

Washington County  
Behavioral Health Division

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## Policy on FWA: Non-Retaliation and Whistleblower Protection

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Policy Number: ADMIN 120  
Responsible Team(s): Quality Assurance  
Origination Date: 03/01/2018  
Next Review Date: 05/13/2026

Revision history: 10/06/2020, 07/29/2021, 06/16/2022, 07/01/2023, 05/20/2024, 05/13/2025

Related Documents: Washington County's Administrative Policy 205 and 205a Reporting of Improper Governmental Conduct and WCBH policy and procedure on: ADMIN 119 and 119a Fraud, Waste and Abuse; and QA 502a Compliance Program: Reporting of Non-Compliance Referrals.

### OBJECTIVES

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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

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Washington County Behavioral Health staff, contracted staff, volunteers, and interns (referred to collectively hereafter as "staff").

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## POLICY

### DEFINITION(S)

**Abuse:** Refers to provider practices that are inconsistent with sound fiscal, business, or medical practices and result in unnecessary cost to Medicare, and/or Medicaid. Examples of abuse include, but are not limited to, reimbursement for services that are not medically necessary or fail to meet professionally recognized standards for healthcare; charging excessively for services; or misusing codes on a claim such as upcoding or unbundling codes.

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

## Washington County Behavioral Health Division

**Fraud:** Knowingly and willfully executing, or attempting to execute, a scheme to defraud any healthcare benefit program or to obtain (by means of false or fraudulent pretenses, representations, or promises) any of the money or property owned by, or under the custody or control, of any healthcare benefit program.

**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:** Refers to generally encompassing over-utilization of services, underutilization of services, or misuse of WCBH resources. Waste is also the careless consumption, mismanagement, or squandering of County resources to the actual or potential detriment of WCBH. Waste is typically not a criminal (intentional) act and is caused by inefficiencies or carelessness.

**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.

## Washington County Behavioral Health Division

### **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.

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.