



# ADMINISTRATIVE PROCEDURE

## EDUCATION REGARDING FALSE CLAIMS RECOVERY- MEDICAID REIMBURSEMENT PROGRAM

3703

Procedure No.

July 30, 2019

Date

- I. **PURPOSE:** To comply with Section 6032 (Employee Education about False Claims Recovery) of the Deficit Reduction Act of 2005 (DRA) in relation to the Prince George's County Public Schools (PGCPS) Medicaid Reimbursement Program.
  
- II. **BACKGROUND:** Section 6032 of the DRA requires providers that make or receive annual Medicaid payments of five million dollars or more during a federal fiscal year (October 1 to September 30) to educate employees and certain agents and contractors about federal and state false claims laws and whistle blowing protections available under those laws. A summary of relevant laws, including the federal False Claims Act (FCA) and the Maryland False Health Claims Act, is contained in the Attachment. In general, these laws serve to detect and prevent waste, fraud and/or abuse in the administration of federal health care programs.
  
- III. **DEFINITION:** For the purpose of this Administrative Procedure, a “contractor” or “agent” includes any contractor, subcontractor, agent or other person which or who, on behalf of PGCPS, furnishes or otherwise authorizes the furnishing of Medicaid health care items or services, performs billing or coding functions or is involved in monitoring of health care provided by PGCPS. This definition includes supply vendors that provide products used in the furnishing of Medicaid health care services.
  
- IV. **PROCEDURES:**
  - A. *Filing an Internal Report*
    1. Any PGCPS employee, agent, or contractor who knows or reasonably believes that PGCPS or any of its employees, agents, or contractors is involved in any activity prohibited by the FCA, any state law, or other fraud and/or abuse law, is required to immediately report such belief by calling the PGCPS Compliance Hotline using the toll-free number, 1-866-646-2512, or by making an online report at the PGCPS website:  
<http://www.pgcps.alertline.com/gcs/welcome>
  
    2. Upon receipt of the report, the Office of Internal Audit will conduct a confidential investigation into the matter, and will issue a written report summarizing its findings to the Board of Education Chair, Chief Executive Officer, Chief Human Resources Officer and further only to those with a need to know as determined by the Internal Audit Director.



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3. If a finding of waste, fraud, or abuse is substantiated, the Chief Executive Officer will recommend that the Board of Education report the finding to appropriate law enforcement and/or designated agencies responsible for enforcement of the applicable statutes.

B. PGCPS will not tolerate any intimidating or retaliatory act against an individual who, in good faith, makes a report of practices reasonably believed to be a violation of the FCA or other applicable law.

Employees who in good faith filed a report of alleged fraud, waste, or abuse or participated in an investigation are provided “whistleblower protection” under federal and state law. Retaliation against an employee is a violation of the Maryland False Claims Act (Maryland Code, Health General Article section 2-607) and the Public School Employee Whistleblower Protection Act (Maryland Code, Education Article section 6-902).

### V. **MONITORING AND COMPLIANCE:**

A. Internal Audit has the primary responsibility for investigation of reported acts of fraud, waste and abuse without bias. Department managers and principals should promptly forward to Internal Audit intake received for reported instances of fraud, waste and abuse for investigation.

B. All reasonable steps will be taken to recover misappropriated PGCPS funds and property including initiation of criminal and/or civil proceedings. The CEO or designee will determine which fraudulent activities will be forwarded for further legal action to the appropriate legal entity. The Board of Education will be notified on a monthly basis of such actions.

C. Annually, a summary of the relevant laws regarding the False Claims Act will be communicated to employees, contractors, agents or other person who, on behalf of PGCPS, furnishes or otherwise authorizes the furnishing of Medicaid health care items of services, performs billing or coding functions or is involved in monitoring of health care provided by PGCPS.

VI. **RELATED PROCEDURES:** Administrative Procedure 2200, Fraud, Waste and Abuse and Whistleblower Protection.

VII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** These procedures originate with the Office of the Chief Financial Officer and will be updated as needed.



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- VIII. **CANCELLATIONS AND SUPERSEDURES:** This procedure cancels and supersedes the version dated March 26, 2008.
- IX. **EFFECTIVE DATE:** July 30, 2019.

Attachment: Laws Relating to Filing False Claims

Distribution: Lists 1, 2, 3, 4, 5, 6, 9, 10, and 11