



Title: Whistleblower Policy

Date Created: March 1, 2015

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Date Approved by CCN Board of Directors: June 10, 2025

Date Approved by CCC Board of Directors: September 24, 2024

Date Approved by IPA Board of Directors: September 24, 2024

Policy# CC4

Purpose:

To implement a program for the identification, reporting, and prevention of fraudulent activity and unethical behavior pertaining to operations of the Care Compass Entities.

Definitions:

Affected Individual(s): All persons who are affected by Care Compass Entities' risk areas including Care Compass Entities' employees, officers, Directors, managers, contractors, agents, subcontractors, independent contractors, governing bodies, or third-parties, who or that, in acting on behalf of the Care Compass Entities: (i) delivers, furnishes, directs, orders, authorizes, or otherwise provides health or social care items and services under State, Federal, or Care Compass programs; and (ii) contributes to the Care Compass Entities' entitlement to payment under Federal health or social care programs, or from other payor sources.

Care Compass Entities: Organizations that are directly, or indirectly through one or more intermediaries, owned or controlled by, or are under common ownership or control of, Care Compass Network, including Care Compass Collaborative, Inc. and Care Compass Supporting IPA, LLC .

Participant: Any organization that has signed an agreement related to a funded program with the Care Compass Entities.

Staff: Employees, contractors, agents, consultants, volunteers, and others who act on the Care Compass Entities' behalf.

Policy:

It is the policy of the Care Compass Entities to support and promote activities to identify and report suspected fraudulent activity and unethical behavior while maintaining a work environment that encourages Affected Individuals to take an active part in the investigative process without fear of retaliation or negative impact. This Whistleblower Policy is intended to encourage and enable Affected Individuals to raise concerns within the Care Compass Entities prior to seeking resolution outside the Care Compass Entities.

- I. Training.** Affected Individuals will receive training in the identification of possible fraudulent activities and their respective reporting responsibilities. Included in this training will be recognition of the Director of Compliance's authority and obligations, guarantee of protection for good faith reporting, and actions to be followed.

II. Ethical Responsibilities.

- a. The Care Compass Entities' Codes of Conduct ("Code") require Affected Individuals to observe high standards of business and personal ethics in the conduct of their duties and responsibilities in the Care Compass Entities' activities.
- b. Affected Individuals must practice honesty and integrity in fulfilling their responsibility and comply with applicable laws and regulations.

III. Reporting Responsibilities.

- a. It is the responsibility of Affected Individuals to comply with the Code and report violations or suspected violations in accordance with this Whistleblower Policy.
- b. Affected Individuals can report any suspicion or knowledge of fraud, waste, or abuse confidentially and anonymously via the online Compliance Hotline at <https://bit.ly/CareCompass-Compliance> or confidentially to the Director of Compliance, a supervisor, a member of the Care Compass Entities Compliance Committees or Board of Directors.

IV. Whistleblower Provisions and Protections - Non Retaliation.

- a. Both federal and New York State law protect whistleblowers who act in good faith from retaliation or harassment of any kind for reporting an action, policy, or practice that constitutes fraud, or for taking other actions to further the purposes of the False Claims Act.
- b. No Affected Individual who, in good faith, reports a violation or alleged violation of the Code shall suffer harassment, retaliation, or adverse employment or appointment consequences.
- c. A director, officer, Staff, or Participant who retaliates against someone who has reported a violation or alleged violation, in good faith, may be subjected to discipline, up to and including termination of employment, removal from an appointed position, or removal as a Participant with the Care Compass Entities.
- d. Federal False Claims Act – 31 U.S.C. § 3730(h). As a means to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act "whistleblower" provision allows a person with actual knowledge of allegedly false claims to file a lawsuit on behalf of the Government.
 - i. Staff shall be entitled to all necessary "relief" if discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the person in furtherance of efforts to stop a violation(s) of the False Claim Act including a civil action under the Act whether brought by the Government or a private individual, including investigation of, initiation of, testimony for, or assistance in any such action maybe because of such actions.
 - ii. Any Staff who has been discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of employment because of such lawful acts shall be entitled to "relief" necessary to make the employee whole, including, 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.

e. New York State Laws.

i. Under New York False Claim Act – State Finance Law § 191:

1. Any current or former Staff who is discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of employment, or otherwise harmed or penalized by the Care Compass Entities because of “lawful acts” done by the harmed individual or associated others in furtherance of an action brought under this article or other efforts to stop one or more violations of the State False Claims Act is entitled to all relief necessary to make the person whole, including:
 - a. an injunction to restrain continued discrimination;
 - b. hiring, contracting or reinstatement to the position such person would have had but for the discrimination or to an equivalent position;
 - c. reinstatement of full fringe benefits and seniority rights;
 - d. payment of two times back pay, plus interest; and
 - e. compensation for any special damages sustained including litigation costs and reasonable attorneys' fees.
2. “Lawful act” includes obtaining or transmitting to the state, a local government, a qui tam plaintiff, or private counsel solely employed to investigate, potentially file, or file a cause of action under the False Claim Act documents, data, correspondence, electronic mail, or any other information, even though the act may violate a contract, employment term, or duty owed to the Care Compass Entities, so long as the possession and transmission of such documents are for the sole purpose of furthering efforts to stop one or more violations.¹

ii. Under New York State Labor Law Section 740:

1. The Care Compass Entities are prohibited from taking any retaliatory personnel action (discharge, threaten, penalize, or in any other manner discriminate) against an employee in terms and conditions of employment because the employee does any of the following:
 - a. discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the Care Compass Entities that the employee reasonably believes is in violation of law, rule or regulation or that the employee reasonably believes poses a substantial and specific danger to the public health or safety;
 - b. provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such activity, policy or practice by the Care Compass Entities; or
 - c. objects to, or refuses to participate in any such activity, policy or practice.
2. With respect to disclosures to a public body only, protection against

¹ Nothing in subdivision (2) is to be interpreted to prevent any law enforcement authority from bringing a civil or criminal action against any person for violating any provision of law.

retaliatory personnel actions is unavailable unless the employee has made a good faith effort to notify the Care Compass Entities by bringing the activity, policy or practice to the attention of a supervisor and has afforded a reasonable opportunity to correct such activity, policy or practice. Such notification shall not be required where:

- a. there is an imminent and serious danger to public health or safety;
 - b. the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice;
 - c. such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
 - d. the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person;
 - or
 - e. the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.
3. An employee who has been subject to a retaliatory personnel action may institute a civil action for the following relief within two (2) years after the alleged retaliatory personnel action was taken:
- a. an injunction to restrain continued violation of Section 740;
 - b. the reinstatement of the employee to the same position held before the retaliatory action, or to an equivalent position, or front pay in lieu thereof;
 - c. the reinstatement of full fringe benefits and seniority rights;
 - d. the compensation for lost wages, benefits and other remuneration;
 - e. the payment by the Care Compass Entities of reasonable costs, disbursements, and attorney's fees;
 - f. a civil penalty of an amount not to exceed ten thousand dollars (\$10,000); and/or
 - g. the payment by the Care Compass Entities of punitive damages, if the violation was willful, malicious or wanton.
4. If the Court determines that a civil action under Section 740 was without basis in law or fact, the Court, in its discretion, may award reasonable attorneys' fees and court costs and disbursements to the Care Compass Entities.
5. The Care Compass Entities shall inform employees of their protections, rights and obligations under this section, by posting a notice thereof. Such notices shall be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment.

V. Reporting Violations.

- a. The Code addresses the Care Compass Entities' open-door policy and strongly encourages that Affected Individuals share their questions, concerns, suggestions, or complaints with someone who can address them properly.

- b. In most cases, a supervisor is in the best position to address an area of concern. However, if Staff are not comfortable speaking with their supervisor or are not satisfied with the supervisor's response, Staff are encouraged to speak with the Director of Compliance, a member of the Care Compass Entities' Compliance Committees or Board of Directors, or anyone in management whom they are comfortable approaching, or through the online Compliance Hotline at <https://bit.ly/CareCompass-Compliance>.
- c. Supervisors and managers are required to report suspected violations of the Code to the Director of Compliance, who has specific and exclusive responsibility to investigate all reported violations.
- d. For instances of suspected fraud, or when a Staff member is not satisfied or is uncomfortable with following the Care Compass Entities' open-door policy, individuals should contact the Director of Compliance directly or report through the online Compliance Hotline at <https://bit.ly/CareCompass-Compliance>.

VI. Compliance Response.

- a. The Director of Compliance is responsible for investigating and resolving reported complaints and allegations concerning violations of the Code and shall advise the Care Compass Entities' Compliance Committees or Board of Directors, as applicable, of such complaints and allegations and the outcome of any investigation.
- b. The Director of Compliance has direct access to the Boards of Directors of the Care Compass Entities and is required to report to such Boards of Directors at least annually on compliance activity, including Whistleblower complaints.
- c. The Director of Compliance will document all complaints received, including the investigation and final disposition of such complaints.

VII. Accounting and Auditing Matters.

- a. The Director of Compliance shall immediately notify the Care Compass Entities' Compliance Committees, as applicable, of any corporate accounting, internal control, or auditing concerns or complaints and work to expeditiously resolve such matters.
- b. The Care Compass Entities' Compliance Committees, as applicable, shall determine the necessity of reporting corporate accounting, internal control, or auditing concerns or complaints to the Board of Directors of the applicable Care Compass Entity.
- c. The applicable Board of Directors shall address validated concerns or complaints regarding corporate accounting practices, internal controls, or auditing.

VIII. Acting in Good Faith.

- a. Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicated a violation of the Code.
- b. Any allegations that prove not to be sustained and which prove to have been made maliciously or knowingly to be false, will be viewed as a serious offense and appropriate disciplinary action, up to and including termination of employment, removal from an appointed position, or removal as a Participant from the Care Compass Entities, will be taken.

IX. Confidentiality.

- a. Violations or suspected violations may be submitted to the Director of Compliance by the complainant or may be submitted anonymously through the online Compliance Hotline at <https://bit.ly/CareCompass-Compliance>.
- b. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

X. Handling of Reported Violations.

- a. The Director of Compliance will notify the reporter and acknowledge receipt of the reported violation or suspected violation, if a report is not submitted anonymously through the online Compliance Hotline, within five (5) business days.
- b. Reports will be promptly investigated and appropriate corrective action will be taken, if warranted by the investigation.
- c. If necessary, Legal Counsel will be consulted to ensure appropriate response to substantiated allegations.

CCN Board Approval History: 3/11/2015, 12/8/2015, 12/21/2017, 2/12/2019, 11/10/2020, 11/9/2021, 11/8/2022, 8/08/2023, 8/13/2024, 6/10/2025

CCC Board Approval History: 9/12/2023, 9/24/2024

IPA Board Approval History: 9/12/2023, 9/24/2024

Compliance Committee Review History: 12/8/2015, 10/28/2016, 11/17/2017, 1/18/2019, 11/15/2019, 10/16/2020, 5/07/2021, 10/15/2021, 11/01/2022, 7/28/2023, 7/24/2024, 5/22/2025

Policy Revisions:

Date	Revision Log	Updated By
3/1/2015	Original creation	Ann Homer
11/19/2015	Updated to reflect Care Compass Network organization structure	Rebecca Kennis
11/3/2016	Added Board Review History	Andrea Rotella
11/17/2017	Updated with changes by the Compliance and Audit Committee	Andrea Rotella
1/18/2019	Updated definition of “staff” and other changes by the Compliance and Audit Committee	Andrea Rotella
10/16/2020	Updated with changes by the Compliance and Audit Committee	Andrea Rotella
3/12/2021	Updated with changes to the Compliance Hotline	Cathy Petrak
9/1/2021	Removal of references to PPS	Cathy Petrak
8/24/2022	Added Partner definition and updated Partner Organization to Partner throughout	Cathy Petrak
7/12/2023	Added “Affiliated Entities” throughout to update to an enterprise-wide policy; updated Corporate Compliance and Privacy Officer to “Director of Compliance” throughout; updated Partner to “Participant” definition and term throughout; updated compliance hotline web address	Cathy Petrak
3/18/2025	Updated section IV to include whistleblower protections under Federal False Claim Act and NYS Finance Law 191 and Labor	Cathy Petrak

	Law Section 740; updated “Affiliated Entities” to “Care Compass Entities” throughout	
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This Policy shall be reviewed periodically, but not less than once every 12 months, and updated consistent with the requirements established by the Board of Directors, Care Compass Network’s Leadership Team, Federal and State law(s) and regulations, and applicable accrediting and review organizations.