

Non-Retaliation and Non-Intimidation

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MILLENNIUM COLLABORATIVE CARE, PPS (Millennium)

NON-RETALIATION AND NON-INTIMIDATION

I. Purpose of Policy

- a. The purpose of this policy is to afford certain protections to individuals who in good faith report violations. It also provides guidance by which Millennium employees, participants, participating providers and Medicaid beneficiaries can express problems, concerns, and opinions without fear of retaliation, intimidation or reprisal, as well as providing supervisors with appropriate guidelines for addressing problems and concerns raised.
- b. It is the belief of Millennium that positive relations and morale can be best achieved and maintained in a working environment that promotes ongoing open communication. This includes open and candid discussions of problems and concerns. The NYS Office of Medicaid Inspector General (OMIG) stipulates that every PPS Lead have a policy of non-retaliation and non-intimidation for the reporting of code of conduct, ethical violations or compliance matters.

II. Definitions

- a. **Good faith:** Information concerning potential wrongdoing is disclosed in “good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.
- b. **Whistleblower:** Any Millennium employee, participants or participating providers who in good faith discloses information concerning wrongdoing by another or concerning the business of Millennium itself.
- c. **Wrongdoing:** Any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by any Millennium employee, participants and participating providers employee that relates to Millennium.
- d. **Medicaid Beneficiary:** Individuals who are eligible for and receive Medicaid benefits because of age, blindness, or disability in addition to the amount of their income and assets.

III. Policy Statement

- a. It is Millenniums' policy to take all necessary steps to refrain from intimidating, threatening, coercing, discriminating against or taking any other retaliatory action against any Millennium employee, participants or participating providers, for the exercise of any right under, or for participation in any process established by applicable law, regulation, or existing policies and procedures.
- b. All Millennium employees, participants, participating providers and Medicaid beneficiaries have the affirmative duty for promptly reporting actual or potential wrongdoing, including an actual or
- c. Potential violation of law, regulation, policy, procedure or the Code of Conduct.
- d. An "open-door policy" shall be maintained at all levels of management for Millennium employees, participants, participating providers or Medicaid beneficiaries to report problems and concerns and shall be acted upon in an appropriate manner. If the problem is not satisfactorily resolved, the employee may proceed up the supervisory chain or higher level. The "Compliance Hotline" is designed to permit any person to call, anonymously or in confidence, to report problems and concerns or to seek clarification of compliance related issues.
- e. Millennium employees, participants, participating providers or Medicaid beneficiaries who, in good faith, report a potential violation of law, regulation, policy, procedure, Conflict of Interest, the Code of Conduct, or other instances of potential wrongdoing within Millennium will not be subjected to retaliation, retribution or harassment. No Millennium staff, participants, participating providers or whistleblower is permitted to engage in retaliation, retribution or any form of harassment against a whistleblower for reporting a compliance related concern. Any Millennium senior management, participants, participating providers or employee who conducts or condones retribution, retaliation, or harassment in any way will be subjected to the appropriate disciplinary and corrective action, which may include removal from the initiative and/or DSRIP.
- f. Millennium shall not permit retaliation against Millennium employees, participants or participating providers for:
 - i. Exercising any right under, or participating in, any process established by federal, state, local law, regulations, or policy;
 - ii. Filing a complaint with Millennium and/or the Department of Health and Human Services or other government agency;
 - iii. Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing;
 - iv. Opposing in good faith any act or practice made unlawful by federal, state or local law, regulation, or policy, provided that the manner of the opposition is reasonable and does not itself violate law.
- g. All necessary procedures will be followed to protect against any retaliation toward any Millennium employee, participants or participating providers for exercising their rights or participating in any process pursuant to internal policies, applicable law, and/or regulation.

- h. Millennium employees, participants or participating providers or (individuals) cannot exempt themselves from the consequences of wrongdoing by reporting their own wrongdoing, although self-reporting may be taken into account in determining the appropriate course of action.

IV. Procedure

- a. All Millennium Collaborative Care management, participants, participating providers and employees must understand that any incident where retaliation or reprisal can be related to an employee raising/reporting a problem, either at the organization level or through the compliance program, will not be tolerated. Reports of this nature must be investigated thoroughly and expeditiously, and may be subjected to the appropriate disciplinary and corrective action, which may include removal from the initiative and/or DSRIP.
- b. Millennium employee, participants, participating providers and Medicaid beneficiaries responsibilities

 - i. Knowledge of misconduct, wrongdoing, unethical activities including actual or potential violations of law, regulation, policy, procedure, or the Code of Conduct must be immediately reported by employees to:

 1. Compliance office (716- 898-5880),
 2. Compliance hotline (716- 898-6555), or
 3. E-mail compliance@millenniumcc.org
- c. Failure to report or concealing knowledge of a potential violation may be subjected to the appropriate disciplinary and corrective action, which may include removal from the initiative and/or DSRIP.
- d. Participants, Participating Providers Responsibilities**

 - i. All participants and participating providers must take aggressive measures to assure their staff that the organization truly encourages the reporting of problems and that whistleblowers will not “get into trouble” for doing so.
 - ii. All participants and participating providers must promote an “open door” attitude about whistleblowers compliance problems and concerns at all times and receive all whistleblowers concerns, problems and opinions.
 - iii. Compliance must be informed of all concerns and problems raised by whistleblowers that fall within their area of responsibility.
 - iv. The confidentiality of whistleblowers concerns and problems must be respected and protected at all times, insofar as legal and practical, informing only on a need to know.
- e. Compliance Responsibilities**

 - i. The Millennium Collaborative Care Compliance Officer will be responsible for the investigation and follow-up of any reported retaliation against whistleblowers, working closely with the ECMCC Director of Corporate Compliance.
 - ii. The Millennium Collaborative Care Compliance Officer will report the results of an investigation of suspected retaliation to the ECMCC Director of Corporate Compliance,

- iii. Millennium Senior Leadership, Board of Directors Compliance Committee or ECMCC's legal counsel for determination of next steps.