

HEALTHCARE ALERT

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RMF
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THE OFFICE OF THE MEDICAID INSPECTOR GENERAL FOCUSING ON ENFORCEMENT OF THE MANDATORY COMPLIANCE PROGRAM OBLIGATION

Recently, the New York State Office of the Medicaid Inspector General (“OMIG”) has notified many providers that they have thirty (30) days to adopt and implement a compliance program for their practices, as required under New York State Social Services Law §363-d and 18 N.Y.C.R.R. Part 521. Providers that are required to have a compliance plan include those that:

1. are subject to Article 28 or Article 36 of the New York State Public Health Law;
2. are subject to Article 16 or Article 31 of the New York State Mental Hygiene Law;
3. claim or order, and/or can reasonably be expected to claim or order, Medicaid services or supplies of at least \$500,000.00 in any consecutive 12-month period;
4. receive Medicaid payments, and/or can reasonably be expected to receive payments, either directly or indirectly, of at least \$500,000.00 in any consecutive 12-month period; or
5. submit Medicaid claims of at least \$500,000.00 in any consecutive 12-month period on behalf of another person or persons.

An effective compliance program includes a written code of conduct or code of ethics which has compliance policies and procedures. Additionally, the organization must appoint a Compliance Officer and establish lines of communication to the Compliance Officer for reporting potential compliance issues. In order for staff members to identify compliance issues, training and education must take place. Furthermore, to encourage participation in the compliance program, disciplinary procedures for not reporting compliance related issues must be established, and a non-intimidation and non-retaliation policy must be implemented. Finally, the compliance program must establish a system for identifying, investigating, responding to and correcting compliance issues. Each December, required providers must certify that they have adopted and implemented a compliance program that meets the requirements of New York State Social Services Law §363-d and 18 N.Y.C.R.R. Part 521.

Providers that are required to have a compliance program in place should consult with knowledgeable healthcare counsel who can help establish and implement such a program.

For more information, please contact:

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