

2020 MEDICARE REQUIREMENTS ATTESTATION

Organization / Individual Name: _____

NPI or Tax ID: _____

Street Address: _____

City, State, Zip: _____

Please provide a response for each attestation by entering "Yes", "No" or "N/A" in the applicable box. If answering 'No', please provide an explanation and a copy of your implementation plan with timeline to meet the requirement.

FDR Oversight Element		Attestations	Yes	No
Standards of Conduct and Compliance Policies				
1	<p>All First Tier, Downstream and Related Entities (FDRs) must establish and maintain a culture of compliance by either:</p> <p>a.) establishing and publicizing a Code of Ethical Conduct and Compliance Policies (known as "Standards of Conduct") that meets CMS requirements set forth in 42 CFR 422 .503 (b)(4)(vi)(A); 423.504(b)(4)(vi)(A) and Medicare MCM Chapters 9 & 21, §50.1.1 <u>OR</u></p> <p>b.) Adopting and distributing FirstCarolinaCare Insurance Company (FCC)'s Code of Ethical Conduct to all its employees and contractors upon hire or contract and annually thereafter.</p>	<p>FDR has its own Standards of Conduct and agrees to provide a copy to FCC or CMS upon request.</p>		
2	<p>FDR will provide timely notice of any changes/ updates to its existing policies and procedures that may have a significant effect on its contractual obligations or ability to perform all delegated functions.</p>	<p>FDR will provide FCC with all updated policies that have a significant effect on its ability perform any of its delegated functions.</p>		
3	<p>FDR is required to keep a log certifying that its employees have read and agree to comply with Code of Ethical Conduct:</p> <p>(i) at time of hire and annually thereafter as a condition of employment, appointment or contracting</p> <p>(ii) when requirements change or</p> <p>(iii) where an employee works in an area previously found to be non-compliant with program requirements or is implicated in past misconduct.</p> <p>42 CFR 422.503(b)(4)(c)(1)</p>	<p>FDR maintains a log that provides evidence of distribution of the Code of Ethical Conduct to all its employees within 90 days of hire, annually thereafter or when required under subsection (i) or (ii) of this element.</p>		

4	<p>FDR discloses all conflicts of interest within 90 days of hire/engagement and annually thereafter.</p> <p>42 CFR 422.503 (b)(4)(vi)(F); 423.504 (b)(4)(vi)(F); Medicare MCM §50.6.4</p>	<p>Conflict of interest statements have been obtained and reported within 90 days of hire and as needed.</p>		
General Medicare Compliance and Fraud, Waste and Abuse Training				
5	<p>CMS Revision for 2019 – Effective January 1, 2019, FDR’s are no longer required to use the “General Medicare Compliance and Fraud, Waste and Abuse Training” modules; however, they are still required to complete and attest to the training. Subsequently, these modules are still located on our website, if needed.</p>	<p>FDR attests to having all staff and leadership annually complete training appropriate to each person’s work or oversight functions, including Fraud Waste and Abuse and Medicare Compliance training.”</p>		
Mechanisms for Reporting Non-Compliance or FWA to FCC				
6	<p>FDRs and their downstream entities must have access to all avenues for reporting either suspected or actual incidents of Fraud, Waste and Abuse to FCC. Reporting mechanisms include:</p> <p>Mail: Erin K. Heckethorn, FCC Director of Compliance and Product Management 42 Memorial Drive Pinehurst, NC 28374</p> <p>Email: eheckethorn@firstcarolinacare.com</p> <p>FCC Compliance Hotline: (855)367- 8184</p> <p>Compliance Reporting: 1-800-MEDICARE</p>	<p>FDR acknowledges receipt of all FCC reporting mechanisms and publicizes the methods for reporting.</p>		
7	<p>FDRs must promptly report any compliance or FWA concerns to FCC and/or CMS, as needed, and publicize the methods for reporting to its employees, officers and directors, board members, subcontractors, consultants and vendors.</p> <p>42 CFR 422.503 (b)(4)(vi)(D); 423.504 (b)(4)(vi)(D); Medicare MCM 50.4.2</p>	<p>FDR will report, upon discovery, any suspected or actual incidences of program non-compliance and/or Fraud, Waste or Abuse (FWA).</p>		

8	<p>All FDRs must inform FCC of all downstream entities which it has contracted with to provide health care and/or administrative services for FCC Medicare Advantage members.</p> <p>42 CFR 422.503(b)(4)(vi); 423.504 (b)(4)(vi); 422.504(i); 423.505(i); Medicare MCM §40</p>	<p>An annual list is provided to FCC and is updated as needed.</p>		
9	<p>The FDR reviews all its downstream entities which provide health care and/or administrative services to FCC MA members. An FDR may be requested to provide evidence of documentation, attestation and/or compliance with CMS requirements.</p> <p>42 CFR 422.503(b)(4)(vi)(F); 423.504 (b)(4)(vi)(F); Medicare MCM §50.6.6</p>	<p>Upon request, the FDR will submit attestations and/or supporting documentation to FCC verifying that Medicare requirements were completed by those other entities.</p>		
10	<p>FDR must publish and enforce its disciplinary standards which includes its expectation that employees, officers and directors, Board members, subcontractors, consultants, vendors, or volunteers report compliance issues and unethical or illegal behavior. Disciplinary standards must state that any violation of these standards will result in appropriate disciplinary action, up to and including termination of employment. Disciplinary standards must include a non-retaliation policy for good faith reporting.</p> <p>42 CFR 422.503 (b)(4)(vi)(E); 423.504 (b)(4)(vi)(E); Medicare MCM §50.5, 50.5.2, and 50.5.3</p>	<p>FDR's disciplinary standards contain all CMS-required elements AND</p>		
		<p>FDR has publicized methods for reporting violations, including a non-retaliation policy AND</p>		
		<p>FDR enforces its disciplinary standards.</p>		
Medicare Exclusion Monitoring				
11	<p>FDRs and their downstream entities must not be excluded from participation in any Federally- funded health care programs according to the Department of Health and Human Services (HHS), Office of the Inspector General (OIG) and System for Awards Management (SAM).</p> <p>42 CFR 422.503(b)(4)(vi)(F); 422.752(a)(8); 423.504(b)(4)(vi)(F); 423.752(a)(6); Medicare MCM §50.6.8</p>	<p>FDR and its downstream entities conduct review of the HHS OIG and SAM exclusion lists prior to hire AND</p>		
		<p>FDR and all downstream entities complete a monthly review of the HHS OIG and SAM exclusion lists.</p>		
12	<p>FDRs must immediately disclose all exclusions of employees, officers and directors, Board members, subcontractors, consultants, vendors to the FCC Compliance Officer. 42 CFR 422.503(b)(4)(vi)(F); 422.752(a)(8); 423.504(b)(4)(vi)(F); 423.752(a)(6); Medicare MCM §50.6.8</p>	<p>FDR and its downstream entities will immediately disclose all excluded persons or entities to FCC upon discovery.</p>		

Offshore Subcontractors				
13	<p>FDRs that work with offshore subcontractors to perform Medicare-related work that uses beneficiary protected health information (PHI) must provide CMS with specific offshore subcontracting information. The FDR must submit complete and submit an offshore subcontractor information and attestation for each applicable vendor within thirty (30) days of signing an offshore contract.</p> <p><u>NOTE:</u> For the purposes of this attestation, the term “offshore” refers to any country that is not one of the fifty United States or its Territories.</p>		<p>FDR and its downstream or related entities <u>do</u> utilize Offshore subcontractors to perform administrative or healthcare services in connection with FCC’s Medicare contract. FDR will complete and submit the “Offshore Services/Subcontractor Attestation” form located on FCC’s website.</p>	
			<p>FDR and its downstream or related entities <u>do not</u> utilize Offshore subcontractors to perform administrative or healthcare in connection with FCC’s Medicare contract.</p>	
State Requirements				
14	<p>FDR verifies the eligibility of work authorization of employees through E-Verify, the federal program operated by the US Department of Homeland Security and other federal agencies. (Applies only to North Carolina-based organizations).</p>		<p>The FDR verifies all its employees.</p>	
Record Retention and Availability				
15	<p>FDRs must attest that they will maintain records of their compliance and FWA training activities for ten (10) years.</p> <p>42 C.F.R. §§ 422.504(d) and 423.505(d)</p>		<p>FDR understands and agrees to maintain supporting documentation for a period of not less than ten (10) years, and will forward evidence to FCC and/or CMS, upon request.</p>	

By signing below, I attest that

_____ (Name of Individual/
Organization) referred to as "FDR", has met or is implementing a plan to meet all requirements of the Medicare Advantage program as noted herein. The term, "FDR", includes current employees, officers and directors, board members and subcontractors. FDR also acknowledges receipt and understanding of CMS Medicare Compliance Program Requirements. Any violations of these guidelines, including those related to training, FCC rules and/or Medicare Compliance Program requirements by FDRs is a violation of our contract with FCC, and may result in corrective actions, up to and including contract termination.

Name (Print) : _____ Signature: _____

Title: _____

Date: _____

Please direct any questions/concerns to :

First CarolinaCare Insurance Company

42 Memorial Drive

Pinehurst, NC 28374

ATTN: Compliance Dept.

OR

Russell Pait at: rpait@firstcarolinacare.com

Please Return By:

September 18, 2020

For an extension, please contact:

Erin Heckethorn,

FCC Director of Compliance

at

910-715-8140 or

eheckethorn@firstcarolinacare.com