

Policy Title:	Reporting Compliance Issues and Non-Retaliation Policy (CMP)
Category:	CMP - Compliance
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Revised Date(s):	11/04/16, 06/26/18, 12/30/19, 01/11/22, 11/28/22, 03/13/24
Associated Forms & Policies	Responding to and Investigating Potential Compliance Issues Policy 100-013 Whistleblower: Compliance Reporting 100-009
Regulation Reference (if applicable):	Federal False Claims Act 31 U.S.C. §3730(h) New York State Labor Laws §§ 740 and 741
Key Words:	Non Intimidation, Non Retaliation, Whistleblower, Reporting, Compliance

I. **Policy**

Crouse Medical Practice (“CMP”) is committed to maintaining a workplace where employees, senior administrators, managers, contractors, agents, subcontractors and independent contractors are free to raise good faith and/or reasonable belief concerns regarding CMP’s business practices and the care of its patients. It is the responsibility of all [affected individuals](#) to abide by applicable laws and regulations and support CMP’s compliance efforts, including reporting their good faith belief of any violation of applicable local, state or federal law or CMP policies and procedures, including, without limitation, CMP’s Compliance Program and Code of Conduct. CMP is committed to fostering a workplace that is conducive to open discussions by its employees of its business and clinical practices, the “open-door policy” will be maintained at all levels of management to encourage employees and others to report problems and concerns. To promote an open culture, CMP has adopted a strict non-intimidation, non- retaliation policy.

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 they may be partially responsible, is encouraged and expected to report the concern so that it can be appropriately addressed.

II. **Purpose**

Crouse Medical Practice 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 [affected individuals](#) 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.

III. **Scope**

This policy applies to all [affected individuals](#).

IV. **Procedure**

Procedures that apply to all employees and other affected individuals:

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 shall be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by MFCU, OMIG or law enforcement, or disclosure is required during a legal proceeding.
4. Employees and other [affected individuals](#) may report their compliance concerns confidentially to the Compliance Hotline and provide their 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 their 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 they have 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 #100-013](#))
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.

V. Definitions and Examples

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.

Employee: 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.

Retaliation: Any negative employment-related action taken against an employee in response to the employee engaging in legally protected activity, such as reporting a compliance or privacy concern. Examples include: demotion, salary reduction, negative performance evaluations, change in job assignments/ shift, exclusion from normal activities in the department (e.g. staff meetings, trainings), etc.

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.