



## COMPLIANCE: REPORTING ISSUES AND CONCERNS

### Purpose:

To ensure Boulder Community Health (“BCH”) provides a process for staff to report suspected criminal activity, illegal or unethical conduct, and/or violations of BCH Code of Conduct and policies and procedures occurring within BCH. Also to allow for the timely identification and resolution of all issues that may adversely affect staff, patients, or the organization.

### Scope:

Applies to all BCH staff at all BCH locations.

### Policy Statements:

- **Duty to Report:** All employees and agents of BCH have a duty to report any suspected wrongdoing or violation of applicable laws, regulations or BCH’s Code of Conduct and /or policies and procedures to their manager, supervisor, Director, Vice President, Compliance Officer (“CO”), or by reporting to the BCH Compliance and Ethics Hotline (855-685-7714 or [www.bch.ethicspoint.com](http://www.bch.ethicspoint.com)). Employees who fail to fulfill this duty may be subject to disciplinary action up to and including termination.
- All levels of management will maintain an “open-door policy” to encourage staff to report problems and concerns.
- BCH maintains a compliance hotline, providing a confidential process for reporting any potential violations of laws, regulations, policies or procedures in a manner to permit the anonymity of the reporter, if desired.
- Any form of retaliation against any staff who reports a perceived problem or concern in good faith is strictly prohibited.
- Any staff member who commits or condones any form of retaliation will be subject to discipline up to, and including, termination of employment, contract or medical staff privileges in alignment with BCH corrective action policies and Medical Staff bylaws.

### Procedural Guideline Statements:

1. **Methods of Reporting:** The following methods may be used to report suspected misconduct or violations of BCH’s code of conduct, standards, and policies:
  - A. Contacting the employee’s supervisor, manager, department director or Vice President. Members of the BCH management team who receive such reports shall forward them immediately to the CO;
  - B. Contacting BCH’s CO directly;
  - C. Contacting Human Resources;
  - D. Reporting via the BCH Compliance and Ethics Hotline (855-685-7714 or [www.bch.ethicspoint.com](http://www.bch.ethicspoint.com) which allows staff to remain anonymous if they choose).
  - E. Reporting quality of care issues (such as patient's rights, care of patients, safety, infection prevention, quality of testing results, medication use and security) using the occurrence

reporting system, calling the Compliance and Ethics hotline or directly contacting the appropriate regulatory agency;

- F. Such other means as may be established by the CO or Compliance Committee.
2. Report Contents: Regardless of how a report is made, to be useful in the detection and prevention of misconduct, the report must contain specific information regarding the suspected misconduct, including the following:
  - A. When and how the conduct occurred or is occurring;
  - B. Persons involved in the conduct; and
  - C. Specific nature of the conduct.
3. All hotline calls and other compliance issue reports are addressed by the CO or designee in an appropriate and timely manner and in accordance with this and all related policies and procedures.
4. Depending upon the allegations, it may be appropriate for the CO to address an issue with the appropriate: (a) immediate supervisor, (b) department manager, (c) department head/director, or (d) executive team.
5. Processing hotline calls and web reports may involve other departments, as appropriate, for advice or further investigation.
6. Other CO responsibilities related to the hotline include:
  - A. Establishing proper functioning of the hotline
  - B. Establishing reporting and records maintenance procedures
  - C. Providing feedback to reporters when necessary
  - D. Reporting hotline activity to management
  - E. Maintaining security for all reporter information and related documents
7. Hotline Management
  - A. All staff in the hotline operation act with utmost discretion and integrity in assuring that information received is acted upon in a reasonable and proper manner. Everyone who receives or is assigned responsibilities for hotline calls agrees to the terms of confidentiality and complies with the BCH Confidentiality policy.
  - B. The hotline is staffed with qualified and properly trained personnel. All reporters have the opportunity to speak with a live person who will debrief the reporter and make a report on all information provided.
  - C. The hotline operations will be audited, at least annually, by the compliance department or outside auditors.
  - D. No attempt will be made to identify a reporter who requests anonymity. Whenever reporters disclose their identity, it is held in confidence to the fullest extent practical and allowed by law.
  - E. When a new hotline report is submitted, the reporter is assigned a confidential report number and asked to contact the hotline for any required follow-up. It is the responsibility of the CO or designee to provide any required follow-up information to the hotline.
8. No Retaliation:
  - A. BCH prohibits any form of retaliation against any employee or agent for filing a bona fide report under this Policy or for assisting in any investigation regarding compliance matters.

Persons who engage in such retaliation are subject to discipline pursuant to the BCH corrective action policy and the Medical Staff Bylaws.

B. If after investigating any report, BCH determines that the report is not bona fide or that an employee has provided false information regarding the report, disciplinary action may be taken against the individual who filed the report or gave the false information up to and including termination.

A. No employee shall be subject to disciplinary action solely on the basis that he or she mistakenly reported what he or she reasonably believed to be an act of wrongdoing or a violation of law or of BCH's compliance standards or policies. An employee will be subject to disciplinary action, however, if it is determined that the report of wrongdoing was knowingly or willfully fabricated by the employee or was knowingly or willfully distorted, exaggerated, or minimized to either injure someone else or to protect himself or herself.

i. An employee "knowingly" provides false information if he or she knows or reasonably should know that the information is false or intentionally or recklessly disregards whether or not the information is false.

9. Discipline of a Reporting Employee:

A. An employee whose report of misconduct contains admissions of personal wrongdoing is not guaranteed protection from disciplinary action simply because he or she made the report. In determining what, if any, disciplinary actions may be taken against a reporting employee, the CO and Human Resources will take into account an employee's own admission of wrongdoing, provided, that the employee's involvement was not previously known to BCH or its discovery was not imminent, and that the admission was complete and truthful. The weight to be given to self reporting will depend on all facts known at the time BCH makes its discipline decisions and the applicable discipline procedures set forth in BCH's compliance policies.

### **Definitions:**

### **References:**

[Supplemental Compliance Program Guidance for Hospitals](#) (70 Fed. Reg. 4858; January 31, 2005)  
[Compliance Program Guidance for Hospitals](#) (63 Fed. Reg. 8987; February 23, 1998)

### **Policies:**

[LD.3003.ORG Code of Conduct](#)

[LD.3001.ORG Compliance: Appointment of Office and Committee](#)

[Compliance: Education and Training](#)

[Compliance: Enforcement and Discipline](#)

[Compliance: Investigations and Response to Compliance Issues](#)

[Compliance: Cooperation with Government Authorities](#)

[Compliance: Employee Response to a Government Investigation](#)

[Compliance: Auditing and Monitoring](#)

**Key Words:**

Compliance, Retaliation, Retribution, Reporting, hotline, EthicsPoint, CO, ethics

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