Health Plan of San Mateo
Policy & Procedure Manual

Procedure: CP.005		Title: Non-Retaliation and Non-Intimidation	Original Effective Date: 05/09/2008
Revision: 13	Last Reviewed /Revised: 08/04/2025	Dept: Compliance	Page 1 of 3

Approval By: Compliance Committee	Date: 08/18/2025
Annual Review Date: 10/01/2026	
Authored by: Chief Government Affairs and Compliance Officer	
Pursuant To: ☒ DHCS Contract Exhibit A, Attachment III, Provision 1.3.1 ☐ Health and Safety (H&S) Code ☒ CFR 42 CFR 438.608(a); 42 CFR 422.503(b)(4)(vi); 42 CFR 422.504(b)(4)(vi) ☐ APL / DPL	☐ W & I Code ☐ California Title # ☐ Organization Need ☒ Other Medicare Managed Care Guide Chapter 21, Sections 50.1; Medicare Prescription Drug Benefit Manual Chapter 9, Section 50.1
Departments Impacted: All	

Policy:

To affirm that HPSM does not tolerate any form of retaliation or intimidation in response to good faith reports of compliance concerns and encourages an environment in which compliance concerns are promptly and appropriately addressed.

CMS guidelines on implementing a comprehensive compliance plan require that HPSM adopt, publicize, and enforce a zero-tolerance policy for intimidation and retaliation against any employee or subcontractor who participates in HPSM's Compliance Program in good faith by, including but not limited to reporting potential issues, investigating issues, conducting self-evaluations, audits and remedial actions, and reporting to appropriate officials.

Scope

This procedure applies to (check all that apply):

☒ All LOBs/Entire Organization	☐ CCS	☐ Medi-Cal Expansion
		☐ Medi-Cal Adults
☐ ACE	☐ HealthWorx	☐ Medi-Cal Children
☐ CA-DSNP	☐ Medi-Cal	☐ Other (specify)

Responsibility and Authority

- The Chief Government Affairs and Compliance Officer is responsible for implementing a Compliance Program to ensure that HPSM services are provided in accordance with all applicable federal, state, and county laws and regulations.

Definitions

Employee means any full or part-time employee, temporary employee, interning employee, volunteer, or consultant working for or with Health Plan of San Mateo.

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Subcontractor means any vendor, FDR, or other HPSM subcontracted individual or entity.

Procedure

1.0 All HPSM employees and subcontractors have an obligation to report any activity that appears to violate applicable laws, regulations, rules, policies, or the Code of Conduct. Reports of actual or potential violations may be made up the individual's chain of command, to the Chief Government Affairs and Compliance Officer, or anonymously to the Compliance Hotline.

2.0 No staff member will intimidate any employee or subcontractor to:

- 2.1 persuade, deter, or prohibit an individual from participating in HPSM's Compliance Program; or
- 2.2 impede or otherwise delay an individual's participation in the Compliance Program

3.0 No staff member will retaliate against any individual who:

- 3.1 Makes a verbal or written report or complaint in relation to a compliance issue.
- 3.2 Provides information to an investigation or testifies against the alleged offending individual or procedure,
- 3.3 Objects to or refuses to participate in an activity he/she feels is in violation of federal or state law,
- 3.4 Is involved in any compliance review; or
- 3.5 Discloses or threatens to disclose information about a situation he/she feels is inappropriate, or potentially illegal.

4.0 Retaliation occurs when an individual:

- 4.1 Engages in a protected activity, and
- 4.2 Suffers an adverse employment action, and
- 4.3 There is a causal connection between the protected activity and the adverse employment action.

5.0 In the absence of a causal connection between the protected activity and the adverse action, retaliation does not exist. For example, if a manager or supervisor disciplines an employee based on the employee's job performance alone, that would not amount to retaliation. However, if a manager or supervisor disciplines an employee because the employee has reported compliance concerns, that discipline could be retaliatory.

6.0 The Chief Government Affairs and Compliance Officer, and if appropriate the Compliance Committee, will investigate any report of alleged retaliation or intimidation. The Chief Government Affairs and Compliance Officer will report to the Compliance Committee the findings of any inquiry, and if the retaliation allegations are found to be true, the Compliance Committee will make recommendations of appropriate disciplinary action to the Chief Executive Officer.

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7.0 Any employee of HPSM who intimidates an individual or retaliates against a reporting individual may be subject to discipline up to and including termination.

8.0 Any employee who has been disciplined by his or her supervisor and who thereafter intimidates any other employee in connection with or because of that discipline will be subject to further discipline up to and including termination.

9.0 Individuals who self-report are not insulated from responsibility for their conduct. However, prompt, and forthright disclosure of an error by an employee, even if the error constitutes inappropriate or inadequate performance, will be considered a mitigating factor on the part of the employee.

Related Documentation

- CP.000 Compliance Program
- CP.003 Reporting Compliance Concerns
- CP.004 Compliance Hotline
- CP.026 Code of Conduct

Attachments

- None

Log of Revisions	
Revision Number	Revision Date
0	06/19/2009
1	07/02/2010
2	08/05/2011
3	09/07/2012
4	10/09/2013
5	01/02/2015
6	01/02/2016
7	11/18/2016
8	12/01/2017
9	12/10/2018
10	12/17/2019
11	06/02/2023
12	09/17/2024
13	08/04/2025