

## Health Care Fraud and Program Integrity

Providers may find this list of resources useful with regard to health care fraud and program integrity. This list is not intended to be complete. Providers should remember that Medicaid is administered through 56 States and territories that determine which items and services are covered by the Medicaid program. Providers should become familiar with the requirements of the Medicaid program in each State or territory where they practice.

### Centers for Medicare & Medicaid Services

- Affordable Care Act Program Integrity Provisions—Guidance to States—Section 6501—Termination of Provider Participation Under Medicaid if Terminated Under Medicare or Other State Plan. [CPI-CMCS Informational Bulletin.] (2012, January 20). <https://www.medicare.gov/Federal-Policy-Guidance/downloads/CIB-01-20-12.pdf>
- CMS Financial Report: Fiscal Year 2015. (2015, November 9). [https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CFOReport/Downloads/2015\\_CMS\\_Financial\\_Report.pdf](https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/CFOReport/Downloads/2015_CMS_Financial_Report.pdf)
- Medicaid Alliance for Program Safeguards. (2002, May). Guidelines for Constructing a Compliance Program for Medicaid Managed Care Organizations and PrePaid Health Plans. <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/FraudAbuseforProfs/Downloads/mccomplan.pdf>
- Medicaid Program Integrity: Understanding Provider Medical Identity Theft. (2016, April). [Booklet.] <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/Provider-Education-Toolkits/Downloads/safeguard-medid-provider-idtheft-booklet.pdf>



- New Strategic Direction and Key Antifraud Activities. (2011, November 3). <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/MedicaidIntegrityProgram/downloads/cpiinitiatives.pdf>
- State by State Fraud and Abuse Reporting Contacts. [https://www.cms.gov/medicare-medicaid-coordination/fraud-prevention/fraudabuseforconsumers/report\\_fraud\\_and\\_suspected\\_fraud.html](https://www.cms.gov/medicare-medicaid-coordination/fraud-prevention/fraudabuseforconsumers/report_fraud_and_suspected_fraud.html)
- State Medicaid Director Letter 09-001. <https://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD011609.pdf>
- CMS Voluntary Self-Referral Disclosure Protocol. [https://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/Downloads/6409\\_SRDP\\_Protocol.pdf](https://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/Downloads/6409_SRDP_Protocol.pdf)

## **U.S. Department of Health and Human Services**

- Fiscal Year 2015 Agency Financial Report. (2015, November 13). <http://www.hhs.gov/sites/default/files/afr/fy-2015-hhs-agency-financial-report.pdf>

## **U.S. Department of Health and Human Services, Office of Inspector General**

- Avoiding Medicare Fraud & Abuse: A Roadmap for Physicians. Web-based training. <https://oig.hhs.gov/compliance/101/cme.asp>
- HEAT Provider Compliance Training Videos and Materials. [https://oig.hhs.gov/newsroom/video/2011/heat\\_modules.asp](https://oig.hhs.gov/newsroom/video/2011/heat_modules.asp)
- Health Care Compliance Program Tips. <https://oig.hhs.gov/compliance/provider-compliance-training/files/Compliance101tips508.pdf>
- Health Care Fraud and Abuse Control Program Annual Report for Fiscal Year 2015 (with U.S. Department of Justice). (2016, February). <https://oig.hhs.gov/publications/docs/hcfac/FY2015-hcfac.pdf>
- List of Excluded Individuals/Entities (LEIE) Search. <https://exclusions.oig.hhs.gov/>

- Medicaid Enhanced Provider Enrollment Screenings Have Not Been Fully Implemented. (2016, May). <https://oig.hhs.gov/oei/reports/oei-05-13-00520.pdf>
- Medicaid Program Integrity: Safeguarding Your Medical Identity. (2016, April). Web-based training (CME/CEU). <https://gm1.geolearning.com/geonext/strategichs/coursesummary.CourseCatalog.geo?id=22507342694OIG>
- Medicaid Program Integrity: Safeguarding Your Medical Identity. (2016, April). Web-based training (CPE). <https://gm1.geolearning.com/geonext/strategichs/coursesummary.CourseCatalog.geo?id=22507342700>
- Safe Harbor Regulations. <https://oig.hhs.gov/compliance/safe-harbor-regulations/>
- Medicaid Fraud Control Units Statistical Data for Fiscal Year 2015. (2016, February 16). [https://oig.hhs.gov/fraud/medicaid-fraud-control-units-mfcu/expenditures\\_statistics/fy2015-statistical-chart.htm](https://oig.hhs.gov/fraud/medicaid-fraud-control-units-mfcu/expenditures_statistics/fy2015-statistical-chart.htm)
- Medicare and Medicaid Program Integrity: Combatting Improper Payments and Ineligible Providers. Testimony of: Ann Maxwell. (2016, May 24). <https://oig.hhs.gov/testimony/docs/2016/maxwell-testimony05242016.pdf>
- Testimony of Inspector General Daniel Levinson Before the House Appropriations Committee, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. (2010, March 4). <https://oig.hhs.gov/testimony/docs/2010/3-4-10LevinsonHAppropsSub.pdf>
- Updated Special Advisory Bulletin on the Effect of Exclusion From Participation in Federal Health Care Programs. (2013, May 8). <https://oig.hhs.gov/exclusions/files/sab-05092013.pdf>

## Social Security Act

- Civil Monetary Penalties. Section 1128A. [https://www.ssa.gov/OP\\_Home/ssact/title11/1128A.htm](https://www.ssa.gov/OP_Home/ssact/title11/1128A.htm)
- Criminal Penalties for Acts Involving Federal Health Care Programs. Section 1128B. [https://www.ssa.gov/OP\\_Home/ssact/title11/1128B.htm](https://www.ssa.gov/OP_Home/ssact/title11/1128B.htm)
- Exclusion of Certain Individuals and Entities From Participation in Medicare and State Health Care Programs. Section 1128. [https://www.ssa.gov/OP\\_Home/ssact/title11/1128.htm](https://www.ssa.gov/OP_Home/ssact/title11/1128.htm)

- Patient Access and Medicare Protection Act. <https://www.congress.gov/114/plaws/publ115/PLAW-114publ115.pdf>
- Reporting and Returning of Overpayments. Section 1128J(d). [https://www.ssa.gov/OP\\_Home/ssact/title11/1128J.htm](https://www.ssa.gov/OP_Home/ssact/title11/1128J.htm)

## State Laws

- False Claims Act. Cal. Gov't. Code § 12650–12656. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=12001-13000&file=12650-12656>
- New York False Claims Act. N.Y. Fin. Law Article 13 § 187–194. [http://www.ag.ny.gov/sites/default/files/pdfs/bureaus/whistleblowers/NYS\\_FALSE\\_CLAIMS\\_ACT.pdf](http://www.ag.ny.gov/sites/default/files/pdfs/bureaus/whistleblowers/NYS_FALSE_CLAIMS_ACT.pdf)
- Tex. Hum. Res. Code § 36.001–36.117. <http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.36.htm>

## United States Code

- False Claims. 31 U.S.C. § 3729. <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title31/pdf/USCODE-2011-title31-subtitleIII-chap37-subchapIII-sec3729.pdf>
- False, Fictitious or Fraudulent Claims. 18 U.S.C. § 287. <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap15-sec287.pdf>
- Health Care Fraud. 18 U.S.C. § 1347. <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap63-sec1347.pdf>

## Code of Federal Regulations

- Definitions. 42 C.F.R. § 455.2. [http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455\\_12&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455_12&rgn=div8)
- Provider Screening and Enrollment. 42 C.F.R. Part 455, Subpart E. <http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=sp42.4.455.e&rgn=div6>

- Provider’s Statements on Claims Forms. 42 C.F.R. § 455.18. [http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455\\_118&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455_118&rgn=div8)
- Scope and Effect of Exclusion. 42 C.F.R. § 1001.1901. [http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.5.1001\\_11901&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.5.1001_11901&rgn=div8)
- Suspension of Payments in Cases of Fraud. 42 C.F.R. § 455.23. [http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455\\_123&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455_123&rgn=div8)
- Termination or Denial of Enrollment. 42 C.F.R. § 455.416. [http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455\\_1416&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=07153ba7e17b5d839da9457754bb5db1&mc=true&node=se42.4.455_1416&rgn=div8)

## Other Sources

- National Association of Medicaid Directors. (2012, March). Rethinking Medicaid Program Integrity: Eliminating Duplication and Investing in Effective, High-Value Tools. [http://medicaiddirectors.org/wp-content/uploads/2015/08/namd\\_medicaid\\_pi\\_position\\_paper\\_final\\_120319.pdf](http://medicaiddirectors.org/wp-content/uploads/2015/08/namd_medicaid_pi_position_paper_final_120319.pdf)
- U.S. Government Accountability Office. (2015, May). Medicaid: Additional Actions Needed to Help Improve Provider and Beneficiary Fraud Controls. <http://www.gao.gov/assets/680/670208.pdf>
- Staff Report. U.S. House of Representatives. Committee on Oversight and Government Reform. (2012, April 25). Uncovering Waste, Fraud, and Abuse in the Medicaid Program. <http://oversight.house.gov/wp-content/uploads/2012/04/Uncovering-Waste-Fraud-and-Abuse-in-the-Medicaid-Program-Final-3.pdf>

To see the electronic version of this resource guide and the other products included in the “Fraud, Waste, and Abuse” Toolkit posted to the Medicaid Program Integrity Education page, visit <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/edmic-landing.html> on the CMS website.

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