



ADMINISTRATIVE POLICY MANUAL

TITLE: Non-Retaliation Policy	POLICY NUMBER: SHS-ADM-059
POLICY DATE: January 22, 2018	EFFECTIVE DATE:
REVISION DATES:	REVISION EFFECTIVE:
REVIEW DATES:	

PURPOSE:

Southcoast Health System (SHS) leadership will not take, and will address any retaliatory actions against any Individual who in good faith reports known or suspected violations internally or to regulatory agencies or authorities, in accordance with this policy.

POLICY:

SHS is committed to adhering to all federal and state rules and regulations, including those relating to the privacy of protected health information. As such, all members of the SHS workforce, including employees and volunteers, as well as members of the SHS medical staff and allied health professional staff (Individuals) are responsible for reporting any known or suspected violations of laws, regulations, or policies. To encourage this reporting, SHS prohibits any forms of retaliation taken against an Individual who makes such a report.

PROCEDURE:

I. Reporting Suspected or Known Violations

All Individuals have an obligation to report suspected or known violations of any laws, regulations, or policies. Examples of potential violations include illegal or fraudulent activity; financial or accounting irregularities; conflicts of interest; violations of the SHS Code of Conduct; violations of medical ethics; violations of laws protecting patient health information or personal or employee personal information; and any incidents of discrimination, sexual harassment, or patient abuse. An Individual may report the suspected or known violation in any of the following ways:

- To his or her immediate supervisor;
- To a manager other than his or her immediate supervisor;
- To the Compliance & Privacy Officer
- To Human Resources; or
- Via the Compliance Hotline: 508-973-5040

In most cases, internal reporting should occur as soon as there is a known violation or suspected or threatened violation, so that SHS will be able to investigate, and if appropriate, take corrective actions as soon as possible. The confidentiality of all contacts will be maintained to the extent permissible by law. Information can also be provided anonymously.

II. Non-Retaliation

SHS shall not intimidate, threaten, coerce, discriminate against, or take other retaliatory actions against:

- Individuals for filing a complaint internally or to a health oversight agency, or public health authority, or discussing the alleged misconduct with an attorney retained on their behalf for the purpose of determining the legal options of the Individual with regard to such conduct, where such complaint is based on a good faith belief that SHS is engaging in conduct that is unlawful, harmful, or otherwise violates professional or clinical standards, including but not limited to participating in a HIPAA complaint or filing a complaint with the Secretary of the United States Department of Health and Human Services (DHHS); allegations under the federal False Claims Act; or filing a complaint with the Department of Public Health (DPH), Department of Mental Health (DMH), Massachusetts Attorney General's Office (MAGO), Massachusetts Commission Against Discrimination (MCAD), Equal Employment Opportunities Commission (EEOC), Department of Labor (DOL), or National Labor Relations Board (NLRB).
- Individuals for testifying, assisting, or participating in an investigation, compliance review, proceeding or hearing including those conducted by the DHHS regarding an alleged violation of the Privacy Rule; and
- Individuals for opposing any act or practice made unlawful provided the person has a good faith belief that the practice opposed is unlawful, and that the manner of the opposition is reasonable and does not involve a disclosure of information (including but not limited to PHI) in violation of the law.

III. Protection of the Reporting Employee

Leadership will take steps to avoid retaliation against any Individual who files a good faith report of actual or suspected misconduct. Examples of retaliation include but are not limited to:

- Intimidation, harassment, and/or disruptive behavior;
- Unjustified negative evaluations;
- Threats or unjustified increased surveillance;
- Termination, demotion, suspension, or denial of a promotion; or
- Any other action that would be likely to deter any Individual from reporting actual or suspected misconduct or cooperating in an investigation.

Retaliation does not include disciplinary action taken against an Individual as a result of the Individual's own violations of laws, regulations, ethics, policies or procedures, or any negative evaluation, demotion, suspension, or denial of a promotion that are justified by the Individual's work performance.

IV. Investigating a Retaliation Claim

If an Individual believes that they are subject to any action that violates the non-retaliation section of this policy described above, the Individual may file a complaint with the SHS Human Resource Department and/or Compliance Department. SHS leadership will immediately investigate any alleged retaliatory behavior. If, as a result of the investigation, a determination is made that the Individual has experienced retaliation, then Southcoast leadership will take appropriate action as determined by the Human Resource and Compliance departments, in consultation with the Legal Department.

Attachments:

None

References:

Health Insurance Portability and Accountability Act (HIPAA) Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule), 45 CFR sections 160.306; 164.502 (j) and 164.530 (g).

Cross-References:

SHS-ADM-BOT -09: Corporate Compliance Program
SHS-ADM-HR-027: Sanctions for Improper Use or Disclosure of Confidential Information.
SHS-ADM-HR-7.01 Code of Conduct and Mutual Respect
Equal Employment Opportunity Policy

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Approved By:



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Date Deleted/Superseded: ____ / ____ / ____
Superseded by: _____