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TO: **Memo Distribution List**

FROM: Hinman Straub P.C.

RE: Changes to the Medicaid Compliance Program Certification Process

DATE: November 23, 2020

NATURE OF THIS INFORMATION: This is general information you might find helpful or informative.

DATE FOR RESPONSE OR IMPLEMENTATION: N/A

HINMAN STRAUB CONTACT PEOPLE: Jennie Shufelt and Raymond Kolarsey

THE FOLLOWING INFORMATION IS FOR YOUR FILING OR ELECTRONIC RECORDS:

Category: #9 Medicaid and Medicare

Suggested Key Word(s):

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In November 2020, the New York State Office of the Medicaid Inspector General (OMIG) announced changes to the annual certification process for Medicaid plans and providers to certify their compliance with N.Y. Social Services Law (SSL) §363-d. SSL § 363-d requires Medicaid plans and most providers to adopt and maintain a Medicaid compliance program. Upon enrollment in the Medicaid Program, and annually thereafter, providers are required to certify to the New York State Department of Health (NYSDOH) that they have adopted and maintained an effective compliance program that includes all of the elements required by SSL § 363-d. Historically, providers have satisfied this requirement by completing the “SSL Certification” annually in December via an online certification form available on the OMIG website.

This certification process has now been eliminated. Instead, effective immediately, the SSL § 363-d certification will be incorporated into the annual “Certification Statement for Provider Billing Medicaid,” which plans and providers must complete on the anniversary date of their enrollment in Medicaid. Providers will receive, by mail, an annual certification packet from the NYSDOH approximately 45-60 days prior to their anniversary date that will contain the “Certification Statement for Provider Billing Medicaid” form. The form must be completed and returned to the NYSDOH by the provider’s Medicaid enrollment anniversary date. Providers can find their anniversary date on their initial Medicaid enrollment welcome letter.

Furthermore, plans and providers subject to the Deficit Reduction Act were previously required to complete a separate Deficit Reduction Act certification through an online form on OMIG’s website. With recent changes to SSL § 363-d adopted as part of the 2020-21 NYS Budget, the Deficit Reduction Act requirements were made a part of the compliance program requirements set forth in SSL §363-d. As a result, a separate certification is no longer necessary. By certifying to compliance with SSL § 363-d, plans and providers that are subject to the Deficit Reduction Act will also be certifying as to their compliance with the Deficit Reduction Act. Thus, the separate Deficit Reduction Act certification that was previously required annually in December has been eliminated.

If you have any questions, please let us know.