	THE JOHNS HOPKINS HEALTH SYSTEM CORPORATION AND THE JOHNS HOPKINS HOSPITAL HUMAN RESOURCES POLICY and PROCEDURE MANUAL	Policy Number	HR616
		Effective Date	01/01/07
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POLICY

The Johns Hopkins Health System Corporation (JHHSC) and The Johns Hopkins Hospital (JHH) takes health care fraud and abuse very seriously. JHHSC/JHH is committed to following all applicable laws and regulations, in particular those that address health care fraud, waste and abuse and the proper billing of Medicare, Medicaid and other government-funded health care programs. This includes the Federal False Claims Act and State law or related enforcement policies.

Federal False Claims Act

What it does:

Allows a civil action to be brought against a health care provider who:

- Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval to any federal employee;
- Knowingly makes, uses or causes to be made or used a false record or statement to get a false or fraudulent claim paid; or
- Conspires to defraud the government by getting a false or fraudulent claim allowed or paid.

Examples of a false claim:

- Billing for procedures not performed
- Violation of another law, for example a claim was submitted appropriately but the service was the result of an illegal relationship between a physician and the Hospital (physician received kick-backs for referrals)
- Falsifying information in the medical record
- Billing of medically unnecessary services
- Billing for non-covered services
- Billing for incorrect level of service

Remedies:


- A federal false claims action may be brought by the U.S Department of Justice Civil Division, the United States Attorney.
- An individual may bring what is called a qui tam action. This means the individual files an action on behalf of the government. In certain circumstances, the person who files the lawsuit (known as a relator), may be entitled to share in a percentage of the recovery on behalf of the federal government.
- Violation of the federal False claims Act is punishable by a civil penalty of between \$5,500 and \$11,000 per false claim, plus three times the amount of damages incurred by the government.
- A statute of limitations says how much time may pass before an action may no longer be brought for violation of the law. Under the False Claims Act, the statute of limitations is six years after the date of violation or three years after the date when material facts are known or should have been known by the government, but no later than 10 years after the date on which the violation was committed.

Federal Whistleblower Protections:

Federal law prohibits an employer from discriminating against an employee in the terms or conditions or his or her employment because the employee initiated or otherwise assisted in a false claims action. The employee is entitled to all relief necessary to make the employee whole.

State Whistleblower Protections:

- There is currently no state false claims act; however, Maryland law contains several provisions that prohibit retaliatory action by a Hospital against an employee who in good faith brings evidence of unlawful Hospital practices to the attention of the proper authority.

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What you should do if you think the Hospital may have made a false claim:

- If you see something that is not right, or looks like one of the examples of a false claim discussed earlier, the Hospital encourages you to:
 - Report it to the JHHS Compliance Office at 410-614-6693 for further investigation. If you are not comfortable doing this or do not see action in response to your report;
 - Call the Hospital compliance hotline at 1-877-WE COMPLY (1-877-932-6675) 24 hours, 7 days a week.
- You are not required to report a possible false claims act violation to the Hospital first. You may report directly to the federal Department of Justice.
- The Hospital will not retaliate against you if you inform the Hospital or the federal government of a possible false claims act violation.

TRAINING

We will train all new members of our workforce regarding federal and state false claims acts and also provide periodic updates for existing members of our workforce. All members of our workforce are required to participate in training. All contractors are required to accept educational information offered by the Hospital or to participate in scheduled training, as determined by the Hospital.

RESPONSIBILITIES

We will provide information to all employees about the federal and state false claims acts, remedies available under these acts and how employees and others can use them, and about whistleblower protections available to anyone who claims a violation of the federal or state false claims acts. We also will advise our employees of the steps the Hospital has in place to detect health care fraud and abuse.

REFERENCE

JHHS Corporate Compliance Plan

SPONSOR

Vice President, Human Resources

REVIEW CYCLE

3 years

APPROVAL



 Vice President,
 Human Resources

 Date