



FDR COMPLIANCE PROGRAM GUIDANCE

MEDICARE PARTS C AND D FIRST TIER,
DOWNSTREAM AND RELATED ENTITIES

AUDIT READINESS

The Centers for Medicare and Medicaid Services (CMS) has indicated they may conduct an audit on any First Tier, Downstream or Related entity. CMS reserves the right to bypass the Plan altogether. We are providing you with the tools necessary to pass the audit elements.

A failed audit could result in a Corrective Action Plan (CAP), implemented by the Plan or CMS directly. Unfortunately, this affects the overall effectiveness of all parties in the hierarchy and their Compliance Oversight scores.

WHAT DOES THIS MEAN FOR YOU?

As a "Related Entity," you are required to abide by all

applicable CMS Compliance program requirements, in the

event you employ any *non-agent, non-producing*

personnel, either in or outside of your office.

This means; if you have an administrative assistant,

receptionist, contracting processor, etc., full or part time,

and he/she does not have a Health license **and** is not

contracted to sell for any MA and/or PDP carriers, you are

responsible for abiding by these guidelines set forth by

CMS

COMMON AUDIT ELEMENTS

- Employee Code of Conduct
- Compliance, FWA and HIPAA
- Fraud, Waste and Abuse Reporting
- Policies and Procedures
- Record Retention
- HHS-OIG and GSA Employee/Non-producing Personnel Screening

**A sample set of Policies and Procedures will be provided for your use. You may implement them as they are, or create your own using the sample set as a reference guide.*

EMPLOYEE AUDIT ELEMENTS

Within in the first 90 days of hire and annually thereafter, each employee should receive, complete, and sign and date, acknowledging receipt and understanding of the following guidelines:

- Employee Code of Conduct
- Fraud, Waste and Abuse Training
 - Employees should have a confidential source for reporting potential fraud, waste and/or abuse
- General Compliance Training

Note: *FWA and Compliance training must now be completed thru CMS' Learning Management System, available on CMS' website. Instructions for accessing the system and completing the training will be provided.*

RECORD RETENTION

- You may be asked to provide records/evidence that each of the audit elements were completed, initially and annually thereafter, for each non-producing employee.
- Records must be maintained for a period of time, including ten years for MA related services.

HHS-OIG AND GSA EMPLOYEE SCREENING

How to Conduct the HHS-OIG and GSA Searches

HHS-OIG AND GSA DATABASES

HHS-OIG Exclusion Screening;

<http://oig.hhs.gov/exclusions/index.asp>

GSA Exclusion Screening;

<https://www.sam.gov/portal/public/SAM/>

WHAT IS AN EXCLUSION?

HHS-OIG Exclusion is defined as individuals and entities currently excluded from participation in Medicare, Medicaid and all other Federal health care programs.

GSA Exclusion is defined as records entered by the Federal government identifying those parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.

UNDERSTANDING EXCLUSIONS

- If an individual or entity is excluded, Federal funds cannot be used to support this person, or organization including any item or service they may have provided, ordered or prescribed whether directly or indirectly obtained.

More detailed information regarding HHS-OIG Facts can be found here: <http://oig.hhs.gov/faqs/exclusions-faq.asp>

YOUR JOB IS TO...

Make certain that each employee had been properly screened against both databases prior to hire, and then monthly thereafter. In the event of an audit, you will be asked to provide the following;

- Evidence each search was conducted prior to hire.
- Evidence of a current (or, month requested) Employee Roster, including each employee's name, date of birth, hire date and, in some cases, termination date.
- Evidence of each monthly search having been conducted.
- Evidence of exclusions, or potential matches, having been verified as "No Match," by way of a print out, or "print screen," and a validation form (or something similar).

IN THE EVENT OF A POSITIVE MATCH

In the event you encounter a positive match, you are to comply with all laws and regulations, making certain to report the findings to your up line, as well as all respective carriers.

HHS-OIG DATABASE TUTORIAL

On the website's right side, click on the Exclusion Database icon.



You are able to search up to five (5) employee/associate names at one time, or you may search by individual.

A screenshot of the search interface for the Exclusions Database. The page has a light blue header with the text "Search the Exclusions Database" and a question mark icon. Below the header, there is a section titled "Search For An Individual" with a question mark icon. Underneath this section, there are three search options: "Search For Multiple Individuals", "Search For A Single Entity", and "Search For Multiple Entities". Below these options, there are two input fields: "Last Name" and "(and/or) First Name". At the bottom of the form, there are two buttons: "Search" and "Clear".

Search the Exclusions Database ?

Search For An Individual ?

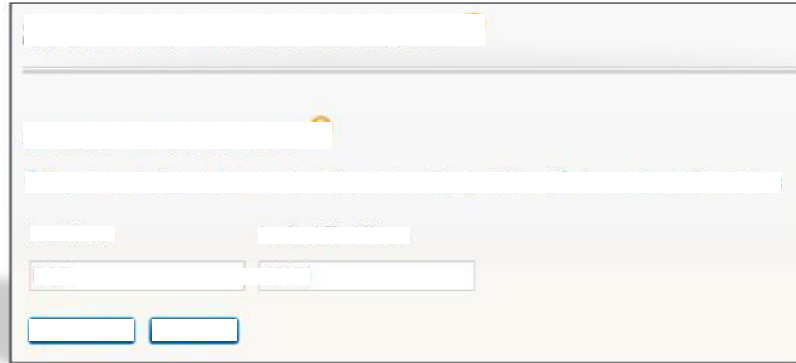
[Search For Multiple Individuals](#) | [Search For A Single Entity](#) | [Search For Multiple Entities](#)

Last Name (and/or) First Name

[Search](#) [Clear](#)

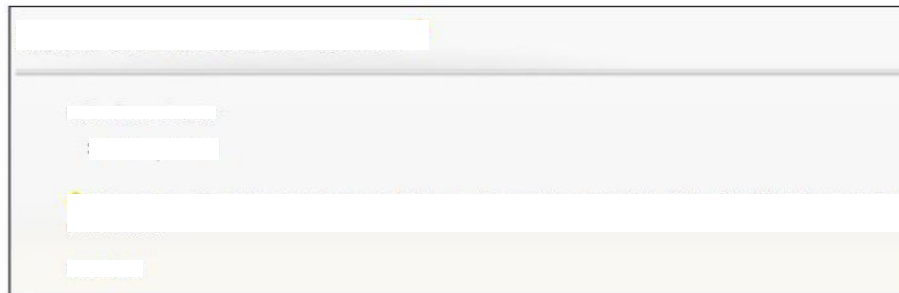
HHS-OIG DATABASE TUTORIAL

Type in the employee/associate name and click “Search.”



A screenshot of a web application interface for searching the HHS-OIG database. It features a search input field at the top, followed by several smaller input fields for additional search criteria. At the bottom of the form, there are two buttons: a blue button on the left and a white button on the right.

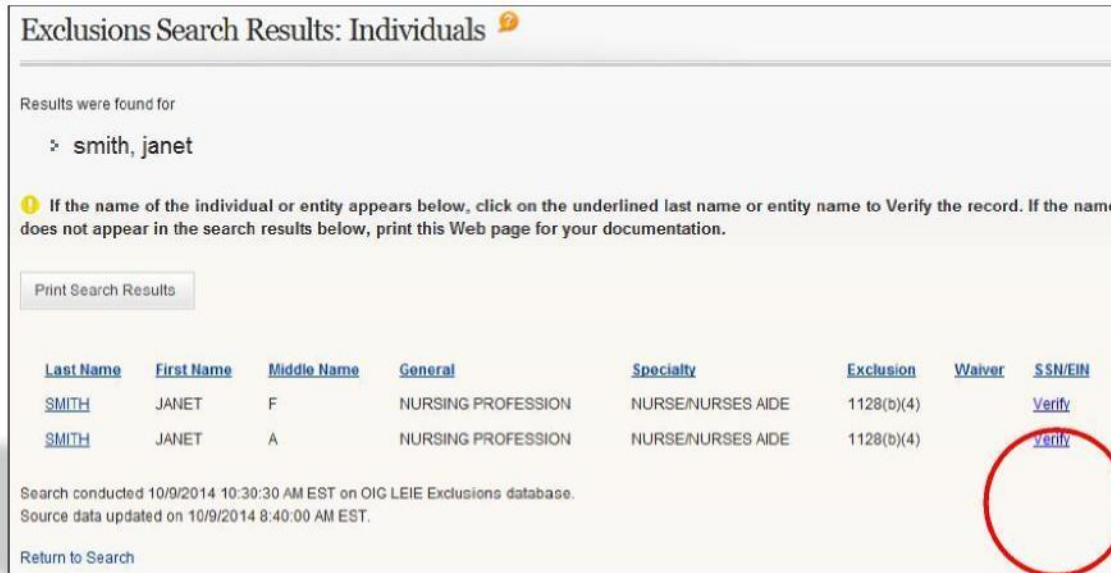
Assuming the name is not a match to anyone in the database, you will see the following message:




A screenshot of the search results page. It shows a search input field at the top, followed by a large, empty white rectangular area, indicating that no results were found for the search query.

HHS-OIG DATABASE TUTORIAL


Common names will yield more results. In this example, a search for “JANET SMITH” delivered the following results:



Exclusions Search Results: Individuals 

Results were found for

> smith, janet

 If the name of the individual or entity appears below, click on the underlined last name or entity name to Verify the record. If the name does not appear in the search results below, print this Web page for your documentation.

[Print Search Results](#)

<u>Last Name</u>	<u>First Name</u>	<u>Middle Name</u>	<u>General</u>	<u>Specialty</u>	<u>Exclusion</u>	<u>Waiver</u>	<u>SSN/EIN</u>
<u>SMITH</u>	JANET	F	NURSING PROFESSION	NURSE/NURSES AIDE	1128(b)(4)		Verify
<u>SMITH</u>	JANET	A	NURSING PROFESSION	NURSE/NURSES AIDE	1128(b)(4)		verify

Search conducted 10/9/2014 10:30:30 AM EST on OIG LEIE Exclusions database.
Source data updated on 10/9/2014 8:40:00 AM EST.

[Return to Search](#)

To verify the Janet Smith(s) are not the same individual, simply click on the blue “Verify” link to the right.

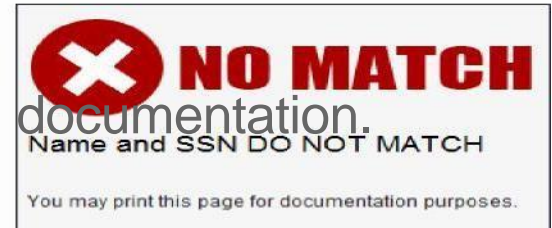
HHS-OIG DATABASE TUTORIAL

Once you click “Verify,” there is a field to enter the Social Security number (SSN.) Enter the SSN and then click on the green Verify tab.

To verify if you have a match, please enter a Social Security Number (SSN) or Employer Identification Number (EIN) without dashes (123456789).

Ideally, you will receive the following message:

Print or download the results screen for required documentation.



VALIDATING THE SEARCH RESULTS

- Create a validation form to provide evidence of the search run.
- Designate a person to run the search and verify a search was conducted and all potential exclusions were a “No Match.”
- Management should then review and acknowledge the process was satisfactorily completed.

GSA DATABASE TUTORIAL

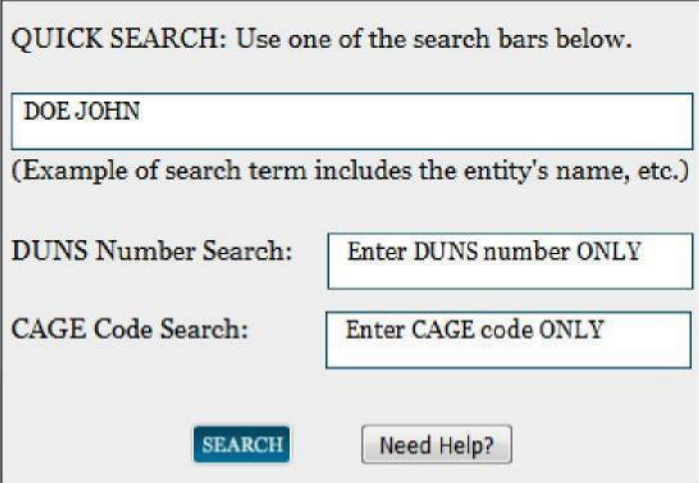
Once you are on the website, click on the Search Records icon.

SEARCH RECORDS

You are only able to search by individual, using the QUICK SEARCH option.

On the top search bar, you will enter the employee/associate name as:

“LastName FirstName.”



QUICK SEARCH: Use one of the search bars below.

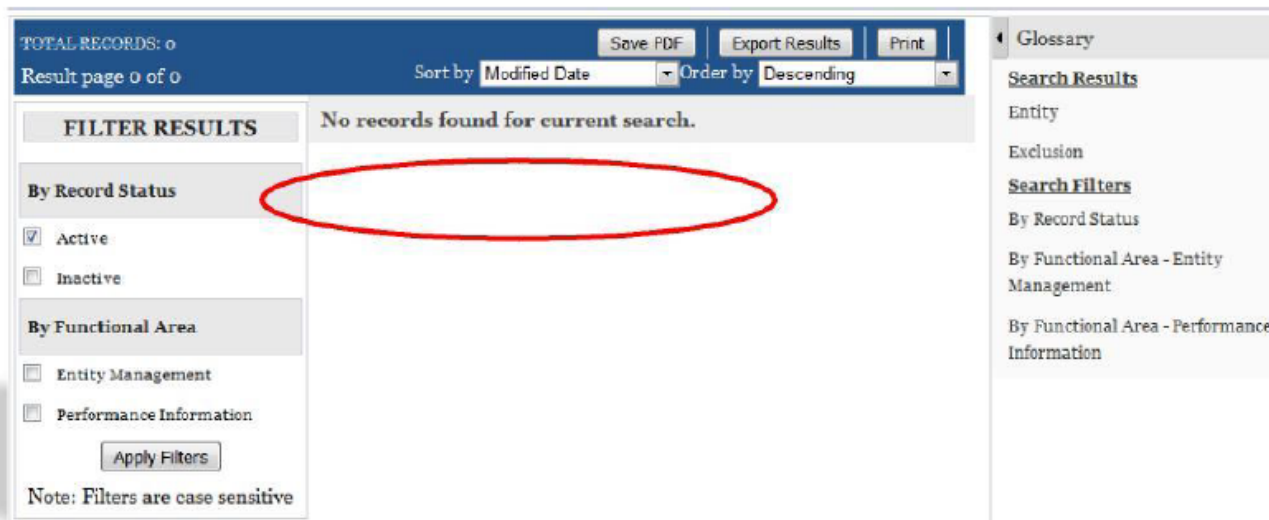
DOE JOHN
(Example of search term includes the entity's name, etc.)

DUNS Number Search:

CAGE Code Search:

GSA DATABASE TUTORIAL

After clicking the blue “Search” button, a negative match will yield the following response;



The screenshot displays a search results interface. At the top, it shows 'TOTAL RECORDS: 0' and 'Result page 0 of 0'. There are buttons for 'Save PDF', 'Export Results', and 'Print'. The search is sorted by 'Modified Date' in 'Descending' order. A central message states 'No records found for current search.', which is circled in red. On the left, there are filter sections: 'By Record Status' with 'Active' (checked) and 'Inactive' (unchecked) options, and 'By Functional Area' with 'Entity Management' and 'Performance Information' (both unchecked) options. An 'Apply Filters' button is present. A note at the bottom left says 'Note: Filters are case sensitive'. On the right, there is a 'Glossary' section with links for 'Search Results', 'Entity', 'Exclusion', 'Search Filters', 'By Record Status', 'By Functional Area - Entity Management', and 'By Functional Area - Performance Information'.

Print or download the results screen for required documentation.

GSA DATABASE TUTORIAL

A possible match will return the following:

Current Search Terms: smith* janet*

Clear Search

TOTAL RECORDS: 3
Result page 1 of 1

Sort by: Modified Date Order by: Descending

Save PDF Export Results Print

FILTER RESULTS

Your search for "smith* janet*" returned the following results...

By Record Status

Active
 Inactive

By Functional Area

Entity Management
 Performance Information

Apply Filters

Note: Filters are case sensitive

Entity	Smith, Janet	Status: Active
DUNS: 079287435	CAGE Code: 73ZN5	View Details
Has Active Exclusion?: No	DoDAAC:	
Expiration Date: 04/29/2015	Delinquent Federal Debt? No	

Exclusion	JANET SMITH	Status: Active
DUNS:	CAGE Code:	View Details
Classification: Individual		
Activation Date: 02/20/2005	Termination Date: -	

Exclusion	JANET SMITH	Status: Active
DUNS:	CAGE Code:	View Details
Classification: Individual		
Activation Date: 02/20/2008	Termination Date: -	

Focus on those with the purple “Exclusion” icon. To verify there is no match, click on the “View Details” icon. You will need to do a separate search for each listed Exclusion.

GSA DATABASE TUTORIAL

GSA does not provide the same unique identifier capabilities as HHS-

OIG. To verify a "No Match" thru GSA, enter the individual's address.

Then click on the gray "Verify" button.

Enter Address, click Verify.

Not shown

VALIDATING THE SEARCH RESULTS

- Create a validation form to provide evidence of the search run.
- Designate a person to run the search and verify a search was conducted and all potential exclusions were a “No Match.”
- Management should then review and acknowledge the process was satisfactorily completed.

FOR ASSISTANCE

Please feel free to contact us at:

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and cooperation!**

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