



HEALTH CARE UPDATE

HHS announces new tools and resources from the Affordable Care Act to prevent fraud and strengthen Medicare, Medicaid and CHIP

September 22, 2010

The U.S. Department of Health and Human Services (HHS) proposed new rules it hopes to strengthen its efforts to help identify and fight waste, fraud and abuse in Medicare, Medicaid and the Children's Health Insurance Program (CHIP). The rules implementing a series of provisions designed to fight fraud in the health care system enacted as part of the Affordable Care Act follow on the heels of HHS' announcement of the Center for Program Integrity within the Centers for Medicare & Medicaid Services (CMS) focused on identifying and stopping fraud and acting swiftly to protect beneficiaries. As these new regulations will further increase program disqualification and fraud prosecution risks, health care providers should tighten practices as well as review and share any concerns with regulators in response to these proposed regulations quickly.

Among other things, the proposed rule will:

- Define requirements for suspending payments to providers and suppliers based on credible allegations of fraud in Medicare and Medicaid;
- Establish CMS authority for imposing a temporary moratorium on Medicare, Medicaid, and CHIP enrollment on providers and suppliers when necessary to help prevent or fight fraud, waste, and abuse without impeding beneficiaries' access to care.
- Strengthen and build on current provider enrollment and screening procedures to more accurately assure that fraudulent providers are not gaming the system and that only qualified health care providers and suppliers are allowed to enroll in and bill Medicare, Medicaid and CHIP;
- Outline requirements for states to terminate providers from Medicaid and CHIP when they have been terminated by Medicare or by another state Medicaid program or CHIP;
- Solicit input on how to best structure and develop provider compliance programs, now required under the Affordable Care Act, that will ensure providers are aware of and comply with CMS program requirements.

The author of this update, attorney Cynthia Marcotte Stamer, has extensive experience advising and assisting health care providers and other health industry clients to respond to these and other health care industry enforcement and other compliance, public policy, regulatory, staffing, and other operations and risk management matters. Ms. Stamer also regularly speaks and conducts training on and other health industry compliance, management and operations matters. You can get more information about her health industry experience [here](#). If you need assistance with these or other compliance concerns, wish to inquire about arranging for compliance audit or training, or need legal representation on other matters please contact Ms. Stamer at (469) 767-8872 or via e-mail [here](#).

Other Recent Developments

If you found this information of interest, you also may be interested in reviewing some of the following recent Updates available online by clicking on the article title:

- [DMEPOS Suppliers Face 9/27 Deadline To Meet Tightened Medicare Standards](#)
- [Initial EHR Certification Bodies Named](#)
- [HHS Announces Adjustments to Federal Medical Assistance Percentage \(FMAP\) Rates](#)
- [CMS Publishes Corrections To Proposed 2011 Physician Fee Schedule Rules](#)
- [Medicare Changing How It Pays For Outpatient Dialysis](#)
- [Last Call: Today Deadline To Comment on Proposed Edits To CMS Nursing Home Civil Monetary Penalty Regs](#)
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- [HHS Invites Input On Medicaid Changes To Promote Children's Health Quality](#)
- [CMS Adopts ESRD Facility Prospective Payment System & Proposes New Quality Incentive Program](#)
- [CMS Rule Clarifies When Outpatient Services Subject to 3-Day Rule & Finalizes FY 2011 Inpatient Payment Rates](#)
- [New Affordable Care Act Mandated High Risk Pre-Existing Condition Insurance Pool Program Regulations Set Program Rules, Prohibit Plan Dumping of High Risk Members](#)
- [CMS & ONC To Co-Host 7/22 ONC Certification & Medicare/Medicaid EHR Incentive Program Audio Training](#)
- [CMS Proposes Changes To Civil Monetary Penalty Rules For Nursing Homes](#)

For More Information

We hope that this information is useful to you. If you need assistance evaluating or responding to the Health Care Reform Law or health care compliance, risk management, transactional, operational, reimbursement, or public policy concerns, please contact the author of this update, Cynthia Marcotte Stamer, at (469) 767-8872, cstamer@Solutionslawyer.net.

Vice President of the North Texas Health Care Compliance Professionals Association, Past Chair of the ABA Health Law Section Managed Care & Insurance Section and the former Board Compliance Chair of the National Kidney Foundation of North Texas, Ms. Stamer has more than 23 years experience advising health industry clients about these and other matters. A popular lecturer and widely published author on health industry and human resources matters, Ms. Stamer continuously advises health industry clients about health industry and other related concerns. Ms. Stamer also publishes and speaks extensively on health and managed care industry regulatory, staffing and human resources, compensation and benefits, technology, public policy, reimbursement and other operations and risk management concerns. Her insights on these and other related matters appear in the Health Care Compliance Association, Atlantic Information Service, Bureau of National Affairs, World At Work, The Wall Street Journal, Business Insurance, the Dallas Morning News, Modern Health Care, Managed Healthcare, Health Leaders, and a many other national and local publications. For additional information about Ms. Stamer, her experience, involvements, programs or publications, see [here](#).

You can review other recent health care and internal controls resources and additional information about the health industry and other experience of Ms. Stamer [here](#). If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile at [here](#) or e-mailing this information [here](#). To unsubscribe, e-mail [here](#).

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