

Washington County
Behavioral Health Division

Policy on FWA: Non-Retaliation and Whistleblower Protection

Policy Number: ADMIN 120
Responsible Team(s): Quality Assurance
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Related Documents: Washington County Policy 205: Reporting of Improper Governmental Conduct, ADMIN 119 Fraud, Waste, and Abuse, ADMIN 119a Reporting Fraud, Waste, and Abuse.

OBJECTIVES

The purpose of this policy is to define Washington County Behavioral Health (WCBH) staff's rights to be free from retaliation when making reports of unethical or illegal behavior in accordance with state and federal law.

SCOPE/APPLIES TO

Staff, contracted staff, volunteers, and interns of WCBH (referred to hereafter as "staff").

POLICY

DEFINITION(S)

Abuse: Provider practices that are inconsistent with sound fiscal, business, or medical practices. These result in an unnecessary cost to Medicare, Medicaid, a Coordinated Care Organization (CCO), Washington County or client; or in payment for services that are not necessary or fail to meet professional standards for health care. Abuse also includes client practices that result in unnecessary costs.

Civil Action: A lawsuit brought to enforce or protect rights of private complainants. It is not a criminal proceeding.

Fraud: An intentional deception or misrepresentation made by a person knowing that the deception could result in an unauthorized benefit. This includes any act defined as fraud under state or federal law.

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Matter of Public Concern: A violation of a state, federal, or municipal law, regulation, or ordinance; a danger to public health or safety; and/or gross mismanagement, substantial waste of funds, a clear abuse of authority, or other unethical behavior.

Retaliation: Occurs when an employer punishes staff for acting in legally protected activity, such as reporting fraud waste and abuse. Retaliation can include, but is not limited to, any negative job action, such as demotion, discipline, firing, salary reduction, or job reassignment.

Waste: The spending or allocation of resources in amounts that are extravagant or careless. Waste is also the careless consumption, mismanagement, use, or squandering of County resources to the actual or potential detriment of the Behavioral Health Division.

Whistleblower: Staff who report an activity that they consider to be illegal, dishonest, unethical, or otherwise improper. Whistleblowers may also be referred to as *qui tam relators* in federal and state law.

POLICY STATEMENT

Washington County Behavioral Health (WCBH) will not retaliate against any staff acting as a whistleblower who has reported known or suspected activity that they consider to be illegal, dishonest, unethical, or otherwise improper, including instances of Medicaid fraud, waste, or abuse. The right to protection does not include immunity for any personal wrongdoing. Any staff who believes they are being retaliated against must immediately contact:

- Current supervisor,
- Human Resources Manager or
- County Administrator.

Conditions for Protections

Whistleblower protections are in place when a report is made in good faith. The whistleblower must believe that the report is a matter of public concern of a current or imminent nature. Whistleblower protections do not apply to those who choose to report and is the one who has committed the wrongdoing. However, if the individual acted on the directive of their supervisor and they make a report, all protections will be provided.

Confidentiality and Participation in Court Actions and Investigations

The confidentiality of the whistleblower will be maintained as much as possible. However, their identity may have to be disclosed. This may be to investigate thoroughly, to comply with the law, to give individuals their legal rights of defense, or with the whistleblower's written consent.

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This policy does not require nor prohibit WCBH to pay staff for participation in a court action or investigation, hearing, or public inquiry. It also does not authorize the disclosure of information that is legally required to be kept confidential.

Relief and Penalties

Staff may bring civil action if they believe their rights within this policy have been violated. The court may grant appropriate relief.