




False Claims

Subject: False Claims	Approval Date: July 3, 2013
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Responsible Department: Compliance	
Authorized By: Tom Clay 	Review Schedule: Annual or as indicated

Policy

It is the policy of Foothills Behavioral Health Partners ("FBHP") to act and provide health care services, at all times, in a manner that complies with applicable federal and state laws and that meets the highest standards of professional ethics and business. Employees and contractors of FBHP shall be educated on false claims provisions and the roles such laws play in preventing and detecting fraud, waste and abuse in governmental health care programs. To that end, FBHP intends to comply with federal and state requirements issued pursuant to Section 6032 of the Deficit Reduction Act of 2005 ("DRA") and related false claims legislation.

Procedures

1. The Corporate Compliance Officer shall include training on the false claims acts and FBHP policies addressing such to all FBHP employees and contractors.
2. Reference to the false claims policies shall be placed in the employee handbook.
3. The training on false claims and FBHP policies shall include the following information and may be revised from time to time by the Corporate Compliance Officer.
 - a. Federal False Claims.
 - i. The federal False Claims Act establishes liability for, among other things, knowingly presenting, or causing to be presented, a false or fraudulent claim for payment or approval by the government. (31 U.S.C. Section 3729(a)(1)(A)).
 - ii. For FBHP, this includes patient claims for Medicaid and other federal payment programs.

- iii. The fines for violation of this act may include a penalty of up to three times the government's damages, civil penalties ranging from \$5,500 to \$11,000 per false claim, and the costs of the civil action against the entity that submitted the false claims.
- iv. In addition to its substantive provisions, the federal False Claims Act provides that private parties may bring an action on behalf of the United States. (31 U.S.C. Section 3730(b)). These private parties, known as "qui tam relators" or "whistleblowers" may share in a percentage of the proceeds from an action or settlement.
- v. In addition, these whistleblowers are provided protection from discharge, demotion, or other retaliation as a result of their action under the false claims act.

b. Colorado False Claims.

- i. Section 1909 of the federal Social Security Act provides financial incentives for states to enact laws that establish liability to the state for individuals and entities that submit false or fraudulent claims to the state Medicaid program.
- ii. Colorado has enacted the Medicaid False Claims Act (CRS 25.5-4-303.5 through 25.5-4-310) which makes it unlawful for any person to make a false statement or claim for payment to the Colorado Medicaid program, and contains certain other requirements and protections.

c. Reporting False or Inaccurate Claims.

- i. FBHP takes its obligations to federal and state health care programs seriously, and has made it a duty of all employees and contractors to raise concerns about compliance with FBHP in its Compliance Plan and Code of Conduct.