



Special Investigation Units (SIU)

What Are They?

- SIUs were created to address fraud and abuse risks within Managed Care Organization environment
- SIUs are run by plans themselves and are required to report up to the State. The State in turn sets guidelines and regulations for operation.

Purpose

- To create a partnership with New York State (NYS) and federal law enforcement and regulatory agencies to detect, prevent, and correct instances of health care fraud

How?

- Deploying trained professionals with expertise in data analysis, health care claims audit, and investigation to identify suspicious billing activities, stop or prevent fraudulent payments, and aid in prosecution

Medicaid Model Contract References

The Model Contract references SIUs once in Section 23.2 Prevention Plans and Special Investigation Units:

a) If the Contractor has over 10,000 Enrollees in the aggregate in any given year, the Contractor must file a Fraud and Abuse Prevention Plan with the Commissioner of Health and develop a special investigation unit for the detection, investigation and prevention of fraudulent activities to the extent required by PHL § 4414 and SDOH regulations.

b) If the Contractor has fewer than 10,000 Enrollees or is otherwise not subject to 10 NYCRR § 98-1.21(a), the Contractor shall submit annually to the SDOH and OMIG, in a form and format to be determined by the SDOH or OMIG, a report of overpayments recovered.”

General Requirements

- MCO must have mandatory compliance plan designed to prevent fraud and abuse that includes:
 - Written policies and procedures that show the organization’s commitment to comply with all Federal and State standards
 - A compliance officer and compliance committee are accountable to senior management
 - Training and education for compliance officer and employees
 - Communication between compliance officer and employees
 - Enforcement of standards through disciplinary guidelines
 - Provision for internal monitoring and auditing
 - Prompt response to detected offenses

Prevention Plans and Special Investigation Units



- If Contractor has over 10,000 enrollees, they must file a Fraud and Abuse Prevention Plan with Commissioner of Health
 - Develop a special investigation unit (SIU) for detection, investigation, and prevention of fraudulent activities required by PHL § 4414 and SDOH regulations
- If Contractor has fewer than 10,000 enrollees or is not subject to 10 NYCRR § 98-1.21(a), they must submit a report of overpayments recovered annually to the SDOH and OMIG

Service Verification Process

- Contactor will implement service verification process that accurately evaluates the delivery of billed services to the recipient population by using statistically valid sample sizes and timeframes that determine whether enrollees receive services billed by Providers

Withholding of Payments

- Contractor must withhold payments to Participating Providers if directed by SDOH or OMIG when a Participating Provider is the subject of a pending investigation of a credible allegation of fraud
 - Contractor will provide notice to Participating Provider of the withhold as directed by SDOH or OMIG and in accordance with 18 NYCRR § 518.7(b) and § 518.7(c)

Laws and Regulations of Information

SDOH Recipient Restriction Program Requirements

- Protocols for Restrictions
 - The Recipient Restriction Program Requirement Team (RRPRT) will coordinate findings of both Contractor and OMIG initiated restrictions with the Contractor's SIU and/or Quality assurance program

PHL § 4414

- Section 4414 is the statute authority from the Public Health Law that this language is taken from
- Overall document is the New York Codes, Rules and Regulations Title 10 Chapter II Administrative Rules and Regulations Subchapter R Part 98

10 YCRR § 98-1.21(a)

- From PHL § 4414, titled "Fraud and abuse prevention plans and special investigation units"

18 YCRR § 518.7(b)

- Titled "Withholding of payments"; stating "Notice of the withholding will be given within five days of taking such action unless requested in writing by a law enforcement organization to delay such notice. The notice



will describe the reasons for the action, but need not include specific information concerning an ongoing investigation.”

18 NYCRR § 518.7(c)

- Provides list of what a notice of withholding must include:
 - State that the payments are being withheld in accordance with this section;
 - In cases where there is a pending investigation of a credible allegation of fraud state that the payments are being withheld in accordance with 42 C.F.R. § 455.23
 - State that the withholding is for a temporary period only and recite the circumstances under which the withholding will be terminated;
 - Specify whether the withholding applies to all or only some claims and identify which claims if not all claims are involved; and
 - Advise of the right to submit written arguments and documentation in opposition to the withholding and how to submit them in accordance with subdivision (e) of this section.