

# Internal Investigation Policy

## Purpose

The purpose of this policy is to demonstrate that Excelin Health, LLC (EH) is committed to investigating and documenting detected compliance issues in a timely manner. EH is committed to initiating meaningful investigations into potential compliance issues or suspected fraud, waste, and abuse (FWA) in a timely manner.

## Definitions

Confidentiality: refers to the responsible handling of information related to the complaint, investigation process, and individuals involved, in a way that limits disclosure to only those who need to know in order to conduct a fair and thorough investigation. Confidentiality does not mean secrecy or anonymity.

Employee: Within this document, the term “employee” refers to all permanent, temporary, full-time, part-time, and volunteer employees who: 1) have primary job duties related to EH operations; and/or 2) For purposes of this policy and EH's use and disclosure procedures, the workforce includes employees, volunteers, interns, contractors, and other persons whose work performance is under the direct control of EH, whether or not they are paid by EH. The term “employee” includes all these types of workers.

Good faith: raising a concern based on honest belief, even if it turns out to be incorrect. does not mean that an individual has to be right, but it does mean that he or she has an honest belief that the information provided in support of a compliance concern is truthful based on the existing information.

Retaliation: any action, statement, or behavior that is designed to punish an individual for filing a compliance report, cooperating with a compliance investigation, seeking guidance regarding a compliance concern or to deter one from taking such action. Retaliation includes, but is not limited to, intimidation, adverse action against an employee regarding the terms and conditions of employment, such as termination, demotion, or suspension, as well as related

threats of such actions or adverse action against a client affecting care, access to medical records, or costs of medical services.

## Policy

EH is committed to maintaining a safe, ethical, and compliant workplace. It is the policy of EH to review and, if warranted, investigate all allegations of suspected or known violations of company policy and the Code of Conduct.

- Such allegations of misconduct will be reviewed in a timely manner and, if necessary, investigated at the direction of the Compliance Officer to determine the relevant facts and circumstances of the alleged violation or misconduct and, if necessary, conduct a thorough and timely investigation. Investigation reports will be submitted to appropriate management personnel, who are responsible for determining the appropriate corrective and disciplinary actions.
- Every employee has a duty to report known or suspected violations of company policy, even when personally involved in the violation.
- Employees are expected to cooperate with investigations by providing truthful accounts and relevant documentation in response to investigator questions and related information requests.
  - Employees must follow all directions provided when contacted to participate in an internal investigation. Requirements include employees making themselves available to internal investigators immediately upon request, being fully forthcoming and truthful with investigators, and providing complete and accurate information (including tangible items such as documents, recordings, and the like).
  - Employees must cooperate fully with EH and its outside counsel in defending or prosecuting litigation on behalf of EH by completely and truthfully responding to company requests for information and documents. If employees provide testimony in litigation matters, such testimony must be complete and truthful.

- If EH determines that an employee has refused to cooperate or has violated this policy in any part, appropriate disciplinary measures will be taken, up to the extent permitted by applicable law and may include immediate termination of employment.
- There will be no reprisals or retaliation taken against any employee who reports, in good faith, a suspected or known violation. Any employee who engages in retaliatory behavior towards a real or suspected reporter will be subject to disciplinary action up to and including immediate termination.
- Likewise reporting of any intentional misleading information or known false allegations against another employee during an investigative process will result in disciplinary action.
- Findings of misconduct during the investigative process may result in disciplinary action up to and including termination. Other corrective actions may include (but are not limited to) training, policy changes, or process improvement

## Procedure

- I. Reports of known or alleged misconduct should be reported to an immediate supervisor or others in management. Management personnel are responsible for promptly notifying the Compliance Officer, CEO, or Human Resources upon receipt of a report of alleged misconduct. If preferred, an employee may contact the Compliance Officer directly at 361-772-6331 or email at Compliance@excelin.com
- II. A Hotline exists to provide for and, if requested, anonymous reporting of known or suspected violations of the organization's policy and procedures. The Compliance Hotline can be called 24 hours a day/7 days per week at (844) 660-3970.
- III. EH will make every reasonable effort to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports possible

misconduct. However, information may have to be shared on a need-to-know basis to effectively complete the investigation. EH cannot guarantee confidentiality to any party involved in an investigation but will work to maintain confidentiality to the extent possible. Everyone involved (investigators, witnesses, subjects) is expected to respect and uphold confidentiality. Any unnecessary breaches of confidentiality during an investigative process may result in disciplinary action.

- IV. Recording investigation conversations, whether in person, over the phone, or electronically, is prohibited without the prior explicit consent of EH administration.
- V. Concerns about accounting, internal accounting controls, and financial auditing matters may be reported to the Board's Audit Committee.

## Regulatory References

This policy is developed in accordance with the following regulations and standards:

- *EH Non-Retaliation Policy*
- *Office of Inspector General (OIG) Compliance Program Guidance*
- *Federal Sentencing Guidelines for Organizations (FSGO) – §8B2.1*
- *CMS Conditions of Participation – 42 CFR Parts 418 & 484*
- *HIPAA Privacy and Security Rules – 45 CFR §§ 164.308 and 164.530*
- *False Claims Act – 31 U.S.C. §§ 3729–3733*
- *Deficit Reduction Act of 2005 – Section 6032*
- *Texas: Mandatory reporting of abuse/neglect under Texas Human Resources Code § 48.051; self-disclosure of Medicaid violations under 1 TAC § 371.1603.*
- *Louisiana: Internal investigations of patient harm or non-compliance under LA RS § 14:403 and § 40:2010.8; Medicaid fraud reporting through the Medicaid Program Integrity Unit.*
- *California: Required reporting under the Elder Abuse and Dependent Adult Civil Protection Act (WIC §§ 15630–15633) and Title 22 incident investigation mandates for licensed providers.*

## Revision Tracker

Action (New, Major Revision, Minor Revision, Review, Retired)	Date	Developer/Responsible Party	Approval by Committee	Approval by Board	Comments
New	8/7/2020	Compliance	8/18/2020	9/9/2020	Implementation date 01/01/2021
Review	8/2/2021	Compliance			No change
Review	8/17/2022	Compliance			Name change
Review	2/23/2023	Compliance			No change
Minor Revision	5/15/2024	Compliance			Added – Verbiage related to confidentiality
Minor Revision	04/29/2025	Compliance			Added – Verbiage related to recordings
Minor Revision	06/30/2025	Compliance			Added – Verbiage related to false reporting