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## COMPLIANCE UPDATE

### OIG Open Letter to Health Care Providers

We are writing to inform you of a recently published "Open Letter to Health Care Providers" from Daniel R. Levinson, the Inspector General of the U.S. Office of Inspector General (OIG), which further demonstrates the importance of an effective health care provider corporate compliance program.

The Open Letter discusses the Inspector General's perspectives on corporate compliance, the resolution of health care fraud cases, corporate integrity agreements (CIAs), and the OIG's Provider Self-Disclosure Protocol (SDP). The letter also announces an initiative that promotes the use of the SDP to resolve civil monetary penalty (CMP) liability under the physician self-referral and anti-kickback statutes.

According to the Open Letter:

"We will continue to seek the exclusion of providers that demonstrate a lack of integrity, or that provide substandard care to beneficiaries. For those providers that demonstrate the requisite level of trustworthiness and that also have in place, or are willing to develop, an effective compliance program, OIG will waive its exclusion authority concurrent with resolution of monetary liability under the False Claims Act and the CMP Law."

We encourage you to review the letter. If you have any questions or require additional information, please feel free to call Patrick Formato, Esq. or the other attorneys in our Health Law department at (516) 328-2300.

The Open Letter is accessible on the OIG website at

<http://www.oig.hhs.gov/fraud/docs/openletters/Open%20Letter%20to%20Providers%202006.pdf>.