

CONNECTICUT CHILDREN’S MEDICAL CENTER
[CCMC Organizational Manual]

Title: Whistleblower Protection	
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Approved By: Corporate Compliance Committee	Approval Date: August 2007

I. Policy: It is the policy of Connecticut Children’s Medical Center that any person (hereinafter known as “whistleblower”) is free to lawfully disclose whatever information supports reasonable belief of improper conduct as defined in this policy. CCMC will facilitate the making of disclosures of improper conduct by employees, will provide a system of investigations, and will protect employees making disclosures from retribution. CCMC will make available to all employees, contractors, and agents, detailed information about whistleblower protection provided under the Federal False Claims Act (FCA) and Connecticut Law.

II. Definitions:

- A. Improper conduct – any conduct that involves mismanagement of public resources, substantial risk to public health, safety or the environment; includes corrupt conduct and misconduct.
- B. Corrupt conduct – any conduct that may adversely affect the honest performance of a member or the institution’s function; any conduct by a director or officer that amounts to a breach of trust; any conduct by a director or officer that amounts to misuse of information or material acquired in the course of the performance of their function; conspiracy or attempt to engage in conduct described above.
- C. Misconduct – any activity in violation of any state, federal, local law or regulation or CCMC policy; includes but is not limited to, corruption, malfeasance, bribery, theft of CCMC property, fraudulent claims, fraud, research misconduct, coercion, malicious prosecution, misuse of CCMC property and facilities, or willful omission to perform duty.

III. Protections:

A. Federal Claims Act

- 1. Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the same seniority status such employee would have had but for the discrimination, two (2) times the amount of back pay, interest on the back pay and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys’ fees. An employee may bring an action in the appropriate district court of the United States.

B. Connecticut Law

1. No employer shall not discharge, discipline, or otherwise penalize any employee because the employee reports a violation or a suspected violation of any state or federal law or regulation or any municipal ordinance or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing, or inquiry held by the public body, or a court action. These provisions are not applicable when the employee knows that such report is false.
2. Any employee who is discharged, disciplined, or otherwise penalized by his/her employer in violation of the provision of the Connecticut law may, after exhausting all administrative remedies, bring a civil action, within ninety (90) days of the date of such violation, whichever is later, in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office, for the reinstatement of his/her previous job, payment of back wages and reestablishment of employee benefits to which he/she would have otherwise been entitled if such violation had not occurred. An employee's recovery from any such action shall be limited to such items, provided the court may allow to the prevailing party his/her costs, together with reasonable attorneys' fees to be taxed by the court. Any employee found to have made a false report shall be subject to disciplinary action by his/her employer up to and including dismissal.
3. No health care facility shall discriminate or retaliate in any manner against an employee because the employee submitted a complaint or initiated or cooperated in an investigation by or proceeding before a governmental entity relating to the care or services by, or the conditions in, such facility.
4. A health care facility that violates applicable Connecticut law shall reinstate employee and reimburse the employee for lost wages, lost work benefits and any reasonable legal costs incurred by the employee in pursuing the employee's rights.

IV. Procedure:

A. Filing a Report of Retaliation or Interference

1. An employee may file a report of retaliation or interference with their manager, administrator, Human Resources representative, or Compliance Officer.
2. The report must include a written complaint and must be filed no later than 180 days from the date the whistleblower became aware, or should have become aware of the alleged retaliation or interference.
3. The complaint may be filed by the individual directly with the Federal Government or the State of Connecticut, through individuals are encouraged to first contact the Compliance Office or Human Resources Department.

B. Report Investigation

1. The Compliance Officer, in collaboration with a Human Resources designee, shall respond to the whistleblower within ten (10) business days of receipt of

the whistleblower's allegations. The Compliance Officer, in collaboration with the Human Resources designee, shall:

- a. Review the allegation;
- b. Determine whether an investigation is justified;
- c. Notify the whistleblower in writing of the following:
 - (i) The date the allegation was received;
 - (ii) Whether the allegation is complete and provides sufficient information to permit an adequate investigation; and

The mechanism for resolving the complaint including the whistleblower's rights.

2. The whistleblower may, within five (5) working days, raise concerns about the proposed resolution process. These concerns will be addressed accordingly.
3. If the whistleblower fails to respond within five (5) days, the Compliance Officer, in collaboration with the Human Resources designee, assume acceptance.
4. The Compliance Officer, in collaboration with the Human Resources designee, will investigate in a timely objective and thorough manner, including the collection and examination of all relevant evidence, interviews with the whistleblower, alleged retaliator(s) and other applicable individuals.
5. The conclusions of the investigation shall be documented in written report by the Compliance Officer and be presented to CCMC Compliance Committee at the next scheduled meeting or special meeting called by the Compliance Officer.
6. The Compliance Committee shall review the report and make a recommendation regarding the allegations of retaliation or interference (e.g., substantiation of the allegation and steps to be taken to prevent the conduct from continuing or occurring). This recommendation shall be forwarded to the President and CEO.
7. The President and CEO, based on the Compliance Committee recommendations and final investigative report, shall make a final institutional determination as to whether retaliation or interference occurred.

C. Sanctions for Retaliation or Interference

1. If the President and CEO determines that retaliation or interference has occurred, he/she shall, in collaboration with General Counsel, also determine what remedies are appropriate to satisfy CCMC's regulatory obligation to protect the whistleblower. Such remedies shall include measures to protect or restore the whistleblower's position and reputation, including making public or private statements, as appropriate.
2. Additional actions by the President and CEO shall include measures to protect against further retaliation or interference by monitoring or imposing disciplinary action (per CCMC policy) on the retaliator or interferer.

D. Notification to Governmental Agencies

1. When necessary, appropriate governmental agencies shall be notified of the final outcomes of investigations.

References:

31 USC § 3730

CGS § 4-61dd (Whistleblowing)

CGS § 31-51m (Protection of Employee Who Discloses Employer's Illegal Activities or Unethical Practices)

CGS § 31-51q (Liability of Employer for Discipline or Discharge of Employee on Account of Employee's Exercise of Certain Constitutional Rights)

CGS § 4-61dd-a et seq. (Rules of Practice for Contested case Proceedings under the Whistleblower Protection Act)