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Sponsor:	Brian Kozik: SVP, COMPLIANCE & PRIVACY
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GA-004-004 Duty to Report

I. Purpose

Broward Health is committed to complying with all applicable laws and regulations including those designed to prevent and deter fraud, waste, and abuse. Broward Health fosters an environment that discourages improper conduct and facilitates open communication of any compliance concerns and/or questions. Broward Health has adopted a policy that all Workforce Members have an affirmative duty to report all compliance related issues and concerns, as well as potential violations of federal, state, and local laws and regulations and the Broward Health Code of Conduct and policies and procedures.

The purpose of this policy is to establish the requirement that certain conduct or suspected compliance issues be reported to the Corporate Compliance Department as set forth in this Policy. This policy intends to promulgate mechanisms, including a method for anonymous reporting, so that Workforce Members may disclose or report any known or suspected compliance issues or other activity that may be inconsistent with any provisions of the Broward Health Code of Conduct, Corporate Compliance Program, Broward Health policies, or that a Workforce Member reasonably believes may otherwise violate any applicable federal or state law or regulation.

II. Key Terms

Chief Compliance Officer (CCO): The individual responsible for overseeing, implementing, and monitoring the compliance requirements of the Broward Health Compliance Program. In addition, this individual also holds the title of Chief Privacy Officer.

Confidentiality: Refers to those who contact a hotline and request that information provided through the Compliance or Workforce Diversity, Inclusion and Advocacy hotline be kept confidential. Such information must be kept confidential and be divulged only to those who have a need to know, such as those performing an investigation into the concerns disclosed by the caller. Investigators should work to protect the source of their information, including a caller's name and contact information if these details are provided by the caller.

Hotline: A confidential and anonymous communication channel for use by all Workforce Members, patients, and patient families to report suspected or potential violations of law, regulations, standards, Code of Conduct, policies, or other wrongdoing, via a phone line answered by live operators or web-based reporting.

Workforce Member: Any employee, independent contractor, agent, trainee, or other person who performs work for or on behalf of Broward Health. This includes full-time, part-time, and pool employees; associates; directors; officers; managers; supervisors; members of the Board and members of standing committees; medical staff employed by or otherwise affiliated with Broward Health; and all others receiving training at any Broward Health facility; and others who provide goods or services to Broward Health.

Wrongdoing: Conduct that does not comply with federal, state, and/or local laws, Broward Health Code of Conduct (Code), and/or policies and procedures.

III. Policy

1. All Workforce Members have an affirmative duty to report problems, concerns, and misconduct in the workplace, including actual or potential violations of law, regulation(s), Broward Health Code of Conduct, policies, wrongdoing, and/or ethical standards. When in doubt, the better of course of action is to report all good-faith concerns.
2. A hotline has been established to permit any Workforce Member or member of the public to call, anonymously and in confidence, to report problems and concerns, or to seek clarification of compliance-related issues. However, complaints and concerns may be reported by any mechanism with which the employee is comfortable (i.e. web-based reporting).
3. All levels of management will maintain an "open-door policy" to encourage Workforce Members to report problems and concerns.
4. All complaints and allegations will be addressed promptly and all information about the complaint or allegation will be kept confidential.
5. Supervisors receiving a complaint from any Workforce Member that raises a potential compliance issue shall report the complaint to the Corporate Compliance Department. Complaints that do not raise a potential compliance issue should be referred to the appropriate department (e.g., Risk Management, Human Resources, or Internal Audit.)
6. Retaliation or reprisal against anyone for making a good faith report is strictly prohibited by law and is a violation of both the Broward Health Code of Conduct and Broward Health policies and procedures.
7. Failure to report or concealing knowledge of a potential violation may result in administrative actions being taken, up to and including termination.

IV. Procedures

1. If at any time, a Workforce Member becomes aware of or suspects illegal or unethical conduct or a violation of Broward Health policies by another Workforce Member, the Workforce Member must report it immediately to an appropriate individual. Such individuals may include the Workforce Member's immediate supervisor, management, Human Resources, Risk Management, the Chief Compliance Officer (CCO), the Office of the General Counsel, or the Corporate Compliance Department.
2. Any Workforce Member or member of the public may also make a report by using the toll-free Compliance Hotline (1-888-511-1370). Reports using this method may be made anonymously, if the

reporter chooses.

3. Self-reporting is encouraged by all Workforce members when compliance related issues and concerns arise, even if the Workforce Member may be involved in the matter. A Workforce Member whose report of misconduct contains admissions of personal wrongdoing is not guaranteed protection from disciplinary action simply because they made the report. In determining what, if any, disciplinary actions may be taken against a reporting employee the Corporate Compliance Department and Human Resources Department will take into account a Workforce Member's own admission of wrongdoing, provided, that the Workforce Member's involvement was not previously known to Broward Health 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 Broward Health makes its discipline decisions and the applicable discipline policies and procedures set forth by the Broward Health Human Resources Department.
4. Regardless of how a report is made, as a best practice in the detection and prevention of misconduct, the report should contain, if possible, specific information regarding the suspected misconduct. Reporters should still report any potential or actual misconduct whether or not all the following is included:
 - a. When and how the conduct occurred or is occurring;
 - b. Persons involved in the conduct; and
 - c. Specific nature of the conduct.
5. Once a report is received, the Corporate Compliance Department will then conduct a review of the allegations to determine the nature, scope, and duration of wrongdoing, if any. Broward Health investigates all non-frivolous claims of wrongdoing.
6. All those receiving information from Workforce Members raising a concern and problem must, at all times, insofar as legal and practical, maintain confidentiality and share information only those who have a need to know.
7. If the allegations are substantiated, a plan for corrective action will be developed. Appropriate corrective action may include restitution of any overpayment amounts, notifying an appropriate governmental agency, disciplinary action, or making changes to policies and procedures to prevent future occurrences.
8. No Workforce Member shall be subject to disciplinary action solely on the basis that they mistakenly reported what they reasonably believed to be an act of wrongdoing or a violation of law or Broward Health's compliance standards or policies.
9. If, after investigating any report, Broward Health determines that the report is not in good faith or that a Workforce Member has provided false information regarding the report, disciplinary action may be taken against the Workforce Member who filed the report or gave the false information up to and including termination.
 - a. A Workforce Member will be subject to disciplinary action, however, if it is determined that the report of misconduct was knowingly or willfully fabricated by the Workforce Member or was knowingly or willfully distorted, exaggerated, or minimized to either injure someone else or protect themselves.
 - b. A Workforce Member "knowingly" provides false information if they know or reasonably should know that the information is false or intentionally or recklessly disregards whether the information is false.

10. If any employee feels that they have been retaliated against, the employee should report it immediately, using any of the reporting methods referenced in this Policy.

V. Related Policies and Compliance Documents

- Enforcement and Discipline, Policy No. GA-004-238
- Non-Retaliation and Retribution, Policy No. GA-004-305
- Open Lines of Communication, Policy No. GA-004-234
- Compliance Investigations Standard Operating Procedure, Policy No. SOP-COR-CCE-01

VI. References

DHHS. OIG Supplemental Compliance Guidance for Hospitals. 70 Fed. Reg. 4858, 4865 (Jan. 31, 2005). <https://oig.hhs.gov/fraud/docs/complianceguidance/012705HospSupplementalGuidance.pdf>

DHHS OIG. Publication of the OIG Compliance Program Guidance for Hospitals. 63 Fed. Reg. 35, 8987 (Feb. 23, 1998). <https://oig.hhs.gov/authorities/docs/cpghosp.pdf>

United States Sentencing Commission. Guidelines Manual. United States Sentencing Commission. Guidelines Manual. <https://www.ussc.gov/guidelines/2018-guidelines-manual>

US Code of Federal Regulations § 483.85 - Compliance and ethics program. https://www.govregs.com/regulations/title42_chapterIV_part483_subpartB_section483.85

Broward Health Corporate Integrity Agreement with the DHHS Office of Inspector General, dated August 20, 2015.

Attachments

[Standard Operating Procedure for Compliance Investigations, Policy No. SOP-COR-CCE-01](#)

Approval Signatures

Step Description	Approver	Date
Final Approver	Brian Kozik: SVP, COMPLIANCE & PRIVACY	08/2020
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