



POLICY TITLE: Non-Retaliation for Reporting of Potential or Actual Violations of the Code of Ethics

Responsible Department: Audit and Compliance

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SUMMARY & PURPOSE:

To state the organization's philosophy regarding non-retaliation for reporting potential or actual violations of the Code of Ethics.

POLICY:

South Miami Hospital encourages employees to discuss legal and ethical issues that arise while performing their job functions and will not tolerate retaliation or retribution against any person, employee or other, who reports in good faith a potential or actual violation of our Code of Ethics.

SCOPE/APPLICABILITY:

All owners, officers, directors, and employees of South Miami Hospital; all contractors, subcontractors, agents, and other persons who furnish patient care items or services or who perform billing or coding functions on behalf of South Miami Hospital, excluding vendors whose sole connection with South Miami Hospital is selling or otherwise providing medical supplies or equipment to South Miami Hospital; and all physicians and other non-physician practitioners who are members of South Miami Hospital's active medical staff. (Covered Persons)

PROCEDURES TO ENSURE COMPLIANCE:

Covered Persons are bound under our Code of Ethics to report suspected violations of our Code to their supervisor, management, Audit and Compliance, Legal Department, Human Resources or the Compliance Hotline.

Covered Persons who receive such reports are required to listen to the concern and take the appropriate action to resolve the concern and the problem. Such action could include escalating the concern to a higher level of management or to one of the departments designated above to receive such concerns. In all cases where the report involves a suspected violation of a law, the concern must be communicated to the Audit and Compliance Department.

In accordance with federal and state law, any employee who, in good faith, reports suspected violations of the False Claims Act or related laws cannot be discharged, demoted, suspended, threatened, harassed or discriminated against by his or her employer. For more information regarding the False Claims Act, see *SMH Policy 841 Submission of Accurate Information to Government Payers – False Claims Act*.

No retaliation or retribution may be taken against anyone who in good faith reports a potential or actual violation of the Code.

No action may be taken to identify anyone who makes an anonymous report of a potential or actual violation in good faith.

The Compliance Hotline offers the opportunity to make an anonymous report, should anyone feel uncomfortable reporting the concern directly to management or one of the designated departments. In response to all reports made via the compliance hotline, including those made anonymously, a response is provided upon follow-up that includes at least one direct contact. The direct contact is available to further discuss the issue or as a resource, should the caller believe retaliation for making the report is occurring.

Failure to report an actual violation of the Code may result in disciplinary action, up to and including termination.

SUPPORTING/REFERENCE DOCUMENTATION:

- United States Federal Sentencing Guidelines
- Office of the Inspector General Compliance Program Guidance for Hospitals
- Office of the Inspector General Supplemental Compliance Program Guidance for Hospitals
- 31 U.S.C. § 3729-3799; 31 U.S.C. § 38; 42 U.S.C. § 1395A(A); Public Law 109-171 § 6032 (Feb. 8, 2006); Fla. Stat. §§ 68.801, Et Seq.; Fla. Stat. § 112. 3187; Fla. Stat. §§ 409.920, 409.9201, 409.913, 775.082 and Fla. Admin. Code Ann R. 59G-9.070; and Fla. Stat. §§ 414.39, 817.155 and 837.06
- South Miami Hospital Corporate Integrity Agreement

RELATED POLICIES, PROCEDURES, AND ASSOCIATED FORMS:

- BHSF Administrative Policy: 819 Code of Ethics – Audit and Compliance
- SMH Administrative Policy: 819 Code of Ethics
- BHSF Administrative Policy: 823 Compliance Hotline – Audit and Compliance
- SMH Administrative Policy: 823 Compliance Hotline
- BHSF Administrative Policy: 841 Submission of Accurate Information to Government Payers – False Claims Act – Audit and Compliance
- SMH Administrative Policy : 841 Submission of Accurate Information to Government Payers – False Claims Act

ENFORCEMENT & SANCTIONS:

Violations are assessed by the Corporate Vice President and Chief Compliance Officer who in collaboration with Human Resources recommends the appropriate discipline to senior management or the Board of Trustees if the person subject to discipline is at an executive level. Failure to comply with or report a violation of a compliance program policy can lead to disciplinary action up to and including termination.