

New York-Presbyterian (“NYP”) - Delivery Systems Reform Incentive Payment Program (“DSRIP”)
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TITLE: PERFORMING PROVIDER SYSTEM COMPLIANCE POLICY

BACKGROUND

New York State (“NYS”) Department of Health (“DOH”) has established the Delivery System Reform Incentive Payment Program (“DSRIP”) to promote community-level collaborations that focus on Medicaid system reform, and to reduce avoidable hospital use over the next five years. Through the establishment of Performing Provider Systems (“PPS”), safety net providers and community providers collaborate to implement innovative projects focusing on system transformation, clinical improvement and population health improvement.

PURPOSE:

As part of New York Presbyterian’s (“NYP”) commitment as a PPS Lead, NYP PPS has developed a PPS Compliance Policy (“PPS Policy”), in accordance with DSRIP regulations and NYS Office of Inspector General (“OMIG”) September 1, 2015 *DSRIP Compliance Guidance* (2015-01 – Revised). The PPS Policy is dedicated to maintaining excellence and integrity in support of DSRIP’s mission and the implementation of the DSRIP Program. The PPS Policy is designed to support a culture that promotes prevention, detection, and resolution of instances that do not conform to laws, regulations, and DSRIP requirements.

POLICY:

The PPS Policy was established in accordance with relevant federal and state laws and regulations, including but not limited to New York State Social Services Law (“SSL”) 363-d; Title 18 of the New York Code of Rules and Regulations (“NYCRR”), part 521; the Deficit Reduction Act of 2005; DSRIP requirements; and applicable NYP policies and procedures.

Pursuant to New York State law, NYP has an established provider compliance program, which among other things include systems for (i) the detection and prevention of fraud and abuse; (ii) identification of risk areas; and (iii) reporting of compliance issues. It is important to note, as the DSRIP program progresses, the PPS Compliance Policy may have to evolve to ensure compliance with DSRIP program developments and additional OMIG considerations.

This Policy sets forth the PPS Lead and Participating Providers’ compliance program obligations under DSRIP.

APPLICABILITY:

NYP PPS Lead and Network Participating Providers

RESPONSIBILITY:

PPS LEAD:

The PPS Lead establishes processes that can assist in preventing and detecting Medicaid payment discrepancies related to the DSRIP program, specifically when Participating Providers obtain DSRIP distributions in a way that is inconsistent with approved DSRIP project plans. The PPS will consider the distribution of DSRIP funds in accordance with DOH's requirements, as provided in the *DSRIP - Measure Specification and Reporting Manual*.

The PPS Policy is intended to provide reasonable assurance that the PPS Lead; in connection with the implementation of the DSRIP Program;

- complies in all material respects with laws and regulations applicable to its operations;
- satisfies the conditions of the Delivery System Reform Incentive Payment Program;
- complies with OMIG's *Special Considerations for Performing Provider System Leads' Compliance Programs*;
- provides guidance of compliance program expectation, as outlined in the PPS policy;
- conducts reviews of DSRIP distribution of funds to ensure they are in accord with approved project plan;
- conducts risk assessments specifically associated with payments to Participating Providers, and performance progress towards DSRIP milestones;
- establishes a system for anonymous and confidential reporting of fraud, waste and abuse of DSRIP funds, investigation, and responding to compliance issues (including a method for prompt corrective action and refund of overpayments);
- provides, as appropriate, training and educational resources; and
- confirms Participating Provider delivery of compliance training to staff

PPS Lead Compliance Officer and Governing Body

Implementation of the PPS Compliance Policy by the PPS Compliance Officer will be overseen by the DSRIP Executive Committee, the governing body of the DSRIP Program. The Compliance Officer will attend the Executive Committee and provide quarterly reports on DSRIP compliance.

Participating Provider:

The PPS Lead is not responsible for Participating Providers' compliance programs, as may be required by their status as a Medicaid service provider. Participating Providers who meet the mandatory requirements, pursuant to SSL 363-d and 18 NYCRR 521.3, are required to have an effective compliance program. Participating Providers who do not meet the mandatory compliance program requirements should consider implementation of a compliance program appropriate for their size, complexity, resources, and culture.

The following expectations and provisions apply to the operation and activities of all NYP PPS Participating Providers, irrespective of a compliance program. The obligations for compliance include, but are not limited to:

- compliance with all laws and regulations, applicable to their provider type;
- compliance with relevant NYP policies, as established in service/provider agreement;
- understanding of the purpose and applicable requirements of the DSRIP program;
- proper implementation of the PPS Project;
- maintaining complete and accurate records of all services provided to Patients covered by the PPS' project;
- submission of accurate and timely reports on measurable milestones;
- appropriate use of DSRIP funds for intended purpose, per project plan;
- providing reporting mechanism for known or suspected DSRIP compliance issues to Compliance liaisons or Compliance Hotline;
- PPS Lead Compliance Officer must be notified of concerns regarding DSRIP funds; and
- providing compliance training on DSRIP related topics

Education, Training and Implementation

All Participating Providers are obligated to provide compliance training and education regarding the DSRIP program to their respective employees. This training should include (i) compliance expectations related to DSRIP; (ii) Participating Providers' role in the DSRIP projects; and (iii) how to report any fraud, waste or abuse of DSRIP funds. Participating Providers will confirm to the PPS Lead that all staff received such training.

Fraud and Abuse Compliance

In carrying out DSRIP activities and operations, Participating Providers shall not engage in the following, as set forth by the applicable statutes and regulations:

- fraud, abuse or misuse of federal healthcare program funds
- False Claims Act violations
- Anti-kickback violations
- Medicaid beneficiary inducement to avoid seeking medically necessary care;
- Stark Law violations
- Criminal Health Care Fraud violations

Participating Providers will provide their employees with appropriate training or materials containing details about these regulations.

Whistleblowers/Non-Retaliation

Federal and state laws provide whistleblower provisions that protect an individual who has reported an incident of fraud, in good faith. Under the law, a private citizen may bring a civil action for violations of the False Claims Act or equivalent state requirements on behalf of the government. Persons bringing whistleblower claims are granted protections under the law. Anyone who is fired, demoted, suspended, threatened, harassed, or in any other manner discriminated against by his or her employer because of certain legal reporting violations may be entitled to reinstatement with seniority, double back pay, interest, special damages, and attorney's fees and costs sustained as a result of discriminatory treatment.

Similarly, the PPS Policy strictly prohibits Participating Providers from retaliating against any person (s) who reports a compliance issue or concern, in good faith. Participating Providers, as

part of their respective compliance programs should have established policies regarding good faith reporting and non-retaliation.

Lines of Communication and Complaint Process

The PPS Compliance Program recognizes that open lines of communication between the PPS Lead Compliance Officer and Participating Providers are critical to the success of DSRIP project objectives.

Reports may be communicated through the PPS's website at www.nyp.org/pps, telephone hotline 1-888-308-4435, directly to the Participating Provider, or the PPS Lead Office of Corporate Compliance [insert #]. All DSRIP compliance issues reported directly to the Participating Provider must be immediately reported to the PPS Lead Compliance Officer.

Corrective Actions

The PPS Lead has the authority and responsibility to review all reported DSRIP related compliance issues directly. The PPS Lead, through the PPS Lead Compliance Office, will review all reported DSRIP compliance issues, and where appropriate, recommend remediation and/or corrective action.

Responsibility: NYP PPS Executive Committee

Policy Date: Reviewed December 2015