# Applicable to

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Entity** | QHBPC[[1]](#endnote-1) | QHPC[[2]](#endnote-2) | QHPMC[[3]](#endnote-3) | QHIC[[4]](#endnote-4) | QTZ[[5]](#endnote-5) | If other, please specify. | |
| **State** | Iowa | Illinois | Minnesota | Wisconsin | | If other, please specify. | |
| **Product Line** | All Insured Product Lines (Does not include self-funded) | | | | | Self-Funded |  |
|  | Commercial HMO  Commercial PPO  Commercial POS | | Individual ACA Exchange  Individual ACA Non-Exchange  Individual Pre-2010  Medicaid-BadgerCare Plus  Medicaid-SSI | | | Medicare Advantage  Medicare Select  Medicare Supplement  State/Local  D-SNP | |

# Enforcement

Workforce members who violate this policy will be subject to disciplinary actions, up to and including termination of employment. Workforce members have a duty to report suspected or actual noncompliance. Failure to do so may result in disciplinary action leading up to and including termination.

# Review, Revision and Distribution

This policy and any material revisions to this policy require the approval of **the Compliance Officer(s)**.

External requests for access to this P&P (from network partners, sister companies, etc.) should be directed to **the Compliance Officer(s)**.

This document will be updated periodically to reflect changing business and technology requirements or at least annually, whichever is sooner. All change requests should be directed to the document owner.

# Document Logistics & Revision History

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| **Document Owner:** | AVP, Compliance and Government Regulatory Operations and Senior Director, Deputy General Counsel |
| **Next Review:** | November 2024 |

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| **Description of Changes** | **Name, Title, or Committee** | **Date** |
| **Creation** | Jessica Stanton, Compliance Analyst | 5/1/2017 |
| **Reviewed/Revised** | Jessica Stanton, Sr. Compliance Analyst | 11/2/2023 |
| **Approved** | Compliance Committee | 9/20/2017 |
| **Note:** Only keep the initial creation, last revision, and last approval dates. Previous versions must be archived for 10 years. | | |

# Purpose

The purpose of this policy is to establish standards of non-intimidation and nonretaliation for good faith participation in the compliance program. This policy is designed to protect Quartz workforce members and others who report problems and concerns in good faith.

# Policy

Quartz recognizes that a critical aspect of its Compliance Program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal or state requirements, as well as our ethical and business policies. To promote this culture, Quartz established a policy of non-intimidation and nonretaliation for good faith participation in the compliance program, including but not limited to reporting potential issues, investigating issues, conducting self-evaluations, audits and remedial actions, and reporting to appropriate officials. The policy is intended to protect Quartz workforce members, employees of first-tier, downstream, and related entities (FDRs), and others who report problems and concerns in good faith. Any form of retaliation, intimidation, or retribution can undermine the problem resolution process and result in a failure of communication channels in the organization.

The False Claims Act and many related state acts contain a section designed to prevent retaliation by an employer against an employee who reports fraud through the filing of a civil false claim action on behalf of the government. The nonretaliation section of the False Claims Act provides the following: any employee who is discharged, demoted, suspended , threatened, harassed or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this section, including investigations for, initiation of, testimony for, or assistance in any action filed or to be filed under this section shall be entitled to all relief necessary to make the employee whole. [31 U.S.C. s. 3730(h)].

# Definitions

|  |  |
| --- | --- |
| **FDR** | First Tier, Downstream or Related Entity |
| **First-Tier Entity** | Any party that enters into a written arrangement, acceptable to CMS, with a Medicare Advantage Organization (MAO), Part D plan sponsor to provide:  Administrative services (e.g. marketing, utilization management, quality management, application processing, enrollment or disenrollment functions, claims processing, adjudicating Medicare organization determinations, appeals and grievances, provider credentialing); or  Health care services to a Medicare eligible individual under the Medicare Advantage program or Part D program (e.g. independent practice association, pharmacy benefit manager, hospital) |
| **Downstream Entity** | Any party that enters into a written arrangement, below the level of the arrangement between a sponsor and a First-Tier Entity for provision of administrative services or health care services to a Medicare or FFM eligible individual under the Medicare Advantage program, Part D program. (e.g. hospitals within a health system or credentialing verification organization) |
| **Related Entity** | Any entity that is related to the sponsor by common ownership or control and either: (1) performs some of the sponsor’s management functions under a contract or delegation; (2) furnishes services to Medicare eligible individuals under an oral or written agreement; or (3) leases real property or sells materials to the sponsor at a cost of more than $2,500 during a contract period. (42 C.F.R. § 423.501) |

# Related Documents

Policy HR03-01 *Anti-Harassment*

# Requirements

Prescription Drug Benefit Manual, Chapter 9, Section 50.2.4.1

Medicare Managed Care Manual, Chapter 11, Section 20.1

31 U.S.C. s. 3730(h)

Section 6032 of the Deficit Reduction Act of 2005, P.L. 109-71. P.L. 111-21

18 U.S.C. § 287

31 U.S.C. § 3729(a)(1) through 31 U.S.C. § 3729(a)(7)

31 U.S.C. § 3730(b)(1) and 31 U.S.C. § 3730(b)(2)

31 U.S.C. § 3730(c)(1) through 31 U.S.C. § 3730(c)(3)

31 U.S.C. § 3730(d)

31 U.S.C. § 3730 (h)

# Procedure

Any form of retaliation or intimidation against any workforce member who reports a perceived problem or concern in good faith is strictly prohibited. Knowledge of a violation or potential violation of this policy must be reported directly to the Compliance Officer(s), the Compliance Hotline, or the Human Resources Department. Any reports of retaliation or intimidation received by FDRs must be reported to the Quartz Compliance Officer(s) by the FDR. The Compliance Officer(s), or designee, will be responsible for the investigation and follow-up of any reported retaliation or intimidation against an employee. The Compliance Officer(s) will report the results of any investigation to the Compliance Committee. Any complaints involving retaliation or intimidation by the Compliance Officer(s), or by personnel who report to the Compliance Officer(s), shall be investigated by General Counsel and/or Vice President of Human Resources or their designee.

Disciplinary action resulting from investigations conducted under this policy will be determined in consultation with Human Resources. Any workforce member or FDR who commits or condones any form of retaliation or intimidation will be subject to discipline up to, and including, termination of employment or termination of contract.

**Whistleblowers**

Each director, workforce member and other representative of Quartz has an obligation to report any suspected or actual noncompliance, including but not limited to (a) questionable or improper accounting or auditing matters, and (b) violations and suspected violations of the Code of Conduct (hereinafter collectively referred to as “concerns”).

**Reporting Concerns**

The following reporting resources are available:

* Kelly Skifton, AVP Compliance & Government Regulatory Ops: (608) 881 8151
* Kristie Breunig, Senior Director, Deputy General Counsel: (608) 643 1402

Confidential Compliance Reporting:

* Local Compliance Hotline: (608) 644 3495
* Toll-free Compliance Hotline: (844) 492 2996
* Quartz Intranet: find the Compliance Incident Reporting Form on the Compliance Prism site
* Email: [compliance.hotline@quartzbenefits.com](mailto:compliance.hotline@quartzbenefits.com)

Anonymous Compliance Reporting:

* Mail: Quartz Compliance Officer

2650 Novation Parkway

Fitchburg WI 53713

Workforce members may also report to their manager if they so choose. The Compliance Officer(s) will promptly investigate all reported concerns. Appropriate corrective action will be recommended to the Board of Directors, if warranted by the investigation.

**Acting in Good Faith**

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of the Code. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the representative position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

**Confidentiality**

Reports of concerns, and investigations pertaining thereto, shall be kept confidential to the fullest extent possible, consistent with the need to conduct an adequate investigation. Disclosure of reports of concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

1. [↑](#endnote-ref-1)
2. [↑](#endnote-ref-2)
3. [↑](#endnote-ref-3)
4. [↑](#endnote-ref-4)
5. [↑](#endnote-ref-5)