

Policy

DEPARTMENT: Compliance	
TITLE: Perennial Advantage Required Trainings and Plan	VERSION: 01
APPROVED BY: Sandra Ferguson	DATE: 1/22/2022
DEPENDENCIES: <i>Standards of Conduct; Fraud, Waste and Abuse Policy; Disciplinary Standards Policy; PA Compliance Plan.</i>	

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Definitions, Abbreviations, and Acronyms

Term/Acronym	Meaning
Abuse	Actions that may, directly or indirectly, result in unnecessary costs to the Medicare Program, improper payment, payment for services that fail to meet professionally recognized standards of care, or services that are medically unnecessary. Abuse involves payment for items or services when there is no legal entitlement to that payment and the provider has not knowingly and/or not intentionally misrepresented facts to obtain payment. Abuse cannot be differentiated categorically from fraud, because the distinction between “fraud” and “abuse” depends on specific facts and circumstances, intent and prior knowledge, and available evidence, among other factors.
CMS	Centers for Medicare & Medicaid Services
Downstream Entity/ Contractor	Any party that enters a written arrangement, acceptable to the CMS, with persons or entities involved with the MA (Medicare Advantage) benefit or Part D benefit, below the level of the arrangement between a MAO (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. <i>(See 42 C.F.R. §, 423.501).</i>
Employee	Means any full time, part time, or temporary employee of PA who works directly or indirectly on the PA Medicare Advantage and/or Prescription Drug (Part D) plans. Additionally, for the purposes of this Program, the term employee means PA employees, as well as first tier, related entities, and downstream entities performing services on behalf of PA which primary job duties are related to PA’s Part C and Part D operations and/or sales; and/or are members of the PA Board of Directors.
FDR	First Tier, Downstream, or Related Entity
First Tier Entity	Any party that enters into a written arrangement, acceptable to CMS, with a MAO or Part D plan sponsor or applicant to provide administrative services or health care services to a Medicare eligible individual under the MA program or Part D program. <i>(See 42 C.F.R. § 423.501).</i>
Fraud	Knowingly and willfully executing, or attempting to execute, a scheme or artifice to defraud any health care benefit program or to obtain (by means of false or fraudulent pretenses, representations, or promises) any of the money or property owned by, or under the custody or control of, any health care benefit program. <i>(See 18 U.S.C. § 1347.)</i>
FWA	Fraud, Waste, and Abuse
Related Entity	Means any entity that is related to a MAO or Part D sponsor by common ownership or control and: <ul style="list-style-type: none"> • Performs some of the MAO or Part D plan sponsor’s management functions under contract or delegation.

Term/Acronym	Meaning
	<ul style="list-style-type: none"> • Furnishes services to Medicare enrollees under an oral or written agreement. • 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. <i>(See 42 C.F.R. §423.501).</i>
MMCM	Medicare Managed Care Manual
PA	Perennial Advantage
Waste	The overutilization of services, or other practices that, directly or indirectly, result in unnecessary costs to the Medicare program. Waste is generally not considered to be caused by criminally negligent actions but rather the misuse of resources.

Introduction and Scope

Perennial Advantage (PA) maintains certain policy and reference documents to guide employees with respect to their day-to-day conduct and performance.

This document represents PA's Policies for *Standards of Conduct; Fraud, Waste and Abuse Policy; Disciplinary Standards Policy; and PA's Compliance Plan*. These policies and standards describe the overarching principles and values of the organization. Compliance with these policies is the responsibility of all PA employees, as well as first tier, related entities, and downstream entities performing services on behalf of PA which primary job duties are related to PA's Part C and Part D operations and/or sales; and/or are members of the PA Board of Directors. This document outlines expectations of conduct in areas where improper activities could damage PA's reputation and otherwise result in serious adverse consequences to PA.

PA provides general compliance and FWA training and education using various training mechanisms appropriate to the audience. Training and education mechanisms include, but are not limited to, computer-based training (CBT) modules, facilitated presentations, policy and procedure manuals, provider manuals, posters, memoranda, mail and e-mail reminder notices, and websites. It is the responsibility of the Compliance Officer to ensure that general compliance training and education, including FWA-specific content, has been provided to the above audiences.

The content of compliance training and education materials is commensurate with the training needs of the intended audience. In general, formal compliance trainings convey PA's commitment to legal and ethical behavior, including preventing, detecting, mitigating, and reporting potential instances of non-compliance. Specifically, these trainings discuss the obligation of PA to adhere to Plan compliance policies and procedures, including a "zero-tolerance" policy for FWA and misconduct, along with the requirement for good-faith reporting of suspected or actual FWA, non-compliance, and misconduct to the appropriate individuals or parties. Further, the trainings emphasize PA's policy of non-retribution, non-retaliation, and non-intimidation for good-faith reporting, as well as the availability of confidential and anonymous lines of communication, including, but not limited to, the confidential and anonymous compliance hotline.

Compliance training is part of new orientation training. New hires receive general compliance and FWA training which includes Standards of Conduct. If needed, additional training sessions are presented as the result of regulatory changes, policy, and procedure revisions, and/or to mitigate compliance-related issues that may arise.

Each employee also receives a departmental-specific orientation at the time of hire to ensure their understanding of the Medicare requirements related to their job function, such as Model of Care for PA's ISNP and CNSP Medicare Plans. If an employee requires additional training because of not comprehending compliance training, it will be provided.

Compliance training is provided and must be completed within 90 days of initial hire and annually thereafter. PA's compliance officer will provide the training and/or have the training materials available. Attestations will be completed after the identified training on the form in accordance with Appendix A. All attestations will be provided to PA Compliance Officer by email attachment to compliance@perennialadvantage.com.

Topics of General Compliance Training:

- Compliance Program description, including a review of compliance policies and procedures, the Standards of Conduct, and PA's commitment to business ethics and compliance with all Medicare program requirements.
- Instruction on how to ask compliance questions, request compliance clarification or report suspected or detected non-compliance. Confidentiality, anonymity, and non-retaliation for compliance-related questions or reports of suspected or actual non-compliance or potential FWA is highlighted.
- Examples of reportable non-compliance that an employee might observe.
- Review of disciplinary guidelines for non-compliant or fraudulent behavior and potential resulting disciplinary actions.
- Participation in compliance and FWA training programs as a condition of continued employment and criterion to be included in employee evaluations.
- A review of policies related to contracting with the government, including laws that govern employee conduct in the Medicare program (i.e., gifts and gratuities for Government employees).
- Review of potential conflicts of interest and PA's policy for disclosure of conflicts of interest at hire and annually.
- An oversight of HIPAA/HITECH and the importance of maintaining the confidentiality of personal health information (PHI).

PA's FWA training program includes examples of common types of FWA, including, but are not limited to:

- Inappropriate marketing schemes;
 - Improper provision of benefits/services to our members;
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- Fraudulent billing by providers/entities;
- Members attempting to improperly obtain services by loaning their Plan member card to a non-member; and
- Failure to provide medically necessary services.

General Compliance and Fraud, Waste, and Abuse Training for FDRs

PA requires FDR agents to complete and pass the FWA training within 90 days of contracting with PA and annually thereafter. PA requires that FDRs maintain thorough and accurate records of all completed training in accordance with their written agreement and present such records to PA upon request.

PA communicates general compliance training and education materials, including content about its Standards of Conduct, to vendors and FDRs through policy, trainings, manuals and the PA website, as applicable.

Tracking Mandatory Compliance Training

Every level of PA management, employee, first tier entity, downstream entity or related entity is responsible for ensuring their employees complete all required compliance training by the required due date. Failure to complete required compliance training may lead to performance actions, up to and including termination.

PA tracks the fulfillment of all required parties to complete their annual general compliance and FWA training by several means, including but not limited to, sign-in sheets, attestations, and electronic certifications. PA reviews and updates, as appropriate, the general compliance and FWA training content annually and whenever there are material changes in regulations, policies, or guidance.

As PA continues to grow, and as federal and state laws change, the need may arise and PA reserves the right to revise, supplement, or rescind any policies or portion of these

Standards as it deems appropriate, in its sole and absolute discretion. All will be notified of changes to any policies and standards as they occur.

*As a condition of employment, all new employees will receive the PA's Policies for Standards of Conduct; Fraud, Waste and Abuse Policy; Disciplinary Standards Policy; PA Compliance Plan, along with the required compliance training within the first 90 days of hire and annually thereafter and they will comply with all the elements in their day-to-day activities. Existing employees will receive these Standards at least annually or upon revisions. **Appendix A entitled "Onboarding / Annual Compliance Attestation" is completed and submitted to PA Compliance upon any or all required training activities contained in this policy at compliance@perennialadvantage.com.***

Summary of Required Training and Education Activities

These Standards describe PA's expectation that all employees conduct themselves in an ethical manner. To assist employees with understanding potential issues and to comply with CMS and MMCM requirements, certain training and education activities are required. The rest of this section discusses those activities.

- **Fraud, Waste, and Abuse**

PA is committed to the responsible stewardship of our resources, and maintaining a comprehensive plan for detecting, preventing, and correcting FWA. To that end, PA encourages any individual who is aware of, or suspects acts of FWA of PA resources in any departmental area, by any provider, or with any entity that PA contracts with, such as in the Medicare program, to report such acts to the PA Compliance Officer.

In compliance with CMS requirements, all employees and governing body members are required to complete the FWA training within 90 calendar days of initial hiring or appointment, and annually thereafter.

- **General Compliance**

General compliance training will address preventing, detecting, and correcting noncompliance issues, a description of the compliance program, and methods for reporting potential issues of noncompliance that ensure confidentiality and anonymity. Moreover, such training efforts will highlight that PA adheres to a standard of non-retaliation for compliance-related questions or reports of potential noncompliance or FWA.

In compliance with CMS requirements, all employees and governing body members must complete general compliance training within 90 days of initial hiring or appointment, and annually thereafter.

- **Conflict of Interest Statement Completed Annually**
- **Violations of the Standards of Conduct**

Violations of these Standards are grounds for discharge or other disciplinary action, adapted to the circumstances of the violation and having as a primary objective furtherance of PA’s interest in preventing violations and making clear that violations are neither tolerated nor condoned.

Disciplinary action will be taken, not only against individuals who authorize or participate directly in a violation of these Standards, but also against:

- Any employee who may have deliberately failed to report a violation of these Standards.
- Any employee who may have deliberately withheld relevant and material information concerning a violation of these Standards.
- The violator’s managerial superiors, to the extent that the circumstances of the violation reflect inadequate leadership and lack of diligence per the *Disciplinary Standards* policy.

Compliance Hotline and Compliance Contact Information

Phone	1-844-317-9059
Fax	1-800-335-0270
E-mail	compliance@perennialadvantage.com

Change Log

Document Version	Major or Minor Revision	Date	Name	Comments
1.0	New	08/20/2021	Sandra Ferguson	Initial Draft creation 10/20/2021
				Compliance Officer Approval Sandra Ferguson: 12/06/2021
				Compliance Committee Approval: 23/31/2021
1.0	New	12/16/2021	Compliance Committee	Email attachment sent 12/10/2021 Committee Mtng: 12/16/2021 for voting members by 12/17 Final approval received: 12/31/2021
1.0	New		Perennial Board	Email attachment sent Board Mtng: 12/20/2021 and 1/13/2022 Final approvals received: 01/22/2022
1.0	Revised	01/24/2022	Sandra Ferguson	Attestation Form - Appendix A revised. Added MOC to Attestation

Appendix A

Onboarding / Annual Compliance Attestation

The Centers for Medicare and Medicaid Services (CMS) requires Medicare Part C and D Plan Sponsors to implement an effective compliance program that meets the regulatory requirements set forth at 42 C.F.R. §§422.50 and 423.504 which includes the establishment and implementation written Policies, Procedures and Standards of Conduct as well as of an effective training and education program.

CMS requires Perennial Advantage (PA) to provide effective training and education for its employees, including the CEO, senior administrators, or managers, and for the governing body members, and FDRs and that all organizations and individuals providing health, prescription drug, or administrative services to Perennial Advantage (MA) and Prescription Drug Plan (PDP) beneficiaries on behalf of PA, to receive the following within 90 days of hire/contracting and annually thereafter. **Check upon completion:**

- General Compliance Training
- Conflict of Interest Statement Completed
- Fraud, Waste and Abuse Training
- HIPAA
- Compliance Policies and Procedures
- Standards of Conduct
- MOC

By my signature below, I attest that I have reviewed, understand, and agree to follow the Medicare Part C and D General Compliance Training, FWA and HIPAA training materials as well as the completion of the Conflict-of-Interest form, and review of Compliance Policies and Procedures and Standards of Conduct provided to me by Perennial Advantage.

 PRINTED Name

Date

 Signature, Discipline/Title

 Date
