

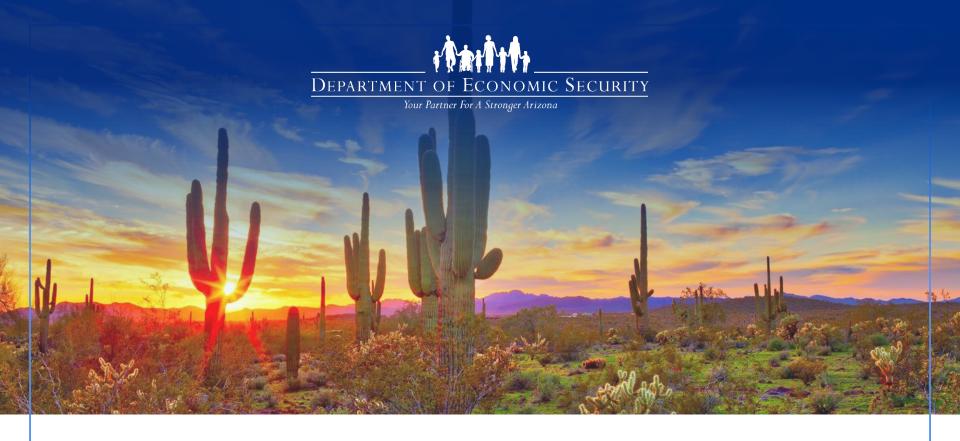
Your Partner For A Stronger Arizona



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



# **Community Resources and Guides**

# Start at DES Website → Documents Center

### https://des.az.gov



# Search for Any DES Documents by Keyword

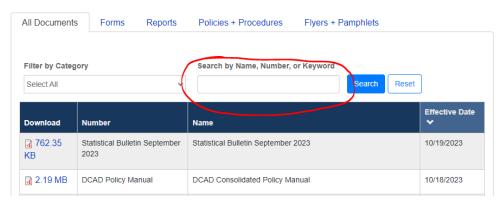
#### **Documents Center**

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

- 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.
- 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.



# Start at DES Website → Services

### https://des.az.gov



# **DES Services** → **Developmental Disabilities**

#### Services

### Basic Needs > Adult Protective Services (APS) Food Assistance Medical Assistance Refugee Resettlement Shelter and Housing Domestic Violence Support Sexual Violence Support Child and Family ~ Cash Assistance Child Care Child Support Services Community Resources Developmental Disabilities Early Intervention Achieving a Better Life Experience

#### Services



The Department of Economic Security (DES) is the safety net agency for the State of Arizona. As one of the largest agencies in state government, DES serves more than 2 million Arizonans annually through more than 40 programs that address the social and economic needs of those we serve. DES's more than 8,000 employees serve Arizonans from Phoenix to Tucson, Yuma to Flagstaff and from Douglas to Page. The agency's tagline: "Your Partner for a Stronger Arizona" is intended to frame the work efforts toward growing the capacity of Arizonans in need of safety net services, and where possible, reduce their dependency on those vital supports.

View a list of DES services classified by the DES client's needs:

- · Services Provided by DES English
- · Services Provided by DES Spanish

Basic Needs

Child & Family

**Employment** 

# 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:

# **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

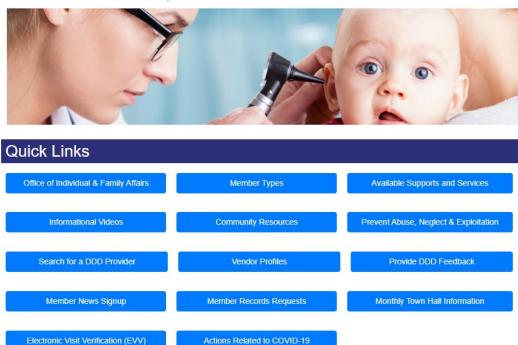


Information for Providers and Vendors



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### Member and Family Resources



### **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

# Resource: Services Provided by DES

### **Services Provided by DES**

Link: <a href="https://des.az.gov/file/10496/download">https://des.az.gov/file/10496/download</a>

#### 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: <a href="https://des.az.gov/file/3648/download">https://des.az.gov/file/3648/download</a>

#### 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.

# Resource: Recognize, Report and Prevent Abuse, Neglect and Exploitation

### Recognize, Report and Prevent Abuse, Neglect and Exploitation

- Link: <a href="https://des.az.gov/file/26002/download">https://des.az.gov/file/26002/download</a>
- 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: <a href="https://des.az.gov/file/25949/download">https://des.az.gov/file/25949/download</a>

#### 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.

# Resource: Arizona Long Term Care (ALTCS) Member Handbook

### Arizona Long Term Care (ALTCS) Member Handbook

Link: <a href="https://des.az.gov/file/19223/download">https://des.az.gov/file/19223/download</a>

#### 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: <a href="https://des.az.gov/file/13138/download">https://des.az.gov/file/13138/download</a>

#### 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.

# Resource: DDD Eligibility Packet

### **DDD Eligibility Packet**

Link: <a href="https://des.az.gov/file/20595/download">https://des.az.gov/file/20595/download</a>

#### 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.



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# **Questions?**





# Fraud, Waste, and Abuse

# Defining Fraud, Waste, and Abuse (FWA)

<u>Fraud</u>: 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

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

<u>Abuse</u>: 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 <a href="https://oig.ssa.gov/">https://oig.ssa.gov/</a> or 1-800-269-0271
- Fraud and/or misuse of the following benefits can be reported to Department of Economic Security (DES) at <a href="https://fraudreferralexternal.azdes.gov/">https://fraudreferralexternal.azdes.gov/</a>
  - 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

Refunds of payment

Penalty up to \$100,000 for each bill 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

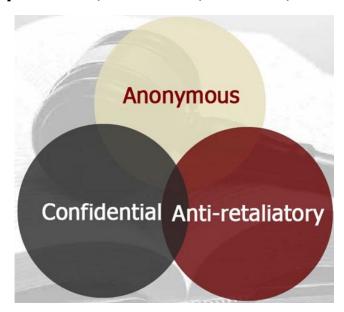
# Reporting Suspected FWA

### 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: <a href="https://des.az.gov/how-do-i/report-suspected-fraud/developmental-">https://des.az.gov/how-do-i/report-suspected-fraud/developmental-</a>

disabilities-fraud-waste-and-abuse

Email: <a href="mailto:dddfwa@azdes.gov">dddfwa@azdes.gov</a>

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: <a href="https://www.azahcccs.gov/Fraud/ReportFraud/onlineform.aspx">https://www.azahcccs.gov/Fraud/ReportFraud/onlineform.aspx</a>

**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: <u>AHCCCSFraud@azahcccs.gov</u>

# **Questions?**

For any questions, comments, and/or concerns please feel free to contact DDD's FWA team at <a href="mailto:dddfwa@azdes.gov">dddfwa@azdes.gov</a>

Samantha Esbenshade Program Integrity Manager <u>sesbenshade@azdes.gov</u> 480-640-2006





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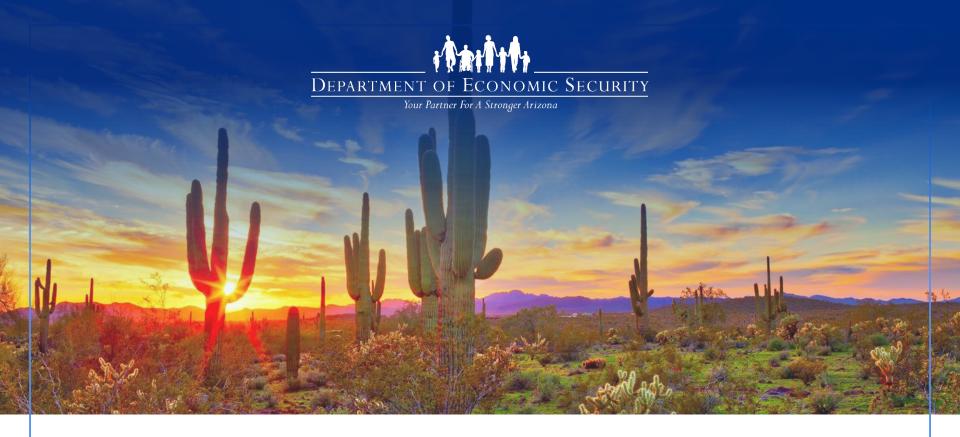
# **Questions?**



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# **Open Forum**



# **Thank You**