

From: Rebekah Steggert [<mailto:rsteggert@gatewayhealthplan.com>] **On Behalf Of** Medicare Compliance Officer

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To: FDRCommunications

Cc: Thelma Fullmer; Beth Socoski; Carla Chianese; Angela Jackson; Eric Fleming; Douglas McKay; Dawn Jacobs; April Chambers; Alison O'Connor; Simon Yeung; Margaret Worek; Tammy Barbagallo; Jill Beers; Elaine Yakich; Elaine Venables; Thomas Figurski; Ruth Ann DeFrancesco; Stacy Abebe; Rebekah Steggert

Subject: Compliance Related Policies and Procedures - Gateway Health FDR Communications - 2015 Volume 2 (February)

Hello,

The Centers for Medicare and Medicaid Services (CMS) Prescription Drug Benefit Manual, Chapter 9, and the Medicare Managed Care Manual, Chapter 21 document the requirement for Compliance related policies and procedures and standards of conduct. This month's communication from Gateway HealthSM focuses on Compliance related policies and procedures.

According to CMS guidelines documented in Chapter 9 of the Prescription Drug Benefit Manual and Chapter 21 of the Medicare Managed Care Manual, written policies and procedures and standards of conduct are required in order to achieve compliance with the core requirements of an effective compliance program. Compliance policies and procedures should demonstrate to employees and First Tier, Downstream, and Related Entities (FDRs) that compliance is everyone's responsibility. CMS states that "Sponsors must have written policies, procedures (and standards of conduct) that:

1. Articulate the commitment to comply with all applicable Federal and State standards;
2. Describe compliance expectations as embodied in the Standards of Conduct;
3. Implement the operation of the compliance program;
4. Provide guidance to employees and others on dealing with suspected, detected or reported compliance issues;
5. Identify how to communicate compliance issues to appropriate compliance personnel;
6. Describe how suspected, detected or reported compliance issues are investigated and resolved by the sponsor; and
7. Include a policy of non-intimidation and non-retaliation for good faith participation in the compliance program, including, but not limited to, reporting potential issues, investigating issues, conducting self-evaluations, audits and remedial actions, and reporting to appropriate officials."

CMS further states "Compliance policies and/or procedures should be detailed and specific, and describe the operation of the compliance program. Compliance policies may address issues such as sponsors' compliance reporting structure, compliance and FWA training requirements, the operation of the hotline or other reporting mechanisms, and how suspected, detected or

reported compliance and potential FWA issues are investigated and addressed and remediated. Policies and procedures should be updated as often as necessary to incorporate changes in applicable laws, regulations, and other program requirements.” CMS requires that plan sponsors assure that compliance related policies and procedures are distributed to employees of their FDRs.

Listed below are examples of topics that should be addressed in compliance related policies and procedures:

- Ways to report potential compliance concerns, including a way to report anonymously
- Identifying and reporting potential Fraud, Waste, and Abuse
- Disciplinary standards
- Monitoring of exclusion lists
- Training and education, including new hire and annual training
- Monitoring and auditing program
- Complying with external audits, including CMS audits
- Conflicts of Interest
- HIPAA Privacy and Security
- Non-intimidation/Non-retaliation

You received this email from MedicareComplianceOfficer@GatewayHealthPlan.com because CMS requires ongoing communication between Gateway’s Medicare Compliance Officer and FDRs to raise awareness of potential compliance issues and risks to organizations. This is the **second communication** sent this year. Please share this communication with your staff and downstream entities.

Gateway Health is committed to achieving compliance with CMS rules and regulations. Thank you for supporting Gateway Health’s Medicare Compliance Initiatives!

Angela Jackson

Medicare Compliance Officer

Gateway HealthSM

Four Gateway Center

444 Liberty Avenue, Suite 2100

Pittsburgh, PA 15222-1222

Email: ajackson1@gatewayhealthplan.com

Rebekah Steggert

Senior Compliance Analyst | Medicare Compliance

Gateway HealthSM

Four Gateway Center

444 Liberty Avenue, Suite 2100

Pittsburgh, PA 15222-1222

Phone/Fax: (412) 255-7116

Email: rsteggert@gatewayhealthplan.com

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