

MHN ENTERPRISE POLICY
Compliance Policies and Procedures Manual

EC.008 – NON-RETALIATION POLICY

SECTION:	ETHICS AND COMPLIANCE	LAST REVISION DATE:	10.17.2022
SUBJECT:	Non-Retaliation Policy	LAST REVIEW DATE:	10.17.2022
POLICY NUMBER:	EC.008	APPROVED BY:	P&P Subcommittee of the ERM

I. PURPOSE

The purpose of this policy is to reinforce MHN’s¹ commitment to taking appropriate steps to prevent and protect our workforce members and all MHN related individuals from retaliation and intimidation for good faith actions in reporting alleged violations of laws, rules, policies, or procedures applicable to MHN, participating in an associated internal investigation, or assisting appropriate authorities in investigating possible wrongdoing.

II. POLICY

It is MHN’s policy to encourage an environment of open communication.

- MHN workforce members and related individuals are obligated and encouraged to report in good faith all information regarding alleged improper or wrongful activity that may constitute:
 - Discrimination or harassment
 - Fraud, Waste and Abuse
 - Unethical or unprofessional business conduct
 - Research misconduct
 - Non-compliance with our Compliance Program or our policies or procedures
 - Circumstances involving substantial, specific or imminent danger to health or safety
 - Violations of local, state or federal laws and regulations or
 - Other illegal or improper practices.

MHN is committed to encouraging timely disclosure of such concerns and prohibiting intimidation, retribution, or retaliation against any workforce members and related individuals who report such concerns in good faith. We prohibit retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, intimidation, discharge, or other discrimination including, but not limited to, discrimination in compensation or terms and conditions of employment for good faith reporting of such concerns.

In addition, MoreCare has a policy of non-retaliation and non-intimidation for good faith participation in the Compliance Program, including, but not limited to, reporting potential issues, investigating issues, conducting self-evaluations, audits and remedial actions, and reporting to appropriate officials.

¹ MHN Enterprise Policies are consistent among Medical Home Network and its affiliates, including but not limited to MoreCare and MHN REACH ACO. A reference to MHN in this policy includes MHN and all MHN subsidiaries, unless expressly superseded by a subsidiary-specific policy.

MHN ENTERPRISE POLICY
Compliance Policies and Procedures Manual

EC.008 – NON-RETALIATION POLICY

It is the policy of MoreCare to ensure that workforce members and FDRs may ask compliance questions and report potential instances of Medicare program noncompliance and potential Fraud, Waste and Abuse confidentially or anonymously (if desired) without fear of retaliation or intimidation.

III. PROCEDURAL GUIDELINES

A. DEFINITIONS

1. **Downstream Entity** is an organization or individual that enters into an acceptable written arrangement below the level of the arrangement between MoreCare and a First Tier Entity. This continues down to the level of the ultimate provider of a service or product.
2. **FDR** means First Tier, Downstream or Related Entity.
3. **First Tier Entity** is any party that enters into an acceptable written arrangement with MoreCare to provide administrative services or health care services. Example: a call center contracted with MoreCare.
4. **Related Entity** means any entity that is related to MoreCare by common ownership or control. It must:
 - a. Perform some of MoreCare's management functions under contract or delegation;
 - b. Furnish services to enrollees under an oral or written agreement; or
 - c. Lease real property or sells materials to MoreCare at a cost of more than \$2,500 during a contract period. (See, 42 C.F.R. §423.501).

B. Workforce members should timely report evidence of any alleged improper retaliatory acts by contacting the Chief Compliance Officer/Controller, a member of the HR Department or MHN's Compliance Hotline as set forth in in EC.001 – Code of Business Conduct & Ethics and EC.007 – Reporting Compliance Concerns. An employee who believes they are retaliated against may also file a retaliation charge with the Illinois Department of Human Rights and/or the Equal Employment Opportunity Commission within 300 days of the alleged retaliation. An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges, such as assault or battery.

C. All reports of retaliation will be handled by MHN as promptly, impartially and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

D. Retaliatory acts can include employment actions, such as termination, demotion, suspension, denial of promotions, threats, bullying, and/or creating a hostile work environment.

MHN ENTERPRISE POLICY

Compliance Policies and Procedures Manual

EC.008 – NON-RETALIATION POLICY

- E. Retaliatory acts do not include disciplinary actions taken because of a workforce member's own violations of laws, rules, policies or procedures, or negative comments that are supported by a workforce member's poor work performance or work history.
- F. Our workforce members are expected to be truthful and cooperative in investigations involving potential wrongdoing.
- G. An MHN workforce member who is found to have knowingly made false accusations or given false information during an internal investigation may be subject to disciplinary action, up to and including termination.
- H. FDRs and FDR employees may also ask compliance questions and report potential instances of Medicare program noncompliance and potential FWA confidentially or anonymously (if desired) without fear of retaliation or intimidation.

IV. FORMS

None

V. RELATED POLICIES

- EC.001 - Code of Business Conduct and Ethics
- EC.003 - Conflicts of Interest Policy
- EC.007 - Reporting Compliance Issues
- EC.009 - Deficit Reduction Act Compliance
- EC.010 - Internal Handling of Hotline Calls
- MHN/MoreCare Employee Manual

VI. REFERENCES AND ACCREDITATION AUTHORITIES

- United States Sentencing Commission, Guidelines Manual, §8B2.1 ("Effective Compliance and Ethics Program) (Nov. 2012), available at:
http://www.ussc.gov/Guidelines/2012_Guidelines/Manual_PDF/2012_Guidelines_Manual_Full.pdf
- Basic Compliance Program resources available on the HHS OIG website:
<https://oig.hhs.gov/compliance/101/index.asp>
- Compliance Program Guidance, available at:
<https://oig.hhs.gov/compliance/compliance-guidance/index.asp>

VII. REVIEW STATEMENT

MHN will maintain the status of this activity and conduct audits as appropriate to ensure compliance. This policy will be reviewed annually or in timely response to changes in local or federal regulations. Modifications to the policy will be made as needed.

MHN ENTERPRISE POLICY
Compliance Policies and Procedures Manual

EC.008 – NON-RETALIATION POLICY

VIII. CHANGE HISTORY

Approved

July 31, 2013

Reviewed

September 18, 2015

May 18, 2016

October 8, 2019

October 17, 2022

MoreCare Revisions Pre-Enterprise Policy

6/18/2020 VI REFERENCES AND ACCREDITATION AUTHORITIES updated link to Manual

5/26/2021 Minor edits to Downstream Entity Definition

10/13/2021 Combined with MHN policy to create Enterprise Policy