



## 2017 First Tier, Downstream and Related Entities (FDR) Attestation Resource Guide

### Attestation Form Questions and Guidelines for Responding

**Question 1: Has your organization established and distributed compliance policies, procedures, and Standards of Conduct in accordance with the requirements outlined in the FDR Program Guide?**

*Medical Mutual's FDR Program Guide is located at [MedMutual.com/FDRGuide](http://MedMutual.com/FDRGuide). The FDR Program Guide outlines requirements that you must adhere to ensure compliance with Medicare regulations, including Fraud, Waste and Abuse (FWA) and General Compliance training for your staff, exclusion list screening, reporting FWA and compliance concerns to Medical Mutual, utilizing only domestic operations, and monitoring and auditing your downstream entities (which will all be discussed below). On an annual basis, you must attest that your organization is compliant with these requirements and that you have policies and procedures in place that govern the delegated function(s) and compliance processes, and that you have distributed those policies and procedures within your organization as appropriate. Please note, you must also provide your employees with Standards of Conduct within 90 days of hire or the effective date of contracting, when there are updates to such Standards of Conduct, and annually thereafter. If you do not have a Standards of Conduct, you may utilize Medical Mutual's Code of Conduct (COC) and Part D Compliance Program Guide located at [MedMutual.com/CodeOfConduct](http://MedMutual.com/CodeOfConduct).*

**Question 2: Has an accountable party at your organization reviewed and agreed to the Medical Mutual Vendor Code of Conduct?**

*The Medical Mutual Vendor Code of Conduct can be found at [MedMutual.com/CodeOfConduct](http://MedMutual.com/CodeOfConduct). As an entity contracted to provide delegated services on behalf of Medical Mutual, you are required to review and agree to all requirements contained in this document.*

**Question 3: Does your organization have an established process to identify and address risks within your organization on a routine basis?**

*You are required to have a process in place to identify and address risks that are unique to your organization. You can do this by conducting a risk assessment that takes into account the types and levels of risks that impact you, including the size of your organization, the complexity of your work, the amount of training that has taken place, past compliance issues, budgetary constraints, etc.*

**Question 4: Does your organization require employees that assist with Medicare Advantage services to take the General Compliance training within 90 days of hire and annually thereafter?**

*To comply with this requirement, you must ensure all employees who work on the Medicare product complete the General Compliance and FWA training via the CMS Medicare Learning Network (MLN) at [CMS.gov, Outreach & Education](https://www.cms.gov/Outreach-and-Education). All employees involved in supporting the function delegated to your organization, supporting Medicare, must complete this training within 90 days of hire or contract and annually thereafter. Also, you must maintain evidence of training completion for ten years. Please refer to the FDR Program Guide for additional information regarding this requirement.*

**Question 5: Does your organization require employees that assist with Medicare Advantage services take the Fraud, Waste, and Abuse (FWA) training within 90 days of hire and annually thereafter or has your organization been deemed to have met the FWA certification requirements through enrollment in the Medicare program or accreditation as a supplier of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)?**

*To comply with this requirement, you must complete the CMS Medicare Parts C & D Fraud, Waste, and Abuse Training and General Compliance Training also available through the CMS MLN at [CMS.gov, Outreach & Education](https://www.cms.gov/Outreach-and-Education) for all employees involved in Medicare within 90 days of hire or contract and annually thereafter. Also, you must maintain evidence of training completion for ten years. Please note the exception for DMEPOS and refer to the FDR Program Guide for additional information regarding this requirement.*

**Question 6: Does your organization confirm that it and all employees, board members, officers, consultants, volunteers, temporary employees, providers and contractors involved in the administration or delivery of Medicare Advantage services are not on the Office of Inspector General (OIG) and Government Services Administration (GSA) exclusion lists prior to hiring and monthly thereafter?**

*All employees who support the functions delegated to you by Medical Mutual and who work on federally funded programs, including Medicare, must not be excluded from participation on the OIG (LEIE) or GSA (EPLS/SAM) lists prior to hire or contract and monthly thereafter. As such you must screen your organization, downstream entities, and employees/contractors, as defined above, on the following lists prior to hire or contract and monthly thereafter at [oig.hhs.gov, Exclusions](https://oig.hhs.gov/Exclusions) and [sam.gov, Search Records](https://sam.gov/SearchRecords) respectively. Please refer to the FDR Program Guide for additional information regarding this requirement. Any identification of excluded entities must be removed from working on the product immediately and reported to Medical Mutual.*

**Question 7: Does your organization have at least one anonymous mechanism for employees to report suspected FWA or noncompliance, and has the reporting mechanism been distributed to employees?**

*You must provide your employees with a mechanism for anonymously reporting suspected FWA or noncompliance concerns, and you must make this mechanism well-known and available at all times. If you do not already have a mechanism in place, and if the issue impacts Medical Mutual, please share and prominently display the Medical Mutual anonymous hotline number, (800) 762-8130 or visit [mmo.intercedeservices.com](https://mmo.intercedeservices.com).*

**Question 8: Does your organization maintain all books, records, and documents regarding the Medicare Advantage services you perform for Medical Mutual of Ohio, as well as documentation of compliance with all Medicare requirements for at least ten (10) years, consistent with 42 C.F.R. §§ 422.504(d)–(e) and/or 423.505(d)–(e)?**

*This requirement pertains to records that are used in the processing of the function that you are delegated to provide.*

**Question 9: Does your organization confirm that all subcontracted, downstream entities that assist with Medicare Advantage services, if any, adhere to these compliance requirements? If you do not subcontract any delegated functions to another entity, please answer “Not Applicable.”**

*As a first tier entity, you are responsible for ensuring your subcontractors and downstream entities meet the same compliance requirements that you, as a First Tier Entity, are required to meet (i.e. those required in the FDR Program Guide). If you do not subcontract or delegate any functions, your answer should be “Not Applicable”. If you do sub-delegate any functions delegated to your organization by MMO, you must provide a comprehensive list of these delegated functions in the field below.*

**Question 10: Does your organization employ or utilize only domestic entities to perform Medicare Advantage services for Medical Mutual?**

*Medical Mutual generally does not allow services to be delegated offshore. If you answer “No” to this question, it means that you do employ offshore entities and must disclose who they are and what services they perform.*

**Question 11: Is your organization free of any conflict of interest in administering or delivering Medicare Advantage benefits to Medical Mutual beneficiaries?**

*If you are unsure about any potential conflicts of interest, please consult with your legal counsel.*

## Quick Links

Medical Mutual’s FDR Program Guide – [MedMutual.com/FDRGuide](https://www.medmutual.com/FDRGuide)

Medical Mutual’s Code of Conduct – [MedMutual.com/CodeOfConduct](https://www.medmutual.com/CodeOfConduct).

CMS Medicare Learning Network - <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNGenInfo/Index.html>

Office of Inspector General Exclusion List – <https://oig.hhs.gov/exclusions/>

Government Services Administration Exclusion List – <https://www.sam.gov/portal/SAM/#1>

**Medical Mutual Compliance Connection – (800) 762-8130 or  
[mmo.intercedeservices.com](http://mmo.intercedeservices.com)**

*If you answer “No” to questions 1 through 9 on this attestation, your organization is not compliant with Medical Mutual policy and/or Medicare program requirements. As such, you must remediate these deficiencies within ninety (90) days of this notice. If you answered “No” to questions 10 or 11, please reach out to your MMO contact to verify adherence.*