



New York State Office of Medicaid Inspector General

Compliance Alert

2014 - 03



Reminder of Deficit Reduction Act of 2005 Requirement

May 9, 2014

Federal Deficit Reduction Act of 2005 Requirement

THIS IS A REMINDER FROM THE NEW YORK STATE OFFICE OF THE MEDICAID INSPECTOR GENERAL (OMIG) FOR ALL PROVIDERS WHO ARE SUBJECT TO THE REQUIREMENTS UNDER TITLE 42 OF THE UNITED STATES CODE SECTION 1396A(68), [42 USC §1396A(68)].

Any entity that receives or makes annual payments under a State's Medicaid program of at least \$5,000,000, is required to meet certain requirements. 42 USC §1396A(68) sets out those as

(A) establish written policies for all employees of the entity (including management), and of any contractor or agent of the entity, that provide detailed information about the False Claims Act established under sections 3729 through 3733 of title 31, United States Code, administrative remedies for false claims and statements established under chapter 38 of title 31, United States Code, any State laws pertaining to civil or criminal penalties for false claims and statements, and whistleblower protections under such laws, with respect to the role of such laws in preventing and detecting fraud, waste, and abuse in Federal health care programs(as defined in section 1320a-7b (f) of ... title [42];

(B) include as part of such written policies, detailed provisions regarding the entity's policies and procedures for detecting and preventing fraud, waste, and abuse; and

(C) include in any employee handbook for the entity, a specific discussion of the laws described in subparagraph (A), the rights of employees to be protected as

whistleblowers, and the entity's policies and procedures for detecting and preventing fraud, waste, and abuse; ...

The Office of the Medicaid Inspector General addresses this mandate by monitoring a provider's certification of compliance status and conducting compliance program reviews of required providers.

The certification form and frequently asked questions (FAQs) are available on the OMIG Web site, on the Compliance landing page at <http://www.omig.ny.gov/compliance>.

OMIG recommends that New York's Medicaid providers sign up for e-mail notices from OMIG by subscribing to OMIG's listserv. Anyone can become a subscriber at no cost by signing up on OMIG's home page. The listserv is a great way to keep informed of the introduction of new compliance tools and information on compliance. As additional compliance-related resources are posted by OMIG, those on OMIG's listserv will receive notices of their publication.

If you have any questions, please contact the OMIG's Bureau of Compliance at (518) 408-0401 or by using the Bureau of Compliance's dedicated e-mail address compliance@omig.ny.gov.

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