

MEDICAID BILLING COMPLIANCE PROGRAM

I. Statement of Policy

- A. The Medicaid Billing Compliance Program (the Program) is an integral part of the Waterville Central School District's (the District) ongoing efforts to achieve compliance with Federal and state laws relating to Medicaid billing for School Supportive Health Services ("SSHS") and other school programs. The Program creates a comprehensive system of oversight for Medicaid billing, reporting and practices.
- B. The goal of this Program is to ensure that Medicaid eligible services are properly documented and accurately billed and that services which are rendered, but not properly documented are not billed. Moreover, the Program establishes systematic checks and balances to detect and prevent inaccurate billings and inappropriate practices in the Medicaid Program.
- C. The Program is overseen by the District's Medicaid Compliance Officer who reports directly to the Superintendent. It remains, however, the responsibility of each individual involved in the provision of services and the billing process to comply with the law.

II. Medicaid Compliance Officer

- A. The District shall designate a Medicaid Compliance Officer each year. The Compliance officer shall be responsible for:
 - 1. Day to day operations of the Program.
 - 2. Providing guidance to District employees to ensure Medicaid billing compliance;
 - 3. Development and delivery of District in-service training on compliance issues, expectations, and maintenance of documentation;
 - 4. The coordination of system-wide and department-specific audits of records on an ongoing basis;
 - 5. Communicating with District employees and service providers about changes to the laws and regulations regarding Medicaid billing and this Program;
 - 6. Investigating and reporting allegations of improper billing practices.
- B. The Compliance Officer reports directly to the Superintendent and shall periodically report to the Board on the District's Compliance Program.

III. Compliance

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- A. Billing for Medicaid eligible school services will be done in compliance with all applicable state and federal laws and regulations. Specifically, no bill for reimbursement shall be submitted unless it was actually performed and documented by the service provider.
 - B. The District is committed to maintaining the accuracy of every claim it processes and submits. Any false, inaccurate, or questionable claim should be reported immediately to the District Medicaid Compliance Officer.
 - C. False billing is a serious offense. Federal and State laws prohibit knowingly and willfully making or causing to be made any false statement or representation of a material fact in an application for benefits or payment. It is also unlawful to conceal or fail to disclose the occurrence of an event affecting the right to payment with the intent to secure payment that is not due.
 - D. In addition to criminal penalties, the Federal False Claims Act permits substantial civil monetary penalties against any person who submits false claims. The Act provides a penalty of triple damages as well as fines up to \$10,000 for each false claim submitted. The persons involved in submitting false claims (as well as the District) may be excluded from participating in the Medicaid programs.
 - E. Numerous other federal laws prohibit false statements or inadequate disclosure to the government and mandate exclusion from Medicaid programs. It is illegal to make any false statement to the federal government, including statements on Medicaid claim forms. It is illegal to use the U.S. mail to scheme to defraud the government. Any agreement between two or more people to submit false claims may be prosecuted as a conspiracy to defraud the government.
 - F. The District promotes full compliance with each of the relevant laws by maintaining a strict policy of ethics, integrity, and accuracy in all its financial dealings. Each employee and professional, including outside consultants, who is involved in submitting charges, preparing claims, billing, and documenting services is expected to maintain the highest standards of personal, professional, and institutional responsibility. Individuals who fail to report suspected problems, participate in non-compliance behavior and/or encourage, direct or facilitate non-compliance behavior may be subject to disciplinary action in accordance with the provisions of New York law and any applicable collective bargaining agreement.
- IV. Education and Training
- A. 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.

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Moreover, the Program must be shared with all employees, made available for inspection and published on the District website.

- B. The Compliance Officer shall also develop, oversee and provide in-service training on Medicaid billing and documentation requirements for all staff involved in providing and billing for Medicaid services periodically and at other time including initial employment or assignment. Such training is mandatory and the District will maintain records of all trainings.
- V. Reporting and Investigation
- A. Reporting
1. Every employee in the District has the responsibility not only to comply with the laws and regulations, but to ensure that others do as well.
 2. Employees must report non-compliance to their immediate supervisors, or the District Compliance Officer. Supervisors are required to report these issues through established channels in Human Resources/Personnel and/or directly to the District Medicaid Compliance Officer. Calls may be made anonymously, although the District encourages employees to provide their name and telephone number so that reports may be more effectively investigated.
 3. Every attempt will be made to preserve the confidentiality of reports of non-compliance. All employees must understand, however, that circumstances may arise in which it is necessary or appropriate to disclose information. In such cases, disclosures will be on a “need to know” basis only.
 4. Employees may choose to ~~instead~~ send information concerning such practice or billing procedure in writing to the State Compliance Officer by U.S. mail, courier service, e-mail or facsimile transmission. Disclosures may be made anonymously. An employee’s verbal communication of any such allegation will not be sufficient to require any further action to be initiated. There are several ways to report an allegation:

Email: bmfa@omig.ny.gov

Toll-free: 877-873-7283

Telephone: 518-402-1378

Fax: 518-408-0480

Internet: www.omig.ny.gov

Mail: NYS OMIG Bureau of Medicaid Fraud Allegations

800 North Pearl Street

Albany, NY 12204

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B. Investigation

1. The Compliance Officer or designee will investigate every report of non-compliance as soon as practicable. Investigations may include interviewing employees and/or reviewing documentation. Each employee must cooperate with such investigations.
2. Once the Compliance Officer completes an investigation, they will make a report to the Superintendent. The report will be the basis for the Compliance Officer's Program or recommendation of corrective action and discipline. Reports will be retained for a period of six years.

C. Non-Retaliation

It is District policy that no person shall retaliate, in any form, against a person who reports an act or suspected act of non-compliance in good faith (employees may be disciplined for making intentionally false reports of non-compliance). Any person who is found to have retaliated for such a report shall be subject to discipline. In addition, the Federal False Claims Act and New York State Law provide certain protections to individuals who are discharged, demoted, suspended or threatened, harassed, or discriminated against by their employer in retaliation for assisting in the investigation, initiation or prosecution of a False Claims Act violation or which constitutes health care fraud under New York State Law.

D. Corrective Action/Sanctions

1. To make this Program effective, the Compliance Officer will have authority to impose corrective action.
2. If a service provider or employee is found to be non-compliant in a single instance or relatively insignificant percentage of cases over a short period, the Compliance Officer may require that person to undergo a session of education or training.
3. If a provider or other employee fails to comply with billing or documentation requirements repeatedly, sanctions may be more severe.
4. Plans of correction and discipline may include, but are not limited to:
 - a. A requirement to undergo training;
 - b. A period of required supervision or approval of documentation before bills can be issued;

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- c. Expanded auditing, internal or external, for a period of time until compliance improves;
 - d. Self-reporting of violations; and
 - e. In sufficiently egregious cases, discipline.
5. In addition, the Compliance Officer may recommend some other appropriate course of action to correct non-compliance.

VI. Auditing/Review

- A. It is essential to monitor compliance with billing rules. The Compliance Officer must be able to ensure compliance and understanding of current regulations and overall levels of compliance throughout the District.
- B. Under this Program, there are both internal and external (i.e., by an independent consultant or other professional) auditing of Medicaid billing documentation. Internal auditing is done by the professional staff of the Compliance Officer, who will conduct periodic reviews.
- C. The Compliance Officer may engage an external auditing firm as deemed necessary to assess the District overall compliance. All employees must cooperate fully with this effort by making themselves and any pertinent documents available.
- D. The external auditor will report the results of its investigation to the Compliance Officer. The Compliance Officer will report, in turn, to the Superintendent and the Board.

VII. Ongoing Assessments

- A. The Compliance Officer will make an annual assessment of the success of this Program. That assessment will be based on the examination of results of internal audits and investigations, reports of any outside audits that may have been conducted, and the Compliance Officer's personal experience with the functioning of the Program over the previous year.
- B. A summary of this assessment shall be provided to the Superintendent and the Board.

Waterville Central School District

Legal Ref: Social Services Law §363-d; 18 NYCRR Part 521; federal False Claims Act, as amended.

Adopted: 02/08/11

Revised: 02/26/13, 11/18/14, 4/4/23