What OMIG Looks for in a Compliance Program Review

- Compliance Program Review Guidance of October 26, 2016

The Fine Print

- OMIG acknowledges that this presentation contains ideas and some materials from many sources.

- These slides are not intended to provide legal advice; do not represent the opinion of the Office of the Medicaid Inspector General (OMIG); do not represent the opinion of Centers for Medicare and Medicaid Services (CMS), Office of Inspector General (OIG) or any other State or federal agency; and shall not bind OMIG in any way.
Today’s Agenda

- OMIG Background
- OMIG’s Compliance Program Review Guidance – Goals
- Mandatory Compliance Program Requirements
- 7 Areas Where Compliance Programs Shall Apply
- Compliance Program Review Guidance - Walk Through
- Compliance Resources
- Q&A
OMIG Mission Statement

Our mission is to enhance the integrity of the New York State Medicaid program by preventing and detecting fraudulent, abusive, and wasteful practices within the Medicaid program and recovering improperly expended Medicaid funds while promoting high-quality patient care.

OMIG’s Regional Offices

- Albany
- Buffalo
- Hauppauge
- New York city
- Rochester
- Syracuse
- White Plains
Goals of Provider Compliance Program

1. Detect and correct payment and billing mistakes and fraud
2. Organize provider resources to resolve payment discrepancies and detect inaccurate billing
3. Make corrections/improvements quickly and efficiently
4. Create and operate a system of checks and balances to prevent future recurrences
5. Operationalize a system to identify and address risks
Goals of Provider Compliance Program (Continued)

6. Maintain appropriate processes to repay overpayments, regardless of the cause
7. Build on and expand existing management control structures so that integrity of operations is demonstrated
8. Compliance programs must be compatible with a provider’s characteristics
9. Create a culture of compliance throughout the organization
10. Be able to demonstrate to your constituencies, a commitment to integrity in operations

Those Required to Have Effective Compliance Programs

- Those subject to the following articles regardless of amount:
  - PHL Article 28 or Article 36; or
  - MHL Article 16 or Article 31; or
- $500,000 during a consecutive 12-month period
  - Ordering or claiming or being reasonably expected to …
  - Receiving or being reasonably expected to …
  - Submitting claims for care, services or supplies for others
### Statutory and Regulatory Authority

Mandatory Compliance Program Obligation

- New York Social Services Law § 363-d
- 18 New York Code of Rules and Regulations Part 521

### Eight Elements and Their Requirements

- Nine-part Compliance Elements Webinar series published on OMIG’s website [https://www.omig.ny.gov/resources/webinars](https://www.omig.ny.gov/resources/webinars)
  - Webinars #26 through #34

- OMIG published a Compliance Program Self-Assessment Form that addresses each requirement under each of the eight elements on OMIG’s website in the Compliance Library under the Forms section at the following link [http://www.omig.ny.gov/compliance/compliance-library](http://www.omig.ny.gov/compliance/compliance-library)
March 8, 2017

Eight Elements and Their Requirements (Continued)

- Compliance Program Review Guidance published and posted on OMIG’s website on October 26, 2016

March 8, 2017

Mandatory Compliance Program Requirements
What Are the Elements of a Mandatory Compliance Program?

Element 1: Written policies and procedures that describe compliance expectations as embodied in a code of conduct or code of ethics …

Element 2: Designation of compliance officer – an employee vested with responsibility for the day-to-day operation of the compliance program …

What Are the Elements of a Mandatory Compliance Program? (Continued)

Element 3: Training and education of all affected individuals on compliance issues, expectations and the compliance program …

Element 4: Communication lines to the compliance officer that are accessible to all affected individuals to allow compliance issues to be reported …

Element 5: Disciplinary policies to encourage good faith participation in the compliance program …
What Are the Elements of a Mandatory Compliance Program? (Continued)

Element 6: System for routine identification of compliance risk areas and non-compliance …

Element 7: System for responding to compliance issues when raised, for investigating and correcting problems …

Element 8: Policy of non-intimidation and non-retaliation for good faith participation in the compliance program …

SSL §363-d subd. 2 and 18 NYCRR §521.3(c)

How to Build & Measure a Compliance Program for Effectiveness

| TONE FROM THE TOP |
|---|---|
| Over time, are compliance gaps being closed? | Assess the frequency of same audit issues/edits occurring. |
| How are quality issues being addressed in the context of compliance? |
| Are overpayments and underpayments being reported and corrected? |
| Retest solutions previously identified to confirm relevance to the problem. |

Compliance connections to board, management & enterprise operations.
Systems identifying risk areas, errors, PoC and monitoring #6.
Implementation of corrections & improvement #7.

Compliance plan document #1.
Compliance Officer/Compliance Committees #2.
Training and education programs #3.
Communication lines to CO #4.
Disciplinary policies and procedures #5.
Non-retaliation/non-intimidation #8.
Compliance Programs Required Provider Duties – 18 NYCRR §521.3(a)

(a) Every required provider shall adopt and implement an effective compliance program. The compliance program may be a component of more comprehensive compliance activities by the required provider so long as the requirements of this Part are met. Required providers’ compliance programs shall be applicable to: …
Compliance Programs Required Provider Duties – 18 NYCRR §521.3(a)

(1) billings
(2) payments
(3) medical necessity and quality of care
(4) governance
(5) mandatory reporting
(6) credentialing
(7) other risk areas that are or should with due diligence be identified by the provider

Compliance Program Review Guidance - Walk Through
Eight Elements and Their Requirements

- Compliance Program Review Guidance published and posted on OMIG’s website on October 26, 2016

  As we go through the Guidance we will address areas where most of the areas of confusion or insufficiency are identified. Areas not addressed are just as relevant and important.

Compliance Resources
Compliance Resources

OMIG website: [www.omig.ny.gov](http://www.omig.ny.gov)

- Compliance Library
  - Compliance Authorities
  - OMIG Compliance Publications
  - Forms
  - OMIG Assessment Results
  - FAQs
  - Compliance-related Webinars
  - Other Compliance Resources

Compliance Resources (Continued)

- Bureau of Compliance dedicated e-mail address – [compliance@omig.ny.gov](mailto:compliance@omig.ny.gov)

- Bureau of Compliance dedicated telephone number – **518.408.0401**
March 8, 2017

Compliance Resources (Continued)

- Join the OMIG Listserv – signup on the OMIG website

- OMIG’s social media channels include Twitter, Facebook and LinkedIn

March 8, 2017

Questions
March 8, 2017

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