

# PROVIDER BULLETIN

## Provider information



October 10, 2013

### **Revised: Reminder of Medicare training and education requirements**

*The information in this bulletin replaces Bulletin P25-13 entitled “Reminder of Medicare training and education requirements” that was issued on September 11, 2013. The purpose of this revision is to clarify that you must complete the general compliance training requirement, even if you are exempt from completing the FWA training.*

Medicare regulations require contracted Blue Cross and Blue Shield of Minnesota and Blue Plus (Blue Cross) providers who provide health, prescription drug or administrative services to Medicare enrollees to meet the Centers for Medicare & Medicaid Services (CMS) general compliance and fraud, waste and abuse (FWA) education and training requirements. All provider types are required to submit an attestation form annually to Blue Cross, indicating that FWA training has been completed by employees, including senior managers and governing bodies, contractors and subcontractors, including independent contractors whether full-time, part-time, temporary or otherwise. Training must be provided within 90 days of hiring or contracting and annually thereafter.

#### **General compliance training**

General compliance training may be provided by your organization or Blue Cross. If using your own organization’s compliance training, the training must include all of the following:

- A description of the compliance program, including a review of compliance policies and procedures, the Standards of Conduct, and your organization’s commitment to business ethics and compliance with all Medicare program requirements
- An overview of how to ask compliance questions, request compliance clarification, or report suspected or detected non-compliance
- The requirement to report to your organization’s compliance officer (who in turn will report to Blue Cross) any related, actual or suspected Medicare program non-compliance or potential FWA
- Examples of reportable non-compliance that an employee might observe
- A review of disciplinary guidelines for non-compliant or fraudulent behavior
- Attendance and participation in compliance and FWA training programs as a condition of continued employment and a criterion to be included in employee evaluations
- A review of policies related to contracting with the government
- A review of potential conflicts of interest and your organization’s system for disclosure of conflicts of interest
- An overview of HIPAA/HITECH, the CMS Data Use Agreement (if applicable), and the importance of maintaining the confidentiality of protected health information (PHI), and an overview of the monitoring and auditing process
- A review of the laws that govern employee conduct in the Medicare program

## **Fraud, waste and abuse training**

Blue Cross' Medicare Compliance Training and FWA training materials and the Attestation of Training Completion form are available at **[providers.bluecrossmn.com](http://providers.bluecrossmn.com)**.

FWA training may also be provided by CMS, your organization, or another Medicare Advantage or Part D Plan Sponsor. The training must include all of the following:

- Laws and regulations related to MA and Part D FWA (for example, False Claims Act, Anti-Kickback statute, HIPAA/HITECH, etc.)
- Obligations of first-tier, downstream and related entities (FDRs) to have appropriate policies and procedures to address FWA
- Processes for sponsors and FDR employees to report suspected FWA
- Protections for sponsors and FDR employees who report suspected FWA
- Types of FWA that can occur in the settings in which sponsor and FDR employees work

There is one exception to the FWA training and education requirement. Regulations effective June 7, 2010, implemented a "deeming" exception that exempts FDRs from the annual FWA training and education if the FDR has met the certification requirements through:

- Enrollment/participation in Medicare Parts A or B of the Medicare program, or
- Accreditation as a supplier of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)

If you are exempt/deemed from the FWA training you must still complete the general compliance training requirement.

If you are unsure if this "deeming" exception applies to you please contact your plan sponsor for more information.

## **Additional information**

For additional information regarding Medicare Parts C and D Fraud, Waste, and Abuse Training and Medicare Parts C and D General Compliance Training, please visit the CMS website at **[cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/ProviderCompliance.html](http://cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/ProviderCompliance.html)**

Blue Cross' training materials and the Attestation of Training Completion form are available at **[providers.bluecrossmn.com](http://providers.bluecrossmn.com)**, select Education center then Medicare education.