

Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	Anti-Retaliation and Whistleblower Protection	Policy No. 4005.01
Category:	Compliance	Date Adopted: 1/10/2020 Date Revised: 04/21/2021 Date Reviewed: 04/21/2021
Reference:	Health Care Authority contract with Great Rivers Behavioral Health Administrative Services 42 CFR 438.608(a)(6) 42 U.S.C. 1396(a)	

Policy:

- 1.1 Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO) shall not retaliate, intimidate, coerce, or harass any person for filing a complaint, grievance, or for disclosing official misconduct (whistleblower). Great Rivers BH-ASO may not directly or indirectly use or attempt to use their authority or influence for the purpose of interfering with the right of a person to make a complaint, grievance, or disclosure of official misconduct or retaliating for doing so.
- 1.2 Great Rivers BH-ASO growth and development can best be achieved and maintained in an environment that promotes ongoing open communication among administration, staff, volunteers, the community, enrollees, and their families, including open and candid discussions of problems and concerns. Great Rivers BH-ASO encourages its staff and enrollees to express their issues, concerns, or opinions either informally or formally through the Grievance Procedure without fear of retaliation.
- 1.3 It is the intention of Great Rivers BH-ASO to prevent and correct behavior that violates this policy. Any Great Rivers BH-ASO employee or any subcontractor who violates this policy, is subject to disciplinary action up to and including termination or contract termination, respectively.

Definitions:

- 2.1 **Retaliation** means any adverse action or credible threat of an adverse action taken by Great Rivers BH-ASO, causing any interference, intimidation, coercion, restraint, or reprisal against a person for filing a complaint or grievance, participating in the resolution of a complaint, or disclosing official misconduct.
- 2.1 For purposes of this policy,
 - 2.1.1 **“Complaints”** also include grievances and disclosures of official misconduct;
 - 2.1.2 **“Enrollee”** for the purposes of this policy also includes family members and personal representatives of the client; and

- 2.1.3 Great Rivers BH-ASO includes all Great Rivers BH-ASO board members, executives, managers, representatives, employees, and contractor personnel.

Scope

- 3.1 This policy is intended to have broad application to those persons and entities who are in a position to commit retaliation as well as be the victim of retaliation as contemplated by this policy.

Registering a Complaint of Retaliation

- 4.1 The current Great Rivers BH-ASO Client Complaint and Grievance Procedure shall define the process for receiving and responding to a complaint of retaliation by an Enrollee except as it related to acts of official misconduct. Retaliation based upon reports of official misconduct shall be reported to the Great Rivers BH-ASO Chief Executive Director (CED), Governing Board Chair, or designee.
- 4.2 To file a complaint of retaliation within Great Rivers BH-ASO, including by one of its subcontractors, the complainant shall submit the complaint in writing to the Great Rivers BH-ASO Compliance Officer or CED. If the complaint involves the Great Rivers BH-ASO Compliance Officer or CED, the written complaint shall be submitted to the Great Rivers BH-ASO Governing Board Chair. If the complaint involves a Great Rivers BH-ASO Governing Board member the report shall go to the Board of County Commissioners of their participating County. If the complaint involves an action of the Great Rivers BH-ASO Governing Board, the written complaint shall be submitted to HCA, State of Washington.
- 4.3 If complainant is an employee or contractor of Great Rivers BH-ASO, then the procedure set forth in the current Great Rivers BH-ASO Whistleblower policy shall be applied.
- 4.4 When retaliation is alleged, Great Rivers BH-ASO will make every reasonable effort to stop the retaliation immediately, to conduct a complete and thorough investigation of alleged acts of retaliation in a timely manner, to provide remedies to victims of retaliation, and to sanction the perpetrators of retaliation, as appropriate.

Ombuds Services

- 5.1 The Great Rivers BH- ASO Ombuds Services is available to assist a client in filing a complaint of retaliation The Ombuds is an independent entity not part of and not supervised by Great Rivers BH-ASO administration. All requests and consultations are treated in the strictest confidence. Complainants can consult with the Ombuds without fear of retaliation.
- 5.2 The Ombuds will educate and empower clients as to their rights regarding retaliation during the complaint process.

Protections

- 6.1 This policy also protects the accused party's rights in the process. This policy seeks to balance the interests of the complainant and those of the accused. The accused party has the right to receive a copy of the written complaint of retaliation, and to fully respond to the allegations.
- 6.2 In the event the allegations are not substantiated, Great Rivers BH-ASO, in consultation with the accused, shall undertake remedial efforts to restore the reputation of the accused to the extent feasible.

Records

7.1 Full records of all complaints regarding retaliation will be maintained in confidential files.

Sanctions

- 8.1 Any person who violates this Anti-Retaliation Policy is subject to disciplinary action.
- 8.2 Disciplinary actions will be taken against any staff member who is found to have retaliated or threatened retaliation. Actions may include reporting the incident to the individual's licensing / credentialing authority.
- 8.3 Actions may be taken by Great Rivers BH-ASO against the subcontractor, subject to their contract. Actions may include reporting the incident to the subcontractor's professional licensing authority.
- 8.4 Following an appropriate investigation and subject to personnel policies or provider contracts, the person found to have engaged in retaliatory activity shall be subject to sanctions including:
 - Reprimand
 - Probation
 - Suspension
 - Demotion
 - Reassignment
 - Termination
- 8.5 It is the responsibility of the Great Rivers BH-ASO CED imposing sanctions, or a designee, to monitor compliance. Failure to comply with an ordered sanction may result in further disciplinary measures up to, and including, termination.

POLICY SIGNATURE

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6/24/2021

Trinidad Medina,
Chief Executive Director

Date