



MVBCN Prevention and Detection of Fraud and Abuse

Orientation of OHP Contractors' Compliance Officers

April 28, 2008





Purposes of this Session

- Provide brief background on the need for prevention of Medicaid fraud and abuse
- Orient participants to the BCN Fraud & Abuse policy
- Describe what you need to do in your agency
- Questions and perhaps answers; materials and supports you might find helpful
- Next steps



F&A Prevention and Detection

Centers for Medicare and Medicaid Services

- Federal Deficit Reduction Act 2005
 - Medicaid Integrity Program
- DHS Mental Health Organization Contract and BCN provider contracts in 2007
- DHS materials related to DRA, fall 2007
- Longstanding state responsibilities
 - DHS Office of Payment Accuracy and Recovery
 - Fraud Investigations Unit



What is Fraud?

- “Intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him/herself or some other person.”
 - A Medicaid provider submits a claim for services or supplies that were not provided.
 - An employee falsifies client medical records in order to gain reimbursement for services.
 - A person applying for Medicaid benefits reports their household income as \$500/mo when it’s actually \$6,000/mo



What is Abuse?

- “Practices that are inconsistent with sound fiscal, business or medical practices, and result in unnecessary costs to the Medicaid program, or in reimbursement for services not medically necessary or fail to meet professionally recognized standards of health care. It also includes recipient [member] practices that result in unnecessary costs to the Medicaid program.”
 - A provider orders diagnostics that are not medically necessary.
 - A provider provides and bills for a power wheelchair for a client who only met the coverage criteria for a manual wheelchair.



BCN F&A Policy

What's in it?

- Purpose, applicability pg. 1
 - Applies to BCN OHP MH services
- Definitions pgs. 2-3
- Policy & procedure
 - I. Identifies federal and state F&A laws, penalties for violations pgs. 3-4
 - II. Identifies federal and state laws protecting “whistleblowers”, prohibited actions by employers, penalties to employers for prohibited actions pg. 4-5



BCN F&A Policy

What's in it?

Con't.

- III. Identifies required elements for F&A prevention and detection program at each level of BCN network:
- A. Participating Providers (in-panel outpatient OHP MH & intensive children's services provider agencies) pg. 5 *
 - B. LMHAS (sub-regional mgmt of each local service delivery system – Participating Providers & out of panel OHP MH providers) pgs. 5-6, 8 *
 - C. BCN (inpatient, hospital alternatives & other centrally managed OHP MH services) pgs. 6-7, 8 *
- IV. Identifies minimum content for required staff education about BCN's F&A policy
- Each Participating Provider and LMHA must educate its staff about BCN's policy; BCN must educate its own staff too pgs. 7-8

Many F&A program required elements are the same for each level.

* See also pg. 7 – Section III. D.



BCN F&A Policy

What's in it?

Con't.

- V. Requires LMHA and BCN Compliance Officers,
Compliance Committee pg. 8
 - A. Describes responsibilities of required LMHA, BCN Compliance Officers
 - B. Describes role of required regional Compliance Committee

- VI. Identifies required elements for BCN's enforcement
program pgs. 8-10
 - A. Procedures for investigating F&A reports, referral to State
 - B. Corrective action procedures for Participating Providers

- VII. Restates contract requirement for access to records,
cooperation with BCN, state and federal authorities pg. 10



BCN F&A Policy

What do we need to do?

We're already doing some of them!

See handout

- Participating Provider

F&A prevention and detection program required elements:

- Provider credentialing
- Staff conflict of interest disclosure
- Disciplinary guidelines for staff
- OHP Member Complaints and Appeals
- Auditing of charts and billing/claims data
- Repayment, data correction procedures
- Controls on staff access to resources
- Staff education about BCN F&A policy



BCN F&A Policy

What do we need to do?

Con't.

■ LMHA

F&A prevention and detection program required elements:

- Provider credentialing
- Staff conflict of interest disclosure
- Disciplinary guidelines for staff
- OHP Member Complaints and Appeals
- Provider complaints and appeals
- Auditing of charts and billing/claims data
- Monitoring of billing/claims submission
- Repayment, data correction procedures
- Controls on staff access to resources



BCN F&A Policy

What do we need to do?

Con't.

- LMHA Con't.
 - Staff education about BCN F&A policy
 - Procedures for Participating Providers, other Providers, staff to report suspected F&A* to LMHA or BCN
 - Procedures for LMHA to report probable or confirmed F&A* to BCN for further investigation
 - Procedures for LMHA to report suspected or verified F&A* by OHP Members to BCN
 - Designation of Compliance Officer responsible for carrying out BCN F&A policy, participating on regional Compliance Committee

* Refers only to F&A involving BCN OHP MH funds. For other OHP/Medicaid funds, follow the procedures for that payer.



BCN F&A Policy

What do we need to do?

Con't.

■ BCN

Nearly identical to LMHA required elements.

Major differences are:

- Procedures to investigate and respond to suspected or verified F&A reported to BCN
- Procedures to refer suspected or verified F&A to Medicaid Fraud Control Unit, notify DHS-AMHD
- Procedures to ensure confidentiality of MFCU, DHS-AMHD investigations of BCN Providers



Staff Education & Training

- Each Participating Provider, LMHA must educate its staff about BCN's F&A policy
 - Applies to existing and new employees and contractors
- BCN must educate its own staff too
- Staff education must be in written form
 - In-person training is recommended to supplement written information
 - Written information must be easily accessible
 - Include written information in employee handbook only if one already exists



Staff Education & Training

Con't.

- Staff education must include: pg. 7
 1. Clear statement that agency is committed to guarding against F&A
 - Encourage reporting of F&A as soon as a person becomes aware of it
 2. Clear statement that agency must follow BCN's F&A policy
 3. Listing and description of federal and state laws that make it a crime for a person to knowingly engage in actions that may be F&A
 4. Listing and discussion of employee's rights as "whistleblower" to be protected from employer retaliation for reporting F&A
 - Cannot require employee to obtain prior approval before reporting F&A
 5. Description of agency's F&A prevention and detection program
 - Include discussion of disciplinary guidelines for employee actions that are F&A
 6. Procedures to report F&A to LMHA, BCN
 - Must provide option to report anonymously
 7. Statement that state and federal authorities are not limited in their authority to pursue legal redress for F&A to the fullest extent



Proposed Reporting Procedures for BCN Network

- Use same procedures for all F&A reporting
 - By staff (Participating Providers, LMHAs, BCN)
 - By other Providers, business partners, etc.
 - By BCN OHP Members
- 3 ways to report
 - Toll-free phone number
 - Secure web form
 - Paper form
- Reports directed to appropriate LMHA or to BCN
 - Phone menu allows user to be transferred to appropriate LMHA Compliance Officer or to BCN CO
 - Secure web form allows user to select appropriate county or BCN to receive report; accessible online only to appropriate LMHA or BCN CO
 - Paper form with instructions and addresses for each CO



Discussion and Questions

- Resources provided:
 - BCN F&A policy document and handout on F&A program requirements that we're already doing
 - DHS document *Employee Education About False Claims Recoveries*, including DHS sample checklist for monitoring compliance (pgs. 7-8)
- Questions
- What materials, support from BCN would be helpful to you?
 - Sample staff education document?
 - Other ideas?



Next Steps

- Convene regional Compliance Committee meeting in early summer

Coming soon:

- Webpage with BCN F&A resources
- Instructions, materials for F&A reporting (phone, secure web, paper)