



NON-RETALIATION AND NON-RETRIBUTION POLICY

DEPARTMENT: HIPAA and Compliance	CREATED ON:
APPROVAL AUTHORITY: Executive Compliance Committee	APPROVED ON: 1/16/2019
POLICY NUMBER: C18	EFFECTIVE DATE:
BOARD APPROVAL:	LAST REVIEWED ON:
POLICY RESPONSIBILITY:	LAST REVISED ON:
PAGE 1 OF 3	SCHEDULED REVISION DATE: 1/26/2026

BACKGROUND

The Department of Health and Human Services Office of Inspector General has advised in its compliance program guidance documents that workforce members should be able to report suspected incidents of fraud, abuse or non-compliance without fear of retribution or retaliation. Health care organizations must forbid harassment, retaliation or any type of discrimination or adverse action against an individual who makes a good faith report of a suspected violation of law, regulation or the organization's Code of Conduct or policies.

PURPOSE

The purpose of this Policy is to protect workforce members of Early Autism Services who report concerns in good faith from retaliation or retribution.

SCOPE

This Policy applies to all Early Autism Services workforce members.

KEY TERMS

Good Faith Reporting: A report made in good faith when the individual actually believes or perceives that the information being reported is true.

Harassment: Any systematic persecution through repeated annoyances, threats or demands.

Retaliation: Adverse action taken against an individual for reporting a potential violation of federal or state laws and regulations or the organization's Code of Conduct or policies.

Retribution: Any act of punishment of an individual for reporting a perceived violation of federal or state laws and regulations or the organization's Code of Conduct or policies.



POLICY

1. Early Autism Services (EAS) will comply with all applicable laws that protect individuals against unlawful discrimination or retaliation as a result of reporting in good faith an actual or suspected violation of law, regulation or EAS Code of Conduct or policies.
2. EAS prohibits firing, threatening or otherwise harming any workforce member on the basis of the member's participation in an investigation of actual or potential violations of law, regulation or EAS Code of Conduct or policies.

PROCEDURES

1. Individuals who suspect misconduct, including actual or potential violations of law, regulation or the EAS Code of Conduct or policies have a duty to report their concerns immediately to one or more of the following:
 - Immediate supervisor;
 - Department Manager or Director;
 - Human Resources Manager ;
 - HIPAA Compliance Officer at 773-502-0806 or
 - Compliance Hotline phone at 1-855-252-7606 or online at <https://www.complianceresource.com/hotline/>

For more information on reporting options and procedures, please refer to the Duty to Report Wrongdoing Policy.

2. Any individual who in good faith reports an actual or suspected violation of law, regulation or the EAS Code of Conduct or policies to a supervisor, manager, director, the Human Resources Manager, the HIPAA Compliance Department or the Compliance Hotline will be protected from retaliation or retribution.
3. EAS prohibits individuals from being subject to retaliatory action or retribution as a result of an individual:
 - Disclosing information to a government or law enforcement agency or a representative of EAS where the individual has a reasonable belief that the information demonstrates an actual or potential violation of law, regulation or the EAS Code of Conduct or policies;
 - Providing information, filing documents, testifying, participating or otherwise assisting in an investigation or proceeding regarding any conduct that the EAS workforce member reasonably believes involves an actual or potential violation of law, regulation or the EAS Code of Conduct or policies; or
 - Providing information to EAS representatives or other persons where the individual has a reasonable belief that the information demonstrates an actual or potential violation of law, regulation or the EAS Code of Conduct or policies.



4. No EAS workforce member is permitted to engage in retaliation, retribution, or any form of harassment against an individual for reporting a compliance-related concern.
5. Anyone who conducts or condones retribution, retaliation or harassment in any way will be subject to discipline, up to and including termination.

RELATED POLICY AND COMPLIANCE DOCUMENTS

Duty to Report Wrongdoing Policy
Comprehensive Early Autism Services Code of Conduct
HIPAA and Compliance Department and Human Resources Working Relationship Protocol
HIPAA and Compliance Department Confidentiality Policy and Agreement

REFERENCES

United States Sentencing Commission. Guidelines Manual. 1 Nov. 2016.
<https://www.uscourts.gov/sites/default/files/pdf/guidelines-manual/2016/GLMFull.pdf>

Department of Health and Human Services Office of Inspector General. OIG Compliance Guidance for Individual and Small Group Physician Practices, 65 Fed. Reg. 194, 59434 (Oct. 5, 2000).
<https://www.oig.hhs.gov/authorities/docs/physician.pdf>

APPROVAL


Benjamin Wessels (Jan 21, 2019)

Benjamin Wessels, CEO

1/21/19
Date

PREVIOUS REVISION DATES:	PREVIOUS REVIEW DATES: