

Great Rivers Behavioral Health Administrative Services Organization

Policy Title: **Program Integrity**

Policy No. 4001.03

Category: Compliance

Date Adopted: 1/10/2020

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5/16/2022, 10/30/2023

Reference: Washington Health Care Authority (HCA) Contract

Chapter 74.66 Revised Code of Washington (RCW) and 74.09.210 RCW

POLICY

- 1.1. General Washington State Health Care Authority (HCA) Contract Requirements
 - 1.1.1. Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO) will have and comply with policies and procedures that guide and require Great Rivers BH-ASO and Great Rivers BH-ASO's officers, employees, agents, and Subcontractors and Behavioral Health Agencies (BHAs) to comply with Program Integrity requirements.
 - 1.1.2. Great Rivers BH-ASO will include Program Integrity requirements in its subcontracts.
- 1.2. Great Rivers BH-ASO has a Compliance Program that outlines and defines the scope, responsibilities, operational guidelines, controls, and activities used by Great River BH-ASO to ensure that Great Rivers BH-ASO continue to engage in ethical decision making and actions that are in accordance with federal and state laws and regulations that govern Great Rivers BH-ASO.
- 1.3. Great Rivers BH-ASO will refer all identified allegations of potential fraud to HCA, and other applicable law enforcement agency, for provider payment suspensions. When HCA notifies Great Rivers BH-ASO that a credible allegation of fraud exists, Great Rivers BH-ASO will follow the provisions for payment suspension contained in the HCA contract.

PROCEDURE

- 2.1 Information on Persons Convicted of Crimes
 - 2.2.1. Great Rivers BH-ASO includes in written agreements with all Subcontractors and BHAs requirements that the Subcontractor or BHA must investigate and disclose to HCA and Great Rivers BH-ASO

immediately upon becoming aware of any person in their employment who has been convicted of a criminal offense related to that person's involvement in any program under Medicaid, Medicare, or Title XX of the Social Security Act since the inception of those programs.

2.2 Fraud, Waste, and Abuse

2.2.1. Great Rivers BH-ASO's Fraud, Waste, and Abuse program is outlined in the Great Rivers BH-ASO's Compliance Program and contains the following elements:

- 2.2.1.1. A process to inform officers, employees, agents, and BHAs about the False Claims Act.
- 2.2.1.2. Administrative procedures to detect and prevent fraud, waste, and abuse, and a mandatory plan for reporting.
- 2.2.1.3. Standards of conduct that articulate Great Rivers BH-ASO's commitment to comply with all applicable federal and state standards.
- 2.2.1.4. The designation of a compliance officer and a compliance committee that is accountable to the Great Rivers BH-ASO Governing Board and management.
- 2.2.1.5. Training for all affected parties.
- 2.2.1.6. Effective lines of communication between the compliance officer and the Great Rivers BH-ASO staff, including Governing Board and BHAs.
- 2.2.1.7. Enforcement of standards through well-publicized disciplinary policies.
- 2.2.1.8. Provision for internal monitoring and auditing of the Great Rivers BH-ASO and BHAs.
- 2.2.1.9. Provision for prompt response to detected violations and for development of corrective action initiatives.
- 2.2.1.10. Provision of detailed information to staff and Subcontractors regarding fraud and abuse policies and procedures and the False Claims Act and the Washington false claims statutes, Chapter 74.66 RCW and 74.09.210 RCW.

2.3 Referring of Allegations of Potential Fraud and Invoking Provider Payment Suspensions

- 2.3.1. When Great Rivers BH-ASO concludes that an allegation of potential fraud exists, Great Rivers BH-SO will make a fraud referral to HCA within five (5) Business Days of the determination.
- 2.3.2. The referral will be documented on the WA Fraud Referral Form and emailed to HCA at HotTips@hca.wa.gov.

2.3.3. When HCA determines Great Rivers BH-ASO's referral of potential fraud is a credible allegation of fraud, HCA shall notify Great Rivers BH-ASO's Compliance Officer and Chief Executive Director (CED):

2.3.3.1. To suspend provider payments, in full, in part, or if a good-cause exception exists not to suspend, unless otherwise notified by HCA to suspend payment, Great Rivers BH-ASO will not suspend payment of any subcontractor(s) or provider(s) identified in the referral.

2.3.3.2. Whether HCA or other law enforcement agency accepts or declines the referral.

2.3.3.2.1. Great Rivers BH-ASO will "stand-down" and follow the requirements in the investigation section of the HCA contract.

2.3.3.2.2. If HCA or other law enforcement agency declines to investigate the potential fraud referral, Great Rivers BH-ASO may proceed with its own investigation and comply with all reporting requirements in the HCA contract, state, and federal regulations, and Great Rivers BH-ASO's policies and procedures.

2.3.4. Upon receipt of payment suspension notification from HCA, Great Rivers BH-ASO will send notice of the decision to suspend program payments to the subcontractor or BHA within five (5) calendar days of HCA's notification to suspend payment, unless other law enforcement agency requests a temporary withhold of notice.

2.3.5. Great Rivers BH-ASO's notice of payment suspension will include or address all the following:

2.3.5.1. State that payments are being suspended in accordance with Great Rivers BH-ASO's contract with HCA;

2.3.5.2. A description of the general allegations identified by HCA; however, the notice should not disclose any specific information concerning an ongoing investigation;

2.3.5.3. State that the suspension is temporary, providing dates when possible;

2.3.5.4. The suspension will be lifted when Great Rivers BH-ASO is notified by HCA that it is no longer in place;

2.3.5.5. Specify, when applicable, to which type or types of claims or business units the payment suspension relates; and

2.3.5.6. Where applicable and appropriate, inform the subcontractor or BHA of any Appeal rights available, along with the subcontractor or BHA's right to submit written evidence for consideration by Great Rivers BH-ASO.

- 2.3.6. All suspension of payment actions under Great Rivers BH-ASO's contract with HCA will be temporary and will not continue after either of the following:
 - 2.3.6.1. Great Rivers BH-ASO is notified by HCA or other law enforcement agency that there is insufficient evidence of Fraud by the subcontractor or BHA; or
 - 2.3.6.2. Great Rivers BH-ASO is notified by HCA or other law enforcement agency that the legal proceedings related to the subcontractor or BHA alleged Fraud are completed.
- 2.3.7. Great Rivers BH-ASO will document in writing the termination of a payment suspension and issue a notice of termination to the provider and send a copy to HCA at ProgramIntegrity@hca.wa.gov.
- 2.3.8. HCA may find that good cause exists not to suspend payments, in whole or in part, or not to continue a payment suspension previously imposed, to a subcontractor or BHA against which there is an investigation of a credible allegation of fraud if any of the following are applicable:
 - 2.3.8.1. Other law enforcement agency has specifically requested that a payment suspension not be imposed because such a payment suspension may compromise or jeopardize an investigation.
 - 2.3.8.2. Other available remedies are available to Great Rivers BH-ASO, after HCA approves the remedies as more effective or timely to protect Medicaid funds.
 - 2.3.8.3. HCA determines, based upon the submission of written evidence by Great Rivers BH-ASO, subcontractor or BHA that is the subject of the payment suspension, there is no longer a credible allegation of fraud and that the suspension should be removed. HCA shall review evidence submitted by the Great Rivers BH-ASO or Great Rivers BH-ASO's subcontractor or BHA. Great Rivers may include a recommendation to HCA. HCA will direct Great Rivers BH-ASO to continue, reduce, or remove the payment suspension within thirty (30) calendar days of receiving the evidence.
 - 2.3.8.4. Individuals' access to items or services would be jeopardized by a payment suspension because of either of the following:
 - 2.3.8.4.1. A subcontractor or BHA is the sole community physician or the sole source of essential specialized services in a community.
 - 2.3.8.4.2. The subcontractor or BHA serves a large number of individuals within a federal Health Resources and Services Administration (HRSA) designated medically underserved area.

- 2.3.8.5. A law enforcement agency declines to certify that a matter continues to be under investigation.
- 2.3.8.6. HCA determines that payment suspension is not in the best interests of the Medicaid program.
- 2.3.9. Great Rivers BH-ASO will maintain for a minimum of six (6) years from the date of issuance all materials documenting:
 - 2.3.9.1. Details of payment suspensions that were imposed in whole or in part; and
 - 2.3.9.2. Each instance when a payment suspension was not imposed or was discontinued for good cause.
- 2.3.10. If Great Rivers fails to suspend payments to a subcontractor or BHA for whom there is a pending investigation of a credible Allegation of Fraud without good cause, and HCA directed Great Rivers BH-ASO to suspend payments, HCA may impose sanctions in accordance with the Sanctions Subsection of Great Rivers BH-ASO contract with HCA.
- 2.3.11. If any government entity, either from restitutions, recoveries, penalties, or fines imposed following a criminal prosecution or guilty plea, or through a civil settlement or judgment, or any other form of civil action, receives a monetary recovery from any entity or individual, the entirety of such monetary recovery belongs exclusively to the state of Washington and the Contractor and any involved subcontractor have no claim to any portion of this recovery.
- 2.3.12. Great Rivers BH-ASO is fully subrogated and requires its subcontractors and BHAs to agree to subrogate, to the state of Washington for all criminal, civil, and administrative action recoveries undertaken by any government entity, including, but not limited to, all claims Great Rivers BH-ASO or subcontractor has or may have against any entity or individual that directly or indirectly receives funds under this Contract including, but not limited to, any Health Care Provider, manufacturer, wholesale or retail supplier, sales representative, laboratory, or other provider in the design, manufacture, marketing, pricing, or quality of drugs, pharmaceuticals, medical supplies, medical devices, durable medical equipment, or other health care related products or services.
- 2.3.13. Any funds recovered and retained by a government entity will be reported to the actuary to consider in the rate-setting process.
- 2.3.14. For the purposes of this Section, "subrogation" means the right of any state of Washington government entity or local law enforcement to stand in the place of a Contractor or client in the collection against a third party.
- 2.4. Reporting
 - 2.4.1. All Program Integrity reporting to HCA is completed in accordance with Great Rivers BH-ASO's contract with HCA, unless otherwise specified.

- 2.4.2. Great Rivers BH-ASO reports to HCA any recoveries made or overpayments identified by Great Rivers BH-ASO during claims review/analysis. The report will be submitted to HCA at ProgramIntegrity@hca.wa.gov.
- 2.4.3. Great Rivers is responsible for investigating individual fraud, waste, and abuse.
 - 2.4.3.1. If Great Rivers BH-ASO suspects there is a serious likelihood of client/consumer fraud, Great Rivers BH-ASO will notify and submit all associated information of any alleged or investigated cases to the HCA Office of Medicaid Eligibility and Policy (OMEP) by:
 - 2.4.3.1.1. Sending an email to WAHEligibilityFraud@hca.wa.gov;
 - 2.4.3.1.2. Calling OMEP at 1-360-725-0934 and leaving a detailed message;
 - 2.4.3.1.3. Mailing a written referral to:
Health Care Authority
Attention: OMEP
P.O. Box 45534
Olympia, WA 98504-5534; or
 - 2.4.3.1.4. Faxing the written complaint to Washington Apple Health Eligibility Fraud at 360-725-1158.
- 2.4.4. Great Rivers BH-ASO will notify and submit all associated information of any alleged or investigated cases in which Great Rivers BH-ASO believes there is a serious likelihood of provider fraud by an individual or group using the WA Fraud Referral Form within five (5) business days from the date of determining an allegation of potential fraud exists.
- 2.4.5. Great Rivers BH-ASO shall submit to HCA monthly a list of terminations report including BHAs terminated due to sanction, invalid licenses, services, billing, data mining, investigation, and any related Program Integrity termination. If the Great Rivers BH-ASO has nothing to report, the report will so state. The Great Rivers BH-ASO shall send the report electronically to HCA at ProgramIntegrity@hca.wa.gov with subject "Program Integrity List of Terminations Report." The report must include all the following:
 - 2.4.5.1. Individual BHA/entities' name;
 - 2.4.5.1. Individual BHA/entities' NPI number;
 - 2.4.5.2. Source of termination;
 - 2.4.5.3. Nature of the termination; and
 - 2.4.5.4. Legal action against the individual/entities.

2.5. Records Requests

- 2.5.1. Upon request, Great Rivers BH-ASO and contracted BHAs shall allow HCA or any authorized state or federal agency or authorized representative,

access to all records, including computerized data stored by Great Rivers BH-ASO or its contracted BHA. Great Rivers BH-ASO and its contracted BHAs shall provide and furnish the records at no cost to the requesting agency.

2.6. On-Site Inspections


2.6.1. Great Rivers BH-ASO and its contracted BHAs must provide any record or data related to its contract, including but not limited to:

- 2.6.1.1. Medical records;
- 2.6.1.2. Billing records;
- 2.6.1.3. Financial records;
- 2.6.1.4. Any record related to services rendered, quality, appropriateness, and timeliness of service; and
- 2.6.1.5. Any record relevant to an administrative, civil, or criminal investigation or prosecution.

2.6.2. Upon request, Great Rivers BH-ASO or its contracted BHA shall assist in such review, including the provision of complete copies of records.

2.6.3. Great Rivers BH-ASO must provide access to its premises and the records requested to any state or federal agency or entity, including, but not limited to: HCA, U.S. Department of Health and Human Services (HHS), Office of Inspector General (OIG), Office of the Comptroller of the Treasury, whether the visitation is announced or unannounced.

POLICY SIGNATURE

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4/29/2024

Trinidad Medina
Chief Executive Director

Date