

RESPONSIBLE DEPARTMENT: Corporate Compliance	SUBJECT: Non-Intimidation & Non-Retaliation
NUMBER OF PAGES: 3	REPLACES POLICY: 08/2014
EFFECTIVE DATE: APRIL 2024	POLICY ID. ADM-CC

SCOPE:

This policy applies to all employees at Community Memorial Hospital (CMH), Family Health Centers (FHC), and Specialty Clinics.

PURPOSE:

The purpose of this policy is to maintain 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 the hospital’s business practices and the care of its patients.

POLICY STATEMENT:

It is the policy of Community Memorial Hospital to be responsible of all affected individuals to abide by applicable laws and regulations and support the hospital’s compliance efforts, including reporting their good faith belief of any violation of applicable local, state or federal law or hospital policies and procedures, including, without limitation, the hospital’s Corporate Compliance Program and Code of Conduct. The hospital is committed to fostering a workplace that is conducive to open discussions by its employees of its business and clinical practices. To promote an open culture, the hospital has adopted a strict non-intimidation, non-retaliation policy.

PROCEDURE:

- 1) The Hospital expressly prohibits intimidation and/or retaliation in the terms and conditions of employment as a result of an Employee’s good faith reporting of a violation or suspected violation.
- 2) The hospital has a strict non-intimidation/non-retaliation policy for good faith participation in the compliance program including but not limited to:
 - i) Reporting potential compliance issues to appropriate personnel;
 - ii) Participating in investigations of potential compliance issues;
 - iii) Self-evaluations;
 - iv) Audits;
 - v) Remedial actions;
 - vi) Reporting instances of intimidation or retaliation, and;
 - vii) Reporting potential fraud, waste or abuse to the appropriate State or Federal entities
- 3) Any Employee or Hospital affiliate who commits or condones any form of intimidation and/or retaliation will be subject to discipline up to, and possibly including, termination of employment or affiliation.
- 4) Any affected individual who believed that he or she has been intimidated or retaliated against as a result of reporting a violation or suspected violation should contact the Compliance Officer (“CO”), or his/her designee. Employees can call/contact:
 - i) Compliance Officer at (315) 824-7064
 - ii) Anonymous Compliance Hotline at (315) 824-7016
 - iii) Via the Compliance Reporting form on Community Memorial Hospitals website
- 5) The hospital, in accordance with applicable local, state or federal law, and hospital policies and procedures, including, without limitation, the hospital’s Corporate Compliance Program and Code of Conduct, fully complies with all applicable whistleblower protections. Policies regarding confidentiality, non-intimidation,

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and non-retaliation extend to all persons who report compliance issues, including Medicaid and Medicaid Managed Care recipients.

- 6) For more information regarding applicable non-intimidation/non-retaliation and whistleblower protection laws, refer to Appendix A of the Corporate Compliance Handbook.

DOCUMENTATION: Applies to Hospital Wide

DEFINITIONS:

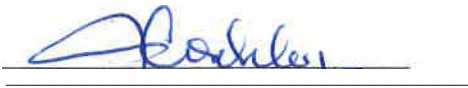
- **Affected Individuals:** All persons who are affected by the provider’s risk areas including employees, chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors and governing and corporate offices.
- **Intimidation:** Unlawful act of intentionally coercing or threatening another person, usually to persuade them to do something they don’t want to do. Examples include: physical violence or threats, verbal insults, interfering with employee’s ability to perform their job duties, etc.
- **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.

REFERENCES:

- U.S Equal Employment Opportunity Commission. <https://www.eeoc.gov/laws/types/retaliation.cfm>
- **Fraud and Abuse Laws and Whistleblower Protections**
 - Federal False Claims Act (31 USC §§ 3729 – 3733)
 - New York False Claims Act (State Finance Law, Article 13)
 - Social Services Law, Section 145-b – False Statements
 - Social Services Law, Section 145-c – Sanctions
 - Social Services Law, Section 145 – Penalties
 - Social Services Law, Section 366-b Penalties for Fraudulent Practices
 - Penal Law Article 175 – False Written Statements
 - Penal Law Article 176 – Insurance Fraud
 - Penal Law Article 177 – Health Care Fraud
- **Federal False Claims Act (31 USC §3730(h))**
 - New York State False Claims Act (State Finance Law §191)
 - New York State Labor Law, Section 740
 - New York State Labor Law, Section 741

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Approved by:



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Cindy Pelky, BS RN
Corporate Compliance Officer