



William Floyd Union Free School District

of the MASTICS – MORICHES – SHIRLEY

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Kevin Coster
Superintendent of Schools

Malasia Walker, Ed.D
Director of Special Education

Medicaid Compliance Program

The William Floyd School District implements a Compliance Program aimed at preventing abuse and eliminating fraud and waste. Through the implementation of this Compliance Program, the WFSD is committed to using ongoing efforts to achieve and maintain compliance with federal and state laws relating to Medicaid billing for School Supportive Health Services (“SSHS”) and other approved school programs. This program creates a comprehensive system of oversight for Medicaid billing, reporting and practices within the district.

Effective August 1, 2011, the William Floyd School District designated Malasia Walker, Ed.D. as the Compliance Officer as referenced throughout this document.

I. COMMITMENT TO COMPLIANCE

A. Standards of Conduct

The William Floyd School District promotes adherence to the Compliance Program as a major component of the performance evaluation of all relevant staff members. Accordingly, William Floyd School District employees are bound to comply, with all official acts and duties, all applicable laws, rules, regulations, and standards of conduct, including, but not limited to laws, rules, regulations, and directives of the Federal Government and the State of New York, in addition to the rules, policies and procedures of the William Floyd School District.

These current and future standards of conduct are incorporated into this Compliance Program.

All candidates for employment shall undergo a reasonable and prudent background investigation, including a reference check. Due diligence will be used in the recruitment and hiring process to prevent appointment to positions with substantial discretionary authority, persons whose record (professional licensure, credentials, prior employment, any criminal record) gives reasonable cause to believe the individual has the propensity to fail to adhere to applicable Standards of Conduct.

All new relevant employees will receive orientation and training in compliance policies and procedures. Participation in required training will be a condition of employment. Failure to participate in any required training may result in disciplinary actions, up to and including, termination of employment.

Every relevant employee will receive periodic training updates in compliance protocols as they relate to the employee's individual duties.

Non-compliance with the program or violations will result in sanctioning of the involved employee(s) up to, and including termination of employment.

B. Medical Necessity

The William Floyd School District will take reasonable measures to ensure that only claims for services that are appropriate and required, given the patient's condition, are billed. The William Floyd School District compliance plan establishes a systematic plan for checks and balances to detect and prevent inaccurate billings and inappropriate practices in the Medicaid Program.

Appropriate documentation will be used support the determinations of medical necessity when providing services.

C. Billing

The William Floyd School District will take reasonable measures to verify that claims for services submitted to Medicaid or other health benefits programs correctly identify the services ordered.

Only those tests ordered by an authorized employee, which are performed and meet Medicaid's or the health benefits program's criteria will be billed.

The program shall be overseen by the William Floyd School District Medicaid Compliance Officer who shall report directly to the William Floyd School District Superintendent of Schools. It remains, however, the responsibility of each individual involved in the provision of services and the billing process, to comply with the provisions of the law.

When the district hires contractors to provide services for Medicaid reimbursement, the District will assure that the individuals who perform the services are licensed as required by law and as per the requirements of the SSHSP. In addition, the district will require contractors to provide actual documentation proving that the individuals who will provide services are appropriately licensed.

D. Anti-Kickback/Inducements

The William Floyd School District will not participate in nor condone the provision of inducements or receipt of kickbacks to obtain business or influence referrals.

Any employee involved in promoting or accepting kickbacks or offering inducements may be terminated immediately.

E. Retention of Records/Documentation

The William Floyd School District will ensure that all records required by Federal and/or State law are created and maintained as per SSHSP requirements.

Documentation of compliance efforts will include staff meeting minutes, memoranda concerning compliance protocols, problems identified and corrective actions taken, the results of any investigations, documentation supportive of assessment findings, diagnoses, treatments, and plan of care.

II. DESIGNATION COMPLIANCE OFFICER

The Compliance Officer shall be responsible for:

- Overseeing and monitoring the implementation of the Compliance Program.
- Developing and distributing all written compliance policies and procedures to all relevant employees.
- Periodically revising the program in respect to changes in the requirements of the organization and in the law; changes in policies and procedures of government and private health plans.
- Coordinating internal compliance review and auditing activities, including annual reviews of policies.
- Independently investigating and acting on allegations of non-compliance, which include the flexibility to design and coordinate internal investigations.

- Developing policies and programs that encourage managers and employees to report suspected fraud and other improprieties without fear of retaliation.
- Development and delivery of the William Floyd School District in-service training on compliance issues, expectations, and maintenance of documentation for the same;

The Compliance Officer has the authority to review all documents and other information relative to compliance activities, including but not limited to, requisition forms, billing information, claims information, and records concerning marketing efforts and arrangements with clients.

The Compliance Officer shall report to the William Floyd School District Superintendent of Schools and shall periodically report to the Board of Education on the William Floyd School District Compliance Program.

III. CONDUCTING EFFECTIVE TRAINING AND EDUCATION

It is the Compliance Officer's responsibility to ensure that every employee involved with the Medicaid service and billing process is educated about the applicable laws and regulations governing provider billing and documentation. Moreover, the William Floyd School District Compliance Program shall be shared with all employees, be available for inspection and shall be published on the school website. This will include training in Federal and State statutes, regulations, program requirements and ethics.

The training for relevant employees will emphasize the district's commitment to compliance with these legal requirements and policies.

The training programs will include sessions highlighting the district's Compliance Program, summaries of fraud and abuse laws, discussions of coding requirements, claim development, claim submission processes, and marketing practices that reflect current legal and program standards.

The Compliance Officer will document the attendees, the subjects covered, and any materials distributed at the training sessions.

IV. DEVELOPING EFFECTIVE LINES OF COMMUNICATION

The William Floyd School District will establish a procedure so that employees may seek clarification from the Compliance Officer in the event of any confusion or questions regarding a policy or procedure.

Employees may anonymously consult the Compliance Officer with questions or report violations via office mail forwarded to the Special Education Office.

E-mails and written memorandums will be used to communicate responses to anonymous inquiries or reports, as well as to communicate other information regarding compliance and compliance activities.

Any potential problem or questionable practice which is, or is reasonably likely to be, in violation of, or inconsistent with, Federal or State laws, rules, regulations, or directives of the William Floyd School District rules or policies relative to the delivery of healthcare services, or the billing and collection of revenue derived from such services, and any associated requirements regarding documentation, coding, supervision, and other professional or business practices must be reported to the Compliance Officer.

Any person who has reason to believe that a potential problem or questionable practice is or may be in existence should report the circumstance to the Compliance Officer.

Such reports may be made verbally or in writing and may be made anonymously.

The Compliance Officer will promptly document and investigate reported matters that suggest substantial violations of policies, regulations, statutes, or program requirements to determine their accuracy.

The Compliance Officer will maintain a log of such reports, including the nature of the investigation and its results.

The Compliance Officer will work closely with legal counsel who can provide guidance regarding complex legal and management issues.

V. DISCIPLINARY GUIDELINES

All members of the William Floyd School District will be held accountable for failing to comply with applicable standards, laws, and procedures.

Supervisors and/or managers will be held accountable for the foreseeable compliance failures of their subordinates.

The supervisor or manager will be responsible for taking appropriate disciplinary actions in the event an employee fails to comply with applicable regulations or policies.

The disciplinary process for violations of compliance programs will be administered according to practice protocols (generally oral warning, written warning, suspension without leave, leading to termination) depending upon the seriousness of the violation.

The Compliance Officer, as well as legal counsel, may be consulted in determining the seriousness of the violation. If the deviation occurred due to legitimate, explainable reasons, the supervisor/manager may want to limit disciplinary action or take no action in consultation with the Superintendent of Schools.

If the deviation occurred because of improper procedures, misunderstanding of rules, including systemic problems, the practice should take immediate actions to correct the problem.

When disciplinary action is warranted, it should be prompt and imposed according to written standards of disciplinary action.

Within 30 working days after the receipt of an investigative report, the Compliance Officer and/or Superintendent of Schools of the William Floyd School District shall determine the action to be taken upon the matter. The action may include, without limitation, one or more of the following:

- 1) Dismissal of the matter.
- 2) Verbal counseling.
- 3) Issuing a warning, a letter of admonition, or a letter of reprimand.
- 4) Entering into and monitoring a corrective action plan. The corrective action plan may include requirements for individual or group remedial education and training, consultation, proctoring, and/or concurrent review.
- 5) Reduction, suspension, or revocation of clinical privileges.
- 6) Suspension or termination of employment.
- 7) Modification of assigned duties.
- 8) Reduction in the amount of salary compensation.

The Compliance Officer shall have the authority to, at any time, suspend the involved provider's clinical privileges or to impose consultation, concurrent review, proctoring, or other conditions or restrictions on the assigned clinical duties of the involved provider in order to reduce the substantial likelihood of violation of standards of conduct.

VI. AUDITING AND MONITORING

The Compliance Officer will conduct ongoing evaluations of the compliance processes involving monitoring and regular reporting to the Superintendent of Schools of William Floyd School District.

Internal audits will be conducted on a semi-annual basis.

The audits will review compliance with specific rules and policies that have been the focus of Medicaid fiscal intermediaries or carriers as evidenced by the Medicaid Fraud Alerts, OMIG audits, evaluations and publicly announced law enforcement initiatives. Audits will also reflect areas of concern that are specific to the William Floyd School District.

The Compliance Officer shall conduct exit interviews of personnel in order to solicit information concerning potential problems and questionable practices.

The Compliance Officer should be aware of patterns and trends in deviations identified by the audit that may indicate a systemic problem.

VII. RESPONDING TO DETECTED OFFENSES AND DEVELOPING CORRECTIVE ACTION INITIATIVES

Violations of the William Floyd School District's Compliance Program, failure to comply with applicable State or Federal law, other requirements of government and private health plans, and other types of misconduct may threaten the district's status as a reliable, honest, and trustworthy provider capable of participating in Federal healthcare programs.

Detected, but uncorrected, misconduct may seriously endanger the mission, reputation, and legal status of the district. Consequently, upon reports or reasonable indications of suspected noncompliance, the Compliance Officer must initiate an investigation to determine whether a material violation of applicable laws or requirements has occurred.

In order to make this Compliance Program effective, the Compliance Officer will have authority to impose corrective action.

If potential fraud or violations of the False Claims Act are involved, the Compliance Officer should report the potential violation to the Office of the Inspector General or the Department of Justice.

When making a repayment for an overpayment, the District should inform the payor of the following:

- (1) The refund is being made pursuant to a voluntary compliance program;
- (2) A description of the complete circumstances prompting the overpayment;
- (3) The methodology by which the overpayment was determined;
- (4) Any claim-specific information used to determine the overpayment;
- (5) The amount of the overpayment.

The Compliance Officer of the William Floyd School District shall have the authority and responsibility to direct repayment to payors and the reporting of misconduct to enforcement

authorities as is determined, in consultation with legal counsel, to be appropriate or required by applicable laws and rules.

If the Compliance Officer of the William Floyd School District discovers credible evidence of misconduct and has reason to believe that the misconduct may violate criminal, civil, or administrative law, then the Compliance Officer will promptly report the matter to the appropriate government authority within a reasonable time frame, but not more than 60 days after determining that there is credible evidence of a violation.

Office of Inspector General Hotline: 1-800-HHS-TIPS (1-800-447-8477)

When reporting misconduct to the government, The Compliance Officer should provide all evidence relevant to the potential violation of applicable federal or state laws and the potential cost impact.

VIII. RESPONSE TO SPECIAL AGENTS VISIT FOR THE PURPOSE OF INVESTIGATING ALLEGATIONS OF FRAUD AND ABUSE

In the event special agents visit the William Floyd School District for the purpose of investigating fraud and abuse allegations:

- Request a copy of the search warrant and the affidavit supporting it.
- Record names of all agents and agencies they represent.
- Ask the agent to secure the premises but to delay the search until counsel can be notified. If this request is refused, do not deny admission to the premises, which could be construed as obstruction of justice.
- Ask for a delay until all students have been seen.
- Accompany the agents during the search.
- Record beginning and ending times of the search, items taken, areas searched, types of documents taken, photographs taken, questions asked or comments made, and requests made by agents.
- Identify and request copies of items essential to daily operation.
- If employees are interviewed, debrief them after the search.

This plan has attempted to provide the foundation for the development of an effective and cost-efficient compliance program.

Source: The Office of the Inspector General's Compliance Program Guidance for Clinical Laboratories, August 1998.
The Office of the Inspector General's Compliance Program Guidance for Hospitals, May, 1999.
"OIG Compliance Program for Individual and Small Group Physician Practices," *Federal Register*, Vol. 65, No. 194.