

OCTOBER 2017 COMPLIANCE CORNER

DEFICIT REDUCTION ACT (“DRA”)

The Deficit Reduction Act of 2005 (the “DRA”) requires that most health care organizations that operate under the Medicaid Program and that receive or make annual Medicaid payments of at least \$5 million, establish and implement an education plan for their employees, officer, directors, members, managers, contractors and agents, which includes written policies and detailed guidance of the federal False Claims Act, state false claims laws, and the rights and protections afforded to whistleblowers. SI PPS distributes educational materials electronically to satisfy such obligation to their employees, officer, directors, members, managers, contractors and agents.

[Per the OMIG Compliance Alert of 7/22/16](#), civil penalties under federal False Claims Act and Administrative Penalties Act to the higher figures were implemented to **not less than \$10,781 and not more than \$21,563** [previously \$5500 to \$11,000], plus 3 times the amount of damages which the Government sustains because of the act of that person. Under the federal **Administrative Remedies for False Claims and Statements Act**, a civil penalty of **not more than \$10,781** [previously \$8,500] for each claim or statement. The violator may also be subject to an assessment of two (2) times the amount of such claim. (Please refer to Compliance Policy #514: “Detecting and Preventing Fraud, Waste, Abuse and Misconduct”).

It is the obligation of SI PPS to prevent and detect any fraud, waste and abuse in relation to SI PPS’ operations and participation in the DSRIP program. To this end, SI PPS maintains a vigorous Compliance Program and strives to educate PPS Staff regarding the importance of submitting accurate performance data and reports to SI PPS as well as regarding the requirements of federal and state laws governing SI PPS’ operation.

SI PPS strictly prohibits submission of any false information, report or data in connection with payments made under the DSRIP program. The following are some examples of actions that may be considered fraudulent:

- Providing incomplete, false, or misleading information;
- Falsifying records regarding performance metrics;
- Misrepresenting services performed or costs incurred; and
- Altering or manipulating reports or data to increase DSRIP payments.

The examples of Fraud and Abuse listed above are not exhaustive. Furthermore, the Abuse examples listed could, under certain circumstances, escalate to a Fraud violation.

It is the policy of SI PPS to prevent Fraud and Abuse in connection with SI-PPS’ operations. The SI-PPS Compliance Officer, in conjunction with the Compliance Committee, is responsible for ensuring that guidance regarding Fraud and Abuse is included in the mandatory compliance training of all PPS Associates. Any persons who submit or cause a false report to be submitted

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may be subject to penalties, up to and including termination or exclusion from affiliation with SI-PPS and the DSRIP program.

Liability will be imposed on individuals who knowingly submit a false record in order to obtain payment from the government or who obtain money from the federal government to which he or she is not entitled and then uses false statements or records in order to retain the money.

Thank you.