

**Name:** Complainant & Whistleblower Protection Policy

**Current Effective Date:** 3/19/09

<b>Scheduled Review Date:</b> 3/19/10		
<b>Date of Origin:</b> 1/27/05	<b>Date Removed:</b>	
<b>Responsible Department:</b> Govt Affairs		
<b>Approval(s):</b>	Compliance Committee	Lipa Board
<b>Distribution:</b>	Staff, Providers, Plan Members	

## A. Purpose

In accordance with DMAP and CMS rules and the False Claims Act, no Lipa board member, shareholder, officer, director, staff person, subcontractor or participating provider may take any action against any participating provider, vendor, Lipa staff person or OHP member (including a member's representative or caregiver) in retaliation for filing a complaint of any kind, including a report of suspected fraud and abuse.

## B. Definitions

Word / Term	Definition
False Claims Act	Federal legislation which allows the government recourse against companies selling faulty equipment and supplies to the government. The Deficit Reduction Act of 2006 employs the False Claims Act and other false claims laws to reduce federal spending on government programs.
Complainant	An individual acting as a whistleblower or otherwise filing a complaint. A complaint includes (1) the filing of any complaint, grievance or appeal challenging any Lipa decision, action, policy or practice either with Lipa or with any state or federal agency that regulates Lipa; (2) the exercising of any legal right in relation to a complaint, appeal or grievance; or (3) the filing of a complaint or petition for review in court challenging any Lipa decision or DMAP order upholding a Lipa decision.
Whistleblower	Generally, a complainant who is reporting alleged misconduct. The Deficit Reduction Act ensures protections against retaliation for reporting misconduct in government programs.

## C. Policy

1. Lipa policies and OHP rules provide a procedure for filing a complaint about Lipa decisions that affect OHP members.
  - 1.1. In addition, Lipa has created a hotline for participating providers, vendors, Lipa staff and Oregon Health Plan (OHP) members (including their representatives or caregivers) to report concerns or complaints about Lipa decisions, actions, policies or practices, or reports about suspected fraud.
2. No Lipa board member, shareholder, officer, director, staff person, subcontractor or participating provider may take any action against any participating provider, vendor, Lipa staff person or OHP member (including a member's representative or caregiver) in

retaliation for filing a complaint whether such complaint involves Lipa decisions or alleged misconduct.

3. Lipa ensures that all OHP members, subcontractors and participating providers are aware of this policy against retaliation.
  - 3.1. Lipa posts a statement summarizing the policy and the hotline number on its website.
  - 3.2. Lipa supplies all participating providers, subcontractors and Lipa staff with a copy of this policy and informs them of the hotline number.
  - 3.3. Lipa includes a statement summarizing the policy and the hotline number in its OHP member handbook.
4. Lipa staff should immediately report any action or decision that appears to be in violation of this policy against retaliation to their supervisor unless the action or decision at issue concerns that supervisor, in which case the report should be made to the Lipa Compliance Officer or the Lipa Chief Executive Officer.
5. A contracted provider should report any action or decision that appears to be in violation of this policy against retaliation to the Lipa Compliance Officer or the Lipa Chief Executive Officer.
6. Violation of this policy:
  - 6.1. By any Lipa officer or staff person may result in adverse employment action including, without limitation, termination of employment or board position.
  - 6.2. By any Lipa participating provider or subcontractor may result in remedial action under the contract.
7. Nothing in this policy prevents Lipa, its board members, shareholders, officers, directors, staff, subcontractors or participating providers from disputing or denying any contractual, administrative or legal complaint or petition in the appropriate forum or from carrying out Lipa policies and OHP rules with respect to the OHP member affected by the decision at issue in the complaint.

### ***D. Related Material***

Name	Location
Provider Compliance Package	Package: Lipa website, Provider Tab
False Claims Act Policy & Information	
Fraud and Abuse Policy	
[Complainant & Whistleblower Protection Policy]	
Non-Compliance Policy	Individual policies: SharePoint Policy and Procedure Central Database