
Subject: Non-retaliation

Index Number: HARCO-3032

Section: Compliance and Ethics

Subsection: General

Category: Corporate

Contact: Compliance Officer

Last Revised: 7.2.19

References

Office of Inspector General Compliance Program Guidance for Hospitals, February 23, 1998
Deficit Reduction Act of 2005, P.L. 109-71 False Claims Act, 31 U.S.C. s. 3730 (h) Joint
Commission Standard APR 17; MN State Law Sec. 2 [144.6512] Retaliation in Nursing Homes
Prohibited.

Applicable To:

This policy is applicable to all employees, consultants, residents, families of residents, community members of Harmony Community Healthcare.

Detail:

Gundersen Harmony Care Center 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 does not conform to federal or state requirements, as well as our ethical and business policies. To promote this culture, Gundersen Harmony Care Center has established a non-retaliation policy to protect employees, residents 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.

The False Claims Act and many related state acts, contain a section designed to prevent retaliation by an employer against any employee who reports fraud through the filing of a civil false claims action on behalf of the government. The non-retaliation section of the False Claims Act provides the following: Any employee who is discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this section, including investigations for, initiation of, testimony for, or assistance in any action filed or to be filed under this section shall be entitled to all relief necessary to make the employee whole [31 U.S.C. s. 3730 (h)]

Implementation:

Any form of retaliation against any employee who reports a perceived problem or concern in good faith is strictly prohibited. Knowledge of a violation or potential violation of this policy must be reported directly to the Administrator/Compliance Officer or the Compliance Hotline.

Reporting must be performed immediately if imminent harm is likely or even possible or in a timely enough manner to safeguard the resident, employee or any others involved. The Administrator/Compliance Officer, or designee, will be responsible for the investigation and follow-up of any reported retaliation against an employee or resident. The Compliance Officer will report the results of an investigation into suspected retaliation to the Compliance Committee. Any complaints involving retaliation by the Administrator/Compliance Officer, or by personnel who report to the Administrator/Compliance Officer, shall be reported to the Gundersen Health System Compliance Officer. Disciplinary action resulting from investigations conducted under this policy will be determined in consultation with the Gundersen Harmony Care Center Board of Directors and the Human Resources of Gundersen Health System. Any employee who commits or condones any form of retaliation will be subject to discipline up to, and including, termination of employment.

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