



# Putting People First



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## Quality Management

Sheila McBain, Ph.D., Deputy Commissioner

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To: Executive Directors

From: Sheila McBain, PhD *Sheila M. McBain*  
Deputy Commissioner  
Division of Quality Management

Date: July 21, 2009

Re: Office of the Medicaid Inspector General Compliance Program Regulation Adopted

On May 4<sup>th</sup>, 2009, you received an e-mail from Nina Baumbach informing you that the Office of the Medicaid Inspector General (OMIG) had promulgated a regulation that would require most Medicaid providers to develop and implement Medicaid compliance programs. **This regulation has now been adopted. As a result, agencies that are affected by these regulations must have a Medicaid compliance program in place by September 29, 2009.** A copy of the regulation is attached.

**The following OMRDD providers are impacted by this regulation and will be required to develop Medicaid Compliance Programs:**

- Agencies that provide any HCBS Waiver service, regardless of how much revenue they generate (thus, very small agencies are impacted), or
- Agencies that generate \$500,000 or more in Medicaid revenue of any type in a consecutive 12 month period.

Agencies that are not required to comply with this regulation are:

- Providers that do not provide Medicaid services, and
- Providers that provide only Medicaid Service Coordination (with no other Medicaid funded services) and do not generate \$500,000 or more in Medicaid revenue in a twelve month period.

**The regulation specifies that a provider's Medicaid compliance program shall include the following eight elements:**

- Written policies and procedures that describe the compliance program
- A Medicaid Compliance Officer
- Training and education of all affected employees and board members
- Open lines of communication that include a method for staff to report concerns anonymously and confidentially
- Disciplinary policies to encourage good faith participation in the compliance program
- A system of routine identification of compliance risk areas specific to the provider type
- A system for responding to compliance issues as they are raised

- A policy of non-intimidation and non-retaliation for good faith participation in the compliance program

**The effective date for this regulation is July 1, 2009 and providers will have 90 days from the effective date to be in compliance.**

Every December, each provider, using a form provided by the OMIG, will be required to certify that it has a compliance program in place that meets the requirements of this regulation. In the event that the Commissioner of Health or the Medicaid Inspector General finds that a provider does not have a satisfactory program, the provider may be subject to sanctions or penalties, including revocation of the provider's agreement to participate in the Medicaid program.

The Office of Mental Retardation and Developmental Disabilities (OMRDD) held Medicaid compliance program training in May with additional training scheduled in early October. These trainings will be listed in the Fall/Winter OMRDD Training Catalog and providers will be able to register via the OMRDD website.

If you are interested in attending training prior to early October, please contact Nina Baumbach at (518) 402-4210 or at [nina.baumbach@omr.state.ny.us](mailto:nina.baumbach@omr.state.ny.us). Thank you.

Attachment

CC: COLT  
DDSO Directors