SIERRA VISTA HOSPITAL AND CLINICS	POLICY # 643-30-019
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SUBJECT/TITLE: Employee Protection Against Whistleblower Retaliation	EFFECTIVE: 2/10/2026
DEPARTMENT/SCOPE: All Staff	OWNER: Compliance

SCOPE

It is the responsibility of all board members, senior leadership team members, department managers/supervisors, employees, volunteers, contracted employees, students, vendors, and affiliated personnel of Sierra Vista Hospital ("SVH") to report concerns about violations of SVH's Code of Conduct or suspected violations of law, regulation, or standards governing SVH operations. This policy applies to all individuals interacting with or performing services for SVH.

POLICY

This Employee Protection Against Whistleblower Retaliation Policy is intended to encourage and enable employees and others to raise serious concerns internally or externally so that SVH can address and correct inappropriate conduct and actions.

SVH requires all employees and business associates to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As representatives of SVH, we must practice honesty and integrity and comply with all applicable laws and regulations.

Per **New Mexico Statute § 24A-9-12(B)**, An entity (SVH) shall not take any retaliatory action against a whistleblower who:

1. discloses to the Health Care Authority ("authority"), the Attorney General, Office of Superintendent of Insurance ("office") or any other state, local or federal governmental body information about an action or a failure to act that the whistleblower believes in good faith constitutes an unlawful or improper act;
2. provides information to or testifies before a public body as part of an investigation, hearing or inquiry into an unlawful or improper act; or
3. objects to or refuses to participate in an activity, policy or practice that the whistleblower believes in good faith constitutes an unlawful or improper act.

Any employee or representative who engages in retaliation is subject to discipline up to and including termination, loss of privileges, or termination of contract.

DEFINITIONS

Whistleblower: A health care provider, officer, employee, contractor, subcontractor or authorized agent of an employer who reveals information about an unlawful or improper act by the employer.

Good Faith: A report made honestly, without malice, and with a reasonable basis that the disclosed information indicates wrongdoing, regardless of whether the allegation is ultimately substantiated.

Unlawful or Improper Act: Includes but is not limited to:

1. Violations of federal or state laws, regulations, or standards
2. Fraud, waste, abuse, or billing misconduct
3. Patient safety or quality-of-care concerns
4. Actions affecting licensure, reimbursement, or regulatory compliance

5. Ethical violations or misuse of organizational resources
6. Violates the NM Health Care Consolidation Oversight Act or the authority's or attorney general's ability to exercise authority pursuant to that act

Retaliation/Retaliatory Action: Any adverse action taken because an individual engaged in protected activity, including but not limited to:

1. Termination, demotion, suspension, or discipline
2. Denial of promotion or benefits
3. Reduction in pay or hours
4. Reassignment or ostracism
5. Harassment or intimidation
6. Threats or blacklisting
7. Limitations on access to health care services

Protected Activity: Reporting, disclosing, or participating in investigations regarding suspected unlawful or improper acts internally or to external authorities.

PROCEDURE

I. Reporting Procedure

SVH maintains an open-door reporting culture. SVH employees, contractors, or authorized agents are encouraged to raise concerns through:

1. Department manager/supervisor
2. The Compliance Officer
3. Human Resources
4. The Safety Officer (for OSHA and patient-safety violations)

Compliance Officer and/or Human Resources Department

The Compliance Officer, Human Resources, and/or Safety department are responsible for ensuring all complaints are investigated promptly, fairly, and objectively.

Leadership will be informed of material compliance issues, and the Compliance Committees will receive reports consistent with SVH governance processes.

The Compliance Officer will ensure that the contents of this policy are posted in high-traffic areas (waiting rooms, employee break rooms, etc.)

Accounting and Auditing Matters

The Compliance Officer shall immediately notify the CEO and appropriate members of the Compliance Committee of any concerns regarding accounting practices, internal controls, or auditing issues and coordinate resolution efforts.

Acting in Good Faith

Individuals filing complaints must act in good faith and have reasonable grounds for believing a violation occurred. Malicious or knowingly false allegations may result in disciplinary action.

A report is protected even if later found unsubstantiated, provided it was made in good faith.

Confidentiality

Reports may be submitted confidentially or anonymously. SVH will protect the identity of reporting individuals to the extent possible while conducting a proper investigation.

Handling of Reported Violations

All reports will be acknowledged when feasible, investigated promptly, and addressed through corrective action when warranted. Investigations will be conducted impartially and documented appropriately.

External Reporting

When acting in good faith, if all internal channels of reporting are determined to be ineffective, employees, contractors, authorized agents, visitors, and patients can file their concern to external agencies.

For instances of suspected patient abuse, neglect, exploitation, or injuries of unknown origin, individuals can file their concern to the New Mexico Health Care Authority (HCA) at www.hca.nm.gov/nm-consumer-complaint-form/ or by calling **1 (800) 752-8649**.

For instances of suspected fraud, waste or abuse, (including falsified Medicaid/Medicare claims), individuals can report to the HCA through phone at: **1 (800) 228-4802** or by email at: **HSD-OIG.Fraud@HCA.NM.GOV**

For concerns of retaliation towards employees, contractors, or designated agents that exercised their safety and health rights, individuals can fill out a complaint form at: www.env.nm.gov/occupational_health_safety/whistleblower-discrimination/

II. Non-Retaliation and Statutory Protection

SVH strictly prohibits retaliation against whistleblowers engaging in protected activity. Any retaliatory conduct will result in disciplinary action up to and including termination of employment or contractual relationship.

Under New Mexico law, retaliatory actions may subject responsible parties to civil penalties and legal remedies. Individuals who believe retaliation has occurred may report concerns internally or directly to appropriate governmental authorities.

III. Enforcement

Violations of this policy will be addressed through SVH disciplinary procedures and may include corrective action, restitution, termination, or referral to regulatory authorities as appropriate.

IV. Adoption and Promulgation

As required by **New Mexico Statute § 24A-9-12(C)**:

1. The entity adopts, promulgates, and enforces this whistleblower protection policy.
2. This policy must be distributed to all officers, employees, contractors, subcontractors, health care providers, and authorized agents in writing or electronically.
3. This policy must be posted:
    - At each workplace of the entity;
    - On the entity's website.

REFERENCES

New Mexico Statutes Annotated 1978 § 24A-9-12 — Health Care Whistleblower Protection

New Mexico Whistleblower Protection Act, NMSA § 10-16C-1 et seq.

Federal False Claims Act, 31 U.S.C. §§ 3729–3733 (including whistleblower protections under § 3730(h))

Occupational Safety and Health Act (OSHA) Whistleblower Protection Provisions, 29 U.S.C. § 660(c)

New Mexico Occupational Health and Safety Act (§50-9-25)

Patient Protection and Affordable Care Act — Whistleblower Protections, 29 U.S.C. § 218c