



Subject: Whistleblower Policy	Policy Number: OCHIN- 015
Effective Date: 9/30/2010	Original Implementation Date: 9/30/2010
Revision Date:	Approved by: 

Purpose: The purpose of this policy is to define the Whistleblower Policy and how OCHIN Workforce Members are protected from retaliation for reporting fraud, waste or abuse.

Scope: The scope of this policy is OCHIN Workforce Members, who include employees, interns and contractors.

Policy: OCHIN provides protections for its Workforce Members, who report specific incidents and practices involving Fraud, Waste or Abuse at OCHIN, including:

- Gross mismanagement of OCHIN daily operations
- Gross waste of grant, contract or other funding and all other associated funds
- An abuse of authority related to the use of government funds, and
- A violation of law, rule, or regulation related to OCHIN daily operations
- Conflict of interest
- Fraudulent billing practices

Any OCHIN team member who reports illegal harassment due to their reporting of fraud, waste or abuse or due to their assisting with an investigation will not be adversely affected in terms and conditions of employment, will not be discriminated against, demoted or discharged because of the complaint or assistance in investigating the complaint.

Definitions:

- 1. Whistle Blower:** A whistleblower is an individual that believes his or her organization is engaged in, or willfully permits unethical or unlawful activities, and who then reports it.
- 2. Fraud:** Fraud is a false representation about a material fact. It is any intentional deception designed to unlawfully deprive the United States, or an individual State of something of value or to secure from the United States or a State, for an individual's benefit, a benefit, privilege, funds, allowance, or consideration to which he or she is not entitled. This includes submitting billing claims for services that were not provided.
- 3. Waste:** Waste is the extravagant, careless, or needless expenditure of Government funds, or the use of Government funds, that results from deficient practices, systems, controls, or decisions. The term also includes improper practices that do not involve prosecutable fraud.



4. **Abuse:** The intentional misuse or improper use of Government funding.

Reporting Concerns and Prohibiting Retaliation

OCHIN employees, executives and Board members may report compliance, conflicts of interest, ethical or integrity concerns without fear of retaliation, if the concern is reported in good faith. Reports will be appropriately investigated. Discretion will be used during the investigation in order to maintain as much confidentiality as possible while effectively completing the investigation. Retaliation of any kind against the individual making the report is prohibited.

Legal Investigations

Reports of possible illegal activity concerns (Whistleblower) will be investigated by the OCHIN Integrity Officer, the Chief Technology Officer (CTO) and the Human Resources (HR) Manager. Retaliation of any kind against the individual making the report is prohibited. As needed, other individuals may participate in the investigation.

If the individual reporting the possible illegal/unethical/wasteful activity requests confidentiality, the whistle blower's identity will be kept confidential unless identification of the person is necessary to allow OCHIN or law enforcement officials to investigate or respond effectively to the report, or if the identification of the individual is required by law.

Whistleblower Reporting Procedures

The following is the procedure for reporting fraud, waste or abuse:

1. Talk to the individuals involved about the issues if you feel comfortable doing so.
2. Discuss the concerns with your manager if you don't feel comfortable talking to the person involved. You may also talk with your manager after you've had the discussion with the individual involved.
3. If you are uncomfortable discussing the matter with the individual or your manager, you may discuss it with the Integrity Officer, first.
4. If you are uncomfortable discussing the issues as described above, you may send an anonymous hard copy letter to the Integrity Officer, or make a call to the OCHIN Compliance Hotline, voicing your concerns and provide any details you may have.
5. After the investigation, the individual who reported the concerns may be given information about the resolution of the matter by the Integrity Officer. If the reported issue develops into a criminal investigation, no detailed information will be provided.
6. If the individual reporting the issue is not satisfied with the result of the investigation, the individual may report their fraud, waste or abuse allegations to the Office of Inspector General at 1-800-447-8477.

Outside Investigators

Outside investigators may also conduct investigations for audits related to State or Federal laws or regulations. If an outside investigator contacts OCHIN about an investigation, the individual



that is contacted by the investigator will verify the official government or agency identification of the investigator, and then immediately will contact the Integrity Officer, the HR Manager and the CEO, and they will notify the OCHIN attorney.

OCHIN will take appropriate steps to cooperate with any outside investigation, and will provide any documents and records requested by the outside investigator. These documents will be reviewed by the Integrity Officer and the OCHIN attorney prior to production of the documents to the investigator. Employees, executives and the Board members have the right to contact legal counsel before responding to any questions from an outside investigator.

References:

1. Office of Inspector General Fraud Reporting Website <http://www.oig.hhs.gov/fraud/hotline/>
2. Whistleblower Information, Recovery.gov
<http://www.recovery.gov/Contact/ReportFraud/Pages/WhistleBlowerInformation.aspx>
3. Whistleblower poster, Recovery.gov
<http://www.recovery.gov/Contact/ReportFraud/Documents/WhistleblowerPoster.pdf>
4. Team Member Handbook and Human Resources Policy Manual, 2006, OCHIN.
5. OCHIN Code of Conduct Policy