

TITLE NON-RETALIATION FOR REPORTING FRAUD, ABUSE OR WRONGDOING

PURPOSE: To define Harris Health System's commitment to non-retaliation.

POLICY STATEMENT:

Harris Health System (Harris Health) does not tolerate retaliation against Workforce members who, in good faith, report fraud, abuse or wrongdoing.

POLICY ELABORATION:

I. DEFINITIONS:

- A. **ABUSE:** Incidents or practices that are not fraudulent but are inconsistent with generally accepted medical, business, or fiscal practices. Abuse may be unintentional.

- B. **ADVERSE ACTION:** An Adverse Action is an action taken against a workforce member who makes a good faith report regarding fraud, abuse or wrongdoing; or who participates in a Harris Health investigation relating to fraud, abuse, or wrongdoing. Examples of adverse actions include, but are not limited to:
 - 1. Employment actions such as termination, demotion, suspension, refusal to hire, and denial of training and/or promotion;
 - 2. Actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance;
 - 3. Discrimination and/or harassment;
 - 4. Bullying by intimidation, humiliation, or social isolation, which can occur directly or indirectly (e.g. via e-mail);
 - 5. Creating a hostile and/or intimidating or offensive working environment; and
 - 6. Any other actions that are likely to deter a workforce member from reporting illegal conditions, violations of law, rules, policies procedures or cooperating with an investigation.

- C. **FRAUD:** Any act characterized by deceit, concealment, or violation of trust; an intentional, knowing, or reckless misstatement of fact that is believed, acted upon, and results in harm. Fraud can include, but is not limited to:

1. Violations of Federal or State False Claims Act laws;
2. Theft of time;
3. Diversion of revenue;
4. Charging Harris Health for expenses or capital items without authorization;
5. Misstatement of financial accounts;
6. Theft or misappropriation of Harris Health assets; or
7. Unreported conflicts of interest.

D. **RETALIATION:** Any adverse action taken against a workforce member because the workforce member has reported fraud, abuse or wrongdoing; or has cooperated with an investigation.

E. **WORKFORCE:** Harris Health's Board of Managers, employees, Medical Staff, trainees, contractors, volunteers, and vendors.

F. **WRONGDOING:** Any action that fails to conform to Harris Health's Code of Conduct; applicable federal and state laws, rules and regulations; and Harris Health policies and procedures.

II. NON-RETALIATION COMMITMENT:

A. Harris Health does not retaliate against a Workforce member who:

1. Reports, in good faith, an actual or suspected activity of Fraud, Abuse or Wrongdoing pursuant to Harris Health Policy No. 3.31, Preventing Fraud, Abuse and Wrongdoing; or
2. Participates in an investigation related to a report of actual or suspected activity of Fraud, Abuse or Wrongdoing pursuant to Harris Health Policy No. 3.31, Preventing Fraud, Abuse and Wrongdoing.

B. All managers and supervisors must ensure that Workforce members are not subjected to Retaliation.

C. Any Workforce member who conducts or condones any Adverse Action will be subject to disciplinary action, up to and including termination.

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- D. If any Workforce member reporting Fraud, Abuse, or Wrongdoing suspects that he or she is being retaliated against, he or she should report the alleged activity immediately to the Senior Vice President of Corporate Compliance, the Senior Vice President of Human Resources, or utilize the various reporting mechanisms as described in the Compliance Hotline Policy number 3.36.

REFERENCES/BIBLIOGRAPHY:

Department of Health and Human Services Office of Inspector General. Publication of the OIG Compliance Program Guidance for Hospitals 63 Fed. Reg. 35 (Feb. 23, 1998).

United States Sentencing Commission Guidelines Manual. 1 Nov. 2003.

Department of Health and Human Services Office of Inspector General Supplemental Compliance Guidance for Hospitals. 70 Fed. Reg. 4858, 4865 (Jan. 31, 2005).

Harris Health Policy and Procedures 3.31 Preventing Fraud, Abuse, and Wrongdoing

Harris Health Policy and Procedures 3.34 Corporate Compliance Department Coordination with Human Resources

Harris Health Policy and Procedures 3.36 Compliance Hotline Policy

Harris Health System Code of Conduct

OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Office of Corporate Compliance

REVISION HISTORY:

Effective Date	Version # (If Applicable)	Review/ Revision Date (Indicate Reviewed or Revised)	Approved by:
	1.0	Approved 04/09/2013	Harris Health Operations Policy Committee
05/30/2013		Approved 05/30/2013	Board of Managers (Board Motion Number 13.05-73)
	2.0	Reviewed/Approved 04/08/2014	Operations Policy Committee
04/24/2014			Harris Health Board of Managers (No. 14.04-46)
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