

Anti-Retaliation Policy

Scope

Applies to personnel when involved in possible retaliatory situations.

Purpose

To establish protections for individuals who report, internally or externally, violations or other wrongdoings including, but not limited to, privacy, revenue, finance, research, quality of care, patient safety, and employment related concerns.

Policy

- Mayo Clinic is committed to its institutional integrity and conducts business in a manner that complies with applicable federal and state laws and meets the highest standards of business and professional ethics.
 - In compliance with Section 6032 of the Federal Deficit Reduction Act of 2005 and research statutes, Mayo Clinic has summarized the role of various federal and state laws in preventing and detecting fraud, waste, and abuse in federal and state health care programs. *See Policy Notes.*
 - Mayo Clinic does not tolerate retaliatory behavior against any individual who raises a compliance concern.
 - Any employee, regardless of position or title, that has engaged in retaliation as determined by Human Resources, will be subject to discipline, up to and including termination of employment.
 - Any individual who knows of or reasonably suspects an incident of fraud, waste, or abuse regarding Medicare, Medicaid, or any other federal or state health care program, or a violation of any other law or policy, by any Mayo employee, contractor, or agent should immediately report such incidents by using one of the resources below.
 - Contact an immediate supervisor, administrator, division or department chair, or appropriate physician leader.
 - Contact the Integrity and Compliance Office directly: 507-266-6286
 - Call the toll-free Compliance Hotline: 1-888-721-5391
 - Calls are anonymous and confidential
 - Submit a report [online](#)
 - Reports are anonymous and confidential
 - Call the Mayo Clinic Chief Compliance Officer: 507-266-0457
 - Mayo Clinic will make this policy available to all employees, contractors and agents.
 - Mayo Clinic will maintain its internal systems and controls to monitor compliance with the laws outlined in this policy and accompanying addendum.
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Policy Notes

Federal Laws Pertaining to Fraud, Waste, and Abuse

Mayo Clinic devotes many resources to preventing and correcting errors. The federal government and many states have enacted False Claims Act laws or other statutes to pursue fraud, waste, and abuse.

References:

Federal False Claims Act [31 U.S.C. §§ 3729 – 3733](#)

Federal Program Fraud Civil Remedies Act [31 U.S.C. §§ 3801 – 3812](#)

Research Statute

An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body, information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of

authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract or grant.

Reference: [41 U.S.C §4712](#)

State Laws

The following sections provide the key state laws that pertain to fraud, waste, and abuse across the six different states in which Mayo operates – Arizona, Florida, Iowa, Minnesota, and Wisconsin.

- **Arizona**

While Arizona does not have its own “False Claims Act,” several statutes apply to filing fraudulent claims with the government.

References:

- Arizona Health Care Cost Containment System, Prohibited Acts; Penalties; Subpoena power, [Ariz. Rev. Stat. § 36-2918](#).
- Arizona Health Care Cost Containment System, Duty to Report Fraud or Abuse; Immunity, [Ariz. Rev. Stat. § 36-2918.01](#).
- Severability of Employment Relationships, [Ariz. Rev. Stat. § 23-1501](#).
- Arizona Health Care Cost Containment System, Civil Monetary Penalties & Assessments, [Ariz. Admin. Code § R9-22-1101-1112](#).

- **Florida**

The Florida False Claims Act (“FFCA”) prohibits conduct similar to that addressed under the federal False Claims Act for claims paid from state government funds.

References:

- Florida False Claims Act, [Fla. Stat. § 68.081-.09](#)
- Oversight of the integrity of the Medicaid program, [Fla. Stat. § 409.913](#)
- Medicaid Provider Fraud, [Fla. Stat. § 409.920](#)
- Adverse Action Against Employee for Disclosing Information of Specified Nature, Employee Remedy & Relief, [Fla. Stat. § 112.3187](#)

- **Iowa**

The Iowa False Claims Act (“IFCA”) is designed to help the state government combat fraud and recover losses resulting from fraud against public agencies, much like the federal False Claims Act.

References:

- Iowa False Claims Act, [Iowa Code § 685.1-7](#)
- Fraudulent Practice – Investigations & Audits – Medicaid Fraud Account, [Iowa Code § 249A.50](#)
- Sanctions Against Provider of Care, [Iowa Admin. Code § 441-79.2](#)

- **Minnesota**

The Minnesota False Claims Against the State Act (“MFCASA”) is a civil statute to help combat fraud and recover losses resulting from fraud against Minnesota.

References:

- Minnesota False Claims Against the State Act, [Minn. Stat. §§ 15C.01-16](#)
- Theft, [Minn. Stat. § 609.52, Subd. 2](#)
- Medical Assistance Fraud, [Minn. Stat. § 609.466](#)
- Medical Assistance for Needy Persons, Sanctions, [Minn. Stat. § 256B.064](#)
- Medical Assistance for Needy Persons, Treble Damages, [Minn. Stat. § 256B.121](#)
- Surveillance & Integrity Review Program, [Minn. Rules § 9505.2200-2245](#)

- **Wisconsin**

The Wisconsin False Claims for Medical Assistance Act (“WFCMA”) is a civil statute to help combat fraud and recover losses resulting from fraud against the state’s Medical Assistance program.

References:

- Wisconsin False Claims for Medical Assistance, [Wis. Stat. § 20.931](#)
- Medical Assistance Offenses, [Wis. Stat. § 49.49](#)
- Medical Assistance Offenses, [Wis. Stat. § 49.95](#)
- Provider Rights & Responsibilities, [Wis. Admin. Code § DHS 106.06-12](#)
- Withholding of Payment Involving Fraud or Willful Misrepresentation, [Wis. Admin. Code § DHS 108.02\(9\)\(d\)](#)

Definitions

Individual: For the purposes of this policy, an individual includes employees, management, vendors, contractors, patients, volunteers, trainees, and other persons whose conduct is under the direct control of Mayo Clinic, whether or not they are paid.

Personnel: For the purpose of this policy, the term personnel includes staff physicians, scientists, research temporary professionals, residents, fellows, students, emeritus staff, volunteers, allied health staff, and contractors who regularly work in Mayo Clinic facilities.

Retaliatory Behavior: Any behavior intended to intimidate, threaten, coerce, discriminate against, or take other retaliatory action against individuals who in good faith and in a reasonable manner exercises their rights to report or otherwise disclose compliance concerns or other wrongdoing.