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Owner: *David Behinfar: HCS Exec Dir Privacy*
Policy Area: *HIPAA - Privacy*
Policy Tag Groups:
Applicability: *UNC Health Care System (all owned and managed entities)*

Whistleblowers and Anti-Retaliation Policy

APPLICABILITY:

This policy applies to the following entities (collectively referred to as "UNC Health" in this policy):

✓ UNC Health Care System / UNC Medical Center*	✓ Johnston Health
✓ UNC Physicians Network	✓ Lenoir Memorial Hospital
✓ UNC Physicians Network Group Practices / UNC Physicians Group Practices II	✓ Margaret R. Pardee Memorial Hospital
✓ Rex Healthcare / Rex Hospital	✓ Nash Healthcare System/Nash Hospitals
✓ Chatham Hospital	✓ Wayne Memorial Hospital
✓ Caldwell Memorial Hospital	
✓ UNC Rockingham Health Care / UNC Rockingham Hospital	

***UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine of UNC-Chapel Hill (including UNC Faculty Physicians).**

I. Description

It is the policy of UNC Health to permit workforce members or business associates to disclose PHI if the workforce member or business associate believes in good faith that UNC Health has engaged in unlawful or inappropriate conduct, and the disclosure is made to a public health authority, health care accreditation agency, attorney or law enforcement official. UNC Health further seeks to foster an environment of open communication in which employees, volunteers, physicians, patients and vendors may report concerns or file complaints without fear of retaliation or harassment.

Included within the scope of this policy are the patient care programs of the UNC School of Medicine (UNC SOM). As a result, this policy shall apply to all UNC SOM personnel, including but not limited to faculty, staff, students, trainees, interns and volunteers who may be full-time, part-time, paid or unpaid who create, store, transmit, access or use any patient information in support of clinical purposes for UNC Health or any other healthcare entity.

II. Policy

- A. **When Disclosure of PHI is Permissible in Whistleblower Action.** Whistleblowers and Disclosure of PHI: UNC Health shall permit a workforce member or business associate to disclose PHI in reporting a concern if:
1. The workforce member or business associate believes in good faith that a UNC Health Facility or a member of the UNC Health workforce engaged in unlawful conduct or otherwise violated professional or clinical standards, or that the care, services or conditions provided by the UNC Health Facility potentially endangered one or more patients, workers, or the public; and
 2. The workforce member or business associate makes the disclosure of PHI to:
 - a. the designated authorities within UNC Health or a UNC Health Facility such as the compliance department, privacy office or department of legal services.
 - b. a public health authority such as the US Department of Health and Human Services Office for Civil Rights, authorized by law to investigate or otherwise oversee the relevant conduct; or
 - c. an appropriate health care accreditation agency for the purpose of reporting the allegation of failure to meet professional standards or misconduct by a UNC Health Facility or member of the UNC Health workforce; or
 - d. the disclosure is to an attorney retained by, or on behalf of, the workforce member or business associate for the purpose of determining the legal options of the workforce member or business associate with regard to the unlawful or unprofessional conduct.
- B. **Anti-Retaliation.** UNC Health shall not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any person for:
1. Filing of a complaint with the Secretary;
 2. Testifying, assisting, or participating in an investigation, compliance review, proceeding or hearing;
 3. Opposing any act or practice made unlawful by HIPAA, provided the individual or person has a good faith belief that the practice proposed is unlawful, and the manner of the opposition is reasonable and does not involve a disclosure of PHI in violation of the HIPAA regulations; or
 4. Exercising any other right under, or for participation in any process established by HIPAA.
- C. **Discipline for Retaliation Against Whistleblower.** UNC Health will apply appropriate discipline/sanctions against any workforce member who fails to comply with this policy.

III. Definitions

Workforce - means employees, including temporary agency or contract employees, health care professionals, including faculty, medical students and interns, volunteers, trainees, and other persons whose conduct, in the performance of work for UNC Health is under the direct control of UNC Health, whether or not they are paid by UNC Health.

IV. References

45 C.F.R. §§ 160.103, 160.306, 160.308, 160.316, 164.530(g)

V. Related Policies/Forms

None

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Jerylyn Williams: Chief Audit & Compliance Ofcr	06/2020
SYSTEM Site Administrator	Emilie Hendee: HCS Attorney Sr	06/2020
	David Behinfar: HCS Exec Dir Privacy	06/2020

Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Nash UNC Health Care, Pardee Hospital, UNC Health Care System, UNC Lenoir Health Care, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care, Wayne Memorial Hospital

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