

NEIGHBORHOOD HEALTH PLAN POLICY

POLICY TITLE:	Non-Retaliation for Reporting of Compliance Violations
POLICY #:	HUR-046
VERSION #:	2
POLICY OWNER:	Vice President of Human Resources
COMMITTEE APPROVAL DATE:	01/22/04, 01/16/08, 11/17/10
APPROVED BY:	Standards, Expectations & Compliance Committee
IMPLEMENTATION DATE:	01/22/2004
RESPONSIBLE DEPARTMENT:	Human Resources
IMPACTED TEAMS:	All NHP
IMPACTED PROGRAMS:	All programs
MANDATED BY:	Federal and State Statutes; EOHHS
NCQA STANDARDS:	NA
EOHHS APPROVAL DATE:	12/09
LEGAL APPROVAL DATE:	July, 2010
POLICY COMMUNICATION/ACKNOWLEDGEMENT: (Select all that apply)	
Audience:	NHP All
<input checked="" type="checkbox"/>	E-Mail Notification to Select Group/No Return Receipt Required
<input type="checkbox"/>	E-Mail Notification to Select Group/Return Receipt Requested
CONFIDENTIALITY:	
<u>Internal:</u>	
<input type="checkbox"/>	Please check box if policy should not be accessible to all NHP employees. Policy will be listed but not accessible to all employees in the centralized policy database.
<u>External:</u>	

Please check box if policy should not be shared outside of NHP.

Please note that any external requests for policies that are not a part of public record must be approved by the Senior Director of Regulatory Affairs.

POLICY

- Neighborhood Health Plan (NHP) employees are required to report any known or perceived violations of NHP policies, procedures or potential violation of laws or regulations.
- An “open-door policy” is maintained at all levels of management to encourage employees to report problems and concerns pertaining to perceived misconduct or potential violation of NHP’s policies and procedures or laws and regulations.
- Employees may report their concerns to a Director or Vice President in their Division, or communicate with the Human Resources Department or the Compliance Department if their problem or concern is not resolved.
- Employees are encouraged to utilize the Compliance Hotline/Helpline. Users of the Hotline/Helpline may remain anonymous or may request confidentiality.
- Any form of retaliation or retribution against any employee who reports a perceived problem or concern in good faith is strictly prohibited.
- Any employee who commits or condones any form of retaliation or retribution subsequent to the expression of a concern will be subject to discipline up to, and including, termination.

PURPOSE

NHP recognizes that a critical aspect of its compliance program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal and state requirements, as well as the organization’s ethical and business policies. To promote this culture, NHP has established a problem resolution process and a strict non-retaliation, non-retribution policy to protect employees and others who report problems and concerns in good faith. Any form of retaliation or retribution can undermine the problem resolution process and result in a failure of communication channels in the organization.

DEFINITIONS

Anonymity means that the informant can choose not to disclose his/her identity and that no tracking systems, e.g. caller ID, are in place which would enable identification of the caller or phone from which the call is being placed.

Confidentiality means that the informant’s name will not be revealed to NHP without the informant’s authorization unless discoverable as part of a criminal investigation.

Good faith reporting means that the employee truly believes the problem or information they are reporting is accurate and in violation of NHP's policies or procedures or other rule, regulation or law.

Retaliation and Retribution includes any form of disciplinary action, considerations for merit increases, promotions or other forms of employee benefits. However, reporting a compliance violation does not preclude disciplinary action from being taken if the reporter was personally involved in the wrongdoing that he or she is reporting, although the self-reporting may be taken into account in determining the appropriate course of action.

PROCEDURES

1. Procedures that apply to all employees:

- Knowledge of misconduct, including actual or potential violations of laws, regulations, policies, procedures, or the organization's Code of Conduct must be immediately reported to management, the Human Resources Department, the Compliance Department, or the Compliance Hotline/Helpline.

2. Procedures that apply to management:

- Management must act to ensure support of this policy and encourage the reporting of problems and concerns. At a minimum, the following actions should be taken and become an ongoing aspect of the management process:
 - ❖ Meet with department staff to discuss the main points within this policy;
 - ❖ Review this policy with all new hires; and
 - ❖ Maintain an "open-door" policy that encourages employees to communicate their concerns directly.

3. Procedures that apply to the Compliance Department and Human Resources Department:

- The Compliance Department, in concert with the Human Resource Department, is responsible for the investigation and follow-up of any reported retaliation against an employee.

REFERENCES

- 42 U.S.C. §1396a(a)(68)
- MassHealth MCO Contract §2.3K