

ELLENVILLE REGIONAL HOSPITAL

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DEPARTMENT: Administration	
APPROVED BY: John Gavaris, Director of Support Services & Corporate Compliance Officer	EFFECTIVE: 1/09
REVIEWED: 1/10, 7/11, 5/14, 9/15, 7/16, 7/19, 7/20, 7/22	REVISED: 1/11, 9/12, 7/13, 9/13, 7/17, 7/18, 3/22

I. STATEMENT:

Ellenville Regional Hospital (ERH) demands the highest ethical conduct from its employees, Board of Trustees, Foundation Board of Directors, Medical Staff, students, volunteers, representatives and contractors. Such conduct includes compliance with all federal, state and local laws and ERH's own policies and procedures. Employees and representatives of ERH must practice honesty and integrity in fulfilling our responsibilities and adhere to all applicable laws and regulations.

II. PURPOSE:

This Policy is intended to encourage and enable employees and others to raise serious concerns internally so that ERH can address and correct inappropriate conduct and actions. These individuals, also sometimes referred to as "Whistleblowers," should feel comfortable making such reports, free from retaliation.

III. POLICY:

A. Reporting

It is the responsibility of all employees, board members, officers, medical staff, students, volunteers, representatives and contractors to report concerns about violations of ERH's policies and procedures or suspected violations of law or regulations that govern ERH's operations.. If any of the above are aware of or reasonably believes that any such violation has occurred, they should bring such problem to the attention of the immediate supervisor or manager. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations, in writing, to the Corporate Compliance Officer, who has the responsibility to investigate all reported complaints. If the individual is not comfortable speaking with the supervisor or manager, or is not satisfied with their response, they are encouraged to speak directly with the Corporate Compliance Officer. In the event that the Corporate Compliance Officer is unable to address the issue satisfactorily, individuals can ask to speak with the Chief Executive Officer. ERH will not tolerate any form of retaliation against an individual who reports any such issues in good faith. The procedure should not be construed, however, as preventing, limiting or delaying ERH from taking any disciplinary action against any individuals, where ERH deems disciplinary action is appropriate.

B. No Retaliation

No retaliatory action will be taken against a whistleblower because such individual does any of the following:

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- a. discloses, or threatens to disclose to:
- a supervisor, manager or officer of ERH,
 - a public body,
 - a news media outlet, or to a social media forum available to the public at large,

an activity, policy or practice of ERH that the employee, in good faith, reasonably believes constitutes:

- improper quality of patient care,
- improper quality of workplace safety, or
- a violation of law, rule or regulation,

which violation creates and presents a substantial and specific danger to:

- patient safety
- workplace safety, or
- public health or safety, or
- which constitutes health care fraud

- b. provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by ERH, or
- c. objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation

Except where prescribed or proscribed by law, the protection against retaliatory action provided by this section will not apply unless the individual has made a good faith effort to report the issue, as directed above and has afforded ERH a reasonable opportunity to correct such issue. This will not apply to an issue where the Whistleblower reasonably believes, in good faith, that:

- there is an imminent and serious danger to the public health or safety
- such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor
- reporting, as directed above, would:
 - result in a destruction of evidence or other concealment of the activity, policy or practice
 - result in physical harm to the Whistleblower or any other person, or
 - that a supervisor, manager or officer of ERH is already aware of the activity, policy or practice and will not correct such activity, policy or practice

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C. Definitions

1. **Law, Rule, or Regulation** - The definition of "law, rule, or regulation" includes:
 - a. any duly enacted federal, state or local statute or ordinance or executive order
 - b. any rule or regulation promulgated pursuant to such statute or ordinance or executive order, or
 - c. any judicial or administrative decision, ruling or order

2. **Public Body** - The definition of "Public body" includes the following:
 - a. the United States Congress, any state legislature, or any elected local governmental body, or any member or employee thereof
 - b. any federal, state, or local court, or any member or employee thereof, or any grand or petit jury
 - c. any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof
 - d. any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer
 - e. any federal, state or local department of an executive branch of government, or
 - f. any division, board, bureau, office, committee, or commission of any of the public bodies described in subparagraphs (a) through (e) of this paragraph

3. **Retaliatory Action** - An adverse action taken by an employer or their agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising their rights under this section, including:
 - a. adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion
 - b. actions or threats to take such actions that would adversely impact a former employee's current or future employment, or
 - c. threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, to a federal, state, or local agency

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4. A *Whistleblower* as defined by this policy is any employee, board member, officer, medical staff, student, volunteer, representative or independent contractor who reports concerns about violations of ERH’s policies and procedures or suspected violations of law or regulations that govern ERH’s operations.

5. *Employee* - an individual who performs services for and under the control and direction of ERH for wages or other remuneration, including former employees, or natural persons employed as independent contractors to carry out work in furtherance of ERH's business who are not themselves employers.

D. Safeguards

Retaliatory action for reporting concerns under this policy will not be tolerated. Human Resources and the Corporate Compliance Officer will be responsible for monitoring and ensuring that retaliatory action does not occur.

E. Confidentiality

Every effort will be made to treat the whistleblower’s identity with appropriate regard for confidentiality.

F. Anonymous Allegations

This policy encourages whistleblowers to put their names to allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Concerns expressed anonymously will be explored appropriately, but consideration will be given to:

- The seriousness of the issue raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from attributable sources

G. Bad Faith Allegations

Allegations in bad faith may result in disciplinary action.

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IV. PROCEDURE:

A. Process for Raising a Concern

1. Reporting

The whistleblowing procedure is intended to be used for serious and sensitive issues. Serious and sensitive concerns may be reported directly to the Corporate Compliance Officer using one or more of the following methods:

- Call the Confidential Compliance Hotline at 845 647-6400 extension 400
- Writing a letter
- In-person visit
- Sending an e-mail to compliance@erhny.org

Routine employment-related concerns should continue to be reported through your normal channels such as your Supervisor, Manager, or Human Resources.

2. Timing

Concerns should be reported as soon as they are discovered. The earlier a concern is expressed, the easier it is to take action.

3. Evidence

Although the employee is not expected to prove the truth of an allegation, the employee should be able to demonstrate to that they have a reasonable belief and that the report is being made in good faith.

B. How the Report of Concern Will be Handled

The action taken by ERH in response to a report of concern under this policy will depend on the nature of the concern. The Board of Trustees of ERH will receive information on each reported concern and follow up information on actions taken.

1. Initial Inquiries

Initial inquiries will be made to determine whether an investigation is appropriate, and the form that it should take. Some concerns may be resolved without the need for investigation.

2. Further Information

The amount of contact between the whistleblower and the person or persons investigating the concern will depend on the nature of the issue and the clarity of information provided. Further information may be sought from or provided to the person reporting the concern.

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C. Notice

Human Resources will post the Notice of Employee Rights, Protections, and Obligations Under Labor Law Section 740 in a conspicuous area, easily accessible and well-lighted area that is customarily frequented by employees and applicants for employment.