



University of Florida, Pediatric Integrated Care System

Compliance Program

Policy: Non-Retaliation and Non-Retribution for Reporting **Number:** CD-0009

Programs: Title XIX and Title XXI

Effective Date: Title XIX January 24, 2008

Title XXI August 1, 2013

(Revisions are effective 45 days after AHCA approval for Title XIX and after CMS approval for Title XXI.)

Approved by:

Title	Name	Signature	Ped-I-Care Approved	CMS Approved	AHCA Approved
Compliance Officer	Mark Hudak, M.D.	<i>Mark J. Hudak M.D.</i>	1/30/2008, 9/2/2008, 8/30/2010, 9/24/2012, 9/6/2013, 3/17/2016	3/2/2011	3/2/2011
Revised	9/2/2008, 7/1/2010, 8/9/2011, 11/22/2012, 3/11/2016				

Responsible Party: Compliance Department, Ped-I-Care Organizational Administration, Human Resources, and all Ped-I-Care employees.

Purpose

Ped-I-Care in coordination with the Compliance Officer/Compliance Director/Compliance Department, understands that employees and provider staff may not report concerns if they feel that they will be subject to retaliation, retribution, or harassment for reporting their concerns. Ped-I-Care also recognizes that failure to report may have an adverse effect upon the organization and its ability to provide quality services to its members. Therefore, to reassure employees/provider staff who wish to report their concerns, Ped-I-Care Compliance Department has established a non-retaliation/non-retribution policy which covers employees who report, in good faith, suspected or known instances of misconduct which have occurred, may be occurring, and/or have the potential to occur.

Policy

Ped-I-Care is committed to a policy that encourages employees and provider staff to disclose timely their compliance concerns and prohibits any action directed against any employee for making a good faith report.

1. Ped-I-Care employees and provider staff have the responsibility to report, in good faith, their concerns regarding potential, actual, and/or perceived misconduct.
2. Retaliation/retribution for good faith reporting of perceived or suspected violations of governing rules, regulations, laws, UF's Code of Conduct, and/or policies is strictly prohibited. Any employee, manager/director, or executive who commits or condones any form of retaliation, retribution, or harassment against a reporting employee is subject to appropriate discipline up to and including termination.
3. Ped-I-Care employees cannot exempt themselves from the consequences of their own misconduct by self-reporting, although self-reporting may be taken into account in determining the appropriate course of action.
4. Prompt and forthright self-disclosures of misconduct by employees, even if their misconduct constitutes inappropriate performance, will be considered positive, constructive actions.
5. Any person who intentionally provides false information is subject to disciplinary action up to and including termination.
6. When a provider is terminated from the plan, members are notified and assigned members are then re-assigned to another PCP immediately.
7. To report allegations of potential misconduct or retaliation/retribution from giving a report, anyone may call the Ped-I-Care Fraud and Abuse Hotline at-1-866-787-4557 or directly to an outside agency such as the AHCA Reporting Hotline at-1-888-419-3456, the OIG reporting hotline at-1-800-447-8477, and/or the Florida Attorney General's Hotline for Reporting Medicaid Fraud at 866-966-7226.

Definitions

"In good faith" – The individual reasonably believes or perceives the information reported to be true.

Please refer to latest version of CD-0014, the Policy and Procedure Definitions policy and procedure document, for all definitions.

Procedures

1. Ped-I-Care takes appropriate measures to safeguard employees against retaliation. The following minimum standards are taken and become a continuing aspect of the non-retaliation/non-retribution process.

a. Managers/Directors:

- (1) Maintain an “open door” policy to encourage and support reporting employees;
- (2) Ensure that employees understand that they may, without fear, report their concerns directly to the Compliance Department;
- (3) Meet regularly with their staff and discuss this and other applicable compliance policies;
- (4) Ensure that reports of suspected, actual, or potential violations are dealt with as confidentially as possible;
- (5) Focus on the issue in question and not on the individual(s) involved; and
- (6) Immediately report to the Compliance Officer, Compliance Director, designated Compliance personnel, or Ped-I-Care’s Fraud and Abuse Hotline any known or suspected acts of retaliation, retribution, and/or harassment.

b. The Compliance Department:

- (1) Develops and maintains systems which document, track, and trend reports of retaliation, retribution, and harassment;
- (2) Is responsible for the prompt investigation and action(s) to be taken regarding acts of retaliation, retribution, and harassment; and
- (3) Works in conjunction with Human Resources and when appropriate, Legal Counsel, to determine disciplinary measures to be taken.

References

Agency for Health Care Administration, *Interpretive Guidelines*, (July 2004), 59A-12.004(1)(a), F.A.C.

Health Care Compliance Association, *Evaluating and Improving a Compliance Program* (April 2003)

MMA Contract and State of Florida Statute for Medicaid Program Integrity and Federal Laws: 42 CFR 438.608, 42 CFR 455(a)(2), Chapters 358, 414, 641 and 932, F.S., and Section 409.912(21) and (22), F.S.(2006)

The Centers for Medicaid and Medicare Services Managed Care Manual, Chapter 11; 20.2,
(December 2004)

The Office of Inspector General's *Model Compliance Program for Managed Care
Organizations*, (November 1999)