

DEFICIT REDUCTION ACT COMPLIANCE
EMPLOYEE EDUCATION ABOUT FALSE CLAIMS

I. Policies and Procedures to Protect Against Fraud (Please circle the correct answer.)

A. What do federal laws require CCHP to have in order to protect against fraud, waste, and abuse in our Medicaid (Medi-Cal) management care plan?

1. *Compliance plan to guard against fraud and abuse which includes written policies, procedures, and standards of conduct*
2. *Full-time Security Guard*
3. *Contract with Sheriff*
4. *None of the above*

B. Which policies contain the CCHP's requirements for reporting suspected fraud, waste and abuse?

1. *Policy #2004-8258*
2. *Policy #705-C and Policy #706-C*
3. *Policy Fraud Waste Abuse*
4. *All of the above*

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II. Information on Federal and State Laws Regarding False Claims

A. The Federal False Claims Act, 31 U.S.C. § 3279 (True or False)

a. The False Claims Act (“FCA”)?

T F *FCA is a federal statute that covers fraud involving any federally funded contract or program, including Medicare and Medicaid.*

b. How do you violate the FCA?

T F *The FCA is violated when any person knowingly;*

- Presents or causes to be presented, a false claim for reimbursement by a Federal health care program, including Medicare or Medicaid;
- Makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;
- Repays less than what is owed to the Government;
- Makes, uses, or causes to be made or used, a false record or statement material to reducing or avoiding repayment to the Government; and/or
- Conspires to defraud the Federal Government through one of the actions listed above.

c. What happens when a health plan violates the FCA?

T F *A health plan that violates the FCA can be subject to civil monetary penalties ranging from \$5,500 to \$11,000 for each false claim submitted. In addition, a health plan can be required to pay three times the amount of damages sustained by the U.S. Government.*

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B. Qui Tam Whistleblower Provisions, 31 U.S.C. § 3730(h)

a. What is the “qui tam” or whistleblower provision?

1. *A latin musical*
2. *This provision essentially allows any person with actual knowledge of allegedly false claims to the government to file a lawsuit on behalf of the U.S. government. These persons are called "relators".*
3. *All of the above.*
4. *None of the above.*

b. Besides *qui tam* plaintiffs, who may initiate actions under the California FCA?

1.
 - i. *The government, through the Attorney General's Office; or*
 - ii. *The prosecuting authority for a particular subdivision that was the recipient of the false claim.*
2. *The local police department.*
3. *All of the above.*
4. *None of the above.*

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If the government determines that the lawsuit has merit and decides to intervene, who will direct the prosecution of the lawsuit?

1. *The prosecution of the lawsuit will be directed by the U.S. Department of Justice.*
2. *President of the United States*
3. *1 and 2.*
4. *None of the above*

C. California False Claims Laws (True or False)

a. Why did the California Legislature adopt a state FCA?

T F *To protect state governments from the same type of fraud prohibited by the federal FCA. The California FCA was modeled after the federal FCA with a few exceptions.*

b. What is the liability under the California False Claims Act?

T F *A person found to have violated the California FCA may be liable for three times the actual damages sustained by the government, as well as penalties. The California FCA assesses penalties for each false claim up to \$10,000, but does not set a mandatory minimum amount.*

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D. Program Fraud Civil Remedies Act, 31 U.S.C. § 3801

a. What is the Program Fraud Civil Remedies Act?

1. *Group of volunteers acting together*
2. *The Program Fraud Civil Remedies Act is a federal statute which provides additional penalties separate from the Federal False Claims Act for improper claims and improper statements*
3. *A Play*
4. *All of the above*

b. What is the penalty if there is a violation of this claim?

1. *Slap on the wrist*
2. *Lifetime imprisonment*
3. *The penalty is \$5,500 for each improper claim*
4. *None of the above*

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Test taken by:

Name (print)

Date

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Department