

## **Deadlines Approaching for Annual Corporate Compliance Program and DRA Certifications**

The deadlines are approaching for New York State Medicaid providers to submit their annual corporate compliance program and DRA certification forms with the Office of the Medicaid Inspector General (OMIG). Certification is mandatory, and providers who fail to certify are subject to sanctions up to and including exclusion from the Medicaid program. Providers should be reminded that the following two certifications are required to be filed separately on-line with OMIG:

### **1. Effective Provider Compliance Certification Form – December 31, 2011 Deadline**

This form must be completed in December of each year by all Medicaid providers who order, receive or bill \$500,000 or more in Medicaid services or supplies within a 12-month period, as well as any Medicaid provider operating under Articles 28 or 36 of the Public Health Law or Articles 16 or 31 of the Mental Hygiene Law. By submitting this certification, a provider attests that it has adopted, implemented and maintained an effective compliance program that meets the requirements of New York State Social Services Law § 363-d and 18 NYCRR Part 521.

Providers should note an important distinction between the new form and that used last year because for the first time, providers who cannot certify that their program is effective must provide information on the steps being taken and when the provider will be able to certify such effectiveness.

### **2. Federal Deficit Reduction Act Certification Form – January 1, 2012 Deadline**

Providers who receive or make \$5 million or more in Medicaid payments during the federal fiscal year are required to annually certify that they are in compliance with the Federal Deficit Reduction Act (DRA) of 2005, which requires such providers to establish and implement written policies and procedures informing their employees, contractors and agents about federal and state false claim acts and whistleblower protections.

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For more information about certification or if you have any questions pertaining to compliance with the New York State Mandatory Medicaid Compliance Program or the Federal Deficit Reduction Act, please contact an Abrams Fensterman health care attorney at (516) 328-2300.