



# Fraud, Waste, and Abuse: Anti-Kickback Training

*Provider Partnership Management*

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# Agenda



- Core of the Anti-Kickback Statute
- Remuneration
- Fines and Penalties
- Report Violations
- Test Your Knowledge
- Conclusion



# Core of the Anti-Kickback Statute



- Prohibits anyone from purposefully ***offering, soliciting or receiving anything of value to generate referrals for items or services*** payable by any Federal healthcare program.
- Forty-two states (including Florida) and D.C. have enacted their own anti-kickback statutes.



# Remuneration

- Anything of value
- “In-cash or In-kind”
- Paid directly or indirectly
- Examples: cash, free goods or services, discounts, below market rent, relief of financial obligations



# Fines and Penalties



## Criminal:

- Felony, imprisonment up to five years and a fine up to \$25,000 or both
- Mandatory exclusion from participating in Federal healthcare programs

## Civil:

- A violation of the Anti-Kickback Statute constitutes a false or fraudulent claim under the Civil False Claims Act (penalties are the same as under the False Claims Act)



# Report Violations



In addition to reporting to State and Federal Agencies, you may report violations, misconduct, or issues of com-compliance (without fear of retaliation) to:

**Tamela Perdue**, Senior Vice President, Compliance (Sunshine Health Compliance & Privacy Officer) Phone: 1-850-933-3232

Email: [Tamela.i.Perdue@SunshineHealth.com](mailto:Tamela.i.Perdue@SunshineHealth.com)

**Ethics & Compliance Helpline:** 1-800-345-1642

**Fraud, Waste, and Abuse Hotline:** 1-866-685-8664



# Report Violations (*continued*)



Agency For Health Care Administration (AHCA) reporting contact information:

**AHCA Consumer Complaint Hotline:** 1-888-419-3456

**Florida Attorney General's Office:** 1-866-966-7226

**The Florida Medicaid Program Integrity Office:** 1-850-412-4600

**Office of Inspector General Online Complaint Form:**

<https://apps.ahca.myflorida.com/mpi-complaintform>

**Department of Financial Services – Division of Insurance Fraud:**

<http://www.myfloridacfo.com/division/fraud/>

**Online Complaint Form:** <https://apps8.fldfs.com/first/>



# Test Your Knowledge



Dr. Jane Doe is a new provider in the area. John Smith is the CEO of ABC Hospital. He is offering below market value or free office space rental to providers in an effort to encourage them to refer their patients to the hospital. Then, he bills Medicare for the services performed by these providers. This is an okay and acceptable practice.

- A. True
- B. False

Answer: B.) FALSE

What the CEO is doing violates the Anti-Kickback Statute.