Document Title:	**Detecting Fraud, Waste, and Abuse**
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Manual / Organization:	**Regulatory Management / Corporate Compliance**
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RSFH Applicability Statement: This document applies to Roper St. Francis Healthcare and all its subsidiaries.

Purpose:
Provides information on preventing and detecting fraud, waste, and abuse in federal and state health care programs.

Policy Statement:
Roper St. Francis Healthcare (RSFH) is committed to full compliance with the laws and regulations for the provision of healthcare including, but not limited to, the Deficit Reduction Act (DRA) as well as Federal False Claims Act (FCA) and applicable state false claim acts.

Procedure:

A. RSFH maintains a compliance program and strives to educate our workforce regarding the importance of submitting accurate claims and reports to the Federal and State governments, as well as requirements, rights, and remedies of Federal and State laws governing the submission of false claims, including the rights of teammates to be protected as whistleblowers under such laws. RSFH prohibits the knowing submission of a false claim for payment in relation to Federal and State funded health care programs. Such a submission violates the federal False Claims Act, as well as various other state laws and regulations, and may result in significant civil and/or criminal penalties. In accordance with the Deficit Reduction Act (DRA) of 2005, RSFH is committed to the prevention of fraud, waste and abuse related to services rendered to our clients. Annual education including major provisions of the state and federal FCA is required of all teammates, volunteers, contractors, and vendors.

B. To assist RSFH in meeting its legal and ethical obligations, RSFH expects and encourages teammates who are aware of or reasonably suspect the preparation or submission of a false claim or report or any other potential fraud, waste, or abuse related to a federally or state funded health care program, to report such information to his/her Supervisor, and/or the Compliance Office. Any teammate who reports such information will have the right and opportunity to do so anonymously and will be protected against retaliation for making the report. RSFH obligates itself to investigate any reasonably credible report of fraud, waste, or abuse or any reasonable suspicion thereof swiftly and thoroughly through the RSFH Compliance Program.

C. The FCA makes it a crime for any person or organization to knowingly make a false record or file a false claim with the government for payment. “Knowingly” means actual knowledge, deliberate ignorance or reckless disregard of facts that make the claim false.

D. The FCA does not require proof of a specific intent to defraud the United States government; instead, health care providers can be prosecuted for a wide variety of conduct that leads to the submission of fraudulent claims to the government, including but not limited to the following:
    1. Knowingly billing for services that were not provided;
    2. Knowingly billing for services that were not ordered by a physician;
    3. Double-billing for items or services;
    4. Submitting bills for services never performed or items never furnished;
    5. Billing for services that are not necessary for the treatment of patient;
    6. Billing for services that are more complex and at a higher reimbursement than the actual service provided (i.e., Up coding);
    7. Billing for services separately instead of billing the code that includes multiple services (i.e., Unbundling);
    8. Falsifying a diagnosis to justify test, surgeries or other procedures that are not medically necessary.

E. Violators of the FCA are liable under a civil penalty for each claim of not less than $13,946 and not more than $27,894 plus up to three times the amount of damages sustained by the federal government. Penalties are increased each year to account for inflation.

F. The FCA is enforced by a civil action commenced by either the government or private citizens. To encourage individuals to come forward and report misconduct involving ‘false claims”, the federal FCA includes a “qui tam” or whistleblower provision. This provision allows any person with actual knowledge of allegedly false claims to the government to file a lawsuit on behalf of the U.S government. Such a person is referred to as a “relator”. Individuals seeking whistleblower status must meet several criteria. The whistleblower/relator must file his/her lawsuit on behalf of the government in a federal district court. The lawsuit will be “under seal” meaning the lawsuit is kept confidential while the government reviews and investigates the allegation. If the government decides not to join in the lawsuit the whistleblower may pursue the action alone. (The government may still join in later if it demonstrates good cause in doing so.)

G. The FCA also protects anyone who files a false claims lawsuit from being fired, demoted, threatened or harassed by his/her employer for filing the suit. If a court finds that the employer retaliated, the court can order the employer to re-hire the employee and to pay the employee twice the amount of back pay that is owed, plus interest and attorney fees.

H. As an incentive to bring these cases, the FCA provides that whistleblowers who file a qui tam action may receive a reward of 15 – 30% of the monies recovered for the government plus attorneys’ fees and costs. This reward may be reduced, however, if for example the court finds the whistleblower planned and initiated the violation. The FCA also provides that “whistleblowers” that bring frivolous qui tam claims can be held liable to a defendant for its attorneys’ fees and costs.

I. Vendors, Agents, Third Parties and First Tier Downstream Entities: are contractually required to have an effective compliance program, including detecting and reporting fraud, waste and abuse.

J. RSFH maintains the Ethics Help Line that is available and communicated to all teammates and third parties for reporting of allegations of fraud, waste, and abuse. Teammates are encouraged to report concerns by informing their supervisors, compliance officer or to utilize the helpline Third parties are informed to report concerns to the helpline or applicable RSFH contact. RSFH Compliance Officer will investigate allegations of fraud, waste or abuse, related to services provided by or on behalf of RSFH.

Definitions and Abbreviations:
N/A

References:
N/A

Attachments:
N/A