



BAPTIST HEALTH®

Policy		
Category	Orig. Effective Date	Revised & Effective
Compliance	6.8.2005	6.23.2009
Policy #	Pages	8.31.2012
2313.9	3	10.26.2018
		9.1.2020
		9.1.2021
		8.23.2022
		7.9.2024
		11.11.2025
		[Reviewed]

TITLE/SUBJECT	<i>Duty to Report Non-Retaliation Policy for Reporting Suspected Violations of Laws, Regulations, BH Policies, and the Standards of Conduct Described in the BH Corporate Responsibility Program</i>
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PURPOSE

Baptist Healthcare System, Inc. [BH] has implemented a Corporate Responsibility Program which requires Workforce Members to report suspected violations of federal, state and local laws and regulations and encourages Workforce Members to voice any concerns about compliance with BH policies and Standards of Conduct described in the BH Corporate Responsibility Program.

There are many complex laws and regulations governing the operations of health care entities, including, but not limited to laws and regulations applicable to coding and billing, financial relationships with physicians and other healthcare providers, patient safety and quality of care, and protecting the privacy and security of patient health information.

BH encourages Workforce Members to report suspected violations of federal, state, and local laws and regulations as well as problems and concerns without fear of retaliation or retribution provided such reports are made honestly and in good faith. This policy sets forth procedures and guidelines for Workforce Members to report any concerns, problems, or suspected violations of laws, regulations, BH policies, or the Standards of Conduct described in the BH Corporate Responsibility Program. For concerns and problems related to workforce member relations matters (including, as examples, unsafe or unprofessional practice or conduct), Workforce Members or contractors rendering services at a BH facility are encouraged to first discuss concerns and problems with their supervisor or Human Resources Director at their facility and utilize their facility’s grievance procedures.

BH hospitals include: Baptist Health Corbin, Baptist Health Floyd, Baptist Health Hardin, Baptist Health La Grange, Baptist Health Lexington, Baptist Health Louisville, Baptist Health Paducah, and Baptist Health Richmond.

SCOPE Baptist Healthcare System, Inc. [BH] hospitals, Baptist Health Medical Group [BHMG], and all entities or affiliates of which BH is the sole member.

AUTHORIZATION Chief Compliance Officer

DEFINITIONS

Retaliation Retribution, harassment, intimidation, threatening behavior, coercion, discrimination, or any other negative action taken or exhibited as a result of an individual's good faith attempt to report known or suspected wrongdoing, misconduct, or violations of laws, regulations, BH policies, or the Standards of Conduct.

Workforce Members Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity.

POLICY

1. Knowledge of actual wrongdoing, misconduct, or violations of laws, regulations, BH policies, or the Standards of Conduct described in the BH Corporate Responsibility Program must be reported by Workforce Members immediately to either their supervisor, management at their facility, their facility's Compliance Officer, or to the Compliance Hotline at 1.833.204.8787. Workforce Members may make a report to the Compliance Hotline without giving their name.
2. Workforce Members are encouraged to report concerns and questions and suspected misconduct, wrongdoing or violations of law, regulations, or the Standards of Conduct described in the BH Corporate Responsibility Program to either their supervisor, management, Compliance Officer, or to the Compliance Hotline at 1.833.204.8787.
3. Reports of concerns will be maintained confidentially, to the extent reasonably possible except to the extent that disclosure is required in accordance with applicable laws and regulations. Failure to maintain confidentiality of reports of concerns may subject Workforce Members to disciplinary action, up to and including, potential termination of employment.
4. Workforce Members are encouraged to report Workforce Member or patient safety concerns and patient quality of care concerns to either their supervisor, management, Human Resources Director, Compliance Officer, Risk Manager, or to the Compliance Hotline at 1.833.204.8787. Patient safety and quality of care concerns may also be reported to the appropriate accreditation agency for that facility.

BH hospitals include: Baptist Health Corbin, Baptist Health Floyd, Baptist Health Hardin, Baptist Health La Grange, Baptist Health Lexington, Baptist Health Louisville, Baptist Health Paducah, and Baptist Health Richmond.

5. Workforce Members should report concerns, questions, or suspected violations of privacy and security regulations and BH policies concerning patient health information to either their supervisor, their facility privacy or security officer, or to the Compliance Hotline at 1.833.204.8787.
6. All BH managers are to maintain an open-door policy and encourage their staff to report suspected violations of laws, regulations, BH policies, or the Standards of Conduct as described in the BH Corporate Responsibility Program and any other concerns and problems without fear of retaliation.
7. BH entities or Workforce Members will not retaliate against any individuals for:
 - a. reporting to a BH entity any suspected wrongdoing, misconduct, or violations of law, regulations, BH policies, or the Standards of Conduct described in the BH Corporate Responsibility Program;
 - b. exercising any right under, or participating in any process established by federal, state, or local law, regulation, or policy;
 - c. filing a complaint with the Department of Health and Human Services;
 - d. testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing; or
 - e. opposing in good faith any act or practice made unlawful by federal, state, or local law, regulation, or policy, provided that the manner of the opposition is reasonable and does not itself violate law.
8. Workforce Members found to have engaged in retaliation against another individual for making a report shall be subject to disciplinary action, up to and including, termination of employment.
9. BH entities will follow all necessary procedures to protect against any retaliation toward individuals for exercising rights or participating in any process pursuant to internal policies, applicable laws, and/or regulations.
10. Workforce Members cannot exempt themselves from the consequences of wrongdoing by self-reporting. However, self-reporting may be taken into account in determining the appropriate disciplinary action.
11. All reports of wrongdoing, misconduct, or violations of laws, regulations, BH policies, or the BH Standards of Conduct shall be promptly investigated and remedial and/or disciplinary action taken, if appropriate.

REFERENCES

45 C.F.R. §164.530(g)

“Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules Under the Health Information Technology for Economic and Clinical Health Act and the Genetic Information Nondiscrimination Act: Other Modifications to the HIPAA Rules, Final Rule

BH hospitals include: Baptist Health Corbin, Baptist Health Floyd, Baptist Health Hardin, Baptist Health La Grange, Baptist Health Lexington, Baptist Health Louisville, Baptist Health Paducah, and Baptist Health Richmond.

(OMNIBUS Rule).” *Federal Register* 78 (January 25, 2013): 5566-5702. Print.

APPROVAL

A handwritten signature in black ink, appearing to read "Marea Aspillaga". The signature is fluid and cursive, with the first name being the most prominent.

Marea Aspillaga
Baptist Health
Chief Compliance Officer

Date: July 8, 2024

This Policy does not establish a standard to be followed in every situation. It is impossible to anticipate all possible situations that may occur. This Policy should be considered a guideline with the understanding that a change from the Policy may be required at times. Accordingly, it is recognized that clinicians providing healthcare are expected to use their own clinical judgment in determining what is in the best interests of the patient based on the circumstances existing at the time. If this Policy contains reference to clinical literature, the literature cited is only intended to support the reasoning for adoption of the Policy. It is not an endorsement of any article or text as authoritative. No literature is ever intended to replace the education, training and experience, or exercise of judgment of healthcare clinicians.