

**Healthfirst**  
**OPERATING POLICY – CO-003v10**  
**Non-Retaliation and Non-Intimidation Policy**

**Date of Initial Issue:**  
December 1, 2010

**Date Last Reviewed:**  
December 23, 2020

**Classification**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Managed Long Term Care (MLTC)     | <input type="checkbox"/> Commercial Plan<br><input type="checkbox"/> Healthy NY | <input checked="" type="checkbox"/> Corporate                         |
| <input type="checkbox"/> Medicaid Advantage Plus (MAP)     | <input type="checkbox"/> Qualified Health Plan (QHP)                            |   |
| <input type="checkbox"/> Medicaid Managed Care             | <input type="checkbox"/> Essential Plan (EP)                                    | <input type="checkbox"/> Medicare<br><input type="checkbox"/> Non-SNP |
| <input type="checkbox"/> Personal Wellness Plan (PWP/HARP) | <input type="checkbox"/> Child Health Plus (CHP)                                | <input type="checkbox"/> D-SNP<br><input type="checkbox"/> I-SNP      |

**I. Policy Overview**

Healthfirst is committed to fostering an environment free from discrimination and harassment, where everyone is treated with respect and dignity. The company promotes a culture that prevents, detects, investigates, and remediates violations of federal, state, local laws and regulations. This is accomplished through Healthfirst's policies and procedures including but not limited to the Code of Conduct. To support this culture, Healthfirst has established a strict non-retaliation and non-intimidation policy to protect employees, officers, directors, volunteers/interns, contractors (Individuals), vendors, affiliates, and First Tier, Downstream, and Related entities (Entities) who in good faith report known or suspected Misconduct, issues of non-compliance and/or fraud, waste, and abuse. Healthfirst promotes an environment in which Individuals and Entities may report or seek guidance regarding potential or actual violations without fear of Intimidation or Retaliation.

**II. Responsible Parties and Related Departments**

Responsible Parties: Chief Compliance Officer  
Chief Human Resources Officer  
Chief Legal Officer

Related Departments: Legal  
Human Resources  
Compliance

**III. Definitions**

- Entity** – Any provider or vendor, including First Tier, Downstream and Related Entities (FDRs) contracted with Healthfirst or providing services to a Healthfirst member.

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2. **Individual** – Any Healthfirst employee, officer, director, volunteer/intern, contractor or Board Member.
3. **In good faith** – The individual reasonably believes or perceives the alleged Misconduct reported to be true.
4. **Intimidation** – An action intended to manipulate an Individual and or cause an Individual to have feelings of fear or inadequacy meant to deter an Individual from either reporting a compliance concern or participating in an investigation.
5. **Misconduct** – A violation of Healthfirst policies, breach of ethical behavior or illegal act committed against Healthfirst, on Healthfirst's behalf, on Healthfirst premises, or during hours of, or within the scope of, Healthfirst employment.
6. **Retaliation** - Any inappropriate action and/or harassment taken or threatened against an Individual because the Individual has, in good faith, reported a compliance concern or alleged misconduct.
7. **Retribution** – Taking action against an Individual or Entity because they reported, or it is believed they reported, a compliance concern or alleged misconduct.

#### **IV. Policy**

1. All Individuals and Entities have the obligation to report any suspected Misconduct promptly. Any individual who in good faith reports suspected Misconduct to governmental agencies, including to officials as provided in New York State Labor Law Sections 740 and 741 or to Healthfirst is protected against intimidation and retaliation by Healthfirst for making such a report.
2. Individuals and Entities are not permitted to engage in Intimidation, Retaliation, Retribution, or any form of harassment directed against an individual as a result of a good faith report of suspected Misconduct.
3. Any Individual or Entity who engages in or condones any form of retaliation, retribution or harassment against a reporting individual on the basis of that report is subject to disciplinary action up to and including immediate termination.
4. All Individuals and Entities are required to fully cooperate with all audits, investigations or other reviews whether conducted internally by Compliance, Internal Audit, Special Investigations Unit (SIU), Legal or Human Resources Departments, its contractors, or by an outside government agency. This means all Individuals and Entities are required to comply with all requests for documents, information and interviews without delay. All responses are required to be complete and truthful. Any Individual or Entity who does not cooperate in an investigation of Intimidation or Retaliation, gives false or misleading information, or takes action to undermine the integrity of the investigation, is subject to disciplinary action up to and including immediate termination.

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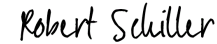
## **V.Procedure**

1. Any Individual or Entity who has reason to believe Misconduct has occurred has a duty to report his/her good faith concerns about actual or suspected Misconduct.
2. Healthfirst encourages timely disclosure of such concerns and prohibits any action directed against the reporting individual for making a report in good faith of actual or suspected Misconduct.
3. Any Individual or Entity may make such reports by phone via the Healthfirst Compliance Hotline at 1-877-879-9137. The Compliance Hotline will triage the call and direct it appropriately to: SIU, the Chief Compliance Officer, Legal, Human Resources, and/or to applicable members of management. Individuals and Entities may also report directly to government officials, including those listed in New York State Labor Law Sections 740 and 741.
4. All known or suspected instances of Intimidation, Retaliation, Retribution or harassment against reporting individuals should be brought to the attention of the Chief Compliance Officer or Chief Human Resources Officer. Healthfirst will investigate the allegation in accordance with the Policy on Internal Investigations and, if Retaliation is found to have occurred, determine the appropriate remedy.
5. All investigations of known or suspected internal instances of Intimidation, Retaliation, Retribution or harassment against any individual who report actual or suspected Misconduct will be kept confidential to the extent possible or as required to appropriately manage the investigation consistent with Healthfirst's interests in promoting compliance.

## **VI.Sanctions**

*Violation of this policy will be considered in accordance with the corporate disciplinary action policy.*

### VII.Approval Date/Signatures

DocuSigned by:  831971B3F63D487	4/7/2021   8:33:27 PM EDT
Signature John Hackendorn Chief Compliance Officer	Date
DocuSigned by:  72E00F0D5ADD49F...	4/7/2021   7:06:56 PM EDT
Signature Linda Tiano Chief Legal Officer	Date
DocuSigned by:  0C400C2F249C49A...	4/6/2021   2:20:04 PM EDT
Signature/Title Sean Kane Chief HR Officer	Date
DocuSigned by:  BB10E1011207426...	4/15/2021   9:59:52 AM EDT
Signature/Title Robert Schiller VP Deputy General Counsel P&P Committee Approval	Date

### VIII.Procedures/Job Aids/Documents/Forms

- NYS Labor Law Sections 740 and 741
- Part 422 – Medicare Advantage Program: Subpart K, §422.503
- Part 521 – Provider Compliance Programs: §521.3(8)
- HR-021 – Disciplinary Action Policy
- CO-005 – Reporting Compliance Concerns and Whistleblower Protections
- HR-023 – Equal Opportunity and Harassment Policy

### IX.Revision History:

- June 26, 2012
- June 10, 2014
- November 30, 2015 - General annual review.
- December 28, 2016 – General annual review.
- March 21, 2017 – Update to include classifications, legal reference.
- December 13, 2017 – Update to clarify individuals reporting responsibilities, and refinement of definitions.
- November 7, 2018 – Annual review.
- March 29, 2019 – Update to reporting.
- December 23, 2020 – General annual review. Updates include defining Retribution, replacing the definition of Affected Persons with Individual and Entity; added in the EthicsPoint reporting hotline; added Chief Legal Officer as a responsible party.

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