Division of Developmental Disabilities
November 2, 2023

Agenda

- Community Resources and Guides Walkthrough

- Fraud, Waste, and Abuse - Samantha Esbenshade, DDD Program Integrity Manager

- Open Forum

If you joined late, click the interpretation button at the bottom of your Zoom screen and select English or Spanish to hear the meeting.
Si se unió tarde, haga clic en el botón de interpretación en la parte inferior de su pantalla Zoom y seleccione inglés o español para escuchar la reunión.

DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Community Resources and Guides

Start at DES Website → Documents Center

https://des.az.gov

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Search for Any DES Documents by Keyword

Documents Center
Reports, Forms, Pamphlets and Policies

You can search for reports, forms, policies and pamphlet and posters with information about specific programs and services.

Find a Document

1. Click on the tab that corresponds with the type of document type you are looking for, or click on the "All Documents" tab to search through all available documents. You can refine your search by selecting a category from the **Filter by Category** drop-down.
2. Type in a number or keyword in the "**Search by Name, Number, or Keyword**" box and click the **Search** button. When searching for a document by the exact title (form name), place the title within quotation marks.
3. You can click on the column headers to sort the search results.

| All Documents | Forms | Reports | Policies + Procedures | Flyers + Pamphlets |

Filter by Category

Select All

Search by Name, Number, or Keyword

[Search] [Reset]

Download	Number	Name	Effective Date
762.35 KB	Statistical Bulletin September 2023	Statistical Bulletin September 2023	10/19/2023
2.19 MB	DCAD Policy Manual	DCAD Consolidated Policy Manual	10/18/2023

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Start at DES Website → Services

https://des.az.gov

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DES Services → Developmental Disabilities

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The Page Will Look Like This

Developmental Disabilities

Members & Families

Find Out If You Are Eligible for Services

Providers & Vendors

Licensing & Certification

Initiatives and Results

DDD Health Plans Information

Policy & Rules

Public Councils & Committees

Contact Developmental Disabilities

How To Print Page Content

Language Assistance

Job Openings

Contact DDD

DES DDD Customer Service Center

Developmental Disabilities

The Division of Developmental Disabilities is actively working to support the health and safety of members, families, and the professionals in our system during the COVID-19 pandemic. Please visit the **DDD Actions Related to COVID-19** webpage to view resources and learn more about the actions we are taking to ensure the continuation of necessary services for our members and to support the financial viability of our providers.

Our Mission

The Division of Developmental Disabilities empowers individuals with developmental disabilities to lead self-directed, healthy and meaningful lives. DDD provides supports and services for eligible Arizonans. DDD provides supports and services to individuals diagnosed with one of the following developmental disabilities:

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Scroll Down → Members and Families

Supports and Services

The Division provides supports and services that help enable individuals with opportunities to exercise their rights and responsibilities of independent decision-making and engagement in the community.

Assistance for Members and Families

Information for Providers and Vendors

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Scroll Down → Member Manuals and Policies

Member Manuals and DDD Policies   ⌃

Member Manuals and Resources
- Arizona Long Term Care System (ALTCS) Handbook
- Community Resource Guide
- Navigating the System
- DDD Member Rights and Responsibilities
- Caregiver Resource Guide

Quick Reference Guides
- Parents as Paid Providers for Their Minor Children
- Getting the Most from Your Pharmacy Benefits
- AHCCCS Eligibility Redeterminations
- Arizona's Achieving a Better Life Experience (ABLE) Program
- Naloxone to Treat Opioid Overdose/Naloxona para Tratar la Sobredosis de Opioides

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Resource: Services Provided by DES

Services Provided by DES

- **Link: https://des.az.gov/file/10496/download**

- **What it is:**

  Describes each of the Divisions within DES and the services they provide. It includes The Arizona Early Intervention Program, Aging and Adult Services, Benefits and Medical Eligibility, Community Assistance and Development, Child Care, Child Support Services, Developmental Disabilities, and Employment and Rehabilitation Services.

Resource: DDD Member Rights

DDD Member Rights and Responsibilities

- **Link: https://des.az.gov/file/3648/download**

- **What it is:**

Outlines the rights of people with developmental disabilities, including human and civil rights that the laws of the United States and the State of Arizona give to everyone, and the rights of people enrolled in DDD, among others. Explains how to file a grievance, how to report Abuse Neglect and Exploitation. Includes confidentiality practices related to a person's Protected Health Information and how to file a Health Insurance Portability and Accountability Act (HIPAA) complaint.

Recognize, Report and Prevent Abuse, Neglect and Exploitation

- **Link: https://des.az.gov/file/26002/download**

- **What it is:**

Explains what Abuse, Neglect, and Exploitation are, and includes factors that can cause abuse, neglect, or exploitation. Lists things individuals, families, and communities should and should not do to prevent abuse, neglect, and exploitation, explains some physical indicators of abuse, and explains how to report abuse, neglect or exploitation for children and adults.

Resource: Resources for Caregivers

Resources for Caregivers

- **Link: https://des.az.gov/file/25949/download**

- **What it is:**

  Developed as part of the Abuse and Neglect Prevention Task Force and includes statewide resources, websites, and contact information for Family and Professional Caregivers, Crisis Hotlines and Warmlines, Respite Services, and Self Care and Compassion Fatigue resources. Also lists tools for caregiving assessment, providing care, and preparing for emergencies.

Arizona Long Term Care (ALTCS) Member Handbook

- **Link: https://des.az.gov/file/19223/download**

- **What it is:**

  A handbook for people eligible for the Division and the Arizona Long Term Care System (ALTCS). Provides information about ALTCS eligibility and outlines covered services, as well as how to get a Primary Care Provider and behavioral health/crisis services. Explains the DDD Health Plans, what to do if you move, and the role of family members as decision-makers in treatment planning, along with all other aspects of the program.

Resource: Navigating the System

Navigating the System

- **Link: https://des.az.gov/file/13138/download**

- **What it is:**

  Designed to help people understand the many systems they may work with. Explains DDD to include its mission, using its website, eligibility, ALTCS eligibility, the role of a Support Coordinator, what Targeted Support Coordination means, and Planning documents, among many other details. Also includes an appendix of commonly used acronyms and what they mean.

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Resource: DDD Eligibility Packet

DDD Eligibility Packet

- **Link: https://des.az.gov/file/20595/download**

- **What it is:**

  Includes information on how DDD eligibility is determined, such as the required diagnosis or evaluations depending on the age of the person applying for DDD, a checklist to assist in ensuring all the information needed to determine eligibility is included in the application packet, the application document, and information on how to qualify for DDD.

Questions?

Fraud, Waste, and Abuse

Defining Fraud, Waste, and Abuse (FWA)

Fraud: An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to themself or some other person. It includes any act that constitutes fraud under applicable Federal or State law, as defined in 42 CFR 455.2

Waste: Over-utilization or inappropriate utilization of services, misuse of resources, or practices that result in unnecessary costs to the Medicaid Program.

Abuse: Provider practices that are inconsistent with sound fiscal, business, or medical practices, and result in an unnecessary cost to the AHCCCS program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care, noncompliance with licensure standards, misuse of billing numbers, or misuse or abuse of billing privileges. It also includes beneficiary practices that result in unnecessary cost to the AHCCCS Program [42 CFR 455.2].

Examples of Fraud, Waste, and Abuse (FWA)

Examples of FWA:

- Billing for services not provided

- Misrepresenting services provided
  - i.e. who provided service, who received service, where service occurred, what service was provided, etc.

- Providing services that are not medically necessary
  - Health care provider ordering excessive diagnostic testing
  - Falsifying assessments, medical documentation, etc.

Fraud, Waste, and Abuse (FWA)

Things to keep in mind...

- All team members must accurately report the member needs

- The Qualified Vendors and service providers (including family members who are paid providers) must keep up-to-date with required certifications, trainings, etc.
  - CANNOT bill for services that are provided without current certifications and/or trainings

- Everyone must follow Person-Centered Service Plan (PCSP) and/or Individualized Family Service Plan (IFSP)
  - Pay special attention to Service Authorizations (outlines services and frequency of services)***

NOT Medicaid Fraud, Waste, and Abuse

Some "other fraud" types and where to report:

- Fraud and/or misuse of Social Security funds (SSI and/or SSDI)
  - Report to https://oig.ssa.gov/ or 1-800-269-0271

- Fraud and/or misuse of the following benefits can be reported to Department of Economic Security (DES) at https://fraudreferralexternal.azdes.gov/
  - Cash Assistance/TANF
  - Low Income Home Energy Assistance Program (LIHEAP)
  - Low Income Household Water Assistance Program (LIHWAP)
  - Nutrition Assistance (SNAP)/Food Stamps
  - Unemployment Benefits

Applicable Laws and Regulations

Federal False Claims Act (FCA)

- A federal law that makes it a crime for any person or organization to knowingly make a false record or file a false claim regarding any federal health care program, which includes any plan or program that provides health benefits, whether directly, through insurance or otherwise, which is funded directly, in whole or in part, by the United States Government or any state healthcare system.

- Includes having actual knowledge that a claim is false or acting with "reckless disregard" as to whether a claim is false.

Liabilities for violating FCA:

Three times the damage amount defrauded

No less than $5,000 and no more than $11,000

Applicable Laws and Regulations cont'd

The Stark Law

- The Stark Law is a healthcare fraud and abuse law that prohibits physicians from referring patients for certain designated health services paid for by Medicare and Medicaid to any entity in which they have a "financial relationship."

  - The federal government interprets the term "financial relationship" broadly to include any direct or indirect ownership or investment interest by the referring physician, as well as any financial interests held by any of the physician's immediate family members.

Penalties for violating Stark Law:

| Denial of payment | Refunds of collected amount | Penalty up to $15,000 for each bill | Penalty up to $100,000 for each arrangement | Fine of 3 times the amount improperly collected |

Applicable Laws and Regulations cont'd

The Anti-Kickback Statute

- The federal Anti-Kickback Statute is a healthcare fraud and abuse statute that prohibits the exchange of remuneration—which the statute defines broadly as anything of value—for referrals for services that are payable by a federal program, which, in the context of healthcare providers, is Medicare and Medicaid.

- Anti-Kickback violations also usually constitute violations of the False Claims Act, meaning that Anti-Kickback investigations can likewise result in fraud liability.

Penalties:

- The Anti-Kickback Statute is a criminal statute, but it provides both criminal and civil penalties for violations.
- The criminal penalties include fines of up to $25,000- and five-years' imprisonment.
- The Office of the Inspector General ("OIG") for the Department of Health and Human Services ("HHS") can pursue civil penalties of up to $50,000 per violation plus three times the amount of any government overpayment.

Whistleblowers

- Whistleblowers are protected under the False Claims Act Section 3730 (h). This protection is for…

  - Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of unlawful acts reported by the employee, in furtherance of an action under the Act is entitled to any relief necessary to make the employee whole.

- The WPA of 1989 protects federal employees from retaliatory action for voluntary disclosing information about dishonest or illegal activities occurring at a government agency.

Whistleblowers cont'd

- The Whistleblower Protection Enhancement Act (WPEA) of 2012 provides confidentiality and protection from retaliation to federal, former employees, or applicants who report allegations.

- WPA Protections provide compensatory damages, double back pay, and job reinstatement.

Consequences of Medicaid Fraud, Waste, and Abuse

Exclusion from Federal Healthcare Programs

Loss of Provider License

Criminal Conviction/Fines

Civil Money Penalties

Civil Prosecution

Imprisonment

Reporting Suspected FWA

Who can/should report FWA?

-   **ANYONE!!! DDD employees, vendors, providers, members, families, etc.**

-   Reporters can remain anonymous
-   Reporters are kept confidential
-   Anti-retaliatory

Where to report suspected FWA?

-   DDD's Corporate Compliance Unit
-   AHCCCS-OIG

Reporting Suspected FWA to DDD

DDD Corporate Compliance Unit

Phone: 1-877-822-5799 (FWA Hotline)

Online Form: https://des.az.gov/how-do-i/report-suspected-fraud/developmental-disabilities-fraud-waste-and-abuse

Email: dddfwa@azdes.gov

Mail:

Attn: Corporate Compliance Unit

1789 W. Jefferson St.

Mail Drop 2HA1

Phoenix, AZ 85007

Reporting Suspected FWA to AHCCCS-OIG

AHCCCS-OIG Fraud Prevention Unit

Online Form: https://www.azahcccs.gov/Fraud/ReportFraud/onlineform.aspx

Provider Fraud:

In Arizona: 602-417-4045

Toll Free Outside of Arizona Only: 888-ITS-NOT-OK or 888-487-6686

Member Fraud:

In Arizona: 602-417-4193

Toll Free Outside of Arizona Only: 888-ITS-NOT-OK or 888-487-6686

General Questions:

Email: AHCCCSFraud@azahcccs.gov

Questions?

For any questions, comments, and/or concerns please feel free to contact DDD's FWA team at
dddfwa@azdes.gov

Samantha Esbenshade
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sesbenshade@azdes.gov
480-640-2006

Questions?

Open Forum

Thank You