



**Office of the
Medicaid Inspector
General**

Medicaid Providers Revalidating Enrollment
with the New York State Department of Health
Mandatory Compliance Program Obligations
and Certification Requirement upon
Revalidation

COMPLIANCE GUIDANCE

2015 – 01

January 27, 2015

This *Compliance Guidance* should be considered to be a general guidance to assist those subject to the mandatory compliance program obligations set out in New York State Social Services Law Section 363-d (§ 363-d) and 18 NYCRR Part 521 (Part 521). It does not set out all points that the Office of the Medicaid Inspector General (OMIG) will consider or use when assessing if compliance programs meet statutory and regulatory requirements. OMIG reserves the right to recall or change this *Compliance Guidance* at any time.

This *Compliance Guidance* does not constitute rulemaking by OMIG and may not be relied on to create a substantive or procedural right or benefit enforceable, at law or in equity, by any person. Furthermore, nothing in this *Compliance Guidance* alters any statutory or regulatory requirement. In the event of a conflict between statutes and regulations applicable to the Medicaid provider and either OMIG audit protocols or this *Compliance Guidance*, the requirements of the statutes and regulations govern.

A provider's legal obligations are determined by applicable federal and state statutory and regulatory law. This *Compliance Guidance* is not a substitute for a review of statutory and regulatory law. OMIG cannot provide individual advice or counseling, whether medical, legal, or otherwise. If you are seeking specific advice or counseling, you should contact an attorney, a licensed practitioner or professional, a social services agency representative, or an organization in your local community.

MANDATORY COMPLIANCE PROGRAM OBLIGATIONS AND CERTIFICATION OBLIGATION

Revalidating Enrollment

Some Medicaid providers who are revalidating their Medicaid enrollment with the New York State Department of Health (DOH) must adopt and implement a compliance program that meets the requirements of § 363-d and Part 521. These providers must also certify that a compliance program that meets the requirements of the § 363-d and Part 521 is in place.

To help you determine if you are required to have a compliance program and as a result if you are required to perform the required certification, please visit the OMIG's Web site at http://www.omig.ny.gov/images/stories/provider_compliance/program_decision_tree.doc.

WHAT CERTIFICATION EVIDENCE MUST BE SUBMITTED TO DOH?

For those revalidating Medicaid providers required to have a compliance program, your revalidation application must include a copy of either:

1. New York State Office of the Medicaid Inspector General's Compliance Confirmation page from last December; or
2. New York State Office of the Medicaid Inspector General's confirmation email that the certifying official or the compliance officer received at the time that you certified last December.

WHAT IF A PROVIDER DOES NOT HAVE CERTIFICATION EVIDENCE FROM LAST DECEMBER?

1. *Providers who certified last December* - If a Medicaid provider required to have a compliance program certified last December but does not have a copy of the confirmation page or confirmation email from that December certification, the certifying official or the compliance officer for the Medicaid provider can contact OMIG's Bureau of Compliance at compliance@omig.ny.gov to request a copy of the confirmation email.
2. *Providers who did not certify last December* - If a Medicaid provider required to have a compliance program did not certify last December the provider can complete a certification at the time of the revalidation by choosing the "Revalidating Provider" option in the Enrollment Category on the form. The *NYS Social Services Law Compliance Program Certification Form* is available on OMIG's Web site at www.omig.ny.gov/compliance/certification.

CONCLUSION

If you have any questions on this Compliance Guidance, or any compliance issue under New York State's mandatory compliance program obligation, please contact the Office of the Medicaid Inspector General's Bureau of Compliance at 518-408-0401 or by email at compliance@omig.ny.gov.