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FDR Compliance Newsletter

April 2018 – Issue 17

Updates to the CMS training modules

As of January 2018, the Centers for Medicare & Medicaid Services (CMS) updated its required training modules. The updates include some minor changes.

- The modules offer easier-to-read text. And they now feature links to free educational materials such as events and training, newsletters, social media, publications and continuing education.
- Acronyms are now in an appendix. There is no longer a box with an acronym on the training slides.
- The Fraud, Waste and Abuse training had some minor language changes. Specifically, there is a new example for the Anti-Kickback Statute. Damages and penalties have increased for Stark Statute violations. Penalties went from \$23,800 to \$24,280. Fines increased from \$159,000 to \$161,000.

Where can you find the training?

You can now access the most current training on the [Medicare Learning Network](#) website. You can also download or print the training modules and incorporate them into your own learning materials. Be sure you don't change the content of the modules. This is to ensure the integrity and completeness of the training.

Please remember your applicable employees need to review this material within 90 days of being hired. (Or within 90 days of your

In this issue

- Updates to the CMS Training Modules
- Proposed changes to the CMS training requirements
- Updates to our Code of Conduct

Quick links

- [Archived newsletters](#)
- [Aetna's FDR Guide](#) (updated 3/2017)
- [Medicare Managed Care Manual](#)
- [Medicare Prescription Drug Benefit Manual](#)
- [Aetna's Code of Conduct](#) (updated 12/2017)
- [CMS's General Compliance Training](#)
- [CMS's FWA Training](#)
- **Exclusion lists:**
 - [OIG's List of Excluded Individuals and Entities \(LEIE\)](#)
 - [GSA's System for Award Management \(SAM\)](#)

Aetna maintains a comprehensive Medicare Compliance Program. It includes communication with Aetna Medicare FDRs. Dedicated to Aetna's Medicare Compliance Program is John Wells, Medicare Compliance Officer. He's based in Maryland. You can send questions or concerns for John or his Medicare compliance subject matter experts to MedicareFDR@aetna.com.

organization contracting with Aetna.) After that, they must review again every calendar year.

Here are the direct links to the pdfs:

- *Medicare Parts C & D General Compliance Training:* <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/MedCandDGenCompdownload.pdf>
- *Medicare Parts C & D Fraud, Waste, and Abuse Training:* <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/CombMedCandDFWAdownload.pdf>

A special note for providers

CMS offers a third option for providers. You can complete the training by incorporating the *unmodified* content into written documents (for example, provider guides, participation manuals, etc.). This can be as easy as adding direct links to the unmodified CMS training modules (like the links above) within your provider guide. If you use this method, be sure to collect documentation from your provider employees or provider downstream entities. You'll need this to confirm their review. This is your evidence of completion.

You may also insert the links to the CMS training modules into your training system the same way.

Maintaining training records

You must keep documentation of completed training for at least 10 years. Although CMS suspended the collection of completion records, the training requirements still exist. So you should ensure your organization is compliant with the training. Aetna and CMS



What is an FDR

FDR = First tier, downstream and related entities

A **first tier** entity is any party that enters into a written arrangement with a Medicare Advantage Organization (MAO) or Part D plan sponsor or applicant. They agree to provide services to individuals who are eligible for Medicare. Those services may be either administrative or health care.

A **downstream** entity is any party that enters into a written arrangement with persons or entities involved with the Medicare Advantage or Part D benefit. And this party is below the level of the arrangement between the MAO or applicant or a Part D plan sponsor or applicant and a first tier entity. These arrangements continue down to the level of the ultimate provider of both health and administrative services.

A **related** entity means any entity that is linked to a MAO or Part D plan sponsor by common ownership or control and:

- Performs some of the MAO or Part D plan sponsor's management functions, or
- Furnishes services to Medicare enrollees, or
- Leases real property or sells materials to the MAO or Part D plan sponsor at a cost of more than \$2,500 during a contract period

have the right to request these training records.

Where do these requirements come from?

The source of these very important requirements is the Code of Federal Regulations (CFR), specifically in 42 C.F.R. sections 422.504(b)(4)(vi) and 423.504(b)(4)(vi), as well as sections 422.504(i) and 423.505(i). It outlines these regulatory requirements from CMS. They are described in:

- The Medicare Managed Care Manual, Chapter 21 – Compliance Program Guidelines
- Prescription Drug Benefit Manual, Chapter 9 – Compliance Program Guidelines; and updated by CY 2015 Final Rule CMS-4159-F published May 23, 2014

Proposed changes to the CMS training requirements

Last November, CMS proposed changes to the FDR training requirements that would eliminate the requirement that FDRs complete the CMS Fraud, Waste and Abuse and General Compliance training modules. CMS noted that Medicare Advantage Organizations (MAOs) and Part D plan sponsors must ensure their FDRs comply with all applicable federal laws, regulations and CMS requirements. This means MAOs and Part D plan sponsors are responsible if any of their FDRs are unable to comply with the Medicare program requirements.

Taking all this into consideration, where does Aetna stand on the CMS FDR training requirements? How does Aetna feel about the proposed rule changes?

Aetna's Chief Medicare Compliance Officer John Wells shared Aetna's current approach. He also offered his thoughts on the proposed rule.

"Aetna reviews and implements CMS requirements as they are received. We meet with CMS to obtain clarifications as needed to ensure that we understand the training requirements. CMS has reviewed our training approach in the past. They found that it met their requirements."

If CMS removes the Code of Federal Regulations requirement for FDR training, how can John ensure Aetna's FDRs understand and comply with the Medicare program requirements? "Aetna supports CMS's proposal to remove the FDR training requirements," John said. "We recommend that CMS implement the same requirements in place for providers that participate in Original Medicare for all FDRs, and continue with CMS created web-based standardized compliance program training certifications."

Rose Lichtenstein, a Policy Director of Government Affairs, provided insight from her perspective. She said that either way, Aetna is still responsible for ensuring our FDRs know the Medicare program requirements and comply with them, "given we hold the contract with CMS. This should reduce the burden for some of our providers. Given the focus on burden reduction by this Administration, it is possible CMS will consider streamlining additional compliance requirements."

Remember the changes are proposals, not guarantees. She added that the proposed changes were, "developed and proposed under the prior Secretary of the U.S. Department of Health and Human Services, Tom Price. We may see less of a focus on provider burden in the final rule. But the overall focus on burden reduction is not likely to change."

If the requirements change, our Medicare Compliance Officer noted that Aetna would

modify the FDR Program Oversight Strategy and supporting tools to be in alignment.

You can view the proposed changes on CMS's website [here](#).

Updates to our Code of Conduct

We recently updated our Code of Conduct. We give it to our FDRs during their initial orientation and each year thereafter. Notable updates include language to further define the difference between fraud, waste and abuse. To request a copy of our Code, email us at **MedicareFDR@aetna.com**.

Report to Aetna actual or potential fraud, waste and abuse OR non-compliance:

FDRs can have their own internal processes in place for reporting, however, instances which impact Aetna's Medicare business should be reported back to us by using one of the methods below:



By phone:
1-888-891-8910
(7 days a week, 24 hours a day)



Over the internet:
<https://aetna.alertline.com>



By mail:
Corporate Compliance
P.O. Box 370205
West Hartford, CT 06137-0205