

From: Strauss, Jamie L [<mailto:StraussJ@aetna.com>]

Sent: Saturday, October 31, 2015 1:42 PM

To: Medicare Delegates

Subject: 2016 Centers for Medicare & Medicaid Services ("CMS") Training Requirements Notification



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Dear Delegate,

The purpose of this communication is to inform you that beginning January 1, 2016, First Tier¹, Downstream² and Related³ entities ("FDRs") must train their employees through one of two (2) options to be compliant with the Centers for Medicare & Medicaid Services ("CMS") training requirements. Both options include the use of the CMS general compliance and Fraud, Waste and Abuse ("FWA") Training module. As an Aetna First Tier entity, we are providing you an advance notice of the CMS requirements so that you can plan accordingly for your employees, as well as so that you can inform your Downstream entities who you use for Aetna's Medicare Advantage and/or Prescription Drug Plan products of this requirement for their employees.

Since all FDR employees of Medicare Advantage and Prescription Drug Plan sponsors must complete general compliance and FWA training, CMS published requirements⁴ related to "Reducing the Burden of the Compliance Program Training Requirements." Further, CMS developed a web-based general compliance and FWA training for all sponsors' FDRs to use with their employees. The CMS training topics include, but are not limited to the following: relevant laws and regulations related to Medicare Parts C and D FWA, an overview of compliance expectations, types of non-compliance and FWA that can occur in the settings in which sponsor and FDR employees work, and reporting expectations, etc. The CMS training is intended to ensure that the CMS requirements are met and to reduce the largely duplicative training required of FDRs by the multiple organizations with whom they may contract.

Action Required: -

Starting in 2016, CMS will provide FDRs two (2) options for complying with the CMS training requirements for their employees:

(1) **-FDR EMPLOYEES COMPLETE CMS TRAINING ON THE MLN WEBSITE -**

FDRs and its employees can complete the general compliance and/or FWA training modules, and any associated testing, located on the CMS Medicare Learning Network (“MLN”) website. Once an individual completes the training, the MLN system will generate a certificate of completion. The MLN certificate of completion must be accepted by all sponsors to demonstrate training completion.

(2) **-FDRs INCORPORATE THE CMS TRAINING INTO THEIR OWN TRAINING -**

FDRs may download or print the content of the CMS standardized training modules, along with any testing component, from the CMS website to incorporate into their organization’s existing compliance training materials/systems. The CMS training content **cannot be modified** to ensure the integrity and completeness of the training. However, an organization can add to the CMS training to cover topics specific to their organization.

CMS requires that FDR employees complete the general compliance and FWA training within ninety (90) days of hire/contracting and annually thereafter. FDRs must maintain training records (e.g., certificates or documentation of training completion and furnish upon request a certificate of training such as certificates of completion, training logs, system generated reports, spreadsheets, etc.) for their employees for a period of ten (10) years. FDR training evidence must include at least employee names, dates of employment, dates of completion, and passing test scores to clearly document training completion.

CMS has advised that additional guidance on the training modules is forthcoming so look for more information on this topic in the future.

Call if you have questions.

If you have questions or concerns please call Jamie Strauss at 304-799-0845 or email straussj@aetna.com.

Thank you for your support with ensuring our mutual compliance with this new CMS requirement.

Sincerely,

Jamie L. Strauss

Jamie L. Strauss

¹First Tier entity – any party that enters into written arrangement, acceptable to CMS, with a Medicare Advantage organization (“MAO”) or Part D plan Sponsor or applicant to provide administrative services or health care services to a Medicare eligible individual under the MA program or Part D program. *Examples of First Tier Entities include: Delegates, Claims or Customer Service Vendors, Agents, Field Marketing Organizations, Pharmacy Benefit Managers (“PBM”), Suppliers/Vendors, and Providers, etc.*

²Downstream entity – any party that enters into a written arrangement, acceptable to CMS, with persons or entities involved with the MA or Part D benefit, below the level of first tier entity. These arrangements continue down to the level of the ultimate provider of both health and administrative services. *Examples of Downstream Entities include: Pharmacies, and a Delegates’ subcontractors, etc.*

³Related Entity – any entity that is related to an MAO or Part D Sponsor by common ownership or control and performs some of the Sponsor’s management functions under contract or delegation; furnishes services to Medicare enrollees under an oral or written agreement, or leases real property or sells materials to the MAO or Part D plan sponsor at a cost of more than \$2500 during a contract period.

⁴May 23, 2014 CMS published CMS-4159-F, *Medicare Program; Contract Year 2015 Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs*; §§ 422.503(b)(4)(vi)(C)(3) and 423.504(b)(4)(vi)(C)(4).

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