

Policy against Retaliation for Good Faith Reporting (CO.23)

Policy Name:	Policy against Retaliation for Good Faith Reporting
Department:	Compliance
Policy Purpose:	Independence Care System (ICS) is committed to detecting and preventing fraud, waste and abuse. A key to this prevention is ensuring that employees who, in good faith, report suspected fraud, waste and abuse are protected from retaliation.
Policy Sponsor:	Director Compliance
Review Cycle:	Annually
Approval:	Doug Goggin-Callahan
Effective Date:	10/18/2013
Revision Date:	

Policy: It is the responsibility of all employees to report observed or suspected fraud, waste, abuse or any other improper activity relating to the operation of ICS. Furthermore, employees who come forward to do so, may do so anonymously, and will be protected from retaliation by ICS or an ICS contractor. Examples of activities that must be reported by employees are, but not limited to:

- Billing the government for individuals who are not plan participants;
- Duplicate billing;
- Failing to provide all medically necessary services for which ICS receives reimbursement;
- Submitting inaccurate or misleading data or reports to the government;
- Theft or misuse of ICS' funds or property by employees or contractors;
- Violations of ICS' compliance policies or other guidance;
- Violations of laws, regulations, or government contracts

Definitions

Fraud: Any type of intentional deception or misrepresentation made by a person with the knowledge that deception could result in some unauthorized benefit to himself or herself, or ICS or another person

Waste: The overutilization of services or other practices that result in unnecessary cost to the state or federal government or ICS

Abuse: Practices that are inconsistent with sound fiscal, business or medical practices and result in an unnecessary cost to the state or federal government or ICS, or in reimbursement of services that are not medically necessary or fail to meet professionally accepted standards for health care.

Applicability (list the products to which this P&P applies):

*Managed Long Term Care Product
Fully Integrated Dual Advantage Plan*

Procedure:

1. Reporting Mechanisms

- a. Employees have several avenues for reporting fraudulent, abusive, or other improper conduct.
 - i. Employees may file reports with their supervisor or department director, the Director of Compliance, or any other member of the Compliance Department with whom the employee feels comfortable.
 - ii. ICS has also established a toll-free telephone hotline that employees may call to file reports anonymously. The hotline may be accessed by calling 1-855-ICS-TIPS (427-8477). The Director of Compliance is responsible for overseeing the hotline and will publicize the availability of the hotline to employees through posters and regular reminders.
 - iii. ICS has established a compliance email address that may be accessed at complianceofficer@icsny.org. The Director of Compliance is responsible for overseeing the email address and will publicize the availability of the email address to employees through posters and regular reminders.

2. Investigations

- a. All reports of fraudulent, abusive, or other improper conduct, if not made to the Compliance Department through the hotline or email address, will be promptly forward to the Compliance Department for review. Within fourteen (14) days of receiving the report the Compliance Department, in consultation with other ICS staff will determine whether the report warrants further investigation. If further investigation is warranted, he or she will coordinate an investigation, in consultation with outside counsel if needed.

3. Non-Retaliation

- a. No individual who files a report, in good faith, under this policy may be subject to retaliation in any form. Retaliation is also prohibited against an employee for refusing to carry out an activity that is the subject of a report made under this policy. No employee may threaten to retaliate against another employee for filing a report.
 - i. Prohibited retaliation includes, but is not limited to:
 1. Terminating, suspending, demoting or failing to consider an employee for a promotion;
 2. Harassing or reducing the compensation of an employee due to his or her filing or intended filing of a report under this policy

- b. Retaliation is prohibited even if it is later determined that the allegedly improper conduct was in fact proper or did not occur, so long as the employee made the report in good faith.
- c. Nothing in this policy will limit ICS' ability to take disciplinary action against employees who maliciously file reports they know to be untrue.
- d. Any actual or threatened retaliation should be reported by the affected employee to the Compliance Department. The Compliance Department will investigate such allegations, as outlined in Section 2 of this policy.
- e. The Compliance Department will maintain a record of these trainings for six years (6 years).

4. *Enforcement*

- a. Employees who do not comply with this policy will be subject to disciplinary action by ICS. Depending on the facts and circumstances of each case, ICS may reprimand, suspend or dismiss any employee who fails to comply.