

NEW OMIG MANDATORY COMPLIANCE FORM DUE DECEMBER 31

Health Alert
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Practices & Industries
Healthcare

On October 30, 2009 the Office of the Medicaid Inspector General (OMIG) posted the form to be used to certify compliance with the mandatory compliance programs required by 18 NYCRR Part 521.

When?

Although the form itself does not indicate the date the certification is due, an e-mail notification to providers requires that OMIG receive the online form by December 31, 2009. (This deadline, originally set for December 1, was extended by OMIG on November 13.) There are no instructions for faxing or sending the form by certified mail, so providers are advised to document submission of the form to support that it was submitted timely. Failure to certify may result in administrative sanctions, including exclusion.

What?

The certification states that the provider has adopted, implemented and maintains an effective compliance program that meets the legal requirements of Social Services Law Section 363-d and 18 NYCRR Part 521. Providers do not submit copies of their compliance programs to OMIG as part of the certification process. However, OMIG may request to see the compliance program and supporting materials as part of an audit or upon request.

Who Submits?

All providers who are required to have a mandatory compliance program in effect as of October 1, 2009. A single certification form may be used for certain providers with multiple locations or affiliates. This is because, according to the FAQs on OMIG's Web site, affiliates and multiple locations may rely on the same compliance program so long as the umbrella program sufficiently addresses the specific issues and needs of the other locations and/or affiliates. The form provides a box for providers to list all the provider IDs for which the certification will apply. If you have questions on whether to use a single or multiple form for your organization, you may wish to discuss the particular facts of your compliance program with legal counsel.

Who Signs?

The FAQs on OMIG's Web site require that someone from senior management (other than the compliance officer) complete the certification. The reason for this is to ensure that there is commitment to corporate compliance beyond just the



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compliance officer.

Additionally, the compliance officer should be identifiable throughout the organization as of October 1, 2009. Inspector General James Sheehan has publicly described that he is calling providers and asking to speak to their compliance officer as evidence of whether the provider has implemented an effective compliance program.