

Fraud/Abuse and False Claims Act Compliance Education for Providers, Contractors, and Vendors

Presented by the
JHHC Medicare and Corporate
Compliance Department



Purpose

Welcome to JHHC Corporate and Medicare Compliance Training Program on Fraud/Abuse and the False Claims Act. The goal of this training program is to provide you with an introduction to JHHC Medicare and Corporate Compliance Departments, the role the Department plays in investigating allegations of fraud and abuse, as well as a basic understanding of:

- State and Federal fraud/abuse and false claims laws,
- Consequences of fraudulent/abusive billing,
- Whistleblower provisions,
- Non-retaliation, and
- How to report suspected incidents to the JHHC Corporate Compliance Department

What is Compliance?

Compliance is meeting the requirements of:

- All applicable federal, state and local laws
- Rules and regulations
- Licensing requirements
- Accreditation standards
- Internal policies and procedures



Compliance Is Everyone's Business

- It is everyone's responsibility to be diligent in preventing and detecting misconduct and violations
- It is Johns Hopkins HealthCare's expectation that all of its employees, providers, contractors and vendors will:
 - Commit to compliance in all we do
 - Act in an ethical manner
 - Not turn a blind eye to illegal or unethical behavior
 - Always "Do the Right Thing"



Fraud and Abuse

Fraud - the intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or to some other person.

Abuse – the practices that are inconsistent with accepted sound fiscal, business, or medical practices, and result in an unnecessary cost or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care.

Examples of Fraud and Abuse

- Billing for items and services that have not been rendered or fully documented
- Billing for items and services that are not medically necessary
- Misrepresentation of the type or level of service provided
- Misrepresentation of the individual rendering the service

Federal False Claims Act (FCA) 31 USC § 3729

- Federal law that prohibits the filing, causing to be filed, making statements in connection with filing, or conspiring to file a fraudulent claim
- FCA may be criminally or civilly prosecuted
- Burden of proof higher in criminal prosecution
- Criminal violations may be punishable by incarceration, Federal and/or State Program exclusion, and/or monetary fines
- Any person or corporation that violates the Federal FCA may be subject to penalties ranging from \$10,781 to \$21,563 for each false claim submitted, as well as Federal/State program exclusion

Federal FCA (continued)

- In addition, they may be liable to the U.S. Government for three times the amount of damages (treble damages)
- FCA includes provisions that allow private citizens “whistleblowers” to file lawsuits (qui tam lawsuit)
- If the suit is successful, the whistleblower may be entitled to share in the recovery, in some cases up to 30% of the settlement or judgment amount

Knowledge Standard

- Knowingly, knew or should have known applies to the following people:
 - Corporate officers who consciously avoid knowledge of false claims being filed by their subordinates
 - Employees who follow the orders of their superiors they know to be fraudulent
 - Employees who ignore the fraudulent actions of co-workers

Maryland State False Claims Act

Health Insurance §2-601-611

The Maryland State False Claims Act prohibits a person from knowingly presenting or causing to be presented a false or fraudulent claim for payment or approval to a state health plan or program. Like the FCA, whistleblowers may be entitled to a share of the judgment or settlement.

Duty to Report

All JHHC providers, enrollees, beneficiaries, members, employees, contractors and vendors are required to report concerns about actual, potential, or perceived fraud and abuse or other misconduct to the Johns Hopkins HealthCare Compliance Department.

You may reach the Department using one of the methods listed on the next two slides.

JHHC Corporate Compliance Department Contact information

- Mail:
Johns Hopkins HealthCare LLC
Attn: Corporate Compliance Department
7231 Parkway Drive, Suite 100
Hanover, MD 21076,
- Telephone: (410-424-4996) or toll free at (1-844-422-6957),
- Fax: (410-762-1527), and
- Email: Compliance@jhhc.com

Advantage MD Medicare Corporate Compliance Contact Information

- Mail:
Johns Hopkins HealthCare LLC
Attn: Medicare Compliance Department
7231 Parkway Drive, Suite 100
Hanover, MD 21076,
- Telephone: (410-762-1575) or toll free at (1-844-697-4071),
- Fax: (410-762-1502), and
- Email: MedicareCompliance@jhhc.com
- 24/7 Hotline: 1-844-SPEAK2US (1-844-773-2528) or JohnsHopkinsSpeak2Us.com

Duty to Report

JHHC encourages timely disclosure of such concerns and expressly prohibits any adverse actions directed against any person for making a good faith report of such concerns. No one at JHHC may retaliate against you if you inform the Health Plan or the federal government of a possible false claims act violation. All JHHC workforce members, providers, contractors, subcontractors, and vendors have a right to oppose or refuse to engage in acts that they believe, in good faith, are unethical, improper, or unlawful, provided that the manner of opposition is reasonable and the questionable act is immediately reported to the JHHC Compliance Department using one of the contact methods listed in the previous slide.

Should I be Concerned About Retaliation?

- You should not be concerned about retaliation
- Anyone who attempts to retaliate against individuals who report or refuse to participate in wrongdoing is subject to disciplinary action
- Employees should never avoid reporting compliance concerns due to fear of retaliation or retribution
- JHHC does not tolerate retaliation, retribution, or harassment of any kind

Federal Whistleblower Protections

Federal law prohibits an employer from discriminating against an employee in the terms or conditions of 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

The Maryland State False Claims Act also prohibits retaliatory action against an employee who in good faith brings evidence of unlawful practices to the attention of the proper authority.

How Do I Report a Compliance Concern?

JHHC has multiple ways you can report your concerns.

For all Plan products excluding Advantage MD:

- Phone: 410-424-4996 or 1-844-422-6957
- Fax: 410-762-1527
- Email: Compliance@jhhc.com
- Mail: Johns Hopkins HealthCare

Corporate Compliance Dept.

7231 Parkway Drive, Suite 100

Hanover, MD 21076

How Do I Report a Medicare Compliance Concern?

For all our Medicare products please contact us at:

- Phone 410-762-1575 or 1-844-697-4071
- Fax: 410-762-1502
- Email: MedicareCompliance@jhhc.com
- Mail: Johns Hopkins HealthCare
Attn: Medicare Compliance Dept.
7231 Parkway Drive, Suite 100
Hanover, MD 21076
- 24/7 Hotline: 1-844-SPEAK2US (1-844-773-2528) or
JohnsHopkinsSpeak2Us.com

How are Compliance Reports Handled?

- Reports may be made anonymously
- All reports will be treated seriously, confidentially, and investigated by JHHC Compliance personnel
- Substantiated allegations of fraud will be reported to the appropriate regulatory and/or law enforcement agency

Additional Resources

- Federal False Claims Act located at <https://www.law.cornell.edu/uscode/text/31/3729>
- Administrative Remedies for False Claims and Statements located at <https://www.law.cornell.edu/uscode/text/31/subtitle-III/chapter-38>
- Criminal Penalties for Acts involving Federal Health Care Programs [42 U.S.C. § 1320a-7a] located at <https://www.law.cornell.edu/uscode/text/42/1320a-7b>
- Maryland State False Claims Act located at <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&stab=01&id=sb0374&tab=subject3&ys=2015RS>

Additional Resources

- Physician Self-Referral Law [42 U.S.C. § 1395nn] located at <https://www.law.cornell.edu/uscode/text/42/1395nn>
- Anti-Kickback Statute located at [42 U.S.C. § 1320a-7b(b)] located at <https://www.law.cornell.edu/uscode/text/42/1320a-7b>
- Exclusion of certain individuals and entities from participation in Medicare and State health care programs [42 U.S.C. § 1320a-7] located at <https://www.law.cornell.edu/uscode/text/42/1320a-7b>

Questions

Thank you for your time and attention to this important and valuable training.

The Johns Hopkins HealthCare Corporate and Medicare Compliance Departments look forward to working with you.

Please do not hesitate to contact us using the contact information listed earlier in this presentation should you have any questions or concerns.