

12/31/10 Deadline Approaching for Mandatory Medicaid Compliance Program Certification

As a condition of participation in New York State's Medicaid Program, the following providers of services or supplies are mandated to certify an effective compliance program by December 31, 2010:

- a provider, supplier or affiliate who either (i) *bills*; (ii) *orders services or supplies*; or (iii) *receives* \$500,000 or more from the Medicaid program in a consecutive 12 month period;
- persons subject to **Articles 28 or 36** of New York's Public Health Law; or
- persons subject to **Articles 16 or 31** of the New York's Mental Hygiene Law.

The \$500,000 threshold figure referenced above applies in the case of direct, or indirect, payments from the Medicaid program. Of noteworthy significance is that this dollar threshold is met even if the provider does not directly submit claims in the amount of \$500,000 annually, but simply *orders services or supplies* amounting to \$500,000 or more which are payable by the Medicaid program. If the provider meets any of the statutory provisions cited above, it **must** adopt and implement a mandatory compliance program in accordance with New York Social Services Law §363-d and 18 NYCRR Part 521. There are no exemptions!

The New York State Office of Medicaid Inspector General requires every provider who falls within any of the 3 categories listed above to submit an **online certification** by **December 31st** of each year to certify that it has adopted, implemented and maintains an effective compliance program. Failure to do so may disqualify the provider from being eligible to receive payments from Medicaid and could lead to other penalties as well. It is important to note that compliance is a big issue in the OMIG 2011 Work Plan that was just issued the other day.

The online certification can be accessed at www.omig.ny.gov.

If you have any questions pertaining to the New York State Mandatory Medicaid Compliance Program or completing the certification, please contact your attorney contact in our firm.