

	Policy Title	False Claims Act – Prohibiting Retaliation
	Policy Number	1.06
	Department	Compliance and Privacy Office
	Effective Date	December 1, 2006
	Last Reviewed	November 1, 2021
	Approved By	Clinical Compliance Committee
	Approval Date	November 11, 2021

Policy

WCM policies prohibit the knowing submission of a false claim for payment from a Federal or State funded health care program. Such a submission is also a violation of Federal and State law and can result in significant administrative and civil penalties to the institution and to the individuals involved under the Federal False Claims Act, and other federal laws, which are designed to protect governmental health care programs. Such penalties can include fines, administrative penalties, and exclusion from governmental health care programs. Actions under the False Claims Act may be brought by the government or, in some cases, by private individuals. In addition, in New York State, the submission of a false claim can result in civil and criminal penalties under the New York State Social Services Law and Penal Law.

Any employee who reasonably suspects or is aware of the preparation of a false claim or any other potential fraud, waste or abuse has an obligation to report such information to any of the following personnel:

- Departmental Compliance Leader or Compliance Liaison,
- Associate Dean for Clinical Compliance,
- Chief Clinical Compliance and Privacy Officer,
- Director of Human Resources,
- University Audit Office, or
- Office of General Counsel.

Any employee also has a right to make a report on an anonymous basis to the Cornell Compliance Hotline by calling (866) 293-3077 or through the following website: www.hotline.cornell.edu.

A WCM workforce member may not intimidate, threaten, coerce, discriminate against, or take any other retaliatory action against any workforce member, individual, or other person (including patients) for exercising any right under, or participating in, any process related to Compliance, such as:

Filing a complaint with WCM, a payer program, and/or a government agency,

Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing, or

Opposing in good faith, any act or practice made unlawful by federal, state, or local law, regulation, or organization policy, provided that the manner of the opposition is reasonable and does not itself violate law.

Purpose

The purpose of this policy is to affirm Weill Cornell Medicine (“WCM”) obligation to prevent and detect any actions within the organization that are unethical, in violation of federal and/or state healthcare programs (Medicare, Medicaid and other governmental payer programs), or in violation of any applicable WCM policy.

Scope

WCM is committed to preventing and detecting fraud, waste, or abuse related to Federal and State health care programs, including Medicare and Medicaid. To this end, WCM maintains a vigorous Professional Services Billing

Compliance Plan, which includes education, training, audit and monitoring for its faculty and staff engaged in clinical practice. WCM strives to educate its work force on fraud and abuse laws, including the importance of submitting accurate claims and reports to the Federal and State governments as well as other payors.

The Compliance Department serves as a subject matter resource with responsibility for promoting institutional compliance program effectiveness and effective risk-based management. The Compliance Department strives to create a culture that promotes a collaborative, risk-based decision approach to providing guidance, and practical solutions to real-time regulatory challenges.

The anti-retaliation provisions of the Federal False Claims Act and the New York State False Claims Act protect employees, contractors, or other agents of an organization from being 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 the employee, contractor, or agent investigated, reported, or sought to stop an organization from engaging in practices which defraud the government programs.

Definitions

Retaliation—Any form of intimidation, reprisal, punishment, or harassment of an individual because they reported, inquired about, or participated in an investigation of an alleged improper or wrongful activity.

Workforce Member—faculty, staff, students, volunteers, trainees, and other persons whose conduct, in the performance of work for WCM, is under the direction and control of WCM, whether or not they are paid by WCM.

Procedure

A violation/potential violation of the Prohibiting Retaliation Policy will be considered a serious incident and will be investigated. If you know or suspect a violation of this policy may have occurred, promptly notify your supervisor or any one of the following:

- Calling the CPO - (646) 962-6930
- Emailing the CPO - Compliance@med.cornell.edu

To File an Anonymous Report:

- Calling the Cornell Hotline - (866) 293-3077
- Report to the Cornell Hotline online - www.hotline.cornell.edu

All reports will be investigated, and appropriate action taken. If the employee is dissatisfied with WCM's response to such a report, the employee has the ability to bring his or her concerns to the appropriate government agency.

Any employee of WCM who reports such information in good faith will be protected against retaliation for coming forward with such information both under WCM's internal compliance policies and procedures and Federal and State law.

Compliance with this Policy

The Compliance Office will review and update this policy whenever necessary in the normal course of its review as required by organization's overall compliance program.

Contact Information

References

Policy Approval

Version History

Date	Author	Revisions
		Initial draft completed. Original date of issue.