

**MEDICAID COMPLIANCE PROGRAM REGULATION
PLATTSBURGH CITY SCHOOL DISTRICT**

I. Training & Education

All employees, contractors and agents providing or claiming Medicaid for School and Preschool Supportive Health Services Programs (SSHSPs) and those who oversee the provision of such services on behalf of the Board of Education, and members of the Board of Education, shall attend at least one hour of training provided by the State Education Department on an annual basis and a minimum of training provided directly through the District regarding the District's Medicaid Compliance Program and obligations for reporting possible fraud, waste and/or abuse in the implementation of its SSHSP and Medicaid claiming for such services.

- The names and dates of attendance of all employees, agents, contractors and members of the Board of Education who attended such programs shall be maintained on file with the Compliance Officer.
- The Compliance Officer shall ensure that all staff members, contractors and/or agents and Board members required to attend, receive a timely invitation to such sessions. If, for any reason, an individual required to attend is unable to do so, the Compliance Officer or designee shall arrange for makeup sessions and shall document each individual's attendance.
- Each trainee shall receive written materials as part of the District's training program and a link to the District's website where materials will be posted and updated, as necessary, to incorporate changes in law, regulation, policy or practice as they occur.
- The required training shall be provided as part of all new employees orientation program and as a part of the orientation training for new board members.

II. Lines of Communication

- The Compliance Officer shall ensure, through ongoing training, education, written and posted materials, oversight, review and ongoing evaluation that the Compliance Program encourages the reporting of compliance issues through the maintenance of an open line of communication which includes:
 - The posting of the names, telephone numbers and e-mail addresses of the Compliance Officer, the Superintendent, and the Members of the Board of Education.
 - A confidential and anonymous line of communication to the Compliance Officer/ assigned designee available 7 days a week and 24 hours a day which:
 - The Compliance Officer and/or designees review weekly;
 - Provides an appropriate assurance of confidentiality; and
 - Although not required, encourages the caller to leave his/her name to assist in the investigation.
- Wide publication of the designated confidential and anonymous communication line, which shall be:
 - Posted on the District's Website;
 - Included in the Employees' Handbook

- Distributed at least annually to all members of the Board of Education, and all employees, agents, and contractors who provide or claim Medicaid for the District's SSHSP; and
- In order to encourage the active participation of all employees, agents, and contractors involved in the provision or claiming for SSHSP, directly or indirectly, all publications and training involving this program shall:
 - Clearly and succinctly define the obligations of persons involved directly or indirectly in the implementation of the SSHSP in the provision and claiming for Medicaid payments for such services; and
 - Articulate the obligations and expectation that anyone with knowledge of a compliance problem involving Medicaid claiming or the provision of services in its SSHSP shall report it immediately and assist in its resolution, to the extent necessary.

III. Disciplinary Policies

- As part of any training or publication regarding Medicaid Compliance, the range of disciplinary actions which may be taken against any individual for noncompliance shall be posted on the website and in the employees' handbook;
- Individuals against whom disciplinary action may be taken include those:
 - Who participate in noncompliant behavior, including but not limited to the encouragement, direction, facilitation, or permission, through active or passive non compliance, or
 - Who fail to report suspected fraud, waste or abuse when he/she knew or should have known.
- Depending on the nature of the action or inaction, such penalties may include but are not limited to:
 - A counseling memo
 - Mandatory Training
 - Suspension
 - Termination
 - Reporting to State Office of Teacher Certification, where the behavior involves moral turpitude;
 - Reporting to Law Enforcement, where criminal activity is suspected.
- Self evaluation shall be encouraged and penalties shall be reduced, where appropriate, for self reporting of any noncompliance.

IV. Compliance Risk Areas include:

- Initial screening and certification by the Human Resources Director or designee that an employee hired by the District, either directly or under contract, holds the proper license to have his/her services billed to Medicaid;
- A signed and enforceable agreement between the Human Resource Director of the District and any employee determined qualified to have his/her services billed to Medicaid, to notify the Compliance Officer and the Director of Human Resources immediately, upon receipt of any notification, or knowledge that the individual's license has been suspended, revoked or lapsed;

- Annual Screening by the Office of Human Resources to ensure that all staff providing services under the SSHSP for which Medicaid is billed maintain the proper licensure and/or supervision in accordance with the State's approved Medicaid Plan.
- A system that requires agents or contractors providing such services to report immediately to the Compliance Officer and the Director of Human Resources, any lapse in the certification/ licensure of such individuals necessary to bill the cost of those services to Medicaid;
- At least once per year, the Compliance Officer shall direct or conduct an examination and sample audit of Medicaid claiming made by the District or on behalf of the District; and
- The Compliance Officer shall direct or conduct periodic internal and external audits, as deemed appropriate by the Board of Education.

V. Response to Compliance Issues

Upon notification or discovery of a potential compliance problem, the Compliance Officer shall ensure that such problems are thoroughly investigated and promptly resolved.

- Where, upon the investigation of such compliance problems, noncompliance is identified, the Compliance Officer shall immediately:
 - Issue a report of findings and recommendations to the Superintendent and the Board of Education of the required and recommended actions including but not limited to:
 - Reporting to the Office of the Medicaid Inspector General
 - Refunding overpayments
 - Report, as required, findings of noncompliance to the Office of the Medicaid Inspector General and arrange for a refund of any overpayment to the appropriate governmental agency, where indicated;
 - Identify and report to the Superintendent of Schools, the Board of Education and the Office of Human Resources any employee who either through encouragement, direction, facilitation, permission, action or inaction, perpetuated or concealed a compliance problem involving SSHSP; and
 - Ensure that the appropriate disciplinary action(s) is taken against any employee, agent or contractor, involved directly or indirectly, in creating and/or perpetuating noncompliance through encouragement, direction, facilitation, action or inaction.

VI. Policy of Non-intimidation and Non-retaliation

The Compliance Officer shall take the steps necessary to enforce the Board's Policy of Non-intimidation and Non-retaliation for good faith participation in the Compliance Program to protect anyone who:

- Report potential issues of noncompliance;
- Investigates issues of alleged noncompliance;
- Engages in self evaluations, audits and remedial actions;
- Reports to appropriate officials in accordance with Labor Law §§740 and 741.

Adopted: December 21, 2009