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|  | 2016 COMPLIANCE PLAN MATRIX |
| **11.1.1** | Develop and maintain a Compliance Plan to guard against FWA (42 CFR 438.608(a)). |
| **MCO Comment:** |  |
| **11.1.2** | Have sufficient organizational capacity (administrative and management arrangements or procedures) to guard against FWA (42 CFR 438.608(a)). Specifically, adequate staffing and resources needed to fulfill the Program Integrity and Compliance requirements of this Contract; to investigate all reported incidents; and to develop and implement the necessary systems and procedures to assist the CONTRACTOR in preventing and detecting potential FWA. |
| **MCO Comment:** |  |
| **11.1.3** | Establish a Compliance Committee that is accountable to senior management (42 CFR 438.608(b)(2)). The Compliance Committee shall be made up of, at a minimum, the Compliance Officer, a budgetary official and other executive officials with the authority to commit resources. The Compliance Committee will assist the Compliance Officer in monitoring, reviewing and assessing the effectiveness of the compliance program and timeliness of reporting. |
| **MCO Comment:** |  |
| **11.1.4** | Effective lines of communication between the Compliance Officer, the Compliance Committee, and the CONTRACTOR’s employees, Subcontractors, and Providers (42 CFR 438.608(b)(4)). |
| **MCO Comment:** |  |
| **11.1.7** | Have provisions for internal monitoring and auditing that provide for independent review and evaluation of the CONTRACTOR’s accuracy of financial recordkeeping, the reliability and integrity of information, the adequacy of internal controls, and compliance with applicable federal and state laws and regulations (42 CFR 438.608(b)(6)). |
| **MCO Comment:** |  |
| **11.1.9** | Have provisions for prompt response to detected offenses, and for development of corrective action initiatives (42 CFR 438.608(b)(7)). |
| **MCO Comment:** |  |
| **11.1.13** | Have effective training and education for the Compliance Officer and the organization’s employees and subcontractors (42 CFR 438.608(b)(3)). The training must comply with requirements of § 6032 of the Federal Deficit Reduction Act of 2005. |
| **MCO Comment:** |  |
| **11.1.14** | Establish, publish, and enforce disciplinary standards and guidelines for the CONTRACTOR’s employees. |
| **MCO Comment:** |  |
| **11.1.16** | Upon notification by the Department that a provider has been placed on a payment suspension due to a credible allegation of fraud pursuant to 42 CFR § 455.23, CONTRACTOR must suspend payments to contracted providers and/or administrative entities involved. CONTRACTOR shall effectuate this suspension as soon as is practicable. |
| **MCO Comment:** |  |
| **11.1.17** | Withhold payment to a Provider as warranted for recoupment. |
| **MCO Comment:** |  |
| **11.1.22** | Generate individual notices (a.k.a. Beneficiary Explanation of Medicaid Benefits (BEOMB)) within forty-five (45) calendar days of the payment of claims, to all or a statistically valid sample of the Medicaid Managed Care Members who received services under the CONTRACTOR’s Health Plan. The notice must not specify confidential services as defined by the Department, within the Managed Care Policy and Procedure Manual, and must not be sent if the only service furnished was confidential. |
| **MCO Comment:** |  |
|  | **COMPLIANCE PLAN** |
| **11.2** | The CONTRACTOR shall create and maintain a Compliance Plan that addresses, at a minimum, the following requirements: |
| **11.2.1** | Compliance Officer  The designation and identification of a Compliance Officer that is accountable to senior management. |
| **MCO Comment:** |  |
| **11.2.2** | Compliance Committee  Establishment of a Compliance Committee that is accountable to senior management is required. The Compliance Committee shall be made up of, at a minimum, the Compliance Officer, a budgetary official and other executive officials with the authority to commit resources. The Compliance Committee will assist the Compliance Officer in monitoring, reviewing and assessing the effectiveness of the compliance program and timeliness of reporting. |
| **MCO Comment:** |  |
| **11.2.3** | Administrative and Managerial Capacity  CONTRACTOR shall include an organizational chart in its Compliance Plan. The chart must include the names and job functions for all CONTRACTOR staff specified in SECTION 2 EXHIBIT 2 |
| **MCO Comment:** |  |
| **11.2.4** | Written Policies, Procedures and Standards of Conduct  The Compliance Plan must include written policies, procedures, and standards of conduct that articulate the CONTRACTOR’s commitment to comply with all applicable Federal and State standards and regulations. |
| **MCO Comment:** |  |
| **11.2.4.1** | A list of automated pre-payment claims edits designed to ensure proper payment of claims and prevent payment of improper claims, |
| **MCO Comment:** |  |
| **11.2.4.2** | Internal operating procedures for desk audits or post-payment review of claims, |
| **MCO Comment:** |  |
| **11.2.4.3** | A list of reports of Provider profiling and credentialing used to aid program and payment integrity reviews, |
| **MCO Comment:** |  |
| **11.2.4.4** | A list of surveillance and/or utilization management protocols used to safeguard against unnecessary or inappropriate use of Medicaid services, |
| **MCO Comment:** |  |
| **11.2.4.5** | A list of references in Provider and Member materials regarding fraud and abuse referrals, |
| **MCO Comment:** |  |
| **11.2.4.6** | A list of provisions for the confidential reporting of CONTRACTOR violations. |
| **MCO Comment:** |  |
| **11.2.4.7** | Methods to ensure that the identities of individuals reporting violations of the CONTRACTOR are protected and that there is no retaliation against such persons. |
| **MCO Comment:** |  |
| **11.2.4.8** | Specific and detailed internal procedures for officers, directors, managers, and employees for detecting, reporting, and investigating Compliance Plan violations. |
| **MCO Comment:** |  |
| **11.2.4.9** | Pursuant to the Deficit Reduction Act of 2005 (DRA), written policies for employees detailing: |
| **11.2.4.10** | The Federal False Claims Act provisions, |
| **MCO Comment:** |  |
| **11.2.4.11** | The administrative remedies for false claims and statements, |
| **MCO Comment:** |  |
| **11.2.4.12** | Any federal or state laws described in 1902(a)(68) of the Act, relating to civil or criminal penalties for false claims and statements, |
| **MCO Comment:** |  |
| **11.2.4.13** | The whistleblower protections under such laws. |
| **MCO Comment:** |  |
| **11.2.5** | Training and Education  The Compliance Plan must outline training and education for the Compliance Officer, and the organization’s employees and subcontractors. The training and education activities must, at a minimum, address the following requirements: |
| **11.2.5.1** | Compliance with the requirements of § 6032 of the Federal Deficit Reduction Act of 2005. |
| **MCO Comment:** |  |
| **11.2.5.2** | Outline activities proposed for the next reporting year regarding employee education of federal and state laws and regulations related to Medicaid Program Integrity. |
| **MCO Comment:** |  |
| **11.2.5.3** | Ensure that all of its officers, directors, managers, and employees know and understand the provisions of the CONTRACTOR’s fraud and abuse compliance plan. |
| **11.2.6** | Lines of Communication  Effective lines of communication between the Compliance Officer and the CONTRACTOR’s employees, subcontractors, and providers must be established, clearly explained, and managed. |
| **MCO Comment:** |  |
| **11.2.7** | Enforcement & Accessibility  Enforcement of standards for the CONTRACTOR’s employees through well-publicized disciplinary guidelines. |
| **MCO Comment:** |  |
| **11.2.8** | Internal Monitoring and Auditing  Provisions for internal monitoring and auditing which provide for independent review and evaluation of the CONTRACTOR’s accuracy of financial recordkeeping, the reliability and integrity of information, the adequacy of internal controls, and compliance with applicable federal and state laws and regulations. |
| **MCO Comment:** |  |
| **11.2.9** | Response & Corrective Action  Provisions for prompt response to detected offenses, and for development of corrective action initiatives relating to this Contract. |
| **MCO Comment:** |  |
| **11.2.10** | Data Mining, Analysis and Reporting  The Compliance Plan must describe the CONTRACTOR’s process for conducting analyses of its provider and utilization data. This description must comply with the following standards: |
| **11.2.10.1** | A general description of the process for data mining and analyses performed by the CONTRACTOR, |
| **MCO Comment:** |  |
| **11.2.10.2** | A description of the individual reports—their purpose, objectives, and frequencies—associated with all FWA activities and requirements. |
| **MCO Comment:** |  |
| **11.2.11** | Process to confirm the identity and determine the exclusion status of any Provider and/or Subcontractor, as well as any person with an ownership or control interest, or who is an agent or managing employee of the MCO entity through routine checks of Federal databases. This includes the Social Security Administration’s Death Master File, the List of Excluded Individuals/Entities (LEIE), the system for Award Management (SAM), and any other databases as the Department or Secretary may prescribe (e.g. Department’s SC List of Excluded Providers). These databases must be consulted upon contracting and no less frequently than monthly thereafter. If the CONTRACTOR determines a match, it must promptly notify the Department, Division of Program Integrity and take any necessary actions consistent with 42 CFR §438.610 Prohibited affiliations. |
| **MCO Comment:** |  |
| **11.2.11.1** | The CONTRACTOR must detail the process for performing a monthly check for exclusions of its owners, agents and managing employees. Such processes must be consistent with the Managed Care Policy and Procedures Guidelines. |
| **MCO Comment:** |  |
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