

# G&W

## GLASER & WEINER, LLP

ATTORNEYS AT LAW

### Reminder- Medicaid Provider Compliance Program **December 31, 2010 Certification Deadline Fast Approaching**

Social Services Law (SSL) §363-d and Part 521, of Title 18 of the New York State Codes, Rules, and Regulations, both entitled Provider Compliance Programs, are being actively enforced by the Office of the Medicaid Inspector General (OMIG) in 2010. These laws require that all Medicaid providers who fall under certain categories adopt and implement effective compliance programs by the end of this year. Those categories include:

- persons subject to the provisions of Articles 28 or 36 of the New York State Public Health Law;
- persons subject to the provisions of Articles 16 or 31 of the New York State Mental Hygiene Law; or
- other persons, providers, or affiliates who provide care, services or supplies under the Medicaid program, or persons who submit claims for care, services or supplies for or on behalf of another person or provider for which the Medicaid program is or should be reasonably expected by a provider to be a substantial portion of their business operations.

18 NYCRR §521.2(b), defines "substantial portion" of business operations. SSL §363-d and 18 NYCRR §521.3(c) define the eight mandatory elements of a compliance program. When applying for enrollment in the medical assistance program, and every December thereafter, 18 NYCRR §521.3(b) requires providers to certify to both the Department of Health and OMIG that they have valid compliance programs in place by December 31 of each year.

Full requirements, the certification form, and additional answers to questions can be obtained by calling the Bureau of Compliance at (518) 402-1116, or by visiting OMIG's website (<http://www.omig.ny.gov>). Click on "Provider Compliance" on OMIG's "Compliance" page.

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