

**NON-INTIMIDATION AND NON-RETALIATION POLICY
(a/k/a “WHISTLEBLOWER POLICY”)**

Category: Compliance

Responsible Department: Compliance

Applicability: Applies to EHS, Inc. and its affiliates (hereinafter referred to as “Evergreen Health” or “organization” and all Affected Individuals as defined below

Date Effective: 08.06.21

Date of Last Review/Update: 02.25.24

Approved By: EHS, Inc. BOD

Approval Date: 04.11.24

Next Review: 04.11.25

POLICY SUMMARY

EHS, Inc. d/b/a Evergreen Health Services and its affiliates, Pride Center of Western New York, Inc., Community Access Services of WNY, Inc. and The Evergreen Foundation of WNY, Inc. (collectively, “Evergreen Health”) are committed to legal, honest, and responsible conduct as they carry-out their mission. To that end, Evergreen Health requires “Affected Individuals” (defined below) to report non-compliant, illegal, unethical, fraudulent, or dishonest conduct so it can investigate, address, and correct the misconduct. This policy prohibits retaliatory action against those who reasonably believe that misconduct has occurred and make a good faith report of misconduct.

DEFINITIONS

Affected Individuals: Shall be defined as all former and current individuals who were and/or are affected by Evergreen Health’s risk areas (as defined its Corporate Compliance Plan), including past and current employees, Chief Executive Officers (“CEO”), senior administrators, managers, contractors, agents, subcontractors, independent contractors, members of the Board of Trustees, corporate officers, patients, and other recipients of services from Evergreen Health.

Retaliatory Action: Shall be defined as threatening to or actually discharging, suspending, demoting, or taking other action against an Affected Individual that negatively alters the terms and conditions of their relationship with Evergreen Health. When the reporter is a former Affected Individual, the term shall include actions that have a negative impact on the reporter’s current or future employment. The term shall also include contacting or threatening to contact United States immigration authorities or otherwise reporting or threatening to report an Affected Individual’s suspected citizenship or immigration status or the suspected citizenship or immigration status of an Affected Individual’s family or household member.

REPORTING RESPONSIBILITY

It is the responsibility of all Affected Individuals to report any violation or suspected violation of a (a) federal, state, or local statute, law, regulation, executive order, rule, judicial interpretation, or administrative decision, ruling or order; (b) Evergreen Health policy and/or procedure; (c) applicable professional standard of conduct; and (d) contractual obligation. Examples of reportable misconduct include, but are not limited to:

- A criminal offense (e.g., fraudulent billing).

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- Someone’s health and safety within the organization is in danger because of non-compliance with OSHA.
- The organization is breaking a federal, state, or local law, ordinance or executive order, or any judicial or administrative decision, ruling or order.
- You believe someone is covering up wrongdoing within the organization.
- Activities that are not in line with Evergreen Health’s policies (e.g., misappropriation or misuse of Evergreen Health resources or assets; forgery or alteration of documents; pursuit of a benefit or advantage in violation of Evergreen Health’s Conflict of Interest policy; authorizing or receiving compensation for hours not worked; unauthorized alteration or manipulation of computer files).

REPORTING PROCEDURE

Affected Individuals can report misconduct to the Corporate Compliance Officer (“CCO”) by any of the following ways:

1. Direct Email: wdimmig@evergreenhs.org
2. Department Email: evergreencompliance@evergreenhs.org
3. Office Telephone: 716.847.2441 x1851
4. TeamDynamix (TDX) (internal ticketing system)
5. Healthicity (internal compliance and risk management system)
6. Compliance HelpLine: 716.541.0663 – ***This is the only way to communicate to the CCO anonymously. Messages are transcribed by an outside, third party-vendor and sent to the CCO by email. The CCO receives a transcription of the message and does not hear the message.***

Additionally, the **Health and Human Services-Office of Inspector General (HHS-OIG)** maintains a hotline for reporting allegations of “fraud, waste, abuse, and mismanagement” in healthcare. Common examples of allegations that may be reported include overbilling for services provided, billing for services not provided, billing for services that are not medically necessary, and billing for services provided by staff lacking proper credentials. ***The HHS-OIG hotline is 1-800-447-8477.***

RETALIATORY ACTION IS PROHIBITED

Evergreen Health will not tolerate any retaliatory action against an Affected Individual who:

- reasonably believes that an action violates a (a) federal, state, or local statute, law, regulation,

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executive order, rule, judicial interpretation, or administrative decision, ruling or order (b) Evergreen Health policy and/or procedure; (c) applicable professional standard of conduct; and (d) contractual obligation. federal or state law or regulation, ordinance or executive order, or any judicial or administrative decision, ruling or order, and/or any adopted policy or procedure;

- provides information or assists in an investigation regarding a violation or suspected violation; or
- files, testifies, or participates in a proceeding relating to the violation or suspected violation.

COMPLIANCE OFFICER RESPONSIBILITY

The CCO is designated to administer this policy and to report all retaliatory actions to the Corporate Compliance Committee.

REPORTING RETALIATORY ACTIONS

If an Affected Individual believes that they have suffered any form of retaliatory action as a result of reporting misconduct, they may report the retaliatory action by any of the means set forth above. The CCO or an authorized designee will promptly investigate and address all complaints of retaliatory action against a whistleblower. Depending on the nature and circumstances of the violation, the CCO may refer the complaint to the General Counsel, Corporate Compliance Committee, the entire Board, and/or outside counsel for further discussion and/or investigation.

The person who is the subject of a whistleblower complaint may not be present at or participate in any committee or group deliberations or vote on the matter relating to such complaint provided, however, that the committee or group may request that the person who is the subject of the complaint provide information in-person or answer questions at a meeting prior to the commencement of deliberations or voting.

If it is found that there has been retaliation against a whistleblower, the wrongdoer(s) will be disciplined consistent with Evergreen Health’s corrective action policy, up to and including termination of employment.

GOOD FAITH REPORTING

Anyone filing a complaint concerning a violation or suspected violation must reasonably believe that a

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violation occurred and be acting in good faith. A person who makes an allegation that proves to have been made maliciously or knowingly to be false will be subject to corrective action in accordance with Evergreen Health’s corrective action policy up to and including termination of the relationship with Evergreen Health.

NOTICE OF RIGHTS

Evergreen Health shall inform Affected Individuals of their protections and rights under this policy by (a) posting a notice thereof that shall be posted conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment; and (b) notifying non-employee Affected Individuals in writing at least annually.

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REVIEWED BY BOARD OF TRUSTEES

09.30.20

08.05.21

08.04.22

04.11.24

REVISIONS

DATE	REASON	AREA REVISED	REVISION
09.30.20	Expanded and broke out policy from the Corp Compliance Manual	all	
08.05.21	Revision and simplification of policy content	all	
01.05.22	NYLL § 740 expansion	Applicability	Added: former employees
01.05.22	NYLL § 740 expansion	Reporting Responsibility / Retaliation	Added: ...ordinance or executive order, or any judicial or administrative decision, ruling or order.
02.25.24	Revision and reformatting of entire policy	all	