


Policy Title:	<b>Compliance Policy and Procedure: Reporting Compliance Issues and Non-Retaliation Policy</b>
Policy Number:	100-05
Effective Date:	6/30/14
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Regulation Reference (if applicable):	Federal False Claims Act 31 U.S.C. §3730(h) New York State Labor Laws §§ 740 and 741
Reviewed/Approved By:	
 <span style="float: right;">2/15/22</span>	
<hr/> Michael Rulffes, Executive Director <span style="float: right;">Date</span>	

### Definitions and Examples

- A. **“Employee”** means an individual who performs services for and under the control and direction of Crouse Medical Practice (CMP) for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise who are not themselves employers.
- B. **“Retaliation”**: Means an adverse action taken by CMP or its agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights to report a possible compliance concern or wrongdoing, and/or because he/she participated in a compliance investigation including (i) adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion; (ii) actions or threats to take such actions that would adversely impact a former employee’s current or future employment; or (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee’s suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee’s family or household member to a federal, state, or local agency.  
Actions include but are not limited to: discharge, reassignment, reprimanding, demotion, unjustified negative performance review, denial of promotion, suspension, harassment, verbal or physical abuse, increased scrutiny or surveillance.

**For example**, depending on the facts, it could be retaliation if an employer acts because of the employee’s compliance reporting activity to:

- reprimand the employee or give a performance evaluation that is lower than it should be;
- transfer the employee to a less desirable position;
- spread false rumors, treat a family member negatively (for example, cancel a contract with the person’s spouse); or
- make the person’s work more difficult (for example, punishing an employee for reporting a compliance concern by purposefully changing his work schedule to conflict with family responsibilities).

- C. **“Law, rule or regulation”** includes: (i) any duly enacted federal, state or local statute or ordinance or executive order; (ii) any rule or regulation promulgated pursuant to such statute or ordinance or executive order; or (iii) any judicial or administrative decision, ruling or order.

## **Purpose**

Crouse Medical Practice (“CMP”) recognizes that a critical aspect of its compliance program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to Federal and State requirements, as well as CMP’s ethical and business policies.

To promote this culture, CMP established a compliance reporting process and a strict non-retaliation policy to protect employees and others who report problems and concerns in good faith and/or based on reasonable belief from retaliation. Any form of retaliation or retribution can undermine the compliance resolution process and result in a failure of communication channels in CMP.

## **Policy:**

1. All employees have an affirmative duty and responsibility for promptly reporting any known or suspected misconduct, including actual or potential violations of laws, regulations, policies, procedures, CMP’s Compliance Plan, or CMP’s Code of Conduct.
2. The “open-door policy” will be maintained at all levels of management to encourage employees and others to report problems and concerns.
3. CMP maintains an Anonymous Compliance Hotline (315-479-5070, ext. 66107). Employees and others may report their compliance concerns confidentially to the Compliance Officer through use of the Compliance Hotline.
4. Any form of retaliation against any employee who reports a perceived problem or concern in good faith or based on reasonable belief is strictly prohibited.
5. Any employee or affiliate who commits or condones any form of retaliation will be subject to discipline up to, and including, termination of employment or affiliation.
6. Employees cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action. Any employee who discovers a suspected compliance violation for which he/she may be partially responsible, is encouraged and expected to report the concern so that it can be appropriately addressed.

**Procedures:**

**Procedures that apply to all employees**

1. Knowledge of misconduct, including actual or potential violations of any law, rule, or regulation, policies, procedures, or CMP's Code of Conduct, must be immediately reported to management, Human Resources, the Compliance Officer, the Compliance Hotline, or via the online Compliance Report Form at: <https://crousemed.com/compliance/report/>.
2. Employees have the same reporting obligations for actual or suspected violations committed by CMP's vendors or subcontractors.
3. Confidentiality will be maintained to the extent that is practical and allowable by law. Employees should be aware that CMP is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies.
4. Employees and others may report their compliance concerns confidentially to the Compliance Hotline and provide his or her identity. Callers should be aware, however, that it may not be possible to preserve anonymity if they identify themselves, provide other information that identifies them, the investigation reveals their identity, or if they inform others that they have called the Compliance Hotline.
5. If the caller wishes to make the report anonymously to the Compliance Hotline, no attempt will be made to trace the source of the call or identity of the person making the call.
6. The Compliance Hotline number will be published and visibly posted in a manner consistent with employee notification in locations frequented by employees.
7. CMP will not impose any disciplinary or other action in retaliation against individuals who make a report or complaint based on his/her reasonable belief and/or in good faith regarding a practice that the individual believes may violate CMP's Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any law, rule, or regulation by which CMP is governed. "Good faith" means that the individual believes that the potential violation actually occurred as he or she is actually reporting.
8. CMP strictly prohibits its employees from engaging in any act, conduct, or behavior that results in, or is intended to result in, retaliation against any employee for reporting his or her concerns relating to a possible violation of CMP's Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any law, rule, or regulation by which CMP is governed.
9. If an employee believes in good faith and/or reasonably believes that he/she has been retaliated against for reporting a compliance complaint or concern or for participating in any investigation of such a report or complaint, the employee should immediately report the retaliation to the Compliance Officer or the Compliance Hotline. The report should include a

thorough account of the incident(s) and should include the names, dates, specific events, names of any witnesses, and the location or name of any document that supports the alleged retaliation.

10. Knowledge of a violation or potential violation of this policy must be reported directly to the Compliance Officer or the Compliance Hotline.

**Procedures that apply to management (which includes executives, directors, managers, and supervisors):**

1. Any member of management who receives a report of a violation or suspected violation will immediately notify the Compliance Officer and report the all of the information related to the violation.
2. Management must take appropriate measures to ensure that all levels of management support this policy and encourage the reporting of problems and concerns on an ongoing basis.

**Procedures that apply to the Compliance Officer**

1. The Compliance Officer will discuss the main points of this policy at new hire orientation and inform staff of how to access this policy.
2. The Compliance Officer will ensure that all reports of violations or suspected violations are documented and maintained by the Compliance Department.
3. The Compliance Officer will determine the scope of the reported issue and make a determination regarding the course of action, including the investigation process and notifications to be made. (Refer to Responding to and Investigating Potential Compliance Issues Policy #100-13.)
4. The Compliance Officer will be responsible for the investigation and follow-up of any reported retaliation against an employee for reporting a compliance concern or participating in the investigation of a compliance concern.
5. The Compliance Officer will report the results of an investigation into suspected retaliation to the governing entity deemed appropriate, such as the Compliance Committee or the Board.