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legal alert



Medicaid Compliance Certification

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Effective October 1, 2009, any entity that received \$500,000 or more in reimbursements from New York Medicaid were required to have in place a corporate compliance program covering at least the following elements:

- A written code of conduct or code of ethics for employees and others dealing with the entity;
- The appointment of an individual to act as the entity's "compliance officer", responsible for the day-to-day operation of the compliance program;
- Training of employees and others, including the members of the entity's governing board, in the applicable laws, rules, regulations and the entity's compliance program;
- Development and communication of the systems and procedures to be followed when a violation of the compliance program is suspected, including the protection of the identity of anyone reporting a suspicion, investigation of reports and corrective actions if problems are discovered, self-reporting to NYS Office of Medicaid Inspector General (OMIG) and repayment of overpayments;
- Policies to ensure compliance with the program and that those reporting suspicions will be not retaliated against or intimidated; and
- A process for routine self-evaluation of areas of potential risk and development of procedures to address same.

Each affected entity was to make a written certification to OMIG that it had such a compliance program in place on or before December 1, 2009. This certification is to be made annually, on or before December 1 of each year. Affected entities should now be scrutinizing their compliance programs to assure they continue to meet OMIG's requirements and then submit their certifications.

The certification may be done online at <http://omig.ny.gov/data/content/view/157/53/>.