

Date: April 11, 2010

**Centers for Medicare & Medicaid Services
Office of the Administrator
Center for Medicare**

**Program Compliance and Oversight Group
(FCHL)**

- Develops and implements a comprehensive strategic plan, objectives and measures for overseeing an effective compliance and oversight program for all Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) contractors in close collaboration with the Regional Consortium for Medicare Health Plans Operations (CMHPO), Chief Operating Officer (COO); the Medicare Drug Benefit and C & D Data Group (MDBG), the Medicare Drug and Health Plan Contract Administration Group (MCAG), Center for Medicare (CM) and other CM components.
- Develops and implements contractor compliance program policy and operational requirements for all aspects of the Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) program, including the development of new regulations, sub-regulatory policy or guidance, and standard operating procedures for the implementation of contractor compliance programs, as appropriate.
- Analyzes and evaluates all Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) performance monitoring and other data (e.g., contractor reported data, performance measurement data, complaint tracking data, day-to-day account management information, corrective action plan data, etc.) to make improvements to effectiveness of the compliance program and address identified individual or systemic compliance concerns or gaps in performance monitoring efforts or data used in compliance efforts, as warranted.
- Develops and implements an early warning and/or compliance issue detection capability, to identify vulnerable or high-risk areas for increased surveillance or areas for targeted program monitoring activities (e.g., secret shopper initiative) or other higher level compliance actions (e.g., focused reviews, investigations, sanctions, etc.).
- Develops and implements a set of policies, templates and standard operating procedures for use by CM in instituting uniform and timely formal compliance actions (e.g., formal corrective action plans, intermediate sanctions, civil monetary penalties (CMPs), and contract non-renewals/terminations).

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**Program Compliance and Oversight Group
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- Develops and implements a consistent set of policies and standard operating procedures for reporting and communicating Part C and Part D compliance information for all operating components within CM and CMHPO, COO, including performance monitoring data, day-to-day account management information, complaint data, and corrective action plans to ensure these activities align with CMS compliance strategic objectives and are communicated in a timely, consistent and coordinated manner to all affected components.
- Works closely with CM Central Office operations and CMHPO, COO Regional components to ensure program compliance and audit responsibilities are carried out in a timely, uniform and coordinated manner to promote the compliance of Part C and Part D contractors, and to ensure that policies and standard operating procedures are consistently adhered to and applied and communications are aligned with the overall strategic policy and operational objectives for Part C and Part D program compliance.
- Develops and implements a comprehensive and effective audit program for all Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) contractors, including developing all standard audit support materials, making strategic decisions about what areas need to be audited and which contractors should be audited, conducting targeted readiness audits, working closely with CMHPO, COO and contract auditors to ensure program audits are completed in accordance with key objectives, standard operating procedures, and established timelines, and that appropriate follow-up on audit findings is completed.
- Conducts ongoing and systematic analysis and evaluation of all Part C and Part D program audits to identify program concerns that merit follow-up action, to ensure appropriate follow-up compliance actions are taken, and to institute policy, operational or program modifications to address any identified programmatic concerns.
- Develops and implements all aspects of the Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) Deeming Programs, including approval of Accrediting Organizations (AO), oversight of AO review protocol, methodology and tools, and management of a contractor to validate Deeming review results. Also serves as direct contact with AOs and Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) contractors regarding the deeming program.

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**Program Compliance and Oversight Group
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- Develops and implements a program compliance and audit training strategy for CMS Central Office Part C and Part D operations and CMHPO, COO Regional staff.
- Develops and implements external program compliance training sessions for Part C and Part D contractors.
- Develops and implements a comprehensive strategy, objectives and measures for overseeing an effective compliance enforcement program for all Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) contractors in close collaboration with CMHPO, COO; MDBG, MCAG, CM and other CM components.
- Develops and implements enforcement requirements for all aspects of the Part C (Medicare Advantage) and Part D (Medicare Prescription Drug) program, including the development of guidance and standard operating procedures for the implementation of contractor compliance enforcement, as appropriate.
- Serves as the Compliance Officer for all Part C and Part D compliance activities, including making decisions to initiate, implement and/or settle formal compliance or enforcement actions (enforcement actions available to CMS include sanctions and penalties including the suspension of enrollment, civil money penalties and other enforcement actions as described in Federal regulations at 42 C.F.R. §422 and §423 Subpart K and Subpart O).
- Works closely with the CM Central Office operations, CMHPO, COO components and the Office of Financial Management (OFM), COO to develop and conduct “for cause” enforcement-related audits to ensure enforcement-related objectives are carried out in a timely, uniform and coordinated manner and that specific enforcement objectives are obtained and aligned with the overall strategic objectives for Part C and Part D program compliance.
- Works closely with the CM Central Office operations, CMHPO, COO components and OFM, COO to take appropriate follow-up enforcement action as a result of data or information obtained from PCOG’s, CM early warning and/or compliance issue detection capabilities (e.g., secret shopper initiative) or other higher level compliance actions (e.g., focused reviews, investigations, sanctions, etc.).

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**Program Compliance and Oversight Group
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- Works closely with and serves as the liaison with OFM, COO for certain compliance activities related to fraud, waste and abuse.
- Works closely with and serves as the liaison with OFM, COO; the Office of General Counsel, the Department of Justice, the Office of Inspector General and the State regulatory agencies on certain contractor compliance/enforcement actions such as imposing intermediate sanctions and/or levying civil money penalties against Part C or Part D contractors for program and/or contract violations that warrant certain kinds of actions (e.g., suspension of enrollment, marketing, the imposition of civil monetary penalties (CMPs)).
- Develops and implements a program compliance enforcement training strategy for CMS Central Office Part C and Part D operations and CMHPO, COO regional staff.
- Supports and/or represents CM on compliance-related inquiries from Congress and other oversight bodies, etc.
- In collaboration with CM's Business Operations Staffs and the Office of Acquisition and Grants Management, COO develops and negotiates procurement contracts which include the development of contractor specifications, work statements, and evaluation criteria to support group programmatic functions, as needed. Evaluates, assesses, and monitors contractors' performance to ensure compliance with contractor requirements and the Federal Manager's Financial Integrity Act.