

No.	Question	Answer
FWA Prevention Handbook		
1	Is the FWA Prevention Handbook considered a prospective review and when does the annual policy review window begin?	<p>The FWA Handbook and Prevention Plan should include documents that are in place for the current year (i.e., CY 2023) and have been reviewed within the last 12 months.</p> <p>The FWA Prevention Handbook is the CCO’s infrastructure or roadmap for meeting all the required elements. The CCO should document <u>how it will meet the requirements</u> and <u>submit policies, procedures, and other documentation that comprises the FWA Prevention Handbook</u> and support compliance with regulatory requirements.</p> <p>The FWA Prevention Plan is the CCO’s <u>plan for implementing</u> the FWA handbook and policies and procedures. It should be specific and include all activities referenced in the FWA Prevention Handbook, including dates, methods, measures, etc.</p> <p>All documents reviewed as part of the FWA Deliverables Review should build upon one another, meaning the FWA Prevention Plan must align with the FWA Prevention Handbook/policies and procedures, and the FWA Annual Assessment must show the results of the activities outlined in the workplan. The annual assessment must also explain how the assessment deviated from the FWA Prevention Handbook and Plan policies, and why, as well as any changes implemented based on the assessment outcomes.</p>

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2	What documentation is needed to demonstrate the CCO meets the requirements for designating a Chief Compliance Officer?	<p>The FWA Prevention Handbook must <u>identify</u> the Chief Compliance Officer by name and include contact information (telephone number and address).</p> <p>The CCO must ensure the organizational structure of the CCO includes the Chief Compliance Officer (by name) <u>reporting directly</u> to the CEO and Board of Directors and demonstrate the relationship in the ORGANIZATIONAL CHART.</p>
3	What documentation is needed to demonstrate the CCO meets the requirements for identification of members of the Regulatory Compliance Committee?	<p>The FWA Prevention Handbook must show <u>all names and titles</u> of the members of the Regulatory Compliance Committee. The CCO must ensure all <u>required member types</u> are included on the Regulatory Committee, including the <i>Contractor's Chief Compliance Officer, senior level management employees, and at least two members of the Board of Directors.</i></p> <p>The FWA Prevention Handbook must <u>outline the responsibilities</u> of the Regulatory Compliance Committee, which includes oversight of the Contractor's FWA prevention program and compliance with the terms and conditions of the Contract.</p> <p>As a best practice, the CCO should establish formal operating rules/charter.</p>
4	How should the CCO document the staffing dedicated to, and responsible for, implementing the Annual FWA Prevention Plan?	<p>The FWA Prevention Handbook must demonstrate adequate staffing and resources needed to fulfill the program integrity and compliance requirements of the CCO contract; to investigate all reported incidents, and to develop and implement the necessary systems and procedures to assist the CCO in preventing and detecting potential FWA.</p>

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		<p>The FWA Prevention Handbook must include an ORGANIZATIONAL CHART that identifies the individuals dedicated (by name, title, and function), and responsible for implementing the plan. At a minimum, the compliance team must include:</p> <ul style="list-style-type: none"> • At least one professional employee who reports directly to the Chief Compliance Officer. Examples of a professional employee are an investigator, attorney, paralegal, professional coder, or auditor. • Investigator(s) who meet <u>mandatory core and specialized training</u> program requirements. • Individuals who are <u>knowledgeable about the provision of medical assistance under Title XIX of the Act and about the operations of health care providers.</u> • Individuals who have <u>forensic or other specialized skills</u> that support the investigation of cases. <p>A POLICY AND PROCEDURE must outline the qualifications required to function each of the assigned roles (i.e., professional employee responsible for implementing the FWA Prevention Plan, investigators, other individuals with pertinent knowledge and skill sets). <i>As an alternate to listing all the qualifications for each of the designated FWA employees within the policy and procedure, it would be acceptable for the CCO’s policy and procedure to direct readers to the specific job descriptions.</i></p> <p>The POLICY AND PROCEDURE must also include the CCO’s <u>plan for ongoing training and education</u> to maintain and increase qualifications of designated FWA employees. For example, if the CCO’s employees meet all minimum qualifications, documentation should include the CCO’s plan to ensure all qualifications (e.g.,</p>

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		<p>certifications) are maintained. If the CCO is developing skills for existing staff that may not meet minimum qualifications, and the CCO is relying on contractual relationships until the minimum qualifications are met, documentation must include the CCO’s plan/efforts for increasing the qualifications of its employees to meet the minimum requirements.</p> <p>The CCO must provide EVIDENCE (i.e., resume, evidence of certification [including expiration date], and/or evidence of completed trainings) to demonstrate the compliance team meets all requirements.</p> <p><i>*The FWA Prevention Plan should include all planned trainings to meet this requirement. This includes trainings the CCO staff are planning to attend outside the organization as the CCO’s designated FWA staff would be expected to be members of one of the FWA associations and participate in their trainings/CEUs/courses to remain up to date with credentials.</i></p>
5	What are examples of qualifications for the professional employee responsible for implementing the Annual FWA Prevention Plan?	The CCO Contract, Exhibit B, Part 9 (11)(b)(3) states, “ Examples of a professional employee are an investigator, attorney, paralegal, professional coder, or auditor.”
6	What are examples of mandatory core and specialized training program requirements for individuals functioning as investigators?	<p>Mandatory core and specialized training for fraud investigators would include <u>one or more</u> of the following:</p> <ul style="list-style-type: none"> • Certification as a Certified Fraud Examiner (CFE) • Certification as an Accredited Healthcare Fraud Investigator (AHFI) • Successful completion of a law enforcement academy • Previous work experience in health care fraud investigation/detection

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		<ul style="list-style-type: none"> • Previous work experience with CMS OIG/FBI or similar agency <p><i>*The CCO must also submit proof (i.e., resume and/or evidence of certification [including expiration date]) to demonstrate compliance with requirement.</i></p>
7	<p>What are examples of additional forensic and specialized skills required for individuals performing investigations?</p>	<p>Additional skills may include knowledge of legal principles and techniques of conducting investigations, ability to analyze claims and data against Medicaid standards, writing and reviewing audit reports, and/or equivalent experience.</p> <p><i>*The CCO must submit proof (i.e., resume, evidence of certification [including expiration date], and/or evidence of completed trainings) to demonstrate compliance with requirement. CCO's documentation must also include whether the CCO directly employs these individuals or contracts with another agency.</i></p>
8	<p>How should the CCO document its system for its training and education?</p>	<p>The FWA Prevention Handbook must include a POLICY AND PROCEDURE that <u>outlines a system</u> to provide education and training and <u>assert the CCO's process</u> for ensuring:</p> <p>Medicaid-specific FWA training must be completed <u>upon hire and annually</u> thereafter, including <u>additional training</u> specific to employees (including subcontractors) responsible for credentialing providers and subcontracting with third parties, and training content for contracted providers.</p> <p><i>*Training schedule must be included FWA Prevention Plan and training content must be provided as part of the deliverable.</i></p>
<p>FWA Prevention Plan</p>		

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1	Is the FWA Prevention Plan considered a prospective deliverable?	<p>Yes, this document should include the CCO’s plan for the current contract year (i.e., CY 2023).</p> <p>The CCO should also submit its FWA Prevention workplan from the prior year (i.e., CY 2022) to ensure alignment with activities described/evaluated in the Annual FWA Assessment.</p>
2	What types of documentation are needed to within the FWA Prevention Plan?	<p>FWA Prevention Plan should <u>describe the steps</u> that the organization will take to achieve compliance with its standards by using reasonably designed monitoring and auditing systems.</p> <p>The FWA Prevention Plan must specifically address every component listed within Section II (1)(a-l) of the FWA Deliverables Review Template.</p> <p>The FWA Prevention Plan <u>must include</u> the data sources, measures, criteria, and method(s) the CCO is planning to use to implement, analyze, and report on the effectiveness of the policies and procedures set forth in the FWA Prevention Handbook. The CCO may include <u>workflows, work instructions, job aids, checklists, criteria, evaluation tools, etc.</u> that demonstrates how the CCO will conduct the activities</p> <p>The CCO must have a WORKPLAN that includes all planned PI audits, compliance reviews, trainings, annual risk assessments, etc. The CCO must include the following information for all planned audits and compliance reviews:</p> <ul style="list-style-type: none"> • All internal monitoring, reporting, PI auditing planned for the year, including dates • Individuals/resources used to conduct audits/reviews

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		<ul style="list-style-type: none"> • Data or information sources • Whether each review is conducted in person or via desk review <p>ADDITIONAL DOCUMENTATION includes the training materials the CCO is planning to use for the upcoming contract year (i.e., 2023).</p>
3	<p>How should the CCO demonstrate the training content planned for the current contract year meets contractual requirements?</p>	<p>Staff and subcontractor training content must include detailed information about the following:</p> <ul style="list-style-type: none"> • False Claims Act, laws pertaining to civil or criminal penalties for false claims and statement, and whistleblower protections (including a mechanism for reporting violations directly to the CCO’s Compliance Officer and anonymously) • Information related to the CCO’s policies and procedures for complying with the FWA requirements in the contract. At a minimum, content should include: <ul style="list-style-type: none"> ○ Standards of conduct, including the organization’s commitment to compliance and appropriate program regulations and organizational standards ○ Detecting and preventing FWA, including monitoring ○ Specific referral and reporting information, including time frames for reporting <p>Contracted provider training should also include correct billing practices and mechanisms for a provider to report and return overpayments.</p> <p><i>The CCO should provide the provider manual, provider training agendas, and any other activities used to educate providers on specified topics.</i></p>

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4	What are the additional training requirements?	<p>Additional training is required for the CCO's employees (including subcontractors) responsible for credentialing providers and subcontracting with third parties, which includes:</p> <ul style="list-style-type: none"> • (i) the credentialing and enrollment of Providers and Subcontractors and • (ii) the prohibition of employing, Subcontracting, or otherwise being Affiliated with (or any combination or all of the foregoing) with sanctioned individuals. <p><i>*Enrollment of providers and subcontractors includes appropriate disclosure (i.e., disclosure of ownership and control, business transactions, and information for persons convicted of crimes against federal related health care programs, including Medicare, Medicaid, and/or CHIP programs) and screening requirements (i.e., identification of moderate to high risk providers, verification of Medicaid enrollment with OHA prior to credentialing).</i></p> <p><i>*Prohibition of employing, subcontracting, or being affiliated with sanctioned individuals includes appropriate verification through appropriate database checks.</i></p>
5	What criteria should be used for subcontractor compliance reviews?	<p>There is no “one size fits all” approach to CCO program integrity programs and, with the level of sub-delegation, the CCO’s plan will be dependent on the contractual arrangements with each subcontractor.</p> <p>The CCO’s FWA Prevention Plan will be <u>dependent on the contractual arrangement</u> with each subcontractor. The CCO contract, Ex B, Part 9 (10)(b) states, “Pursuant to 42 CFR § 438.608, to the extent that Contractor Subcontracts to any third parties any responsibility for providing services to Members or processing</p>

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		<p>and paying for claims, Contractor shall require its Subcontractors, pursuant to its Subcontracts, to comply with the terms and conditions set forth in Secs. 11-18 below of this Ex. B, Part 9.”</p> <p>The CCO could consider using the FWA Deliverables Template to document subcontractor compliance.</p>
FWA Annual Assessment		
1	Is the Annual FWA Assessment considered a retrospective deliverable?	<p>Yes, this document should include the CCO’s assessment/evaluation of the FWA activities conducted in the prior year (i.e., CY 2022).</p> <p>All activities included in the Annual FWA Assessment must align with the prior year’s (i.e., CY 2022) FWA Prevention workplan.</p>
2	Does the CCO need to submit training materials used for training conducted in the prior year?	<p>Yes, the CCO must submit training materials used to conduct the prior year’s training (i.e., CY 2022) along with evidence that training was attended by the Compliance Officer, senior management, and all of the CCO’s other employees within the FWA Annual Assessment.</p> <p>The CCO must also provide evidence of training conducted with providers and subcontractors.</p> <p><i>*As a reminder, the CCO is expected to submit training materials for trainings planned for the upcoming contract year (i.e., 2022) with the FWA Prevention Plan.</i></p>
3	What specific information is required in the description of the data analytics used for compliance reviews of subcontractors and providers?	<p>The CCO is expected to report all compliance monitoring activities and provide its scope and criteria used to conduct the activities, including the data that is relied upon to conduct the activities (i.e., claims data, encounter data, medical charts, policies and procedures, etc.). The data used will be dependent on the activities conducted,</p>

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		which should also be based upon whether it is a subcontractor audit, member audit, or provider audit.