

**FIRST AMENDMENT TO THE  
CORPORATE INTEGRITY AGREEMENT  
BETWEEN THE  
OFFICE OF INSPECTOR GENERAL  
OF THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
AND  
CHANCELIGHT, INC., EARLY AUTISM PROJECT, INC., RAY BEYOND  
BEHAVIORAL CORP., AND GROWING MINDS LEARNING CENTER**

**A. PREAMBLE**

Ray Beyond Behavioral Corp., an affiliate of ChanceLight, Inc. (ChanceLight) for itself and on behalf of its wholly-owned subsidiaries Early Autism Project, Inc. (EAP) and Growing Minds Learning Center (GMLC), and the Office of Inspector General (OIG) of the United States Department of Health and Human Services (HHS) hereby enter into this First Amendment (Amendment) to the Corporate Integrity Agreement (CIA) that was executed by and between ChanceLight, EAP, and OIG and that became effective on July 11, 2018. Ray Beyond Behavioral Corp. has been added as a party to the CIA as a result of corporate restructuring. The obligations of the CIA shall apply to Ray Beyond Behavioral Corp. in the same manner as currently applied to ChanceLight. The obligations of the CIA shall apply to GMLC in the same manner as currently applied to EAP. Contemporaneously with this Amendment, GMLC is entering into a Settlement Agreement with the United States.

Pursuant to Section XI.B of the CIA, the CIA may not be amended except by written consent of the parties to the CIA. Ray Beyond Behavioral Corp., ChanceLight, EAP, GMLC, and OIG hereby agree that the CIA between ChanceLight, EAP, and OIG shall be amended as described below in this Amendment. In addition to the CIA provisions specifically amended below, all references to EAP throughout the CIA shall be construed to mean “EAP and GMLC.”

**B. AMENDMENTS**

A. Section III.A.1 of the CIA is amended as follows:

1. *Compliance Officer.* EAP and GMLC shall maintain a Compliance Officer for the term of the CIA.<sup>1</sup> The Compliance Officer shall be an employee and a member of senior management of ChanceLight, shall report jointly and directly to the President of Ray Beyond Behavioral Corp. and the Chief Executive Officer of ChanceLight, and shall not be or be subordinate to the General Counsel or Chief Financial Officer or have any responsibilities that involve acting in any capacity as legal counsel or supervising legal

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<sup>1</sup> Nothing in this Amendment shall be construed to either require or prohibit EAP and GMLC from designating a single individual to serve as the Compliance Officer for both EAP and GMLC.

counsel functions for Ray Beyond Behavioral Corp., ChanceLight, EAP, or GMLC. The Compliance Officer shall be responsible for, without limitation:

- a. developing and implementing policies, procedures, and practices designed to ensure compliance with the requirements set forth in this CIA and with Federal health care program requirements;
- b. making periodic (at least quarterly) reports regarding compliance matters directly to the Board of Directors of EAP and GMLC and shall be authorized to report on such matters to the Board of Directors at any time. Written documentation of the Compliance Officer's reports to the Board of Directors shall be made available to OIG upon request; and
- c. monitoring the day-to-day compliance activities engaged in by EAP and GMLC as well as any reporting obligations created under this CIA.

Any noncompliance job responsibilities of the Compliance Officer shall be limited and must not interfere with the Compliance Officer's ability to perform the duties outlined in this CIA.

EAP and GMLC shall report to OIG, in writing, any changes in the identity of the Compliance Officer, or any actions or changes that would affect the Compliance Officer's ability to perform the duties necessary to meet the obligations in this CIA, within five days after such a change.

B. Section III.A.4 of the CIA is amended as follows:

4. *Management Certifications.* In addition to the responsibilities set forth in this CIA for all Covered Persons, certain EAP and GMLC employees (Certifying Employees) are expected to monitor and oversee activities within their areas of authority and shall annually certify that the applicable EAP and GMLC departments are in compliance with applicable Federal health care program requirements and the obligations of this CIA. These Certifying Employees shall include, at a minimum, the following: Derek Walsh (President and Chief Operating Officer), Leigh Ann Hensley (Vice President of Revenue Cycle), and Christy Penland (Vice President of Operations). For each Reporting Period, each Certifying Employee shall sign a certification that states:

"I have been trained on and understand the compliance requirements and responsibilities as they relate to [insert name of department], an area under my supervision. My job responsibilities include ensuring compliance with regard to the [insert name of department] with all applicable Federal health care program requirements, obligations of the Corporate Integrity

Agreement, and EAP/GMLC policies, and I have taken steps to promote such compliance. To the best of my knowledge, the [insert name of department] of EAP/GMLC is in compliance with all applicable Federal health care program requirements and the obligations of the Corporate Integrity Agreement. I understand that this certification is being provided to and relied upon by the United States.”

If any Certifying Employee is unable to provide such a certification, the Certifying Employee shall provide a written explanation of the reasons why he or she is unable to provide the certification outlined above.

C. Section III.D.2 of the CIA is amended as follows:

2. *Claims Review.* The IRO shall review claims submitted by EAP and GMLC for Early Intensive Behavioral Intervention (EIBI) therapy or Applied Behavior Analysis (ABA) therapy services and reimbursed by Medicaid and TRICARE to determine whether the items and services furnished were medically necessary and appropriately documented and whether the claims were correctly coded, submitted and reimbursed (Claims Review) and shall prepare a Claims Review Report, as outlined in Appendix B to this CIA, which is incorporated by reference. The requirements of Appendix B of the CIA shall apply to GMLC such that a separate 100 Paid Claims shall be selected and reviewed for GMLC in addition to the 100 claims selected and reviewed for EAP.

C. **EFFECTIVE AND BINDING AGREEMENT**

A. All terms and conditions of the CIA not modified in this Amendment shall remain in effect. The Effective Date of this Amendment shall be the date the final signatory signs this Amendment (Amendment Effective Date).

B. The undersigned ChanceLight on behalf of its affiliate Ray Beyond Behavioral Corp., EAP, and GMLC signatories represent and warrant that they are authorized to execute this Amendment. The undersigned OIG signatories represent that they are signing this Amendment in their official capacities and that they are authorized to execute this Amendment.

C. This Amendment may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Amendment. Facsimiles of signatures shall constitute acceptable, binding signatures for purposes of this Amendment.



**ON BEHALF OF THE OFFICE OF INSPECTOR GENERAL  
OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

/Lisa M. Re/

04/22/2020

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LISA M. RE  
Assistant Inspector General for Legal Affairs  
Office of Inspector General  
U.S. Department of Health and Human Services

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DATE

/Candace M. Ashford/

4/29/2020

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CANDACE ASHFORD  
Associate Counsel  
Office of Inspector General  
U.S. Department of Health and Human Services

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DATE