

6003-R COMPLIANCE CONCERNS AND REPORTING REQUIREMENTS

REVISION DATE: 5/1/2024, 9/15/2021

REVIEW DATE: 9/15/2023

EFFECTIVE DATE: September 8, 2021

REFERENCES: 42 CFR 455.17, CMS FWA Reporting, MIP Manual, AAC
R6-6-1517

PURPOSE

The purpose of this policy is to ensure the Division's responsibility in preventing, identifying, and reporting any suspicion of Fraud, Waste, and Abuse of the Division's programs and compliance concerns.

DEFINITIONS

1. "Abuse" means provider practices that are inconsistent with sound fiscal, business, or medical practices, and result in an unnecessary cost to the Division program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care, including beneficiary practices that result in unnecessary cost to the Division Program as outlined in 42 CFR 455.2.

2. "Anonymous" means no identifying information about the reporter is known.
3. "Confidential" means identifying information about the reporter is known, but will not be shared other than on a need-to-know basis.
4. "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person, including any act that constitutes Fraud under applicable State or Federal law as outlined in 42 CFR 455.2.
5. "Waste" means over-utilization or inappropriate utilization of services, misuse of resources, or practices that result in unnecessary costs to the Medicaid Program.

POLICY

- A.** The Division's Corporate Compliance Unit shall serve as a contact point for reporting non-compliance and be a resource to whom staff can receive clarification from on corporate compliance policies.
- B.** The Compliance unit shall maintain documentation of compliance concerns received and addressed and, if appropriate, review the

concerns with the Corporate Compliance Committee to revise existing policies and procedures as needed.

- C.** Division staff shall report compliance concerns, including legitimate concerns about legal, ethical, or business practices, to the established compliance monitoring mailbox, dddcompliancemonitoring@azdes.gov.
- D.** The Division staff shall report compliance issues specific to Fraud, Waste, and Abuse to the Division's Corporate Compliance Unit via the following mechanisms:
1. DDD Corporate Compliance Unit
Phone: 1-877-822-5799
Online:
<https://des.az.gov/how-do-i/report-suspected-fraud/developmentaldisabilities-fraud>
Email: dddfwa@azdes.gov
Or Write to:
DES/DDD
Attn: Corporate Compliance Unit
1789 W Jefferson St.
Mail Drop 2HA1

Phoenix, AZ 85007

2. AHCCCS OIG Fraud Prevention Unit

Phone: (602) 417-4193

Online: <https://azahcccs.gov/Fraud/ReportFraud/onlineform.aspx>

Provider Fraud:

In Arizona: (602) 417-4045

Outside Arizona: (888) 487-6686

Member Fraud:

In Arizona: (602) 417-4193

Outside Arizona: (888) 487-6686

General Questions:

Email: AHCCCSFraud@azahcccs.gov

- E.** Each Division employee may, if they choose, remain anonymous when reporting any suspected allegations of Fraud, Waste, or Abuse to Medicare, Medicaid, or other programs by calling the Division's Fraud, Waste, and Abuse hotline or by submitting the referrals using the online form.
- F.** The Division staff reporting a compliance concern shall include pertinent information containing, as applicable:

1. The location where the concern occurred or is occurring
 2. The date or dates of any incident
 3. The names and job roles of individuals involved in the concern
 4. A description of the concern
 5. The name of the staff submitting the report:
 - a. If the person is comfortable letting the Compliance Unit know.
 - b. If the staff member is not comfortable leaving their name, staff may make an anonymous report by calling the FWA hotline or reporting directly to AHCCCS.
- G.** The Division shall ensure anyone making a compliance report will be treated as confidential and will be shared with others only on a need-to-know basis.
- H.** The Division shall ensure the findings of the compliance investigation remain confidential and the details of the investigation are shared only on a need-to-know basis.
- I.** The Compliance Unit shall ensure that all reports are thoroughly reviewed and processed.

- J.** The Division shall ensure relief from retaliatory actions for any Division employees, contractors, or agents for lawful acts conducted by the employee, contractor, agent or associated others who report violations of the Federal False Claims Act.