Troy Medicare Policy and Procedure

Title: Compliance and Fraud, Waste and Abuse Training				**Policy Number:** CMP 003
Primary Department: Compliance	**LOB:** Medicare Advantage			**Author:** S Scott
Effective Date: 10/26/2022	**Approval Date:** 10/26/2022	**Original Date:** 10/25/2022	**Review Date(s):** 11/24/2023, 10/15/2024	**Archive Date:**

Interactive Related Department(s)		
☒All Departments ☐Compliance ☐Medical Management ☐Provider Operations ☐Sales and Marketing	☐Appeals and Grievances ☐Customer Service ☐Member Services ☐Quality Management ☐Utilization Management	☐ Care Management ☐ Enrollment ☐ Plan Administration ☐ Claims ☐ Other _____

POLICY PURPOSE

The purpose of this policy is to demonstrate Troy's commitment to comply with all applicable regulatory requirements and to complete annual trainings, including, but not limited to, Compliance and Fraud, Waste and Abuse trainings for its workforce.

Troy Medicare is committed to complying with federal and state rules and regulations.

SCOPE

This policy applies to the compliance officer and organization employees, the chief executive and other senior administrators, managers and governing body members.

REFERENCES

- 42 CFR 422.503(b)(4)(vi)(C)(*1*)
- 42 CFR 423.504(b)(4)(vi)(C)(1)
- Medicare Managed Care Manual, Chapter 21, Section 5.3

RESPONSIBLE PARTIES

- Chief Compliance Officer

DEFINITIONS

- **Abuse** – practices that may directly or indirectly result in unnecessary costs, such as providing unnecessary services to beneficiaries.
- **Conflict of Interest** – a situation in which a person is in a position to derive personal benefit or financial gain from actions or decisions made in their workplace.

- **FDRs** – First-Tier, Downstream and Related Entities (different levels of contracted entities to perform health plan functions or provide health care services to enrollees).
- **Fraud** – intentional and criminal deception intended to result in financial or personal gain
- **Fraud, Waste and Abuse (FWA)** - fraud, waste, and abuse, typically categorized together**.**
- **Waste** – unintentional errors, most frequently incorrect coding and billing.

POLICY

CMS requires each Medicare Advantage organization and Prescription Drug Plan to establish and implement effective training and education for its workforce, governing body members, and FDRs. At a minimum, training must occur as part of new employee orientation or appointment of a chief executive officer or governing body member, or within 90 days of a contract with an FDR, and annually thereafter. Healthcare providers are no longer required to complete the CMS web-based FWA training.

General compliance training should include the following topics:

- Review of compliance program, the Code of Conduct, and ethical standards
- How to ask compliance questions, report suspected non-compliance and FWA
- Discuss non-retaliation, confidentiality, and anonymity in reporting
- Adherence to policies and procedures
- Disciplinary guidelines
- Conflict of Interest
- HIPAA privacy and security basics
- Purpose of auditing and monitoring
- Corrective actions

Fraud, waste, and abuse training should include the following topics:

- Definitions of fraud, waste, and abuse
- False Claims Act
- Anti-kickback Statute
- Beneficiary Inducement Statute
- Civil Monetary Penalties (CMPs)
- Stark Statute
- HITECH Act and HIPAA
- Excluded Persons and Entities

Participation in Compliance and FWA training is a condition of employment and in compliance with the Troy Medicare Employee Handbook and Code of Conduct.

PROCEDURE

1. New employees, consultants, and governing body members are required to complete the Troy Compliance/FWA training within 90 days of hire/appointment.
    a. New employees and consultants complete training in Rippling, or other designated platform or method of training delivery.
    b. Governing body members complete training and sign an attestation.
2. Healthcare providers are required to take general compliance training and maintain a certificate as evidence upon request.
3. FDRs must be able to demonstrate that their employees have completed compliance and FWA awareness training.
4. First-tier entities are required to confirm their downstream entities have fulfilled this requirement, upon request or audit.
5. FDRs are responsible for designing and conducting their own training. FDRs may use the content from the CMS training without modification to develop their own material. Training must be completed within 90 days of hire/contract and annually thereafter.
6. CMS training will only be available for a limited time.

ATTACHMENTS/RELATED POLICIES/STANDARD OPERATING PROCEDURES

- None

APPROVALS

SAS (Oct 29, 2024 15:31 EDT)
Chief Compliance Officer
10/29/2024
Date

Christina Za
Policy Committee
10/29/2024
Date

Revision History

Revision Date	Revised by Whom	Revisions Made
11.24.2023	S Scott	Updated procedure, added commitment to compliance statement
10.15.2024	S Scott	Annual review; updated purpose, scope and references.