

Policy Title:	Whistleblower: Compliance Reporting (CMP)
Category :	CMP - Compliance
Policy Number:	100-009
Initial Effective Date:	08/01/19
Review Date(s):	
Revised Date(s):	01/11/22, 03/18/24
Associated Forms & Policies:	100-001 Code Of Conduct 100-005 Reporting Compliance Issues and Non-Retaliation Policy NEED TO LINK ONCE PUBLISHED
Regulation Reference (if applicable):	Federal False Claims Act (31USC §§ 3729-3733) New York False Claims Act (State Finance Law, Article 13), (State Finance Law §191) New York Labor Law, Section 740 & 741 Social Services Law, Section 145, 145-b, & 145-c Social Services Law, Section 366-b Penal Law Article 175, 176, & 177;
Key Words:	Whistleblowers, Whistle, Blower, Fraud, Waste, Abuse, Compliance, Reporting

I. Policy

Consistent with the Practice’s Code of Conduct and this policy, Crouse Medical Practice (CMP) requires all employees (including former employees), independent contractors, agents, subcontractors, board members, officers, senior leadership, management, and medical staff members to observe the highest ethical and business standards. These individuals, also referred to collectively as [affected individuals](#) in this policy, shall practice honesty and integrity while complying with all applicable federal, state and local laws as well as CMP’s internal policies and procedures. If any individual is aware of a violation or a suspected violation, they should bring the issue to the attention of the Compliance Officer, their immediate supervisor and/or any methods listed under the procedure section of this policy.

Crouse Medical Practice shall not take any retaliatory personnel action against an individual, whether or not within the scope of the employee’s job duties, because such individual does any of the following:

- (a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the individual reasonably believes is in violation of law, rule or regulation which violation creates or that the individual reasonably believes poses a substantial and specific danger to the public health or safety;
- (b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule, or regulation by

such employer; or

- (c) objects to, or refuses to participate in any such activity, policy, or practice in violation of a law, rule or regulation.

The protection against retaliatory action provided by paragraph (a) pertaining to disclosure to a public body shall not apply to an individual who makes such disclosure to a public body unless the individual has made a good faith effort to notify Crouse Medical Practice by bringing the activity, policy or practice to the attention of a supervisor of the employer and has afforded CMP a reasonable opportunity to correct such activity, policy or practice. Such notification shall not be required where: (a) there is an imminent and serious danger to the public health or safety; (b) the individual reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice; (c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor; (d) the individual reasonably believes that reporting to the supervisor would result in physical harm to the individual or any other person; or (e) the individual reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.

II. Purpose

All Staff and [affected individuals](#) are required to report any activity involving or concerning Crouse Medical Practice that appears to violate the Compliance Program, Code of Conduct or any CMP policy/procedure, as well as applicable laws, rules, or regulations.

III. Scope

This policy applies practice-wide.

IV. Procedure

A. General Requirements

- i. The Practice shall publicize the anonymous compliance hotline number and anonymous reporting form to employees and affiliates during new employee orientation, Board member orientation, periodically through other Practice publications.
- ii. Concerns or reports of suspected or actual violations may be made to CMP in a number of ways:
 - a) Orally or in writing to the staff member's supervisor/manager;
 - b) Calling the Compliance Officer at (315-470-2368), scheduling an in-person meeting, or e-mailing the Compliance Officer;
 - c) Calling the anonymous compliance hotline (315-479-5070, ext. 66107).

- iii. The Practice shall also publicize lines of communication to the Compliance Officer, which are available to all [affected individuals](#) and all MA recipients of service. The anonymous hotline and contact information for the Compliance Officer shall be posted on the practices website. The practice's policy shall also be posted conspicuously in easily accessible places frequented by employees.

B. How the report will be handled

- i. Every effort will be made to treat the reporting individual's identity with the appropriate level of confidentiality. If it becomes necessary to take steps that might reveal their identity, if possible the practice will make a good faith effort to alert the party in advance. If the individual wishes to remain anonymous, their complaint will be treated with the same level of care and attention as any other issue brought to the organization. The anonymous reporting party should be aware that it will be difficult for the Practice to provide feedback.
- ii. The confidentiality of the individual reporting a compliance issue shall be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by, the Medicaid Fraud Control Unit, the Office of Medicaid Inspector General or law enforcement, or disclosure is required during a legal proceeding, and such persons shall be protected under CMP's Non-Retaliation Policy ([100-005 Reporting Compliance Issues and Non-Retaliation Policy](#)).
- iii. No individual, who in good faith and/or reasonably believes and reports a violation, shall suffer harassment, retaliation, nor will they suffer any unfavorable consequences (see [100-005 Reporting Compliance Issues and Non-Retaliation Policy](#)).
- iv. Reporting parties shall provide detailed and accurate information. Any reporting parties wishing or agreeing to be contacted must provide the appropriate contact information.
- v. Reports will be responded to according to the nature and extent of the potential non-compliance, rather than on a first-come, first-served basis. Reports will be investigated by the Compliance Officer with the assistance of applicable staff, as necessary.
- vi. The Compliance Officer, or their designee, shall document compliance reports and concerns in the Compliance Reporting Log.
- vii. Outside auditors and/or counsel will be sought to provide objectivity or legal advice, if necessary.
- viii. Crouse may have an obligation to self-report to applicable federal and state agencies depending on the nature of the report and/or suspected violations.

C. Reports to the Board of Directors

- i. The Compliance Officer is charged with oversight of this policy and will report, as deemed appropriate, to the Board on issues that may arise hereunder.

Definitions:

Affected Individuals: All persons who are affected by the providers risk areas including employees, chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors and governing and corporate offices.

Whistleblower: Individuals filing reports under this policy have rights that are protected under the laws listed above. Federal and New York State laws prohibit Crouse from intimidating or retaliating against any individual that reports suspected non-compliance in good faith. In addition, CMP is prohibited from discriminating against an employee in the terms or conditions of their employment where the employee reports suspected non-compliance.

Whistleblower Protections: Individuals filing reports under this policy have rights that are protected under the Practices Code of Conduct and the laws referenced above. Federal and New York State laws prohibit Crouse Medical Practice from intimidating or retaliating against any individual that reports suspected non-compliance in good faith. In addition, CMP is prohibited from discriminating against an employee in the terms or conditions of their employment where the employee reports suspected non-compliance.

MA: Medical assistance for needy persons provided under Title 11 of Article 5 of the Social Services Law.