
Subject	Non-Retaliation
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References

Office of Inspector General Compliance Program Guidance for Hospitals, February 23, 1998; Deficit Reduction Act of 2005, P.L. 109-71; False Claims Act, 31 U.S.C. s. 3730 (h); Joint Commission standards; and Gundersen Health System Compliance Program and Standards of Conduct.

Applicable To

This policy applies to Gundersen Health System and its wholly controlled subsidiaries and affiliates (hereinafter each referred to as an “Affiliate”), and any other entity or organization in which Gundersen Health System or an Affiliate has greater than 50% control (hereinafter collectively referred to as “Gundersen”).

Purpose Statement

Gundersen recognizes that a critical aspect of its Compliance Program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal or state requirements, as well as our ethical and business policies. To promote this culture, Gundersen has established a non-retaliation policy to protect employees and others who report problems and concerns in good faith. Any form of retaliation or retribution can undermine the problem resolution process and result in a failure of communication channels in the organization. In accordance with the Joint Commission standards, Gundersen also prohibits retaliation against any employee who reports quality of care or safety concerns to the Joint Commission.

The False Claims Act and many related state acts contain a section designed to prevent retaliation by an employer against an employee who reports fraud through the filing of a civil false claims action on behalf of the government. The non-retaliation section of the False Claims Act provides the following: Any employee who is discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this section, including investigations for, initiation of, testimony for, or assistance in any action filed or to be filed under this section shall be entitled to all relief necessary to make the employee whole. [31 U.S.C. s. 3730 (h).

Definitions

None

Implementation

Any form of retaliation against any employee who reports a perceived problem or concern in good faith is strictly prohibited. Knowledge of a violation or potential violation of this policy must be reported directly to the Vice President, Compliance, the Compliance Hotline, or the Human Resources Department.

The Vice President, Compliance, or his/her designee, will be responsible for the investigation and follow-up of any reported retaliation against an employee. The Vice President, Compliance, or his/her designee will report the results of an investigation into suspected retaliation to the Compliance Work Group and/or Compliance Oversight Committee, or a Gundersen Affiliate Compliance Committee, as appropriate. Any complaints involving retaliation by the Vice President, Compliance, or by personnel who report to the Vice President, Compliance, shall be investigated by the General Counsel and/or the Senior Vice President of Human Resources or their designee.

Any employee who commits or condones any form of retaliation will be subject to discipline up to, and including, termination of employment.

Responsibilities

See Implementation section above.

Disciplinary action resulting from investigations conducted under this policy will be determined in consultation with Human Resources.