

Manual:	Corporate Compliance
Category:	Health Care Fraud and Abuse and Legal Compliance
Subject:	False Claims and Statements
Purpose/Scope:	<p>The purpose of this Policy is to comply with Social Security Act § 1902(a)(68)(A) by providing detailed information about the Federal False Claims Act (the “Act”), which governs civil and criminal penalties for false claims and statements to the United States Government, the administrative remedies for false statements and claims, relevant state laws providing for civil and criminal penalties for false claims and statements, and whistleblower protections under the Act.</p> <p>This policy applies to all Fairview employees, contractors or agents involved in creating or submitting any claims to federal or state programs, including without limitation, Medicare, Medicaid, and NIH and other grant programs.</p>
Definitions:	<p>Claim: Any request, demand, or submission for money, property, or services made to an Authority.</p> <p>Authority: An executive, military or other entity/division/dept of the federal, state or county government.</p> <p>Person: Any individual, partnership, corporation, association, or private organization, or business entity of any form.</p>
Policy:	<p>It is the policy of Fairview Health Services (Fairview):</p> <ol style="list-style-type: none"> 1. to ensure that all claims for reimbursement and associated written statements submitted by Fairview are accurate; 2. that all contractors and agents doing business with Fairview must comply with both this policy and the Act with respect to any claims filed on behalf of, in relation to, or otherwise connected to Fairview facilities or patients; 3. to have processes in place to detect and prevent fraud and abuse related to such claims; and 4. to advise employees of these requirements and their right to be protected as whistle-blowers. <p>False Claims: It is a violation of federal law and this policy for any</p>

employee, contractor or agent of Fairview to make, present, submit or cause to be made, presented, or submitted, a claim that the person knows or has reason to know:

- (A) is false, fictitious, or fraudulent;
- (B) includes or is supported by any written statement which is false, fictitious, or fraudulent;
- (C) includes or is supported by any written statement that:
 - (i) omits a material fact;
 - (ii) is false, fictitious, or fraudulent as a result of the omission; and
 - (iii) is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; or
- (D) is for payment for the provision of property or services that the person has not provided as claimed.

NOTE: It is also a violation of the Act to cause a false or fraudulent claim to be submitted, or to otherwise ensure that a false or fraudulent claims is paid. So even if a person is not responsible for submitting the claim, a person may be liable if they help cause the submission of the false claim.

False Statements: It is a violation of Fairview policy for any person to make, present, or submit, or cause to be made, presented, or submitted, a written statement that:

- (A) the person knows or has reason to know:
 - (i) asserts a material fact which is false, fictitious, or fraudulent; or
 - (ii) omits a material fact that the person has a duty to include, and as a result of such omission, the claim is false, fictitious, or fraudulent; and
- (B) contains or is accompanied by a certification (i.e. assertion) of the truthfulness and accuracy of the contents of the statement.

Minnesota State Laws: As outlined in Minnesota Statute § 256B.064. the Minnesota Commissioner of Human Services may sanction any provider participating in the Medicaid program in Minnesota for fraud, abuse, or theft in connection with the Medicaid program, a pattern of false or duplicate claims or claims for services not medically necessary, or for a pattern of making false statement for purposes of obtaining higher reimbursement.

Minnesota Statute § 609.466 provides that anyone who presents a claim for reimbursement relating to the payment of medical assistance funds with the intent to defraud the Department of Human Services is guilty of an attempt to commit theft of public funds.

	<p>Penalties for False Claims and Statements: When it has been determined that an employee, contractor or agent has engaged in a violation of this policy, he/she may be subject to the following penalties:</p> <ol style="list-style-type: none"> 1. Employees may be subject to discipline, up to and including termination. Discipline will be applied in a reasonable and consistent fashion based on the case-specific circumstances and the sole discretion of Fairview. Refer to the Compliance Program Discipline Policy for more information. 2. Contractors and agents may be subject to revocation of their vendor certification, termination of their Fairview contract and other legal remedies pursuant to their contractual obligations. 3. Violators of the policy may be subject to legal action brought by Fairview or the government. For false statements, government penalties may include fines up to \$5,000 for each false statement made plus up to 2 times the amount of damage suffered by the government in relation to the false statement. For false claims, government penalties may include fines between \$5,500 and \$11,000 plus 3 times the amount of damage suffered by the government for the false claims. The government may also initiate administrative or contractual action against the person as authorized by law, including suspension or debarment from entering into contracts with the Federal Government, including exclusion from participation in Federal health care programs, such as Medicare. 4. Sanctions under the Minnesota law noted above include recovery of money improperly paid, including interest and investigative costs, and suspension of participation in the Medicaid program.
<p>Requirements Explanations Illustrations</p>	<p>Reporting: All employees, contractors and agents have a responsibility to comply with the requirements of the law, the Fairview Corporate Compliance Program and Fairview policy. These individuals must remain alert to the possibilities of violations by others and report any observed violations. Prompt recognition of a potential problem is vital to avoid a more serious situation.</p> <p>Individuals should immediately report violations and suspected violations of the law, the Compliance Program or Fairview policies to their manager, supervisor, Chief Compliance Officer, Human Resources, or another appropriate officer responsible for compliance matters. The Fairview Internal Reporting Hotline at (612) 672-2300 or (800) 530-4694 is also available and violations may be reported anonymously via</p>

this hotline. The reporting of a violation should not be delayed while waiting for more "hard" evidence. All reports will be reviewed in good faith to determine the validity of the reported violation. Individuals who condone, or fail to report a violation of the law, the Compliance Program or Fairview policy may be subject to corrective action up to and including termination.

Enforcement: The Justice Department, through United States Attorneys and Assistant United States Attorneys, is responsible for investigating violations of the Act, and initiating civil actions to enforce the Act.

Qui Tam Plaintiffs: A person with evidence of fraud against the United States Government may bring a civil action for a violation of the Act on behalf of the Government. The person bringing the action is called a qui tam plaintiff, or Whistleblower. In compensation for the risk and effort of filing a qui tam case, the qui tam plaintiff may be awarded between 15 and 30% of the total recovery from the defendant. In qui tam actions, the Government has the right to intervene and join the action. If the Government declines, the qui tam plaintiff may proceed on his or her own.

A qui tam plaintiff must be the original source of the information on which the action is based. This means, generally, that a person or entity who discloses a false claims issue to the Government and takes corrective action, in effect, protects itself from future qui tam claims.

Prohibitions on Reprisal: It is absolutely forbidden for any employee to punish or conduct reprisals against another employee who has reported a suspected violation of the law, the Compliance Program or Fairview policy. In addition to Fairview's internal policy against reprisals, federal and state law provides protection for employees who communicate with government officials regarding possible illegal behavior in some contexts (whistle-blower protection). Where such protection is available, discrimination against whistle-blowing employees is prohibited. Refer to Fairview's Whistle Blowers policy for additional information.

Detection and Prevention: Fairview's compliance program policies outline the processes for detecting and preventing fraud, waste and abuse. Fairview's compliance program coordinates regular auditing and monitoring activities to assess Fairview's compliance with legal and ethical standards, such as coding, billing, and claims submission rules. Employees are trained to recognize and understand the legal and regulatory requirements of their job functions and to promptly report violations and suspected violations of the law so that action will be taken to prevent further occurrences and to mitigate any damages resulting from the violations.

The information in this policy is by no means intended to be a complete

	<i>explanation of false claims and statements. To the extent you have any questions regarding this Policy, you should contact Human Resources, the Chief Compliance Officer, or another appropriate officer responsible for compliance matters.</i>
Internal Ref:	Fairview Compliance Program Policies: Whistle Blowers Compliance Program Discipline
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Approved by:	Chief Compliance Officer
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