

**Policies and Procedures: WVUPC Policy Pursuant to the
Requirements of the Deficit Reduction Act of 2005**

Section: Compliance
Chapter: Administration
**Policy: WVUPC Policy Pursuant to the Requirements of the Deficit
Reduction Act of 2005**

I. PURPOSE

To establish a policy which reiterates the commitment of West Virginia University Physicians of Charleston (“WVUPC”) to comply with the standards of conduct established by 1) the False Claims Act, 31 U.S.C. Sec. 3729, *et seq.*; 2) state Medicaid plan amendments promulgated to comply with Section 6032 (“*Employee Education About False Claims Recovery*”) of the Deficit Reduction Act of 2005 (“DRA”) and standards of conduct set forth in the WVUPC Corporate Compliance Plan and Code of Conduct.

The DRA requires that state Medicaid Plans be amended to require certain types of health care providers to establish written policies that address the following: 1) the federal False Claims Act (“FCA”); 2) state laws pertaining to civil or criminal penalties for false claims and statements; 3) the whistleblower protections provided under both federal and state laws and the role of these laws in preventing and detecting fraud, waste and abuse; 4) the administrative remedies found in the Program Fraud Civil Remedies Act; and 5) the provider’s policies and procedures for detecting and preventing fraud, waste and abuse. A summary of the relevant laws is attached to this Policy as Exhibit A.

Consistent with the obligations set forth in DRA, WVUPC shall make available to all faculty and staff either written or web-based materials regarding compliance with the FCA and other relevant false claims laws by including summaries substantially similar to that attached as Exhibit A in the following: 1) this Policy; and 2) in any employee handbook(s) published for WVUPC employees.

II. APPLICABILITY

This policy applies to all WVUPC faculty and staff, including employees, officers and directors, and to all independent contractors who provide services on behalf of WVUPC.

III. Brief Statement of Policy

It is WVUPC policy to comply fully with all relevant federal and state laws and regulations, including but not limited to those laws and regulations pertaining to billing

and coding practices. No WVUPC faculty, staff or independent contractor has the authority to direct, participate in, approve or tolerate any violation of the laws described in this Policy.

IV. PROCEDURE

1. Reporting of Compliance Concerns- Any WVUPC faculty or staff member who knows or reasonably believes that the corporation or any member of its faculty or staff may be involved in any activity prohibited by the FCA or other fraud and abuse laws is required to immediately report such belief using established WVUPC reporting procedures, including the reporting of the matter to the WVUPC Director of Corporate Compliance & Regulatory Affairs at (304) 347-1354, or by using the WVUPC Compliance Hotline (304) 556-3807 or toll free (800) 566-1483.
2. WVUPC will not take, or 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 this Policy.
3. WVUPC has established internal systems and controls to monitor its coding and billing practices on an ongoing basis to ensure compliance with the FCA and similar state laws.
4. The following WVUPC compliance documents and policies are related to and support this policy: 1) the WVUPC Compliance Plan; 2) the WVUPC Code of Conduct; 3) Policy B-1, Corporate Compliance Committee; 4) Policy B-7, Internal Audit Processes; 5) Policy B-12, Sanction Screening; 6) Policy B-14, Education and Certification; 7) Policy B-16, Compliance Hotline Operation.

V. Amendment or Termination of this Policy

This policy may be amended or terminated at any time.

VI. References

- Pub. L. No. 109-171, Sec. 6031, 120 Stat. 72, 70-72 (2006) amending 42 U.S.C. Sec. 1396(g)