

1 **6003-R COMPLIANCE CONCERNS AND REPORTING REQUIREMENTS**

2 REVISION DATE: xx/xx/xxxx, 9/15/2021

3 REVIEW DATE: 9/15/2023

4 EFFECTIVE DATE: September 8, 2021

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

7 **PURPOSE**

8 **The purpose of this policy is** ~~to ensure~~ the Division's employees  
9 ~~understand it is everyone's responsibility to assist~~ in preventing, identifying,  
10 and reporting any suspicion of ~~f~~Fraud, ~~w~~Waste, and ~~a~~Abuse of the Division's  
11 programs: ~~as well as any other and~~ compliance concerns.

12 **DEFINITIONS**

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

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

33 **POLICY**

34 ~~To encourage and establish communications for Division employees that~~  
35 ~~shall remain "confidential and non-retaliatory" regarding reporting~~  
36 ~~misconduct. Reporting of fraud, waste, and abuse shall be completed~~  
37 ~~without retribution and retaliation of the individual reporting or filing a~~

38 ~~complaint. Employees shall report suspicion about legal and/or ethical~~  
39 ~~violations.~~

40 ~~**A.** The Division shall maintain Opening lines of communication between~~  
41 ~~the Corporate Compliance Officer / the Compliance Unit and Division~~  
42 ~~employees is critical to ensure the successful implementation of a~~  
43 ~~Compliance Program and the reduction of potential Fraud, Waste, and~~  
44 ~~Abuse., and misconduct.~~

45 ~~**BA.** The Division's shall ensure, I in addition to serving as a contact point~~  
46 ~~for reporting non-compliance, the Corporate Compliance~~  
47 ~~Officer / Corporate Compliance Unit shall serve as a contact point for~~  
48 ~~reporting non-compliance, and be a resource to whom staff can~~  
49 ~~receive clarification from on ~~regarding policies related to~~ corporate~~  
50 ~~compliance policies.~~

51 ~~**CB.** The Compliance unit shall maintain documentation of compliance~~  
52 ~~concerns received and addressed ~~Questions and responses shall be~~~~  
53 ~~documented and dated and, if appropriate, addressed ~~review the~~~~  
54 ~~concerns with the Corporate Compliance Committee to revise so that~~  
55 ~~standards and policies can be improved to reflect any necessary~~

56 ~~changes or clarification of existing Ppolicies and Ppcedures as~~  
57 ~~needed.~~

58 ~~D. Division employees shall report legitimate concerns about legal,~~  
59 ~~ethical, or quality of care issues. Any activity that may compromise a~~  
60 ~~mMember's health, safety, or welfare and/or the Division's reputation related~~  
61 ~~to ethical health care and business practices shall be reported to the~~  
62 ~~Corporate Compliance Officer/Compliance Unit immediately.~~

63 ~~EC. The~~ Division staff shall report compliance concerns, including  
64 legitimate concerns about legal, ethical, or business practices, to  
65 ~~Corporate Compliance Committee members or~~ the established  
66 Corporate Compliance Program Integrity hotline is another means by  
67 which reporting may occur compliance monitoring mailbox,  
68 dddcompliancemonitoring@azdes.gov. ~~These concerns include~~  
69 legitimate concerns about legal, ethical, or business practices.

70 ~~F. Each employee shall be encouraged, but not required, to follow the~~  
71 ~~chain of command when reporting any allegation(s) involving~~  
72 ~~suspected fraud, waste, or abuse in Medicare and Medicaid programs:~~

73 ~~GD. The~~ Division staff shall report compliance issues specific to Fraud,  
74 Waste, and Abuse to the Division's Corporate Compliance Officer

75 ~~(Compliance Officer) and Corporate Compliance Unit shall be the first~~  
76 ~~point of contact for employees to report any allegations of fraud,~~  
77 ~~abuse, or waste.~~

78 ~~H:~~ ~~Suspected fraud, waste and abuse may be reported via one of the~~  
79 following mechanisms:

80 ~~Fraud Contact Information~~

81 1. DDD Corporate Compliance Unit

82 Phone: 1-877-822-5799

83 Online: [https://des.az.gov/how-do-i/report-suspected-](https://des.az.gov/how-do-i/report-suspected-fraud/developmentaldisabilities-fraud)  
84 [fraud/developmentaldisabilities-fraud](https://des.az.gov/how-do-i/report-suspected-fraud/developmentaldisabilities-fraud)

85 Email: [dddfwa@azdes.gov](mailto:dddfwa@azdes.gov)

86 Or Write to:

87 DES/DDD

88 Attn: Corporate Compliance Unit

89 1789 W Jefferson St.

90 Mail Drop 2HA1

91 Phoenix, AZ 85007

92 2. AHCCCS OIG Fraud Prevention Unit

93 Phone: (602) 417-4193

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

96 Provider Fraud:

97 In Arizona~~Maricopa County~~: (602) 417-4045

98 Outside~~Maricopa County~~ Arizona: (888) 487-6686

99 Member Fraud:

100 In Arizona~~Maricopa County~~: (602) 417-4193

101 Outside Arizona~~Maricopa County~~: (888) 487-6686

102 General Questions:

103 Email: AHCCCSFraud@azahcccs.gov

104 ~~IE.~~ Each Division employee ~~has the right to~~ may, if they choose, remain  
105 anonymous when reporting any suspected allegations of ~~f~~Fraud,  
106 ~~w~~Waste, or ~~a~~Abuse to Medicare, Medicaid, or other programs by calling  
107 the Division's Fraud, Waste, and Abuse hotline or by submitting the  
108 referrals using the online form. ~~The reporting process may be written~~  
109 ~~or verbal.~~

110 ~~J.~~ ~~The Compliance Officer or designee~~ Unit ~~that receives reports of fraud,~~  
111 ~~abuse, or waste~~ and ~~may retain the confidentiality of staff member(s)~~  
112 ~~who report information as deemed appropriate.~~

- 113 **KF.** The Division staff ~~When~~ reporting a compliance concern ~~other than~~  
114 ~~suspected fraud, waste and abuse,~~ staff shall include pertinent  
115 ~~information the Compliance Officer or designee will need to follow up.~~  
116 ~~This includes but is not limited to~~ containing, as applicable:
- 117 1. The location where the concern occurred or is occurring
  - 118 2. The date or dates of any incident
  - 119 3. The names and job roles of individuals involved in the concern
  - 120 4. A description of the concern
  - 121 5. The name of the staff submitting the report:
    - 122 a. If the person is comfortable letting the Compliance  
123 ~~Officer/Office Unit~~ know.
    - 124 b. If the staff member is not comfortable leaving their name,  
125 staff may make an anonymous report by calling the FWA &  
126 ~~Misconduct~~ hotline or reporting directly to AHCCCS.
- 127 **LG.** The Division shall ensure ~~A~~ anyone making ~~such a~~ compliance report ~~is~~  
128 ~~assured that it~~ will be treated as confidential and will be shared with  
129 others only on a need-to-know basis.
- 130 **MH.** The Division shall ensure that, ~~To protect those~~ involved in a  
131 ~~compliance investigation,~~ the findings of the compliance investigation

132 remain confidential. ~~Therefore, and the~~ details of the investigation  
133 ~~shall be~~ are shared only on a need-to-know basis.

134 **NI.** The Compliance ~~Officer or designee~~ Unit shall ensures that all reports  
135 ~~will be~~ are thoroughly reviewed and ~~fairly investigated~~ processed.

136 **OJ.** ~~The Division shall not take~~ No adverse actions will be taken against  
137 ~~someone for making a report in good faith or for cooperating with a~~  
138 ~~compliance investigation in good faith.~~ The Division shall ensures relief  
139 from retaliatory actions for any Division employees, contractors, or  
140 agents for lawful acts conducted by the employee, contractor, agent or  
141 associated others who report violations of the Federal False Claims  
142 Act.