BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY
POLICIES AND PROCEDURES MANUAL

Chapter: 13	**Corporate Compliance**		
Section: 2	**Administrative & Operational Practices**		
Topic: 2	**Non-Retaliation**		
Page: 1 of 4	**Supersedes Date:** **Pol: 4-15-10, 5-20-04** **Proc: 5-9-13, 4-15-10, 1** **5-20-04**	**Approval Date:** **Pol: 7-20-17** **Proc: 6-5-17**	_____ ***Board Chairperson Signature*** _____ ***Chief Executive Officer Signature***
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Policy
Bay-Arenac Behavioral Health Authority (BABHA), or any of its employees or contracted service providers, will not subject any employee or contracted service provider who makes a report of alleged wrongdoing in good faith to discharge, demotion, suspension, harassment, or discrimination.

Purpose
This policy and procedure is established to ensure compliance with applicable state and federal whistleblower protections.

Education Applies to:
☒ All BABHA Staff
☐ Selected BABHA Staff, as follows:
☒ All Contracted Providers: ☐ Policy Only ☒ Policy and Procedure
☐ Selected Contracted Providers, as follows:
☐ Policy Only ☐ Policy and Procedure
☐ Other:

Definitions
N/A

Procedure
1) All BABHA employees and contracted service providers are responsible for promptly reporting actual or potential wrongdoing, including actual or potential violation of law, regulations, policies, and procedures in accordance with BABHA policy and procedure C13:S02:T01 Internal Reporting (Hot-Line).

2) State law prohibits BABHA (and its contracted service providers), from subjecting any employee to discharge, threats, or other forms of discrimination regarding the terms of the employee's compensation, terms, conditions, location of privileges of employment, because the employee or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspected violation of a federal, state or local law, rule or regulations of a public body, unless the employee knows that the report is false.

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3) Federal law requires that any employee, contractor or agent shall be entitled to all relief necessary to make that employee, contractor or agent whole, if that employee, contractor or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent or associated others in furtherance of an action under the Federal False Claims Act.

4) Consequences of Violations

   a) Under state law, remedies for employees include reinstatement, payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages or any combination of those remedies.

   b) Under federal law, relief for employees may include reinstatement with the same seniority status that employee, contractor or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay and compensation for any special damages sustained as a result of the discrimination.

   c) Any BABHA employee who engages in retaliation against a good faith reporter may be subject to disciplinary action up to and including possible discharge (based upon the severity of the incident(s)), in accordance with BABHA personnel policies and procedures.

   d) A contracted service provider who engages in retaliation against a good faith reporter may be subject to adverse contract action up to and including contract termination, in accordance with BABHA contract administration policies and procedures.

   e) Under state law, a person who violates the Whistleblower protection law may be subject to civil fine of not more than $500.

   f) An employee may be subject to disciplinary action in accordance with BABHA personnel policies if BABHA concludes that the employee knew that the reporting of wrongdoing was fabricated, not based on true facts, or made in bad faith, or that the report was distorted, exaggerated, or minimized to either injure someone else or to protect him/herself or others.

   g) A contracted service provider who knew that the reporting of wrongdoing was fabricated, not based on true facts, or made in bad faith, or that the report was distorted, exaggerated,

or minimized to either injure someone else or to protect him/herself or others may be subject to adverse contract action, in accordance with BABHA contract administration policies and procedures.

5) Education

   a) Education regarding the policy on non-retaliation/non-retribution will be completed during the orientation process for new BABHA employees and licensed independent practitioners, and annually for all employees.

   b) Service provider organizations will be provided with educational materials regarding whistleblower protections.

      i) Service provider organizations who receive annual payments of at least $5,000,000 or more from BABHA, will;

         (1) Establish written policies for all employees of the entity (including management), and of any contractor or agent of the entity, that provide detailed information about whistleblower protections;

         (2) Include in any employee handbook for the entity, a specific discussion of the laws described in this policy and procedure, and the rights of employees to be protected as whistleblowers.

      ii) All service provider organizations, regardless of annual payments, must train all employees regarding the federal and state false claims act and the federal and state Whistleblowers acts and maintain proof of such training in their training records.

      iii) Contracted service providers will be monitored for compliance with this policy and procedure during site reviews.

Attachments
N/A

Related Forms
N/A

Related Materials
N/A

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References/Legal Authority

Michigan Whistleblowers Protection Act (P.A. 469 of 1980, as amended)
False Claims Act 31 USC 3729-3733
Michigan Medicaid False Claims Act (PA 72 of 1977, as amended)

SUBMISSION FORM				
AUTHOR/ REVIEWER	APPROVING BODY/ COMMITTEE/ SUPERVISOR	APPROVAL/REVIEW DATE	ACTION (Deletion, New, No Changes, Replacement or Revision)	REASON FOR ACTION If replacement, list policy to be replaced
M. Bartlett	M. Bartlett	8/20/09	No Changes	Reviewed only
M. Bartlett	CC Operations	12/14/09	Revision	Updated for revised and current practices
M. Bartlett/J. Pinter	CC Payor Comm. and CCOPS Comm.	1/26/10 and 2/9/10	Revision	Updated to current practices
M. Wolber	J. Pinter	5/9/13	Revision	No changes to policy and/or procedures – added HIPAA reference, changed BABH to BABHA and added "Authority" where applicable
J. Pinter; Corporate Compliance Committee	Strategic Leadership Team	6/5/17	Revision	Updated legal references and aligned language more closely with federal and state regulations; incorporated content from deleted C07-S02-T30 Whistleblower's Protections