

| | | |
|---|---|---|
| Pharmacy Alternatives | Policy & Procedure No.: 0-13 | Page Number: 1 of 5 |
| | Last Revision Date: N/A | Original Issue Date: 12/31/2006 |
| Accounting Policies & Procedures Manual | | |
| Subject: Fraud Prevention | Applies to: <input checked="" type="checkbox"/> CSG <input checked="" type="checkbox"/> ETSG <input checked="" type="checkbox"/> Corporate | |
| Process Owner: General Counsel & Chief Compliance Officer | | |

PURPOSE:

The Fraud Prevention policy is established to promote the detection and prevention of fraud, waste or abuse of resources belonging to Pharmacy Alternatives, LLC™ and the individuals we support. It is the intent of Pharmacy Alternatives to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and the conduct of investigations.

SCOPE OF POLICY:

This policy applies to any actual or suspected fraud, waste or abuse of resources involving Pharmacy Alternatives employees, agents, consultants, vendors, contractors, and/or any other parties with a business relationship with Pharmacy Alternatives. Any investigative activity will be conducted without regard to the suspected wrongdoer’s length of service, position/title, or relationship to Pharmacy Alternatives.

POLICY:

Fraud is the deliberate use of misrepresentation or other deceitful means to obtain something to which a person is not otherwise entitled. When dealing with government contracts or funding, a person need not have actually known that the information provided to the Government was false. Fraud may also occur when a person acts in “deliberate ignorance” or “reckless disregard” of the truth or falsity of such information.

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate or unethical conduct. Each member of management will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.

Any fraud that is detected or suspected must be reported immediately to a supervisor or the Compliance Department (see *REPORTING PROCEDURES* section below).

ACTIONS CONSTITUTING FRAUD:

The terms fraud, defalcation, misappropriation, and other fiscal wrongdoings refer to, but are not limited to the following:

- A dishonest or fraudulent act;
- Forgery or alteration of any document or account belonging to Pharmacy Alternatives;
- Forgery or alteration of a check, bank draft, or any other financial document;
- Misappropriation of funds, securities, supplies, or other assets;
- Theft, misappropriation or misuse of the identity, personal funds or property of the individuals we support;
- Impropriety in the handling or reporting of money or financial transactions;
- Profiteering as a result of insider knowledge of company activities;
- Disclosing confidential and proprietary information to outside parties;
- Providing false information or billings to governmental entities or other funding sources;
- Accepting or seeking anything of material value from contractor, vendors or persons providing services/materials to Pharmacy Alternatives;
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; and/or
- Any similar or related inappropriate conduct.

Confidential & Proprietary Information – for Pharmacy Alternatives Internal Use Only.

OTHER INAPPROPRIATE CONDUCT:

Suspected improprieties concerning any moral, ethical, or behavioral conduct that does not involve an act of fraud should be resolved by departmental or regional management in consultation with the People Services Department, Compliance Department or Legal Department. If there is any question as to whether an action constitutes an act of fraud, the Compliance Department or Legal Department should be contacted for guidance.

INVESTIGATION RESPONSIBILITIES:

Either the Compliance Department or Legal Department has the primary responsibility for the investigation of any suspected fraudulent acts as defined in this policy. If the investigation substantiates that fraudulent activities have occurred, reports will be issued to senior management, including the General Counsel, and to the Audit Committee and the Ethics and Compliance Committee of the Board of Directors. Decisions to prosecute or refer any investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final decisions on disposition of the case.

CONFIDENTIALITY:

The Compliance Department treats all information received confidentially. Any individual who suspects dishonest or fraudulent activity should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act (see *REPORTING PROCEDURES* section below).

Caution must be exercised during the investigation of suspected improprieties or wrongdoings. This will protect the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect ResCare from potential civil liability.

AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD:

Employees appointed to conduct fraud investigations will have:

- Free and unrestricted access to all Pharmacy Alternatives records and premises, whether owned or rented; and
- The authority to examine, copy, and/or remove all or any portion of the contents of Pharmacy Alternatives files, computers, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

Any questions pertaining to an employee's authority under this section should immediately be directed to the Legal Department.

REPORTING PROCEDURES:

Any individual who discovers or suspects fraudulent activity should contact a supervisor or the Compliance Department immediately. Allegations reported to the Compliance Department may be made by directly contacting a Compliance Officer or by using Pharmacy Alternative's toll-free Compliance Action Line at 1-866-293-3863. The complainant has the option of remaining anonymous. Any inquiries from the suspected individual, his or her attorney or representative, or any other inquirer related to the activity under investigation should be directed to the Compliance Department or the Legal Department.

Any individual reporting suspected fraudulent activity should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Legal Department or Compliance Department.
- Any form of retaliation or retribution against individuals who make good faith reports of known or suspected instances of inappropriate business conduct or activity will not be tolerated.
- Any person using the Compliance Action Line to purposely report false information or allegations will be subject to corrective action in accordance with Pharmacy Alternative's Progressive Corrective Action policy (7.3).

Confidential & Propriety Information – for Pharmacy Alternatives Internal Use Only.

FEDERAL AND STATE FALSE CLAIMS ACTS:

The Federal False Claims Act (**UNITED STATES CODE SECTIONS 3729 – 3733**) is federal law which authorizes private individuals to file lawsuits on behalf of the federal government against other individuals or entities who make false claims for financial payment or reimbursement from the federal government. Such lawsuits are called “whistleblower” or “*qui tam*” suits. The purpose of the law is to prevent fraud, waste and abuse. The law applies to corporate entities and individuals. Under the law, any corporate entity or person who makes a request or demand for money, property or reimbursement from the federal government, knowing the request is false or fraudulent, can be prosecuted. Additionally, any corporate entity or individual who makes, uses or facilitates the use of a false record or statement to obtain payment or reimbursement from the federal government can be prosecuted. The law provides for compensatory as well as punitive damages against a corporate entity or individual found guilty of illegal activity.

In addition to the Federal False Claims Act, the Deficit Reduction Act of 2005 contains additional provisions aimed at reducing Medicaid fraud and abuse. Among these provisions are financial incentives for individual states to develop their own false claims acts with provisions that meet or exceed those of federal law. A list of states which currently have their own false claims act are set forth in **Attachment A**.

Both the Federal and State False Claims Acts provide protection from retaliation by employers against employees who file whistle blower suits (See Compliance Policy C04 – Non-Retaliation and Non-Retribution for Reporting Compliance Concerns). The federal act, and some state acts, also provide for sanctions against anyone who files a whistleblower suit that is found to be frivolous, vexatious or filed primarily for the purposes of harassment.

FRAUD PREVENTION & DETECTION CONTROLS:

Pharmacy Alternative’s management has acted upon their responsibility of designing and implementing systems and internal controls for the prevention and detection of fraud. This is demonstrated by creating an environment that promotes both honest and ethical behavior from not only the company’s Leadership Team but also the various levels of employees at the Resource Center and within our subsidiaries.

In order to prevent fraud at Pharmacy Alternatives, the following fraud prevention controls are in place:

- **Code of Conduct**
- **Supplemental Code of Ethics**
- **Audit Committee Oversight**
- **Written Policies and Procedures**
- **Fraud Prevention Training**
- **Compliance Training**

In order to detect fraud at Pharmacy Alternatives, the following fraud detection controls are in place:

- **Compliance Action Line**
- **Internal Audit Function**
- **Analysis of Budget-To-Actual Results**
- **Management’s Internal Control Environment**

TERMINATION:

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed and approved by regional or departmental management, the People Services Department and/or the Legal Department before any such action is taken.

ADMINISTRATION:

The General Counsel & Chief Compliance Officer is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

* * * * *

**Questions regarding this policy should be directed to the
General Counsel & Chief Compliance Officer or Chief Financial Officer.**

Approved by:

/S/ DAVID S. WASKEY
David S. Waskey, *General Counsel & Chief Compliance Officer*
Process Owner

December 31, 2006
Date

/S/ DAVID W. MILES
David W. Miles, *Chief Financial Officer*

December 31, 2006
Date

STATE FALSE CLAIMS ACTS

| | |
|-----------------------------|---|
| Arkansas | ARK. CODE ANN. § 20-77-901 et seq. |
| California | CAL. GOV'T CODE § 12650 et seq. |
| Colorado | COLO. REV. STAT. §§ 25.5-4-304-306 |
| Delaware | DEL. CODE ANN. tit. 6, § 1201 et seq. |
| District of Columbia | D.C. CODE ANN. § 2-308.13 et seq. |
| Florida | FLA. STAT. ch. 68.081 et seq. |
| Georgia | GA. CODE ANN. §49-4-168 et seq. |
| Hawaii | HAW. REV. STAT. § 661-21 et seq. |
| Illinois | 740 ILL. COMP. STAT. 175/1 et seq. |
| Indiana | IND. CODE § 5-11-5.5-1 et seq. |
| Louisiana | LA. REV. STAT. ANN. § 46:439.1 et seq. |
| Maine | ME. REV. STAT. ANN. tit. 22 § 15 |
| Massachusetts | MASS ANN. LAWS ch. 12, §§ 5(A)-(O) |
| Michigan | MICH. COMP. LAWS § 400.601 et seq. |
| Montana | MONT. CODE ANN. § 17-8-401 et seq. |
| Nebraska | NEB. REV. STAT. ANN. § 68-936 |
| Nevada | NEV. REV. STAT. ANN. § 357.010 et seq. |
| New Hampshire | N.H. REV. STAT. ANN. § 167.58 et seq. |
| New Jersey | N.J. STAT. § 2A:32C-1 et seq. |
| New Mexico | N.M. STAT. ANN. § 41-14-1 et seq. SESSION LAWS CITATION: Laws 2007, ch. 40, §§1-15 |
| New York | N.Y. STATE FINANCE LAW § 187 et seq. |
| North Carolina | N.C. GEN. STAT. § 108A-70.10 et seq. |
| Ohio | OHIO REV. CODE ANN. § 5111.03 et seq. |
| Oklahoma | OKLA. STAT. tit. 63 § 5053.1 et seq. (effective Nov. 1, 2007) |
| Rhode Island | R.I. GEN. LAWS § 9-1.1-1 et seq. |
| Tennessee | TENN. CODE ANN. § 71-5-181 et seq. |
| Texas | TEX. HUM. RES. CODE ANN. § 36.001 et seq. |
| Utah | UTAH CODE ANN. § 26-20-1 et seq. |
| Virginia | VA. CODE ANN. § 8.01-216.1 et seq. |
| Washington | WASH. REV. CODE ANN. § 48.80.010 et seq. |
| Wisconsin | WIS. STAT. § 20.931 |

Note: This list is believed to be up-to-date and complete, but as a result of the incentives contained in the Federal Deficit Reduction Act of 2005, additional states are considering legislation.