

## EMPLOYEE EDUCATION ABOUT FALSE CLAIMS RECOVERY

**PURPOSE:** To communicate and comply with the contents of the Federal False Claims Act (Title 31, United States Code), The Health and Human Service Commission- Office of Inspector General, and the Federal Reductions Act of 2005, Section 6032, and the Deficit Reduction Act (DRA) effective January 2007, which requires (1) an employee education policy regarding false claims recovery for entities receiving payments that exceed the amount stated by their state under state Medicaid plan; and (2) procedures for detecting and preventing fraud, waste and abuse.

**POLICY:** Prestige Home Care Services, LLC employees and all contracted service providers will be informed about the:

- A. Activities that constitute false claims against state and federal funds (for example Medicaid eligibility and Medicaid reimbursement);
- B. Relief to which whistleblowers (employees who report fraud and consequently suffer discrimination for such action) are entitled; and
- C. Procedures for detecting and preventing fraud, waste, and abuse.

### DEFINITIONS:

**False Claims:** False claims occur when any person *knowingly*:

1. Presents or causes to be present a false or fraudulent claim for payment
2. Makes, uses or causes to be made or used, a false record/statement to get a false or fraudulent claim paid
3. Conspires to make a false claim or get one paid
4. Makes, uses or causes to be made or used, a false record or statement to conceal, avoid or decrease an obligation to repay overpayments.

**Knowingly:** A person acts knowingly when that individual:

1. Has actual knowledge of the claim information
2. Acts in deliberate ignorance of the truth or falsity of the claim information
3. Acts in reckless disregard of the truth or falsity of the claim information

**Qui Tam Relator or Plaintiff:** A private person who may bring an action on behalf of a government entity to redress false claims. Such persons may share in a percentage of the proceeds from a false claim action or settlement and are afforded whistleblower protections.

**Whistleblower Protections:** The relief to which an employee is entitled who has been discharged, demoted, suspended, threatened, or in any way discriminated against by his or her employer because of involvement in a false claims disclosure. Such relief necessary to make the employee whole may include:

1. Reinstatement with the same seniority status that the employee would have had but for the discrimination
2. Two times the amount of back pay plus interest
3. Compensation for any special damage sustained because of the discrimination (including litigation costs and reasonable attorney's fees)

### PROCEDURES:

Employee education about false claims recovery will be implemented by: (1) training and notification to all Prestige Home Care Services, LLC employees; (2) inclusion of employee education about false claims recovery requirements in contracts with service providers; (3) placing the policy on the Prestige Home Care Services, LLC internet site; and (4) posting the attached False Claim Recovery poster at relevant employee locations.

Procedures used by this agency for detecting and preventing fraud, waste and abuse may include:

1. Weekly review of the OIG and CMS listing of providers that have been sanctioned.
2. Periodic process reviews performed by external consultants.
3. Periodic audits/review performed by State and Federal auditors.
4. PHCS, LLC or contracted service provider employees who are uncertain about the validity of claims (for instance, those related to Medicaid eligibility or Medicaid reimbursement) will review the relevant requirements to determine their validity and/or discuss their questions with their supervisor.

If PHCS, LLC or contracted provider employees suspect or become aware of fraud, waste or abuse, they will report this to their supervisor. The supervisor is responsible for contacting the appropriate agency to report the matter. If the matter involves Medicaid eligibility or reimbursement, the supervisor will submit the report via the internet @ [http://oig.hhsc.state.tx.us/Fraud\\_Report\\_Home.aspx](http://oig.hhsc.state.tx.us/Fraud_Report_Home.aspx) or call the Office of the Attorney General at 1-800-436-6184.

### General Enforcement Policy

**Purpose:** All policies adopted by Prestige Home Care Services, LLC will be enforced.

**Policy:** Any violation of the policies of Prestige Home Care Services, LLC will result in disciplinary action, suspension, termination, or reporting to the appropriate licensing authority as appropriate. Violations of policy shall be reviewed in the agency's quality assurance program and by the peer review committee as appropriate. Adopted this 16<sup>th</sup> day of October, 2007.