NEW YORK STATE OF OPPORTUNITY. | Office of the Medicaid Inspector General

OMIG's Certification Process: Mandatory Compliance Programs & Deficit Reduction Act of 2005

Webinar # 36

November 2016

The Fine Print

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 the Centers for Medicare and Medicaid Services (CMS), the Office of the Inspector General (OIG) or any other state or federal agency; and shall not bind OMIG in any way.

Goals of this Webinar

Introduce - and provide guidance on completing - the forms that providers must use to meet their:

- New York State Social Services Law (SSL) mandatory compliance program certification requirement

- Deficit Reduction Act of 2005 (DRA) annual certification requirement

Goals of Webinar # 36 (Continued)

PLEASE NOTE:

A. Webinar # 24 *Mandatory Compliance Program and Certification Obligation* should be consulted for more background on the compliance obligations in the SSL and for the requirements under the DRA.

Webinar #24 is available on OMIG's website at: https://www.omig.ny.gov/resources/webinars

B. Compliance Program Review Guidance published on October 26, 2016 provides detail on requirements.

OMIG AT A GLANCE

Mission Statement

OMIG's 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.

NYS Medicaid Mandatory Compliance Program Certification Obligation

Medicaid Provider Compliance Obligations

Mandatory Compliance Program Certification Requirement

18 NYCRR §521.3

(b) Upon applying for enrollment in the medical assistance program, and **during the month of December each year** thereafter, a required provider shall certify to the department, using a form provided by the Office of the Medicaid Inspector General on its Web site, **that a compliance program meeting the requirements of this Part is in place. …**

Deficit Reduction Act of 2005 (DRA) Annual Certification Obligation

DRA Certification Requirement

- Medicaid providers subject to the DRA must certify that they are meeting the specific requirements of the DRA
- OMIG's certification form sets out the specific points required in the certification

** See Webinar #24 for specific requirements of the DRA

Certification Process for SSL and the DRA Forms

Resources Available When Certifying

- OMIG's certification landing page has links to the forms and other resources; see http://www.omig.ny.gov/compliance/certification
- The SSL and the DRA certification forms have a series of questions to help inform providers of what is required to be in place in order to certify
- Certification Categories on the SSL form address the category for the provider to choose based upon what certification circumstance is being pursued

Guidance on Completing the Certification Process

Guidance on Completing the Certification Process - SSL

1. Identify all **Federal Employer Identification Numbers (FEINs)** through which you now – or expect to – order, claim, or receive Medicaid payments. Some providers have multiple FEINs.

2. Certification is required for every FEIN that orders, claims, or receives Medicaid payments; or submits claims on behalf of another for Medicaid services, who are subject to the mandatory compliance program obligation.

Guidance on Completing the Certification Process - SSL (continued)

3. Review your mandatory compliance program to confirm that it meets all eight elements of the NYS Social Services Law and the regulations.
4. Assess whether your mandatory compliance program is implemented and operating.
5. Identify the appropriate person to serve as the Certifying Official for the SSL. The individual should be familiar with the compliance program (optimally, the individual to whom the compliance function reports).

Guidance on Completing the Certification Process - SSL (continued)

6. Ensure that firewalls, filters and antivirus programs will allow connection and submission.
7. Conduct regular assessments of your compliance program and identify any gaps.
8. Create an annual work plan and assess the progress on prior work plans, as well as the status of plans of correction.

Guidance on Completing the Certification Process - SSL (continued)

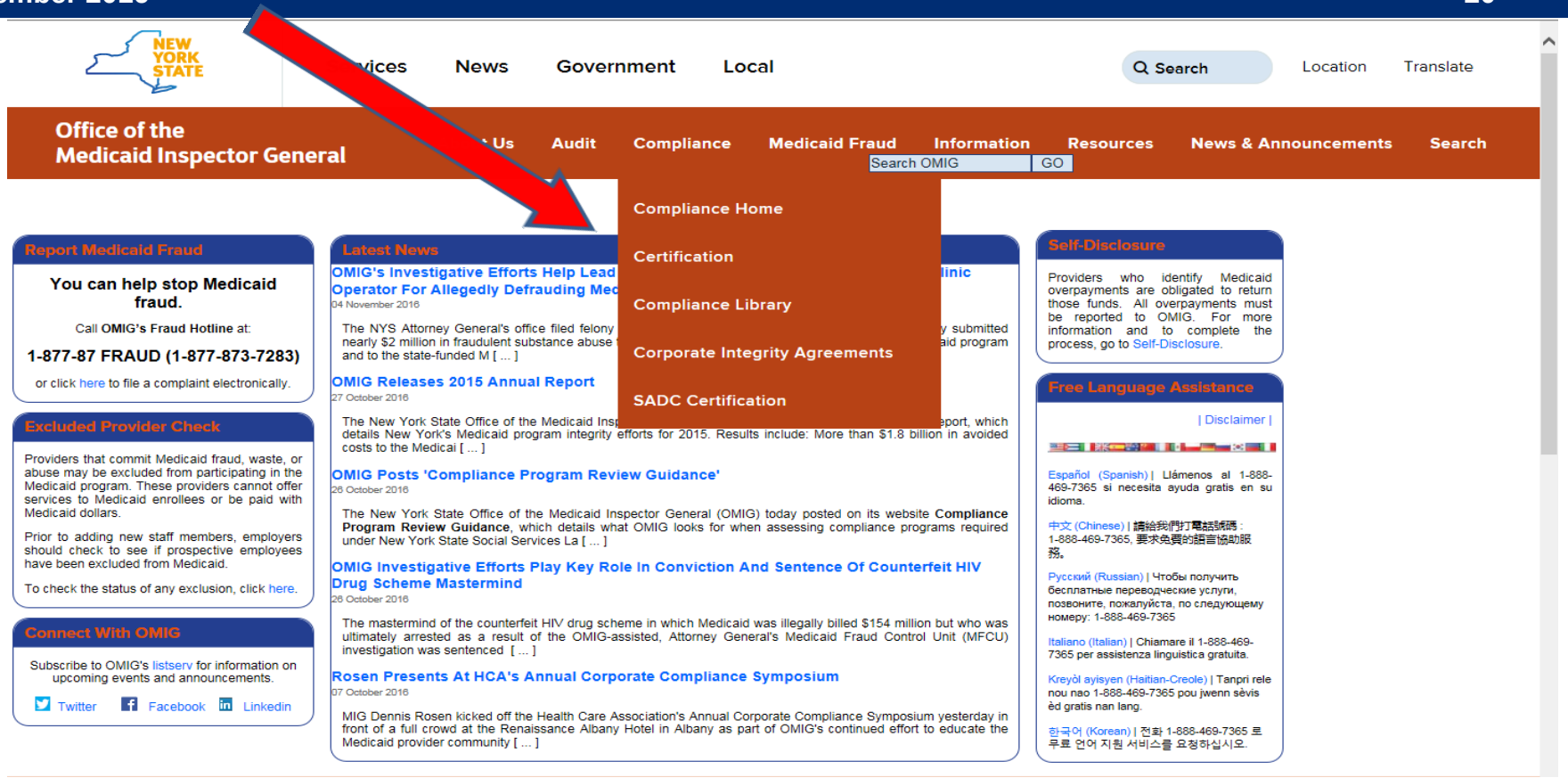
9. Interact with the Certifying Official, senior management and governing board in addressing the work plan, plans of correction and gaps.
10. If you cannot locate your confirmation page after submitting the certification, *do not* recertify; instead, request a copy of the certification page by email at: compliance@omig.ny.gov.
11. Visit https://www.omig.ny.gov/omig-email-list-subscriptions and subscribe to OMIG's listserv to receive certification reminders and additional information.

Guidance on Completing the Certification Process – DRA

1. Review the CMS FAQs that are referenced in OMIG's certification materials.
2. Review your employee handbook (if one exists) as well as policies and procedures to confirm they meet the requirements of the DRA.
3. Identify the appropriate person to serve as the Compliance Officer for the DRA. The individual should be familiar with the requirements found in 42 USC §1396a(a)(68).

Guidance on Completing the Certification Process - DRA (continued)

4. Identify the appropriate individual to serve as the certifying official.
5. If you cannot locate your confirmation page after submitting the certification, do not recertify; instead, request a copy of the certification page by email at: compliance@omig.ny.gov.
6. Visit https://www.omig.ny.gov/omig-email-list-subscriptions and subscribe to OMIG's listserv to receive certification reminders and additional information.



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Guidance on Completing the Certification Forms

Cautionary Points on Certification

- Do not make false statements on the certification forms
- Ensure your firewalls and security settings will allow for the certification process to be completed
- Use the correct form (SSL vs. DRA)
- Use the correct FEIN(s)
- Certify for each FEIN in the enterprise involved in Medicaid that has a compliance obligation

Cautionary Points on Certification

- Failure to meet the Certification Obligation may result in a censure under 18 NYCRR 515.3

Questions

Questions related to this webinar or the Social Services Law Mandatory Compliance Program certification forms should be emailed to compliance@omig.ny.gov.

Please indicate *Webinar #36 Question* in the subject line of the email.

Compliance Resources

OMIG website: 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 email address: compliance@omig.ny.gov
- Bureau of Compliance dedicated telephone number: **518.408.0401**

Thank you