STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
CHARLES J. KROGMEIER, DIRECTOR

November 13, 2009

GENERAL LETTER NO. 3-G-AP-1

ISSUED BY: Office of the Deputy Director for Field Operations

SUBJECT: Employees' Manual, Title 3, Chapter G, Appendix, ***GENERAL FACILITY POLICIES APPENDIX***, Title page, new; Contents (page 1), new; page 1, new; and the following form:

470-4857 *Briefing Sheet*, new

Summary

This chapter contains the instruction and form that is used to document training provided to employees, contractors, and volunteers on Medicaid false claim policies.

Effective Date

Upon receipt.

Material Superseded

None.

Additional Information

Refer questions about this general letter to the deputy director for field operations.

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Briefing Sheet

Section 6032 of the Deficit Reduction Act of 2005 (Pub. L.109-171)

The Federal Deficit Reduction Act of 2005 includes requirements that pertain to you as an employee, agent, contractor, or sub-contractor of this facility. With the goal of assuring awareness of this act and maintaining the integrity of billings submitted to the federal Medicaid program, this briefing sheet summarizes the various federal and state requirements as outlined below:

The Federal False Claims Act under title 31 of the United States Code, sections 3729 through 3733 identify, in part, that:

Any person who knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the government is liable to the United States Government for a civil penalty of:

- Not less than $5,000 and not more than $10,000,
- Plus three times the amount of damages which the government sustains because of the act of that person.

Administrative remedies for false claims and statements under title 31 of the United States Code, chapter 38, identify, in part, that:

Any person who makes, presents, or submits a claim that:

- The person knows or has reason to know is false, fictitious, or fraudulent and is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; or
- Is for payment for the provision of property or services which the person has not provided as claimed;
- Shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than $5,000 for each such claim.

Chapters 249A.7 and 249A.8 of the Code of Iowa identify, in part, that:

- A person who obtains assistance or payments for medical assistance by knowingly making or causing to be made, a false statement or a misrepresentation of a material fact or by knowingly failing to disclose a material fact required of an applicant for aid commits a fraudulent practice.
- The Department of Inspections and Appeals shall conduct investigations and audits as deemed necessary to ensure compliance with the medical assistance program.

- The Department of Inspections and Appeals shall cooperate with the Department of Human Services on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Chapter 70A.28 of the Code of Iowa provides for "whistleblower" protections that identify in part, that:

- A person who serves as the head of a state department or agency or otherwise serves in a supervisory capacity within the executive or legislative branch of state government:
  - Shall not require an employee of the state to inform the person that the employee made a disclosure of information permitted by this section.
  - Shall not prohibit an employee of the state from disclosing any information to a member or employee of the general assembly or from disclosing information to any other public official or law enforcement agency if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- May be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.
- A person shall not discharge:
  - An employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by this section.
  - An employee for a disclosure of any information by that employee to a member or employee of the general assembly, or a disclosure of information to any other public official or law enforcement agency.
  - An employee if the person reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
  - An employee may be required to inform the person that the employee made a disclosure of information permitted by this section if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

Policies and procedures for detecting and preventing fraud, waste, and abuse include:

Internal:

- Monthly internal audits of individual case records to assure that Medicaid funded services have been provided and only Medicaid eligible services have been claimed.
- Billing claims submitted are independently reviewed for accuracy and correctness and approved through the supervisory structure. The claims process is structured so that no one person has the authority to prepare and submit a Medicaid billing claim.

External:

- Annual audits by the State of Iowa Auditor's Office to ensure that each facility:
  - Employs generally accepted accounting practices,
  - Employs an adequate system of checks and balances to reduce or eliminate opportunities for fraud, and
  - Appropriately calculates rates that are used to bill Medicaid or other guarantors.
- Financial reviews, audits or investigations by the Department of Inspection and Appeals, Division of Investigations, immediately upon report of suspected fraud, waste, or abuse or at any time at the discretion of the Department.

The Iowa Department of Human Services' false Medicaid claim policy contains more detailed information regarding these requirements and can be obtained through the facility business office or on the Department's policy manual website at:

http://www.dhs.state.ia.us/policyanalysis/PolicyManualPages/MentalHealth.htm

I understand that the false Medicaid claim policy is in effect and that my signature below acknowledges that I have received a copy of this briefing, and understand and agree to abide by the conditions and requirements set forth in the policy.

Printed Name	Date
Signature	

Briefing Sheet, Form 470-4857

Purpose	Form 470-4857 is used to document training provided to staff on the Department's false Medicaid claims policy.
Source	Supplies of the form may be printed or photocopied from the sample in the manual as needed.
Completion	All employees, contractors, and volunteers are required to sign this form upon completion of training to signify that they have received the training.
Distribution	One copy of the signed form shall be provided to the employee, contractor, or volunteer. One copy of the signed form shall be retained in the facility's personnel files.
Data	The form documents that the required training has been provided.