



Policy Title:	Non-Retaliation	Effective Date:	1.1.2023
Functional Unit:	Compliance		
Policy Owner (Title):	Corporate Compliance Officer	Page Number:	1 of 3

**I. POLICY STATEMENT and PURPOSE**

It is the Company’s policy to encourage workforce members to express problems, concerns, and opinions on any business issue without fear of retaliation or intimidation. This Policy defines retaliation and intimidation and provides guidelines for appropriately responding to and reporting such behavior.

**II. DEFINITIONS**

**Downstream Entity** – Any party that enters into a written arrangement, acceptable to the Centers for Medicare & Medicaid Services (CMS), with persons or entities involved with the Medicare Advantage (MA) benefit or Part D benefit, below the level of the arrangement between an MAO or applicant or a Part D plan sponsor or applicant and a first tier entity. These written arrangements continue down to the level of the ultimate provider of both health and administrative services.

**First Tier Entity** – Any party that enters into a written arrangement, acceptable to CMS, with an MAO or Part D plan sponsor or applicant to provide administrative or health care services to a Medicare-eligible individual under the MA program or Part D program.

**Good Faith Report** – Notifying the Company that a violation of law or policy or other instance of non-compliance or related misconduct may have occurred, with the honest and reasonable belief that the information being reported is true and accurate at the time of reporting.

**Intimidation** – Intentional behavior that would cause a person of ordinary sensibilities fear of injury or harm; the act of making others do what one wants through fear.

**Related Entity** – Any party that is related to an MAO or Part D sponsor by common ownership or control and performs some of the MAO or Part D plan sponsor’s management functions under contract or delegation; furnishes services to Medicare enrollees under an oral or written agreement; or leases real property or sells materials to the MAO or Part D plan sponsor at a cost of more than \$2,500 during a contract period.

**Retaliation** – Any form of adverse or disciplinary action (including actions related to merit increases, promotions, or other forms of benefits or compensation) against an individual, by any other individual, solely because of such individual’s good faith reporting of a problem, concern or opinion on any business issue. Peer-to-peer retaliation is when an individual’s good faith reporting has caused peers, colleagues and others to create an atmosphere that may rise to the level of a hostile work environment, or to create an environment of intimidation for the individual.

**Workforce** – For purposes of this policy, the full- and part-time employees, contingent workers (consultants and contractors), trainees, and governing body of the Company, and other persons whose conduct in the performance of work for the Company is under the direct control of the Company, whether or not they are paid by the Company.



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**III. OWNERSHIP & TRAINING**

The Corporate Compliance Officer (CCO) is responsible for administration, oversight, and training with regard to performance under this policy and procedure. This policy is presented as part of new hire orientation as well as captured through annual compliance training. It is highly encouraged that all members of management reinforce this message with employees and FDRs on a regular basis.

**IV. PROTOCOLS**

a. Understanding and Reporting Retaliation or Intimidation

- i. Workforce members and FDRs are required to report in good faith any problems and concerns about Company-related practices, regulations, policies, or business issues. The Company provides mechanisms for such reporting and routinely communicates this information through its robust Compliance Program and Code of Conduct. Individuals may report confidentially and anonymously if desired.
- ii. It is the Company's policy that workforce members and FDRs will not be retaliated against or intimidated for good faith participation in the Compliance Program, including reporting potential issues; conducting self-evaluations, audits, and remedial actions; reporting to appropriate officials; or participating in an investigation.
- iii. If any individual suspects or experiences retaliation or intimidation, such conduct should be reported either orally or in writing to his or her Supervisor.
  - 1. If, for any reason, the individual feels constrained or uncomfortable speaking with his or her Supervisor, the individual should contact the Human Resources Department.
  - 2. If the individual cannot comfortably report using the methods described above, the individual may contact the CCO or utilize the Compliance, Ethics, and Fraud Hotline at [833-247-8283](tel:833-247-8283).

b. Responding to Reports of Retaliation or Intimidation

- i. Supervisors, the CCO, and the Human Resource Department staff maintain an "open-door" policy regarding workforce member and FDR problems and concerns, including reports of retaliation or intimidation. These individuals have a desire and responsibility to be receptive to individuals' concerns and opinions and offer suggestions for resolving issues.



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- ii. When handling reports of suspected or actual retaliation or intimidation, or any problems or issues of concern, confidentiality will be maintained and only those personnel who have a need to know will be informed of the matter, to the extent it is legal and practical to do so.
- iii. Management personnel receiving a report of possible retaliation or intimidation against a workforce member or FDR must communicate the report to the CCO.
- iv. A thorough and expeditious investigation of the reported behavior will be conducted by the Compliance Department and, if a resolution can be reached, the person alleging the retaliatory or intimidating behavior will be advised of the results of the investigation and the resolution within seven (7) working days, if possible. If a resolution cannot be reached, the CCO will refer the matter to legal counsel for assistance and resolution.

c. Violations of Policy

- i. Any reports that are not made in good faith (i.e. knowingly false, made with malicious intent, made with reckless disregard for or willful ignorance of facts that would disprove the allegation) are prohibited by this policy, and may subject the violator to disciplinary action, up to and including termination.
- ii. Any individual within the scope of this policy who commits or condones any form of retaliation or intimidation against a workforce member or FDR who reports a problem or concern will be subject to disciplinary action, up to and including termination.

V. REGULATORY REFERENCES / CITATIONS

Centers for Medicare & Medicaid Services' Medicare Managed Care Manual, Chapter 21  
42 CFR §422.503(b)(4)(vi)

VI. RELATED POLICIES / PROCEDURES

- Compliance Violations Reporting and Investigation
- Compliance, Ethics, and Fraud Hotline

VII. ATTACHMENTS

None

Owners of Sunshine Senior Services:

*Amal Frait, Jens Frit, Robert L. Anderson*