WAKE FOREST BAPTIST MEDICAL CENTER
POLICY AND PROCEDURE BULLETIN

PREPARED BY: Internal Audit and Compliance Office

CONTACT PERSON: Chief Audit and Compliance Officer

SUBJECT: No Retaliation

I. POLICY:

It is the policy and commitment of Wake Forest Baptist Medical Center, which includes Wake Forest Baptist Health and Wake Forest School of Medicine ("Organization"), to maintain a culture that promotes the prevention, detection, and resolution of instances of conduct that do not conform to laws, regulations, policies, procedures, or the Code of Conduct. All faculty and staff are responsible for promptly reporting actual or potential wrongdoing. Leadership, faculty, staff and others ("employee") who in "good faith" report acts or suspected acts of fraud, abuse, waste, violations of the Code of Conduct, other wrongdoing, or misconduct under the protection of the False Claims Act (31 U.S.C. §§ 3729-3733) and this Organization's policy, may not be fired, harassed, coerced to resign, or otherwise retaliated against.

Any employee found to have violated this policy of no-retaliation is subject to disciplinary action up to and including termination. Employees cannot exempt themselves from the consequences of wrongdoing by self-reporting, although self-reporting may be taken into account in determining the appropriate course of action. Disciplinary action taken as a consequence of wrongdoing is determined according to Organization policy and is not considered retaliation. The Organization encourages any employee who believes they have been a victim of retaliation to report said retaliation to the Compliance Office and Employee Relations, immediately.

II. PURPOSE:

There is a concern that employees may not report actual or potential wrongdoing if they feel they will be subject to termination, harassment, or other forms of retaliation for reporting their concerns. Therefore, this no-retaliation policy was established to reassure employees reporting their concerns in "good faith" through their leadership, the Compliance Office, and Employee Relations, or to outside agencies that their actions are protected and retaliatory acts will not be tolerated.

III. FALSE CLAIMS ACT:

The federal False Claims Act (FCA) and NC General Statute § 108A-70.12 provide protection for employees who report actual or possible false claims for Medicare or Medicaid reimbursement.

A. Actions that violate the FCA include:
   1. Knowingly submitting a false claim for payment to the U.S. Government
   2. Making or using a false record or statement to obtain payment for a false claim
   3. Conspiring to make a false claim or get one paid

4. Making or using a false record to avoid payments owed to the U.S. Government

Examples of the types of activity prohibited by the FCA include billing for services that were not actually rendered, and upcoding (the practice of billing for a more highly reimbursed service or product than the one provided).

Individuals or companies found to have violated the statute are liable for a civil penalty for each claim of not less than $5,500 and not more than $11,000, plus up to three times the amount of damages sustained by the federal government.

Furthermore, the FCA encourages individuals, through its *qui tam* (whistleblower) provision, to come forward and report misconduct involving false claims, with the possibility of monetary reward.

IV. PROCEDURES:

The Organization has established effective and confidential means for employees to report violations and suspected violations of federal or state laws or regulations, Organization policies, or other compliance concerns. Employees can make their report anonymously, and their anonymity will be protected to the extent possible.

To make a good faith report of a compliance concern or to report retaliation for reporting, employees should contact their immediate leadership or administrator. If an employee feels uncomfortable with reporting their concerns through their leadership or administrator, the employee should report their concerns through the following avenues:

- Departmental Leadership (including the Chair or Section Head)
- Department of Human Resources (Employee Relations)
- Corporate Compliance Office 336-713-4949
- WFBMC Compliance Hotline 877-880-7888 or report online at www.tnwinc.com/reportline/international

A. Organization Leadership (including Executives, Chairs, Section Heads, Faculty, Directors, Managers, Supervisors, Employee Relations, and the Compliance Office) shall take appropriate actions to assure all employees that the Organization encourages the reporting of potential and actual wrongdoings. They also provide assurance to employees that illegal, unethical, immoral or other violations of Organization policies will not be tolerated. The Organization shall take active measures to safeguard employees against retaliation.

B. At a minimum, the following actions shall be taken and shall become an ongoing aspect of the management process:
   1. Leadership shall discuss the main points of this and other applicable compliance policies regularly with employees and ensure they have access to these policies.
   2. All known instances of retaliation shall be reported immediately to Employee Relations and/or the Compliance Office.
   3. The Organization shall ensure that reports of actual or potential violations are handled promptly.

4. The Organization shall maintain confidentiality regarding all aspects of the reported concerns and problems at all times, insofar as legal and practical, informing only those persons who have a need to know.
5. The Organization shall take appropriate action to investigate and resolve any reported act of retaliation.
6. The Organization shall ensure that disciplinary action against any employee who commits a retaliatory act is fair, just, and consistent across all levels of the organization.
7. Any potential retaliatory acts that violate the protections given under the False Claims Act shall be immediately reported to the Compliance Office and Employee Relations. The Compliance Office and/or Employee Relations will communicate these retaliatory acts to the Department of Legal Services, Chief Executive Officer, and/or the Board of Trustees, as appropriate.
8. The Compliance Office shall communicate the major points and reporting protections contained in this policy and the related provisions contained in the False Claims Act to all employees during the annual compliance training.

V. References:

A. False Claims Act (31 U.S.C. §§ 3729-3733)

B. Corporate Compliance Policy

C. Policy on Ethical Behavior

Effective date: 06/02/11