

HOMETOWN HEALTH CENTERS

Policy #: CC.20

Policy Name: Whistleblower Protections – Non-Retaliation/Non-Intimidation

Department Head Approval: _____ Date: 11/30/23

Chief Executive Officer Approval: _____ Date: 12/4/23

Purpose:

Corporate Compliance (CC) Policy 20 underscores it is illegal to discourage anyone from reporting a compliance concern in good faith, retaliating against anyone who has reported a compliance concern in good faith, or for anyone to obstruct the work of the Compliance Officer and making it difficult for him or her to directly raise concerns with the Board of Directors or the Office of Medicaid Inspector General (OMIG) at the State and/or Federal level.

Hometown Health Centers (HHC) is committed to a culture promoting the prevention, detection and resolution of conduct not conforming to laws and regulations applying to the organization. It is committed to high ethical standards from staff, Board Directors, and vendors and consultants.

The support of vendors, all employees, and the Board of Directors is critical to achieving compliance through active involvement. Compliance is a team effort.

To encourage the development and maintenance of this culture, HHC has established a strict non-retaliation and non-intimidation policy to protect individuals who, in good faith, report known or suspected inappropriate conduct or non-compliant activities. HHC understands employees, Board Directors, and vendors and consultants may not report concerns if they believe retaliation, retribution, or harassment is possible for reporting concerns.

Definitions:

1. "In good faith" – The individual reasonably believes or perceives the information reported to be true.

"Whistleblower" – An individual (whistleblower) who has knowledge and raises a concern of alleged or possible wrong doing, and is retaliated against. If Hometown does not protect the individual from such illegal conduct, then the employee should a claim with the Office of Medicaid Inspector General.

Policy:

1. HHC employees and Board Members have the responsibility to report, in good faith, concerns regarding actual, potential or perceived wrongdoing.
2. HHC cannot retaliate against an employee or Board Member who in good faith, has made a protest or raised a complaint against some practice of HHC, or of another individual or entity with whom HHC has a business relationship, including a Board Director, on the basis of a reasonable belief that the practice is a violation of law, ethics, Hometown policies, or a clear public policy mandate.
3. HHC will not retaliate against employees or Board Members who disclose or threaten to disclose to a supervisor or public body, any activity, policy, or practice of HHC that the employee reasonably believes is in violation of a law, regulation, or Hometown policy or its values and mission.

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4. Retaliation for good faith reporting of perceived or suspected violations of the law, regulations, HHC policy and procedure, Code of Conduct, or for participation in an investigation of an alleged violation is strictly prohibited. Any employee, supervisor, manager, executive, or Board Member who commits or condones any form of retaliation, retribution or harassment against a reporting employee or Board Member shall be subject to appropriate discipline up to and including termination or removal from the Board of Directors in accordance with applicable policies and/or Hometown Bylaws.
5. Individuals cannot exempt themselves from the consequences of their own misconduct by self-reporting, although self-reporting may be taken into account in determining the appropriate course of action.
6. Any person who intentionally provides false information may be subject to disciplinary action up to and including termination in accordance with applicable disciplinary guidelines or removed from the Board of Directors.

Procedures:

1. Managers (includes Executives, Managers, Supervisors, and Board Members) shall:
 - a. Take appropriate measures to safeguard employees against retaliation. At a minimum, the following actions should be taken and become an on-going aspect of the management process:
 - Maintain an open door policy to support and encourage the employee's reporting of work related issues or concerns.
 - Ensure that employees understand that they may, without fear of retaliation, report violations and concerns directly with the Compliance Officer.
 - b. Ensure that reports of actual and potential violations are handled as confidentially as possible.
 - c. Focus on the issue raised and not the individual(s) involved.
 - d. Report immediately to the Compliance Officer or Compliance Hotline (extension 4195) any known or suspected instances of retaliation.
2. The Ethics and Compliance Officer shall:
 - a. Develop and maintain a system to document and track reported instances of retaliation.
 - b. Be responsible for the prompt investigation and follow up of any reported retaliation.

In order to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act contains a "Qui Tam" or whistleblower provision. The government, or an individual citizen acting on behalf of the government, can bring actions under the False Claims Act.

An individual citizen, referred to as a whistleblower or "relator", who has actual knowledge of allegedly false claims may file a claim. If the lawsuit is successful, and provided certain legal requirements are met, the whistleblower may receive an award ranging from 15% - 30% of the amount recovered. The False Claims Act provides protection to employees who are discharged, demoted, harassed, or in any other manner discriminated against in terms and conditions of their employment for taking lawful actions under the False Claims Act.

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The Act entitles them to all relief necessary to make the employee whole. Such relief may include reinstatement, double back pay, and compensation for any special damages, including litigation costs and reasonable attorney fees.

Notification of Protections

The Ethics and Compliance Officer shall notify all new hires of their protections under State and Federal laws. These laws shall be posted on the Staff Intranet. Staff will sign an acknowledgement that they have been made aware of their protections under State and Federal laws.

Staff, Vendors, and Board Members will be reminded of their protections periodically.

Mandatory Participation:

Whistleblower protections complement the mandatory requirement all staff, vendors, students, volunteers, or Hometown Board Members must come forward with any concerns of waste, fraud or abuse. Compliance requires the engagement of everyone and with this expectation protections are extended to those reporting in good faith.