

IMPROVING HEALTH

CUSTOMIZED SOLUTIONS

DEDICATED SERVICE



Fraud, Waste & Abuse DEFICIT REDUCTION ACT OF 2005

Presented by: MARCH Vision Care, 2018

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keeping an eye on your health®

DISCLAIMER

This training was created as a guide by MARCH and shall not be construed to contain all contractual requirements that shall be the responsibility of the Provider. This document and the information in it does not constitute legal advice. It is also not a substitute for legal or other professional advice. Providers should consult their own legal counsel for advice regarding compliance with applicable regulations and laws.



WHO MUST ABIDE BY THE DEFICIT REDUCTION ACT (DRA)?

ANSWER:

Every entity that receives at least \$5 million dollars in Medicaid payments annually must establish written policies for all employees of the entity, and for all employees of any contractor or agent of the entity, providing detailed information about false claims, false statements and whistleblower protections under applicable federal and state fraud and abuse laws.

As a contracted provider with MARCH Vision Care, you and your staff are subject to these provisions.



WHAT ARE THE DEFICIT REDUCTION ACT AND THE FEDERAL/STATE FALSE CLAIMS ACTS?

ANSWER:

The Deficit Reduction Act of 2005 contains many provisions reforming Medicare and Medicaid which are aimed at reducing Medicaid fraud.

Section 6032 of the Deficit Reduction Act contains information regarding the Federal False Claims Acts and whistleblower protection.

In addition, there is a TN Medicaid False Claims Act which contains the same whistleblower protections.



DEFICIT REDUCTION ACT AND THE FEDERAL FALSE CLAIMS ACTS

- **FEDERAL FALSE CLAIMS ACT:**

The Federal False Claims Act prohibits knowingly submitting (or causing to be submitted) to the federal government a false or fraudulent claim for payment or approval. It also prohibits knowingly making or using (or causing to be made or used) a false record or statement to get a false or fraudulent claim paid or approved by a state Medicaid program, the federal government or its agents, such as a carrier or other claims processor.



DEFICIT REDUCTION ACT AND THE FEDERAL FALSE CLAIMS ACTS

- **FEDERAL FALSE CLAIMS ACT (continued):**

Civil penalties can be imposed on any person entity that violates the Federal False Claims Act, including monetary penalties of \$5,500 to \$11,000 as well as damages of up to three times the Federal governments damages for each false claim.



DEFICIT REDUCTION ACT AND THE FEDERAL FALSE CLAIMS ACTS

- **FEDERAL FRAUD CIVIL REMEDIES:**

The Program Fraud Civil Remedies Act of 1986 also allows the government to impose civil penalties against any person who makes, submits or presents false, fictitious or fraudulent claims or written statements to designated federal agencies, including the U.S. Department of Health and Human Services, which is the federal agency that oversees the Medicare and Medicaid Programs.



TENNESSEE ACT AND WHISTLEBLOWER PROTECTIONS

- **STATE FALSE CLAIMS ACT:**

Several states also have enacted broad false claims laws modeled after the Federal False Claims Act or have legislation pending that is similar to the Federal False Claims Act. Other states have enacted false claims laws that have provisions limited to health care fraud.



TENNESSEE ACT AND WHISTLEBLOWER PROTECTIONS

- **WHISTLEBLOWER AND WHISTLEBLOWER PROTECTIONS:**

The Federal False Claims Act and some state false claims acts permit private citizens with knowledge of fraud against the U.S. Government or state government to file suit on behalf of the government against the person or business that committed the fraud.



TENNESSEE ACT AND WHISTLEBLOWER PROTECTIONS

- **WHISTLEBLOWER AND WHISTLEBLOWER PROTECTIONS**
(continued):

Individuals who file such suits are known as a “qui tam” plaintiff or “whistleblower.” The Federal False Claims Act and some state false claims acts also prohibit retaliation against an employee for investigating, filing or participating in a whistleblower action.



WHEN SHOULD PROVIDERS EDUCATE THEIR EMPLOYEES ABOUT THESE ACTS?

ANSWER:

Each employee should be educated upon employment with the provider and annually thereafter. Records (i.e., sign-in sheets) of these trainings must be maintained in the event of an audit.

The provider should have a policy detailing the requirements of the Deficit Reduction Acts and Federal/State False Claim Acts.

MARCH maintains the Integrity of Claims, Reports and Representation to Government Entities policy which must be reviewed by all providers. If the provider has an employee handbook, the handbook should contain information regarding the Acts.



WHERE CAN RESOURCES BE FOUND?

ANSWER:

MARCH has placed several resources regarding these requirements on the provider website, including the Integrity of Claims, Reports and Representation to Government Entities Policy and the TN State Medicaid False Claims Act.

<https://www.marchvisioncare.com>



WHY SHOULD ALL PROVIDERS COMPLY WITH THESE REQUIREMENTS?

ANSWER:

As a contracted MARCH provider, you are required to comply with all fraud, waste and abuse regulations.

Anyone suspecting violations of the fraud, waste and abuse requirements can report such activity to one of the following entities:

- The Office of Inspector General website is: www.oig.hhs.gov
- Report SNP fraud & abuse at: 1-800-HHS-TIPS (800) 447-8477 or HHSTips@oig.hhh.gov
- Report TennCare fraud & abuse to the Office of Inspector General at: (800) 433-3982 or www.tn.gov/?tnoig/ReportTennCareFraud.html
- Report fraud and abuse to MARCH at: (888) 493-4070 or www.marchvisioncare.com



PROVIDER NEXT STEPS

1. The Deficit Reduction Act requires covered providers to establish written policies aimed at educating employees about false claims and whistleblower protections. The Act applies to all entities that receive or bill in Medicaid funds.
2. The written policies for all employees of the entity are to provide detailed information about the False Claims Act, administrative remedies for false claims and statements, whistleblower protections under the law, procedures for detecting and preventing fraud, waste and abuse.
3. All the policies are to be placed in any employee handbook with a specific discussion of laws described, the rights of employees.



QUESTIONS?

