MEMORANDUM

To: OneCity Health Partners

From: Catherine G. Patsos, Esq., CHC
Chief Corporate Compliance Officer
Corporate Privacy and Security Officer
NYC Health + Hospitals

Date: May 11, 2020

Re: 2020 DSRIP Compliance Attestation of OneCity Health Partners

The purpose of this memorandum is to provide all performing providers (referred to as “Partners”) in the OneCity Health Performing Provider System (“PPS”) (“OneCity Health”) with information about the compliance obligations of both the PPS and its Partners.

To that end, OneCity Health has created an attestation that will provide information on the legal and regulatory compliance of its Partners. The Compliance Attestation of OneCity Health Partners (“Attestation”) must be completed by all Partners and returned to NYC Health + Hospitals’ Office of Corporate Compliance (“OCC”) by close of business Friday, May 29, 2020.

I. Overview of the Key Components of the Attestation Process

OneCity Health developed the Attestation to assess the compliance program integrity of its Partners. OneCity Health requires all Partners to provide and disclose the requested compliance-related information within the Attestation. Accordingly, Sections II-VI below discuss the following key Attestation topics:

(i) DSRIP Compliance Training;
(ii) NYC Health + Hospitals’ Principles of Professional Conduct or the

1 Partners are reminded that § 2.3.8 of the Master Services Agreement (“MSA”) between NYC Health + Hospitals, HHC Assistance Corp. d/b/a/ OneCity Health Services, and each Partner, requires Partners to conduct a DSRIP compliance program as required by New York State or OneCity Health Services. Additionally, § 2.39 of the MSA requires Partners to certify their full performance of their compliance obligations.
Partner’s standards or code of conduct;
(iii) Office of the Medicaid Inspector General (“OMIG”) and Deficit Reduction Act of 2005 (“DRA”) Annual Compliance Certifications;
(iv) Completion and Return of the Attestation; and
(v) Questions Concerning the Attestation.

II. DSRIP Compliance Training

Pursuant to New York State Social Services Law (“SSL”) and regulations, NYC Health + Hospitals is required to adopt and implement an effective compliance program, which includes the provision of periodic training and education of its workforce and persons associated with NYC Health + Hospitals on compliance issues and expectations, and the compliance program operation. Under the OMIG Delivery System Reform Incentive Payment (“DSRIP”) program compliance guidance, these training and education requirements extend to the DSRIP program. Accordingly, all Partners who have received or are eligible to receive DSRIP funds are required to undergo training and education about OneCity Health’s compliance program.

OneCity Health is responsible for ensuring that its Partners complete DSRIP compliance training. Partners who do not provide their workforce with their own required compliance training could exercise either of the following approaches to appropriately utilize the training provided by OneCity Health:

(i) Utilize the DSRIP Compliance Training developed by the OCC to incorporate into any current methods of compliance training and education; or
(ii) Simply distribute the OCC’s DSRIP Compliance Training to workforce members involved with or otherwise affected by the DSRIP program.

Note that the DSRIP Compliance Training is available on the OneCity Health Compliance website at: https://www.onecityhealth.org/dsrip-compliance/. It will also be addressed with Partners in a separate memorandum.

III. NYC Health + Hospitals Principles of Professional Conduct

NYC Health + Hospitals’ Principles of Professional Conduct (“POPC”) is a guide that sets forth NYC Health + Hospitals’ compliance expectations and describes its standards of professional conduct, as well as efforts to prevent, fraud, waste, and abuse, including, as applicable to Partners, the misuse or misallocation of DSRIP funds. All

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2 See OMIG’s DSRIP Compliance Guidance 2015-01 Revised: Special Considerations for Performing Provider System (“PPS”) Leads’ Compliance Program, fn1, supra, at pgs. 2-3) Special Considerations by Element – Element 3).
3 See id.
Partners must adhere to the requirements outlined in the POPC, including reporting any suspected violations of the POPC to the OCC in a timely manner, and fully cooperating with any investigation by NYC Health + Hospitals. The POPC is available on NYC Health + Hospitals’ website at http://www.nychealthandhospitals.org/wp-content/uploads/2016/07/principles-of-professional-conduct.pdf.

IV. OMIG and DRA Annual Compliance Certifications

Under New York SSL, any provider, entity or affiliate that claims, orders or receives payment for care, services, or supplies that were submitted to or received from the Medicaid program, either directly or indirectly, in the aggregate of at least $500,000 in any consecutive 12-month period, OR is any entity under Article 28 or 36 of the Public Health Law or Article 16 or 31 of the Mental Hygiene Law is required to complete an OMIG annual Compliance Program Certification.

In addition, the DRA requires providers who receive or make $5 million or more in direct Medicaid payments to annually certify compliance with the DRA through the OMIG as well.

The Attestation asks a series of questions to determine whether a Partner is required to submit to OMIG one or both of the these annual certifications, and if so, whether such Partner has actually done so. A copy of the electronic confirmation receipt that OMIG provides to each Partner upon its certification submission(s) must be submitted along with its completed Attestation.

Remember, not all Partners are required to complete these OMIG compliance certifications. Rather, only Partner organizations that meet the criteria described above are required to annually file such certifications.

For guidance or more information regarding the OMIG annual Compliance Program Certification, OneCity Health recommends that Partners review the OMIG Frequently Asked Questions (FAQs) – NYS Mandatory Compliance Programs, which is available at: https://omig.ny.gov/sites/default/files/document/sslfaqs-final.pdf.

For guidance or more information regarding DRA certification requirements, OneCity Health recommends that Partners review the OMIG Federal Deficit Reduction Act Frequently Asked Questions (FAQs), which is available at: https://omig.ny.gov/sites/default/files/document/DRAFAQsfinal.pdf.

V. Completion and Return of the Attestation

The Attestation should be completed and signed by an authorized representative of your organization or practice and returned no later than May 29, 2020. The Attestation can be completed electronically at: https://nychealthandhospitals.surveymonkey.com/r/V9LKG25.
VI. **Questions Concerning the Attestation**

If you have any questions regarding the Attestation, please contact Sofia Khalid at khalids4@nychhc.org, or by phone at (646) 458-5632.

Thank you for taking the time to read this memorandum and completing the Attestation.