

**Government Business Division
Policies and Procedures**

Section (Primary Department) Medicaid Compliance		SUBJECT (Document Title) Non-retaliation and Non-Intimidation - WNY	
Effective Date 01/01/2017	Date of Last Review 12/06/2022	Date of Last Revision 03/06/2023	Dept. Approval Date 03/06/2023
Department Approval/Signature:			

Policy applies to health plans operating in the following State(s). Applicable products noted below.

Products	<input type="checkbox"/> Arkansas	<input type="checkbox"/> Iowa	<input type="checkbox"/> Nevada	<input type="checkbox"/> Tennessee
<input checked="" type="checkbox"/> Medicaid/CHIP	<input type="checkbox"/> California	<input type="checkbox"/> Kentucky	<input type="checkbox"/> New Jersey	<input type="checkbox"/> Texas
<input type="checkbox"/> Medicare/SNP	<input type="checkbox"/> Colorado	<input type="checkbox"/> Louisiana	<input type="checkbox"/> New York – Empire	<input type="checkbox"/> Virginia
<input type="checkbox"/> MMP/Duals	<input type="checkbox"/> District of Columbia	<input type="checkbox"/> Maryland	<input checked="" type="checkbox"/> New York (WNY)	<input type="checkbox"/> Washington
	<input type="checkbox"/> Florida	<input type="checkbox"/> Minnesota	<input type="checkbox"/> North Carolina	<input type="checkbox"/> West Virginia
	<input type="checkbox"/> Georgia	<input type="checkbox"/> Missouri	<input type="checkbox"/> South Carolina	<input type="checkbox"/> Wisconsin
	<input type="checkbox"/> Indiana	<input type="checkbox"/> Nebraska		

BACKGROUND:

The Federal Sentencing Guidelines state that an organization shall publicize a system, which may include mechanisms that allow for anonymity and confidentiality, whereby the organization’s employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation and intimidation. A work environment free from retaliation, retribution, and intimidation is one that allows associates to freely express their ethics and compliance-related concerns.

PURPOSE:

Amerigroup Partnership Plan (APP) is committed to providing its associates with a work environment that is free from retaliation and intimidation for reporting actual or suspected ethical or compliance concerns. APP understands that an associate’s willingness to report potential compliance violations is reduced if the associate feels she/he will be subject to retaliation, retribution, or intimidation. This policy is intended to reaffirm APP’s policy prohibiting such retaliation.

POLICY:

APP prohibits retaliation and intimidation against anyone (including vendors, subcontractors, providers, members and other agents) for reporting in good faith an ethics or compliance concern or for participating in an investigation of such a report. Retaliatory activity and intimidation include discharging, demoting, suspending, threatening, intimidating or harassing the reporter or participant.

Anyone (associate, vendor, subcontractor, providers, member and other agent) who participates in good faith in the compliance program including self-evaluations, audits and remedial actions and reports, in good faith to appropriate officials, an actual or suspected ethical or compliance concern, participates in an investigation, **reports instances of intimidation or retaliation; or reports potential fraud, waste or abuse to the appropriate**

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State or Federal entities will not be subject to retaliation or intimidation. Any associate, regardless of seniority or status, who engages in or condones retaliatory activity or intimidation is subject to corrective action, up to and including termination of employment.

The policy is not limited to acts of retaliation, retribution and intimidation by a manager against an associate. The policy also covers acts of retaliation and intimidation by an associate against another associate, or by an associate towards a manager.

The Ethics Office fully investigates allegations of retaliatory conduct. In the event that retaliation is proven, The Ethics Office works collaboratively with Human Resources, Legal, and management as appropriate.

MONITORING:

The Ethics Office periodically monitors compliance with this policy by performing activities such as follow-up contact to reporters to ensure no retaliation or intimidation has occurred, culture surveys and associate feedback in the annual training outlined in the Annual and Ongoing Ethics & Compliance Training Policy.

RESPONSIBILITIES /ONGOING REPORTING:

Associates must allow other associates to freely express their ethics and compliance related concerns without fear of retaliation, retribution, and intimidation.

Management must provide an environment that enables associates to freely express their ethics and compliance related concerns without fear of retaliation and intimidation.

The Ethics Office communicates this policy in forums that are widely distributed to Elevance Health associates, such as the Code of Conduct, Online News, and educational courses, as appropriate. In addition, the Ethics Office investigates reports of retaliation, retribution, and intimidation and takes appropriate corrective action.

RECORD RETENTION:

The Ethics Office documents and retains its investigation records for a period of at least ten years.

DEFINITIONS:

None

REFERENCES:

- New York State Labor Law §§ 740 and 741
- New York State Public Health Law 521-1.4 (a) (vii)

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- United States Sentencing Guidelines §8B2.1 (b) (2) (B)
- United States Sentencing Guidelines §8B2.1 (b) (5) (C)

Related Documents

Annual and Ongoing Ethics and Compliance Training Policy
Ethics Office Applicability Matrix
Standards of Ethical Business Conduct

RESPONSIBLE DEPARTMENTS:

Primary Department: Medicaid Compliance

EXCEPTIONS:

None

REVISION HISTORY:

Review Date	Changes
03/06/2023	<ul style="list-style-type: none"> • Off-Cycle Review • NY/WNY 4.1.22 Contract Amendment; 18 NYCRR Part 521 Contract Section • Updated Policy and References
12/06/2022	<ul style="list-style-type: none"> • Annual Review • Updated Policy • Added Definitions section
12/08/2021	<ul style="list-style-type: none"> • Annual Review—no changes
01/11/2021	<ul style="list-style-type: none"> • Annual Review—no changes
02/13/2020	<ul style="list-style-type: none"> • Annual Review—no content changes • Added Responsible Departments section
03/27/2019	<ul style="list-style-type: none"> • Annual Review; no changes • Placed on updated template
02/20/2018	<ul style="list-style-type: none"> • Annual Review • Updates to Policy section
12/28/2016	<ul style="list-style-type: none"> • New Policy