



## Compliance Resources

We have listed several useful resources on compliance rules, policies and training that might be useful in your practice. Listed below are resources that can be found on the CMS website. There are several other links to compliance resource information on the following two pages.

### Compliance-related Resources

- [Provider Compliance Educational Products \[PDF, 386KB\]](#)
- [Provider Compliance MLN Matters® Articles \[PDF, 166KB\]](#)
- [Archive of Medicare Quarterly Provider Compliance Newsletters \[PDF, 435KB\]](#)
- [Medicaid Program Integrity: Safeguarding Your Medical Identity Educational Products \[PDF, 142KB\]](#)

### Fraud and Abuse-related Resources

- [Fraud and Abuse Educational Products \[PDF, 255KB\]](#)
- [Medicare Fraud & Abuse: Prevention, Detection, and Reporting \[PDF, 1MB\]](#)
- [Medicare Parts C and D Fraud, Waste, and Abuse Training and Medicare Parts C and D General Compliance Training \[PDF, 131KB\]](#)

## RECOMMENDED COMPLIANCE RESOURCES

### I. OIG Resources

- OIG homepage: <http://oig.hhs.gov/>
- OIG Fraud Prevention & Detection webpage: <http://oig.hhs.gov/fraud.asp>  
Provides links to various OIG industry guidance documents (e.g., compliance program guidance, advisory opinions, fraud alerts, special advisory bulletins) as well as links to information on enforcement actions and reporting fraud.
  - OIG's Compliance Program Guidance:  
<http://oig.hhs.gov/fraud/complianceguidance.asp>  
Includes compliance program guidance materials for various industry sectors.
  - Corporate Responsibility and Corporate Compliance Guide:  
<http://oig.hhs.gov/fraud/docs/complianceguidance/040203CorpRespRsceGuide.pdf>
  - OIG Advisory Opinions: <http://oig.hhs.gov/fraud/advisoryopinions.asp>
    - Frequently Asked Questions about the Advisory Opinion Process:  
<http://oig.hhs.gov/fraud/advisoryopinions/aofaq.asp>
  - OIG's Self-Disclosure Protocol: <http://oig.hhs.gov/fraud/selfdisclosure.asp>
  - OIG Exclusions: <http://oig.hhs.gov/fraud/exclusions.asp>
  - Anti-Kickback Safe Harbor Regulations:  
<http://oig.hhs.gov/fraud/safeharborregulations.asp>  
Provides the regulatory history of the safe harbors. The current text of all the regulatory safe harbors is available at:  
[http://edocket.access.gpo.gov/cfr\\_2010/octqtr/pdf/42cfr1001.952.pdf](http://edocket.access.gpo.gov/cfr_2010/octqtr/pdf/42cfr1001.952.pdf).
  - Medical Identity Theft & Medicare Fraud: <http://oig.hhs.gov/fraud/IDTheft/>
  - OIG Fraud Hotline: <http://oig.hhs.gov/fraud/hotline/> or 1-800-HHS-TIPS
  - OIG Brochure "A Roadmap for New Physicians: Avoiding Medicare and Medicaid Fraud and Abuse": <http://oig.hhs.gov/fraud/PhysicianEducation>
  - Subscription to OIG's E-mail List with Notifications of New Online Materials:  
<http://oig.hhs.gov/maillinglist.asp>





## II. CMS and Other Resources

- CMS homepage: <http://www.cms.gov/>
- CMS Contacts Information Page: <http://www.cms.gov/ContactCMS/>  
Lists public contact lines for CMS offices and provides a portal for accessing information about CMS national and local operations and key CMS programs.
  - CMS Contacts Database: <http://www.cms.gov/apps/contacts/>  
Provides access to searchable directories of contacts on national and local levels for the Department of Health and Human Services, CMS offices, Fiscal Intermediaries, and Carriers.
  - CMS Regional Office Overview: <http://www.cms.gov/RegionalOffices/>  
Provides downloadable files containing CMS Regional Office contact information.
- CMS Physician Self-Referral Law (“Stark Law”) Information:  
<http://www.cms.gov/PhysicianSelfReferral/>  
Provides overview and links to relevant law, regulatory materials, and guidance documents, including a Frequently Asked Questions page.
  - CMS Physician Self-Referral Law Advisory Opinions Library:  
[http://www.cms.gov/PhysicianSelfReferral/95\\_advisory\\_opinions.asp](http://www.cms.gov/PhysicianSelfReferral/95_advisory_opinions.asp)  
Includes information on requesting CMS Advisory Opinions and links to the CMS Physician Self-Referral Disclosure Protocol, as well as links to a disclosure process overview and relevant background information.
- HIPAA Privacy and Security Rules:
  - <http://www.hhs.gov/ocr/privacy/index.html>
  - <http://www.cms.gov/HIPAAGenInfo/>
- National Plan and Provider Enumeration System:  
<https://nppes.cms.hhs.gov/NPPES/Welcome.do>  
Contains information regarding registering for a National Provider Identifier.
- Homepage for U.S. Departments of Health & Human Services and Justice Joint Campaign against Health Care Fraud: <http://www.stopmedicarefraud.gov/>
- Website managed by the U.S. Department of Health & Human Services regarding Affordable Care Act: <http://www.healthcare.gov/>



## COMPARISON OF THE ANTI-KICKBACK STATUTE AND STARK LAW\*

	<b>THE ANTI-KICKBACK STATUTE</b> (42 USC § 1320a-7b(b))	<b>THE STARK LAW</b> (42 USC § 1395nn)
Prohibition	Prohibits offering, paying, soliciting or receiving anything of value to induce or reward referrals or generate Federal health care program business	<ul style="list-style-type: none"> <li>Prohibits a physician from referring Medicare patients for designated health services to an entity with which the physician (or immediate family member) has a financial relationship, unless an exception applies</li> <li>Prohibits the designated health services entity from submitting claims to Medicare for those services resulting from a prohibited referral</li> </ul>
Referrals	Referrals from anyone	Referrals from a physician
Items/ Services	Any items or services	Designated health services
Intent	Intent must be proven (knowing and willful)	<ul style="list-style-type: none"> <li>No intent standard for overpayment (strict liability)</li> <li>Intent required for civil monetary penalties for <i>knowing</i> violations</li> </ul>
Penalties	Criminal: <ul style="list-style-type: none"> <li>Fines up to \$25,000 per violation</li> <li>Up to a 5 year prison term per violation</li> </ul> Civil/Administrative: <ul style="list-style-type: none"> <li>False Claims Act liability</li> <li>Civil monetary penalties and program exclusion</li> <li>Potential \$50,000 CMP per violation</li> <li>Civil assessment of up to three times amount of kickback</li> </ul>	Civil: <ul style="list-style-type: none"> <li>Overpayment/refund obligation</li> <li>False Claims Act liability</li> <li>Civil monetary penalties and program exclusion for <i>knowing</i> violations</li> <li>Potential \$15,000 CMP for each service</li> <li>Civil assessment of up to three times the amount claimed</li> </ul>
Exceptions	<i>Voluntary</i> safe harbors	<i>Mandatory</i> exceptions
Federal Health Care Programs	All	Medicare/Medicaid

\*This chart is for illustrative purposes only and is not a substitute for consulting the statutes and their regulations.

