serve as the basic framework for our Code of Conduct. The following sections present our Mission and Vision as well as an explanation of the Values. The final section of the Code of Conduct presents the basic components of the Compliance Program.

The Code of Conduct outlines the behaviors and responsibilities expected of all associates, consultants, volunteers and other business partners who work for, or provide services to, our organization.

The essential expectation is that you:

1. review and follow this Code of Conduct,
2. ask questions and seek guidance when uncertainty arises, and
3. always speak up and report concerns about actions and behaviors that are inconsistent with the Code of Conduct.

Please note that the expectations set forth in this Code of Conduct are required and individuals will be held accountable for behaviors and actions that are inconsistent with it.





MISSION

To do all the good we can by providing exceptional lifestyle opportunities to those we serve.

VISION

As a nationally recognized leader in senior lifestyle opportunities, we continually redefine the expectations of aging.

VALUES

- Commitment to residents, associates, volunteers and partners
- Stewardship and financial strength
- Quality and innovation
- Integrity

I. COMMITMENT TO RESIDENTS, ASSOCIATES, VOLUNTEERS AND PARTNERS

a. We demonstrate a commitment to residents, associates, volunteers and partners through **caring** and **respectful behaviors** that recognize the valuable contribution of each person and supports independence, dignity and choice.

I. **CARING** – We are caring by demonstrating concern for the well-being of others, including all stakeholders, through inquiry, active listening and follow-through. Stakeholders include residents, family members, associates, vendors and partners.

II. **RESPECT** – We are respectful when we treat others with dignity and work collaboratively to build positive relationships that are open to different perspectives and willing to compromise for the greater good.

b. The following are behaviors that foster this commitment to residents, associates, volunteers and partners:

- Be open to discussions through active listening and inquiry
- Listen to those closest to the process
- Engage stakeholders in problem solving through collaboration
- Assume others are acting in good faith with positive intentions

- Operate with transparency and share rationale for decisions
- Respond with kindness and sensitivity to emotional distress
- Deliver open, honest feedback, both appreciative and constructive
- Avoid gossip and spreading harmful information
- Take action to resolve conflict before an issue grows larger
- Value and incorporate diverse perspectives, experiences and beliefs
- Demonstrate concern for the well-being of others
- Anticipate the needs and priorities of all stakeholders
- Meet the needs and priorities of all stakeholders
- Support those who are different than you
- Disagree in a civil manner
- Find the common ground
- Build positive relationships

II. STEWARDSHIP AND FINANCIAL STRENGTH

a. Stewardship and financial strength are best achieved through responsible management of resources and protection of assets with the goal of sustaining and improving the organization while fulfilling our not-for-profit mission.

b. The following behaviors support the responsible management of resources:

- Maintain adequate resources to keep commitments to those we serve
- Consider current and future financial impact in all decision making
- Mitigate financial, operational and business risk
- Seek opportunities to build financial strength through revenue growth and expense control
- Employ resources in a prudent manner that supports strategic and tactical plans

III. QUALITY AND INNOVATION

a. Quality and innovation is the delivery of excellence in service through superior performance and a person-centered framework that strives to meet or exceed expectations.

b. Superior performance includes the following behaviors:

- Challenge the status quo by respectfully asking why, why not and what if
- Base decisions on facts and relevant data
- Develop and test new and dynamic ways of providing service and operating the business
- Seek creative solutions that enhance the lives of those we serve



- Seek personal improvement through self-motivation, continuous learning and professional development
- Learn from failures and mistakes
- Strive to overcome challenges and achieve goals

- c. A person-centered framework is a structure that promotes partnership and the active engagement of participants in the planning and development of their roles, activities and goals. For residents, a person-centered framework ensures that residents and their families actively participate in developing and implementing the strategy and design of their health

care plans and goals. Furthermore, this framework requires that associates implement practices that promote partnership, use evidence to drive improvement and ultimately connect values, strategies and actions.

IV. INTEGRITY

- a. Integrity is the presence of honesty, trust and accountability at all times.
- i. Honesty is presenting truthful information in an appropriate and helpful manner
 - ii. Trust is built through open, accurate, respectful, and direct communication

- iii. Accountability is commitment (the ability to buy in), resilience (the ability to stay in), ownership (the ability to see the impact of your own actions, both good and bad) and continuous learning (mining successes and failures for continuous growth)

- b. The following behaviors demonstrate integrity and accountability:
- Follow through on commitments, commit to what is asked and stay committed in the face of challenges
 - Maintain confidences
 - Speak the truth





- Avoid conflicts of interest and/or the appearance of conflicts of interest
- Find solutions to address obstacles
- Be open to feedback and development experiences
- Learn from mistakes and take responsibility whether a good or bad outcome

V. OUR COMPLIANCE PROGRAM

- a. Who is the compliance officer for Asbury Communities? J. Manuel “Manny” Ocasio serves as chief compliance officer and is supported by a compliance program director, Sarig Armenian, as well as compliance officers for each community (see page 10).
- b. What is a compliance program?
 - i. The purpose of the compliance program is to promote organizational adherence to federal and state law and regulation, with an emphasis on complying with federal and private health care payer programs as well as preventing and detecting fraud, abuse, waste and other potential liability areas.
- c. Privacy and security
 - i. We are committed to maintaining the privacy and security of residents’ and associates’ health and other personal information. We take reasonable precautions to protect the privacy of



individuals' information including electronic, verbal and written forms of communication.

ii. This organizational commitment requires the following:

- 1.** Only access or provide the minimum amount of health or private information necessary to complete job-related tasks.
- 2.** Maintain complete and accurate treatment and medical records.
- 3.** Maintain written health and private information in secure locations away from public view. Similarly, associates should discuss health and private information in areas, or in a manner, that prevents others from overhearing such information.
- 4.** Take reasonable steps to ensure that individuals accessing health and private information have the proper authorization to do so.

- 5.** Our business partners, including vendors, must also protect the privacy and security of health and private information.

d. Conflicts of interest

- i.** A conflict of interest is a situation in which an associate is in a position to derive personal benefit from actions or decisions made in their professional capacity. We expect that all associates take reasonable steps to avoid conflicts of interest including the appearance of conflicts of interest.
- ii.** This expectation includes the following:
 - 1.** All associates are expected to act in a manner that does not conflict with the best interests of our communities and its affiliates.
 - 2.** Relatives and family members (including spouses) should not be hired into a position where s/he is supervised by another relative.

- 3.** Board members, executive leadership, managers and other key associates are in a special fiduciary position and must act with the highest degree of loyalty and integrity as representatives of our organization and its affiliates. Leaders and key associates will be asked to complete the annual Conflict of Interest Disclosure Statement.

iii. Kickbacks

- 1.** Kickbacks, bribes, rebates or any kind of benefits intended to induce health care provider referrals are strictly prohibited. Our organization, its affiliates and associates do not solicit or receive, offer to give or give anything of value to any actual or potential health care provider referral source for the referral of residents, or recommendation of services, equipment or supplies.
- 2.** We do not take into account the support or non-support of our related charitable foundations when awarding or renewing contracts or when purchasing items or services.
- 3.** Health care providers are compensated at fair market value for their services. Every payment must be supported by proper documentation showing that the services were provided.

iv. False Claims

1. We are committed to maintaining accuracy and integrity in all our financial practices. Federal and state laws and regulations prohibit the intentional presentation of a false or fraudulent claim for payment to the U.S. government, including the federal and state health care programs. Accordingly, we prohibit any affiliate or associate from submitting any claim on its behalf for payment or reimbursement to any third party that is knowingly false, fraudulent or fictitious.
2. We will submit claims for payment or reimbursement that are actually rendered, documented in residents' treatment and/or medical records and use billing codes that accurately describe the services provided.
3. All services provided will be reasonable, necessary and, when required, directed by an appropriate health care provider and signed plan of care.
4. Compensation for billing department personnel and billing consultants/ advisors shall not contain any financial incentive to submit improper claims, or be in any way related to the number of claims submitted or the dollar value of the funds received.
5. We may not waive co-payments or deductibles, except in accordance

with applicable regulation and with the approval of appropriate management.

v. Gifts and business courtesies

1. Associates are not permitted to solicit or accept gifts, tips or gratuities from residents.
2. Associates may accept non-cash gifts or business courtesies that do not exceed the total value of \$250 in any one year from any vendor, contractor or other business associate. Such gifts include anything of value. Business courtesies include meals, transportation, conferences, etc. during which the donor and associate are both present and the business courtesy is part of the business meeting or facilitates business discussion. If business courtesies or non-cash gifts exceed or appear to exceed \$250, the associate must obtain a waiver from the Compliance Officer and/or her/his designee.
3. Associates should seek guidance from compliance in regard to questions about valuation of gifts and the potential appearance of conflicts of interest.

e. Whistleblowers and non-retaliation

- i. We will not take any disciplinary action or other types of retaliation against an associate who, in good faith, reports a concern, issue or problem to their manager or supervisor, Human

Resources' representative, Compliance Officer, General Counsel or the Hotline. "Good faith" means that you are telling the truth, as you know it. Any associate who believes that he or she has suffered retaliation should report this to the Hotline or any of the individuals noted above.

f. **Compliance Hotline** **1-877-455-7827**

- i. Hotline calls are answered by live operators, who are not Asbury associates. Calls cannot be traced or recorded. Following the call, a written report is sent to the appropriate officer or director for follow-up. Any type of problem can be reported to the Hotline and no one will be retaliated against for using the Hotline in good faith.
- ii. Associates are encouraged to first report problems through their chain of command, including the immediate supervisor, manager, director and/or human resources. Callers may remain anonymous but should provide sufficient detail so that the issue can be properly addressed. The confidentiality of callers to the Hotline who provide their identity will be protected to the extent possible and allowed by law.
- ii. Intentional misuse of the Hotline, such as making false accusations, is a serious violation of policy and may lead to disciplinary action.

The Hotline should never be used for reporting emergencies.



ASBURY COMPLIANCE OFFICERS



Sarig Armenian, JD, LL.M.
*Compliance & Safety
Program Director*
Asbury Communities



**J. Manuel Ocasio, JD, MS,
MBA, CHC**
*Chief Human Resources
& Compliance Officer*
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**Faye Betsker, PHR,
SHRM-CP, CHC**
*Human Resources Director
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Deborah Paskel, CHC
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**Timothy Leiter, MS, SPHR,
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*Human Resources Director &
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Tami Radisch, SHRM-SCP, CHC
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