

Madison County Corporate Compliance Training for Contractors



DECEMBER 2024

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Preface

Madison County has classified certain types of contractors, subcontractors, independent contractors or agents as its “**Class A Contractors**”.

Class A Contractors are defined as those who, on behalf of the County:

1. furnishes or otherwise authorizes the furnishing of Medicare and/or Medicaid health care items or services;
2. performs billing or coding functions; or
3. provides administrative or consultative services, goods, or services that are significant and material, are directly related to a health care provision, and/or are included in, or are a necessary component of, providing items or services of Medicaid-funded programs; or
4. is involved in the monitoring of health care services provided by the County; or
5. is determined by Madison County to be affected by any of its compliance risk areas as identified in NYCRR § 521-1.3(d) and set forth in *Attachment 4* of the [Corporate Compliance Plan](#).

All Class A Contractors are required to complete training on Madison County's Corporate Compliance Program per the requirements of 18 NYCRR Part 521.

Introduction

Welcome to Madison County NY Government's Mandatory Corporate Compliance Training for its Class A Contractors.

- ▶ Madison County is committed to fostering a culture of compliance and integrity and to ensuring that it will operate at only the highest standards for ethical conduct.
- ▶ While we understand you may have your own program training, this training will provide you with important information regarding Madison County's Corporate Compliance Program.
- ▶ This training also will cover compliance with laws, rules and regulations that apply to Madison County, including the False Claims Act and New York State False Claims Act.
- ▶ If you have any questions about this training, please contact the Madison County Corporate Compliance Officer at 315-366-2832.

A gavel resting on a book labeled 'LAW' with an American flag in the background.

Compliance with State and Federal Fraud and Abuse Laws

Fraud, Waste and Abuse

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Fraud

Intentional deception or misrepresentation to gain an unauthorized benefit.

Example: Billing Medicaid for a more expensive service than what was provided.

Waste

Overuse or misuse of resources without intent to deceive, resulting in unnecessary costs.

Example: Ordering excessive medical tests that aren't necessary for treatment.

Abuse

Practices that lead to unnecessary costs or improper payments, even if unintentional.

Example: Charging excessively for services or supplies.

Key Laws Governing Medicaid Compliance

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Madison County NY Government

Social Services Law § 363-d

- Requires Medicaid providers to have compliance programs to detect and prevent fraud.
- Mandates policies, a compliance officer, employee training, auditing, and reporting.

18 NYCRR Part 521

- Implements SSL § 363-d, detailing how to set up and maintain compliance programs.
- Stresses regular audits, policies, and education for Medicaid compliance.

False Claims Act (FCA)

- Federal law against submitting false claims for government payment.
- Encourages whistleblowing and penalizes fraud.

NYS False Claims Act

- Targets fraud involving state/local government funds, including Medicaid.
- Protects whistleblowers and imposes penalties for fraud, such as triple damages and fines.

False Claims Act Penalties

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Madison County NY Government

Health care providers and suppliers who violate the FCA are subject to the following penalties and administrative sanctions:

a civil penalty range of \$13,508 to \$27,018* per claim;

up to five (5) years in prison;

exclusion from participation in Federal Health Care Programs, such as Medicare and Medicaid;

suspension of provider payments; and

payment of three times the amount of damages sustained by the government;

a fine calculated under the United States Sentencing Guidelines;

denial or revocation of Medicare provider number application;

license suspension or revocation.

* Penalties increased by the Department of Justice in January 2023

The seal of Madison County, New York, is a circular emblem. It features a central shield with vertical stripes, flanked by two figures: a Native American on the left and a woman on the right. Above the shield is a sunburst. The words "MADISON COUNTY" are inscribed along the top arc, and "SEAL OF" along the bottom arc. A banner at the bottom contains the motto "ECCO VIVIT".

Overview of Madison County's Corporate Compliance Program

Madison County Services

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Madison County NY Government



Mental Health Clinic (Article 31)



Social Services: Medicaid Funded Programs



Emergency Medical Services



Maternal and Child Health (Article 25)



Immunizations (Article 28 D&T Clinics)



Children with Special Health Care Needs (Early Intervention/Pre-K)



Transportation

- ▶ Many of the services that the county provides are billed to Medicaid, Medicare, third party payers, and other governmental programs. In addition to the health care programs operated, the County also receives funding from other sources to provide services and operate programs of many types.
- ▶ As a provider of Medicaid funded services, we are required by law to operate an effective compliance program that detects, prevents and correct fraud waste and abuse in these programs.

OMIG Compliance Program Requirements

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OMIG's Role:

- Safeguards the integrity of NY Medicaid.
- Prevents and detects fraud, abuse, and waste.
- Recovers improperly expended funds.
- Provides guidance on compliance programs and regulations.



8 Key Elements of a Compliance Program

1. Written policies and procedures
2. Designated compliance officer & committee
3. Training and education
4. Lines of communication
5. Disciplinary Standards
6. Auditing and monitoring
7. Responding to Compliance Issues
8. Protection against Retaliation

Why Compliance Matters

- ✓ Reduce and prevent fraud, waste & abuse.
- ✓ Condition for Medicaid payment.
- ✓ Non-compliance can result in sanctions or penalties.
- ✓ Compliance Officer ensures adherence to all requirements.

Compliance Code of Conduct

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- ▶ Madison County has established a Compliance Code of Conduct that defines the legal and ethical standards expected of all affected individuals, particularly concerning the provision of health services and the Compliance Program. The Code includes five key standards of behavior as shown above.
- ▶ Class A Contractors are expected to follow the Code of Conduct as well as applicable County policies and procedures. A copy of the Code of Conduct will be provided to you by your business contact. **It can also be found on our website at:** www.madisoncounty.ny.gov

Written Policies & Procedures

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- ▶ Madison County sets forth its commitment and obligation to comply with all applicable federal and state standards
- ▶ Our written policies and procedures outline the ongoing operation of the Compliance Program.
- ▶ We expect our Contractors to follow all applicable policies and procedures including the Code of Conduct.
- ▶ Please consult with your business contact to determine the policies and procedures applicable to the services that you provide.

Auditing &
Monitoring

Compliance Code of
Conduct

Compliance
Education & Training

Conflict of Interest

Compliance
Program Risk
Assessment

Enforcement and
Discipline

Exclusion Screenings

False Claims Act and
Whistleblower
Provisions

Investigation &
Resolution of
Compliance Issues

Policy Development
and Approval

Reimbursement
Practices and Billing
Errors; Reporting &
Returning
Overpayments

Reporting of
Compliance
Concerns; Non-
Intimidation/Non-
Retaliation

Response to Gov't
Investigations and
Interviews

Search Warrants

Copies are available on our website at: www.madisoncounty.ny.gov

Madison County Compliance Officer

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Compliance Officer & Compliance Committee

- ▶ Madison County has designated Christina Kennedy to serve as its Corporate Compliance Officer (CCO).
- ▶ The CCO is responsible for the day-to-day operation of the compliance program. Works collaboratively with members of the Corporate Compliance Committee.
- ▶ The CCO reports to the Compliance Committee, the County Administrator, and the Board of Supervisors on at least a quarterly basis.
- ▶ The CCO is directly obligated to serve the best interest of Madison County, and its employees.



Christina Kennedy
Corporate Compliance Officer

- Compliance Committee
- County Administrator
- Board of Supervisors

Lines of Communication

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Madison County provides multiple lines of communication to the Compliance Officer, which are made available to all employees and service recipients. These communication channels are widely published to ensure accessibility.

We guarantee confidentiality of reports, unless disclosure is required for government investigations or legal proceedings. Callers have the option to remain anonymous.

In compliance with Federal and New York State labor laws, Madison County has implemented a strict Non-Intimidation and Non-Retaliation Policy, prohibiting any form of retaliation against individuals who raise compliance concerns in good faith.



Directly to the Compliance Officer and/or any member of the Compliance Committee;



Anonymously by calling the toll free Hot-Line @ 1-855-83-FRAUD (1-855-833-7283);



IN-PERSON. File report at Veterans Memorial Bldg Rm #208 in Wampsville, NY;



EMAIL:
Christina.kennedy@madisoncounty.ny.gov



MAIL: Madison County, Attn: Corporate Compliance, 138 N. Court Street, PO Box 635, Wampsville, NY 13163.

Disciplinary Standards & Enforcement

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Madison County has policies in effect to encourage good faith participation in our Compliance Program and to enforce appropriate disciplinary actions for violations of the Compliance Program, including the Code of Conduct.

- ✓ Disciplinary actions are enforced equally and fairly across all levels of personnel.
- ✓ Affected Individuals are subject to appropriate disciplinary action in accordance with the applicable county policies or bylaws, including removal from employment or their respective board.
- ✓ Disciplinary standards with respect to Contractors may include measures up to and including reassignment of vendor personnel or suspension or termination of the contract
- ✓ We expect all affected individuals, including Contractors, to report all potential issues of non-compliance and assist in the resolution of compliance matters.



Response to Issues, Investigations and Corrective Actions

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Preliminary Review

Upon detection of potential compliance risks or issues, the CCO in collaboration with the Corporate Compliance Committee, shall promptly investigate the matter to determine whether any corrective action is required and promptly implemented.

Investigation

Upon detection of potential compliance risks or issues, the CCO in collaboration with the Corporate Compliance Committee, shall promptly investigate the matter to determine whether any corrective action is required and promptly implemented.

Corrective Actions

The CCO may perform re-audits, implement new or amended policies and procedures, or implement new or enhanced monitoring processes, among other things.

The CCO may call on you to assist with evaluating the need for or implementing corrective actions, where appropriate.

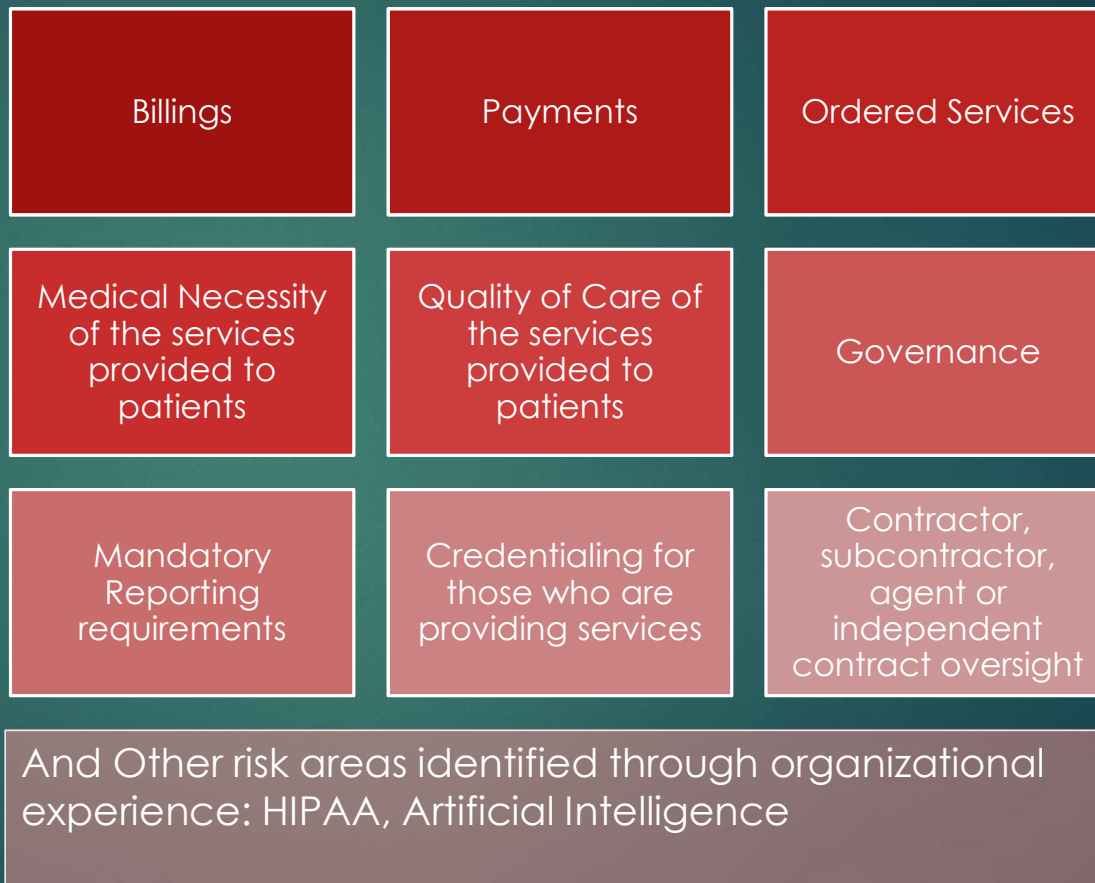
► See also [Compliance Policy: Investigation and Resolution of Compliance Issues](#)

Compliance Risk Areas*

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According to OMIG requirements, a Provider's Compliance Program shall apply to the required provider's risk areas, which are those areas of operation affected by the compliance program, shown here.

** Risk factors from 18 NYCRR § 521-1.3(d) in effect as of December 2022.*



Auditing & Monitoring

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Each year, the Madison County Compliance Officer develops an Auditing and Monitoring Plan based on a comprehensive risk assessment that considers factors such as OIG/OMIG Work Plans, Results of Governmental Audits, External and Internal Reviews, and any identified Compliance Risk areas.



Exclusion Screening

- ▶ The **OIG** and **OMIG** have the authority to exclude individuals and entities from participating in **Medicare**, **Medicaid**, and other federal health care programs.
- ▶ **Exclusion** means that no program payments will be made for any items or services furnished, ordered, or prescribed by the excluded individual or entity. Additionally, Madison County is prohibited from billing for services ordered or provided by an excluded individual or entity.
- ▶ It is Madison County's policy to **not employ, contract with, or engage providers or vendors** listed on exclusion databases or deemed otherwise ineligible, debarred, or suspended from participation in Federal Health Care Programs. To ensure compliance, Madison County conducts **exclusion screenings every thirty (30) days** against state and federal exclusion databases.

Contractor Responsibility

Contractors providing services to or on behalf of Madison County must comply with this requirement by conducting exclusion screenings of their employees and subcontractors every thirty (30) days. This ensures that no excluded individuals or entities are involved in Medicaid-funded or other federally funded programs.



Conflicts of Interest



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- ▶ Madison County is committed to acting in good faith in all aspects of our work. We will avoid conflicts of interest or the appearance of conflicts between the private interests of any employee and his or her work duties.
- ▶ All Affected individuals should avoid situations where their actions or activities may result in an improper personal gain or have an adverse impact on our interests.
- ▶ No one should offer, accept, or provide gifts or favors, such as meals, transportation, or entertainment that might be interpreted as a conflict of interest.
- ▶ All Affected Individuals, including contractors, are required to complete a Conflict of Interest Disclosure Statement upon hire, and update as needed thereafter.

Reporting and Returning Overpayments

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Madison County NY Government

- ▶ The County strictly prohibits the intentional submission of any claim that is false, fraudulent, or fictitious. Additionally, we are dedicated to preventing the accidental submission of inaccurate claims.
- ▶ Overpayment Reporting: If the County is aware or should be aware of an overpayment, it is our responsibility to report it promptly. Failing to do so can lead to substantial monetary penalties.
- ▶ Madison County is committed to ensuring that all reimbursement practices comply with applicable federal and state laws, regulations, guidelines, and policies.
- ▶ Any identified overpayments must be refunded promptly to the appropriate payor, including Medicare and Medicaid, within the required timeframe:
 - ▶ Medicare: Report and return within 60 days of identification.
 - ▶ Medicaid: Report, return, and explain within 60 days of identification.

Health Insurance Portability and Accountability Act (HIPAA)

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- ▶ It is the responsibility of all Madison County employees and contractors to protect the security of our patients' PHI and prevent disclosures to unauthorized individuals.
- ▶ Minimum Necessary: As a healthcare provider/health plan, we must only request, use, or disclose, the minimum necessary information about a patient in order to complete the task at hand.
- ▶ Any contractor/vendor that has access to the PHI of Madison County's patients is required to sign a Business Associate Agreement which includes requirements for securely handling and storing PHI.
- ▶ Any employee or contractor/vendor who becomes aware that PHI may have been improperly disclosed to unauthorized individuals must notify the Corporate Compliance Officer immediately at 315-366-2832.

Whistleblower Provisions

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- ▶ The FCA includes a “Qui tam” or whistleblower provision to encourage employees, former employees, a member (inside or outside) of an organization, a member of the public or a contractor to come forward and report misconduct involving false claims.
- ▶ This provision essentially allows any person to:
 - Report fraud anonymously
 - Take legal action against an organization on behalf of the government; and
 - to claim a portion of any settlement results
- ▶ Whistleblowers who report false claims or bring legal action to recover money paid on false claims are protected from retaliation.
- ▶ In accordance with Federal and NYS Labor Laws, Madison County has established a Reporting of Compliance Concerns, Non-Intimidation and Non-Retaliation Policy.
- ▶ **Madison County strictly prohibits retaliation against anyone who raises a compliance concern in good faith.** If it is determined that retaliatory behavior is being taken against an individual for reporting fraudulent activity or for assisting with a related investigation, the individual engaging in that behavior will be subject to termination of employment or provider contract.



Service Planning, Delivery and Documentation

MEDICAID REGULATIONS & REQUIREMENTS APPLICABLE TO ALL
CONTRACTORS INVOLVED IN THE PROVISION OF REIMBURSABLE SERVICES

“ By enrolling the provider agrees:

(a) to prepare and maintain contemporaneous records demonstrating their right to receive payment... and keep, for 6 years from the date of care/service furnished, all records necessary to disclose the nature and extent of the service furnished and all information regarding claims for payment by, or on behalf of, the provider....

(e) to submit claims for payment only for service actually furnished and which were medically necessary...

(h) that the information provided in relation to any claim for payment shall be true, accurate and complete; and

(i) to comply with the rules, regulations and official directives of the department.

”

NYCRR Title 18, Section 504.3. Duties of the Provider.

AS A PROVIDER OF MEDICAID SERVICES, MADISON COUNTY AGREES TO ABIDE BY CERTAIN REQUIREMENTS. CLASS A CONTRACTORS WHO, ON BEHALF OF THE COUNTY, PROVIDE SERVICES BILLED TO MEDICAID MUST ALSO ABIDE BY THESE REQUIREMENTS.

Medical Necessity

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- ▶ In order for services to be reimbursable under the Medicaid Program, they must be Medically Necessary.
 - ▶ To be deemed Medically Necessary, the service must be based on diagnosis or disability. Additionally, the services must include a Medicaid covered (allowable) service category.
 - Staff Action/Interventions must be delivered in accordance with a plan of services or under the order of a physician and documented in the record.
 - Services must be built on goals that are measureable so that progress can be monitored and recorded. The services must also be meaningful and related to the objective of treatment or service provision.
- ▶ **Medical Necessity must be clearly documented in every plan, note and summary in your program records so someone outside your program may easily read and understand.**

Planning and Delivery of Services

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- ▶ For any service that is reimbursed through Medicaid/Medicare or a third party payor, it must be:
 - Medically Necessary;
 - Authorized (i.e. Treatment Plan, Service Plan, Care Plan, Prescription, or MD order);
 - Reviewed as required; and
 - Delivered by trained and qualified staff and as specified in the service/treatment plan.
- ▶ The effectiveness of the service/treatment plan must be reviewed on a frequent and regular basis.
- ▶ The plan must be revised, as necessary (i.e. if it is no longer effective or when the person's needs change.)

Documentation Requirements

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Madison County NY Government

- ▶ Services must be documented “contemporaneously” with service delivery (at the same time or in close proximity) and by the person who provided the service.
- ▶ Documentation must include all required elements:
 - ▶ The service that was provided; and
 - ▶ The signature and title of the person who provided the service
- ▶ Madison County has developed forms that make it easier for you to include all the required elements of documentation.
 - ▶ All forms must be completed thoroughly and accurately.
- ▶ Documentation must be permanent and legible (able to be read by a reviewer)



Common Mistakes

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Not documenting allowable services

Not proving medical necessity

Not supporting provision of planned services

Allowing ineligible/inappropriate providers to provide billed services

Implementing unauthorized or expired service/treatment plans

Service/treatment plans lack specific interventions/activities

Billing without service documentation

Dos and Don'ts of Documentation

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DOs

- ✓ **Do** use full date (mm/dd/yy)
- ✓ **Do** use signature and title on all entries.
- ✓ **Do** Include date with your signature.
- ✓ **Do** use ink in records.
- ✓ **Do** Document services promptly.
- ✓ **Do** Document only services you provided.
- ✓ **Do** Only submit claims (billing) for service provided.
- ✓ **Do** Obtain proper authorization for services.

DON'Ts

- ✗ **Don't** document in color ink or pencil.
- ✗ **Don't** document anything you have not actually done or observed.
- ✗ **Don't** leave labeled fields blank
- ✗ **Don't** use initials without corresponding signature key
- ✗ **Don't** attempt to obliterate errors. No use of "white out", black markers, or scribbling over... draw a line, note error, sign and date!
- ✗ **Don't** alter previous documentation.

Other Best Practices & Advice

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Other steps you can take to help Madison County comply with its obligations under applicable laws and policies include:

- ▶ Making sure any coding and billing functions are conducted accurately and in accordance with applicable law, policies, and guidance
 - Maintaining accurate, legible and timely records
 - Billing only for those goods and services actually provided and medically necessary
- ▶ Promptly report any concerns regarding potentially erroneous billing or coding practices to your supervisor or the Corporate Compliance Officer.
- ▶ Safeguarding confidential, patient and other private information
- ▶ Maintaining all required professional licenses, certifications, or other credentials
- ▶ Disclosing to your Madison County business contact or the Corporate Compliance Officer any potential or actual conflicts of interest

QUIZ

ANSWER THE FOLLOWING 5 QUESTIONS TO TEST YOUR KNOWLEDGE

Question 1

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True or False. You should report any potential conflict of interest to your Madison County business contact and the Corporate Compliance Officer.

- ▶ A) True
- ▶ B) False

Question 1

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True or False. You should report any potential conflict of interest to your Madison County business contact and the Corporate Compliance Officer.

- ▶ **A) True**
- ▶ B) False

Question 2

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True or False. Madison County has a policy that protects individuals who report suspected violations of the Code of Conduct, policies and procedures, or law.

- ▶ A) True
- ▶ B) False

Question 2

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True or False. Madison County has a policy that protects individuals who report suspected violations of the Code of Conduct, policies and procedures, or law.

- ▶ **A) True**
- ▶ B) False

Question 3

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Which of the following prohibits submission of false or fraudulent claims in order to receive payment from the federal government?

- ▶ A) Health Insurance and Portability Accountability Act (HIPAA)
- ▶ B) Federal No Surprises Act
- ▶ C) Federal False Claims Act
- ▶ D) NYS Social Services Law

Question 3

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Madison County NY Government

Which of the following prohibits submission of false or fraudulent claims in order to receive payment from the federal government?

- ▶ A) Health Insurance and Portability Accountability Act (HIPAA)
- ▶ B) Federal No Surprises Act
- ▶ **C) Federal False Claims Act**
- ▶ D) NYS Social Services Law

Question 4

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True or False. Failure to comply with Madison County's Corporate Compliance program, policies and procedures, or Code of Conduct may result in termination of the contract.

- ▶ A) True
- ▶ B) False

Question 4

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Madison County NY Government

True or False. Failure to comply with Madison County's Corporate Compliance program, policies and procedures, or Code of Conduct may result in termination of the contract.

- ▶ **A) True**
- ▶ B) False

Question 5

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What are the ways you can report potential Fraud, Waste and Abuse?

- ▶ A) To your business contact
- ▶ B) To Madison County's Corporate Compliance officer
- ▶ C) Madison County Hotline 1-855-83-FRAUD
- ▶ D) NYS OMIG at 1-877-87-FRAUD
- ▶ E) All of the above

Question 5

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Madison County NY Government

What are the ways you can report potential Fraud, Waste and Abuse?

- ▶ A) To your business contact
- ▶ B) To Madison County's Corporate Compliance officer
- ▶ C) Madison County Hotline 1-855-83-FRAUD
- ▶ D) NYS OMIG at 1-877-87-FRAUD
- ▶ **E) All of the above**

Conclusion

Thank you for taking the time to complete this training.

Please be sure to submit 1 (ONE) Attestation Form with a listing of the names, titles and dates of training for your employees.

You may contact the Corporate Compliance Officer with any questions or comments at 315-366-2832.