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# FDR Compliance Newsletter

July 2016 – Issue 10

## Compliance program reviews

The Centers for Medicare & Medicaid Services (CMS) requires us to develop a strategy to audit and monitor First Tiers. Each year we conduct a risk assessment. Based on the results, we select a number of high risk First Tier Entities to review. Many of the reviews are monitors or audits of the First Tier's compliance program.

### Engagement

If you're selected for a compliance program review, we'll send you a notice. It will outline the documentation request and timeline for responding.

After you get the notice, you can always request a conference call to review the requirements or audit process and to ask questions. These calls can also help you understand what documentation you need to provide.

### Initial documentation request

We will outline the initial documentation request in the notice. And you usually will get 15 business days to respond.

As part of the initial documentation request, you may be asked to provide:

- Universes for employee and Downstream Entity sampling review
- Standards of Conduct and policies and procedures
- Training materials

### In this issue

- Compliance program reviews
- Submit your attestation
- Best practices corner: identifying and training Downstream Entities
- FDR training requirements

### Quick links

- [Aetna's FDR Guide](#) (updated 2/2016)
- [Toolbox of resources](#)
- [Medicare Managed Care Manual](#)
- [Medicare Prescription Drug Benefit Manual](#)
- [Aetna's Code of Conduct](#) (updated 10/2015)
- [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 and/or his Medicare compliance subject matter experts to [MedicareFDR@aetna.com](mailto:MedicareFDR@aetna.com).*

- Evidence of your reporting mechanisms

### Sample documentation request

If you're asked to submit universes, we will use them to select samples. We may use sample review to review proof of timely:

- OIG and GSA screenings
- Standards of Conduct distribution
- FWA and general compliance training

### Initial results

If we identify issues after reviewing documentation, we'll share the initial results with you. This gives you a chance to ask questions or supply clarifying documentation. These results may be shared via email or on a conference call.

### Final results

We release a final report to you via email. If we identify any issues, we'll request a corrective action plan (CAP). The CAP is due within 30 days of the final report being issued.

We also share the report internally with senior leaders, and the Aetna Medicare FDR Oversight Committee.

### How to prepare

You don't have to wait for us to select you for an audit or to monitor you. Try using our [self-assessment tool](#) to see how your organization

would perform during audit.

## Best practices corner: identifying and training Downstream Entities

Ever wonder how other First Tiers do it? Not sure if you could be doing more? Consider implementing some of these best practices.

### Identifying your Downstream Entities

Not all subcontractors are Downstream Entities. Make sure you have a way to identify who is one and can generate a list of them for Aetna or CMS.

**Make decisions.** Sometimes it's not clear whether a subcontractor is a Downstream Entity. Create criteria to help make tough decisions. Base the criteria off of the factors CMS outlines in [Chapter 9/21](#). Consider putting it in a checklist or decision tree format.

You can also use a committee to make decisions. Ensure the committee documents the decisions and outlines the rationale. Consider having representation from your compliance and/or legal departments on it.

## 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**

**Train staff.** Educate staff that does contracting or maintains relationships with your subcontractors. Make sure they understand the requirements that apply to Downstream Entities. They can help you identify new Downstream Entities or identify compliance concerns.

**Maintain a list.** Identify who will be accountable for maintaining the list of your Downstream Entities. Make sure they capture relevant information. Aside from a name, it can be helpful to know the:

- Contact information
- Contract effective date
- What services the Downstream Entity provides

### Training Downstream Entities

Make sure your Downstream Entities understand the requirements that apply to them. Ensure your Downstream Entities provide compliance and FWA training to their employees each year, and within 90 days of contracting with a new entity.

**Educate new Downstream Entities.** Spending time with new subcontractors can help both of you. After contracting, consider scheduling a meeting with the compliance officer or department. You can use the time to explain the Medicare compliance program requirements. It will give you a chance to learn about any gaps in their processes, and gives them a chance to ask questions.

**Explain the requirements.** Outlining requirements in a contract is not enough. Consider providing an all-inclusive guide to Downstream Entities. You can outline the requirements, your oversight processes and expectations.

If you don't have your own training materials, use Aetna's. You can always share our [Toolbox of Resources](#), [FDR Guide](#), and [newsletters](#) with your Downstream Entities.



## What is an FDR

### First Tiers, Downstream and Related Entities

First Tier Entity is any party that enters into a written arrangement, acceptable to CMS, with a Medicare Advantage Organization or Part D plan sponsor or applicant to provide administrative services or healthcare services to a Medicare eligible individual under the Medicare Advantage program or Part D program.

Downstream Entity is any party that enters into a written arrangement, acceptable to CMS, with persons or entities involved with the Medicare Advantage benefit or Part D benefit, below the level of the arrangement between a Medicare Advantage Organization or applicant or a Part D plan sponsor or applicant and a first tier entity. These written arrangements continue down to the level of the ultimate provider of both health and administrative services.

Related Entity means any entity that is related to a Medicare Advantage Organization or Part D sponsor by common ownership or control and:

- Performs some of the Medicare Advantage Organization or Part D plan sponsor's management functions under contract or delegation; or
- Furnishes services to Medicare enrollees under an oral or written agreement; or
- Leases real property or sells materials to the Medicare Advantage Organization or Part D plan sponsor at a cost of more than \$2,500 during a contract period.

## Submit your attestation

Each year, we ask First Tiers to submit an attestation. This attestation helps us confirm you are complying with Centers for Medicare & Medicaid Services (CMS) requirements. It also confirms you received our educational training packet and [FDR Guide](#).

If you don't submit an attestation, we may have to take corrective actions or end your contract.

### How to submit your attestation

The method used to collect attestation varies by First Tier type:

- **Sales partners.** You were sent annual training packet emails and letters in May about the attestation request. Your attestation should be submitted [online](#).
- **Suppliers and vendors.** You were sent an annual training packet via email. It included a copy of our 2016 Attestation. You can send your completed attestation to [OutsourcingandSupplierGovernanceCoE@aetna.com](mailto:OutsourcingandSupplierGovernanceCoE@aetna.com).
- **Delegates.** We sent you an annual training packet via email in March. It included a copy of our 2016 Attestation. You can send your completed attestation to [MedicareDelegates@aetna.com](mailto:MedicareDelegates@aetna.com). If you are attesting on behalf of multiple tax identification numbers (TINs), let us know. Just send a spreadsheet listing the TINs along with your attestation.
- **Aetna providers.** Submit your attestation by logging in or registering on [NaviNet](#). Once you log in, go to the Aetna Plan Central. On the left, hover over "Compliance Reporting" and then select "Medicare Attestation." If you are contracted with both Aetna and Coventry, submitting an attestation on NaviNet meets both Aetna and Coventry requirements. If you have questions, just [contact us](#).
- **Coventry providers.** You can submit your 2016 attestation in the Aetna Provider Education Portal. Just log in or register at [www.aetnaeducation.com](http://www.aetnaeducation.com). Once logged in, type "attestation" in the search field and select "go." Select the "2016 Aetna Medicare Attestation." If you are dually contracted with Aetna and Coventry, follow the instructions for Aetna providers to submit your attestation. If you have questions, [contact us](#).

If you aren't sure how to submit your attestation, we can help. Send an email to [MedicareFDR@aetna.com](mailto:MedicareFDR@aetna.com).

## FDR training requirements

First Tier, Downstream and Related Entities (FDRs) must provide general compliance and fraud, waste and abuse training to employees within 90 days of initial hiring and annually thereafter. You can learn more about this requirement by reading page 5 of our [FDR Guide](#).

### Who needs to complete training?

Not every employee needs to take training. The grid on the next page has examples of FDR employees that do and don't need to complete the FDR training requirements. It's not a complete list and your organization's titles and positions may be different. If you have questions about which positions at your organization should be required to take the training, we can help. Just send an email to [MedicareFDR@aetna.com](mailto:MedicareFDR@aetna.com).

Examples of FDR employees that <u>do need to complete</u> the FDR training requirements*	Examples of FDR employees that <u>don't need to complete</u> FDR training requirements
<ul style="list-style-type: none"> <li>• Providers (e.g. Physicians, Chiropractors, Dentists)</li> <li>• Nurses and nurses' aides</li> <li>• Laboratory and radiology technicians</li> <li>• Pharmacists and pharmacy technicians</li> <li>• Therapists</li> <li>• Social workers</li> <li>• Home health aides</li> <li>• Medical coding staff</li> <li>• Medical records staff</li> <li>• Medical directors</li> <li>• Billing staff, including certified coders, and pharmacy or medical claim processors</li> <li>• Clinical receptionists, schedulers, and admissions clerks (with access to PHI/member ID cards)</li> <li>• Personnel responsible for fulfilling Aetna's Medicare contract terms and conditions (e.g. Senior Administrators, Relationship Managers, Chief Medical or Pharmacy Officer, office manager, and practice managers)</li> <li>• Staff administering Aetna's medical or pharmacy benefits including customer service or call center staff that answer benefit specific questions</li> <li>• Staff making decisions on Aetna's behalf (e.g. clinical decisions, medical organization determinations or pharmacy coverage decisions such as prior authorization)</li> </ul>	<ul style="list-style-type: none"> <li>• Housekeeping and custodial staff</li> <li>• Cafeteria workers</li> <li>• Grounds and maintenance workers</li> <li>• General receptionists and front desk coordinators (without access to PHI/member ID cards)</li> <li>• Retail staff (e.g. gift shops, pharmacy)</li> <li>• Non clinical administrative and clerical staff (e.g. human resources, payroll, administrative assistants)</li> <li>• Machine repairmen</li> <li>• Purchasing agents/assistants or logistics coordinators</li> <li>• Mail clerks that sort/distribute mail</li> <li>• General proofreaders</li> <li>• Employees who are not used for Aetna's Medicare product lines</li> </ul>
<p>*You may have employees that need to complete training but are not outlined in this grid. You should train any employee who may be in a position to commit significant noncompliance or health care FWA. If you have questions about whether an employee at your organization should be required to take the training, we can help. Just send an email to <a href="mailto:MedicareFDR@aetna.com">MedicareFDR@aetna.com</a> .</p>	