



The Vendor Vine

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WELCOME TO *THE VENDOR VINE*!

VIVA HEALTH, Inc. (“VIVA”) is providing this newsletter as a resource to its contracted entities that meet the CMS definition of a first tier, downstream or related entity (FDR). This newsletter will be published at least annually and will be available on our website at <http://www.vivahealth.com/FDR>.

We hope you will find this newsletter helpful! We value your feedback and suggestions! If there are topics that you would like for us to address in a future newsletter, please let us know (you can reach out to one of the contacts listed in the “Your VIVA Contacts” box on the last page).

VIVA'S ANNUAL COMPLIANCE & OFFSHORE ATTESTATION

FDRs are required to complete VIVA's Annual Compliance and Offshore Attestation. This form is available on our website at www.vivahealth.com/FDR. If you have not done so already, please go to our website to obtain the form, complete it, and return it to VIVA by 11/30/16. Please remember, the Attestation must be completed by an authorized representative of your organization.

NEW REQUIREMENTS UNDER SECTION 1557 OF THE AFFORDABLE CARE ACT

The Department of Health and Human Services (HHS) issued the Final Rule implementing the prohibition of discrimination under Section 1557 of the Affordable Care Act. The Final Rule builds on previous civil rights laws and prohibits discrimination based on race, color, national origin, sex, age or disability. The Final Rule also creates additional obligations for covered entities that include, but are not limited to the following:

- Requires the posting of non-discrimination notices and taglines that alert individuals with limited English proficiency (LEP) to the availability of language assistance services.
- Must be posted in conspicuous physical locations and on the home page of the entity's website.
- Must provide notices and taglines in significant publications or significant communications targeted to beneficiaries, enrollees, applicants, or members of the public. This may include outreach publications or written notices pertaining to rights or benefits or requiring a response from an individual.
- Allows a short non-discrimination statement and language tagline in the top two non-English languages spoken in the state for small-sized significant communications.
- Requires the full non-discrimination notice and the language tagline in the top 15 non-English languages spoken in the state for large sized significant communications.
- Requires the adoption of a grievance procedure and Civil Rights Grievance coordinator to review and resolve issues related to non-discrimination.
- Requires entities to provide free auxiliary aids and services to individuals with disabilities and provide information on how an individual can access free aids and services.



Section 1557 was effective as of July 18, 2016. The notices and taglines were required to be posted within 90 days of the effective date, which was mid-October.

VIVA must comply with Section 1557. Because you are contracted with VIVA, you are also required to comply with Section 1557.

Please review any communications you distribute for VIVA to determine if the non-discrimination information and taglines should be added. For more information on Section 1557, please visit the Department of Health and Human Services website at: www.hhs.gov/civil-rights/for-individuals/section-1557/index.html. You may also contact your VIVA representative or one of the individuals listed in the "Your VIVA Contacts" box on the 1st page of this newsletter.

COMPLIANCE AND FRAUD, WASTE AND ABUSE TRAINING

CMS requires FDRs to provide general compliance and fraud, waste and abuse (FWA) training to its employees (permanent and temporary), volunteers, consultants, and governing body members within 90 days of hire/contract and annually thereafter. FDRs must also ensure their downstream entities receive and provide this same training.

Effective January 1, 2016, CMS began requiring Medicare Advantage (MA) Plans and their FDRs to begin using the content of the CMS Medicare Learning Network (MLN) general compliance and FWA modules to satisfy this training. These training modules can be accessed at: https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/Fraud-Waste_Abuse-Training_12_13_11.pdf.

FDRs must use one of the following methods to satisfy the compliance and FWA training requirements:

- Complete the web-based training course on CMS's MLN site. This will generate a certificate of completion; or
- Add the CMS MLN content to its existing training materials.

Note: CMS does not allow alterations of the MLN training content except to enhance or add topics specific to the organization.

FDRs must maintain evidence of their compliance and FWA training for **10 years**.

VIVA EARNS 4 STARS AGAIN FOR 2017!



CMS uses a 5-star rating system to measure the quality and performance of MA Plans like VIVA MEDICARE. CMS' star rating is derived from a number of measures such as customer service, how VIVA helps manage our members' chronic conditions and the quality of care we provide. For the 2nd year in a row, VIVA has earned a 4-STAR (above average) rating with CMS. We appreciate our FDR's support in helping us achieve a 4-STAR rating!

EXCLUSION SCREENING – WHAT IS IT AND WHY DO WE HAVE TO DO IT?

Federal law prohibits Medicare, Medicaid and other federal health care programs from paying for items or services provided by an individual or entity excluded from participation in these federal programs.

FDRs are required to screen employees (permanent and temporary), volunteers, consultants, governing body members and its downstream entities against the following exclusion sources prior to date of hire/contract and monthly thereafter:

Office of Inspector General (OIG): <https://exclusions.oig.hhs.gov/>

System for Award Management (SAM): <https://www.sam.gov/portal/SAM/#1>

Remember: Retain all records regarding exclusion screenings for at least 10 years.

HIPAA ALERT

The Office for Civil Rights (OCR) has begun its next phase of HIPAA Privacy and Security audits (called "Phase II" audits). Business Associates, including VIVA's FDRs, could be chosen for a Phase II audit.

Please be sure to familiarize yourself with what is required in a Phase II audit and prepare now!

For more information on HIPAA audits, go to: <http://www.hhs.gov/hipaa/for-professionals/compliance-enforcement/audit/phase2announcement/>

YOUR VIVA CONTACTS

Tanya Maddox

Delegated Oversight Program Manager

Phone: 205-558-3283

Email: tanyamaddox@uabmc.edu

Teresa Evans

Director of Privacy and Compliance Audit

Phone: 205-558-7544

Email: temevans@uabmc.edu