



**REPORTING FRAUD, WASTE, ABUSE & PHYSICAL
ABUSE, NEGLECT, EXPLOITATION, UNLICENSED
ACTIVITY**

Policies and Procedures:

<input checked="" type="checkbox"/> MEDICAID	<input checked="" type="checkbox"/> DUALS	<input checked="" type="checkbox"/> MEDICARE	<input checked="" type="checkbox"/> COMMERCIAL
Responsible Department: Special Investigation Unit		Approved By: Rosa Roldan DMD, MD Chief Dental Officer <i>Rosie Roldan DMD, MD</i> Kristina Rovirosa Chief Quality & <i>Kristina Rovirosa, RN, BSN</i> Experience Officer	
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PURPOSE/SCOPE:

In furtherance of LIBERTY Dental Plan’s (“LIBERTY”) Program Integrity efforts, and in compliance with applicable state and federal laws and contractual requirements this Policy establishes guidelines for reporting: fraud, waste, abuse, physical abuse, sexual abuse, neglect, exploitation, human trafficking, and unlicensed activity.

DEFINITIONS:

Fraud	Includes, but is not limited to, “knowingly making or causing to be made any false or fraudulent claim for payment of a health care benefit.” Fraud also includes fraud or misrepresentation by a subscriber or enrollee with respect to coverage of individuals and fraud or deception in the use of the services or facilities of LIBERTY or knowingly permitting such fraud or deception by another.
Waste	Means the thoughtless or careless expenditure, consumption, mismanagement, use, or squandering of resources. Waste also includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls. Waste does not normally lead to an allegation of “fraud,” but it could.
Abuse	Means the excessive, or improper use of something, or the use of something in a manner contrary to the natural or legal rules for its use; the intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of resources; or extravagant or excessive use so to abuse one’s position or authority. “Abuse” does not necessarily lead to an allegation of “fraud,” but it could.

Physical Abuse	Abuse — Non-accidental infliction of physical and/or emotional harm. Physical Abuse — Causing the infliction of physical pain or injury.
Sexual Abuse	Unwanted touching, fondling, sexual threats, sexually inappropriate remarks or other sexual activity with an adult with disabilities; touching, fondling, sexual threats, sexually inappropriate remarks or any other sexual activity when the person is unable to understand, unwilling to consent, threatened or physically forced to engage in sexual activity.
Neglect	Repeated conduct or a single incident of carelessness that results or could reasonably be expected to result in serious physical or psychological/emotional injury or substantial risk of death (this includes self-neglect and passive neglect).
Exploitation	Illegal use of assets or resources of an adult with disabilities. It includes, but is not limited to, misappropriation of assets or resources of the alleged victim by undue influence, by breach of fiduciary relationship, by fraud, deception, extortion or in any manner contrary to law.
Human Trafficking	Human trafficking, under both federal and Florida law, is defined as the transporting, soliciting, recruiting, harboring, providing, or obtaining of another person for transport; for the purposes of forced labor, domestic servitude or sexual exploitation using force, fraud and/or coercion.
Unlicensed Activity	Receiving medical, dental, and health care services from an unlicensed person. All instances of unlicensed activity must be reported to protect Florida residents and visitors from potentially serious and dangerous consequences.
Unlicensed Assisted Living Facilities	An assisted living facility (ALF) is designed to provide personal care services in the least restrictive and most home-like environment. These facilities can range in size from one resident to several hundred and may offer a wide variety of personal and nursing services designed specifically to meet an individual's personal needs.
Unlicensed Adult Family Care Homes	Adult family care homes (AFCHs) are private residences that are licensed to provide housing, meals, and personal care services to older persons and disabled adults who are unable to live independently. Unlike assisted living facilities, AFCHs are owned and operated by licensed AFCH "providers" who live with the residents they serve.

POLICY:

LIBERTY shall implement processes, which defines how to report any of the following suspected violations of the law:

- Fraud
- Waste
- Abuse
- Physical Abuse
- Sexual Abuse
- Neglect
- Exploitation
- Human Trafficking
- Unlicensed Activity
- Unlicensed Adult Family Care Homes

- Unlicensed Assisted Living Facilities

PROCESS/PROCEDURE:

Anyone who becomes aware or suspects LIBERTY, any provider, member, or any private citizen is committing fraud, waste, or abuse must make an immediate referral.

Anyone who becomes aware or suspects anyone has been or is being physically abused, sexually abused, neglected, exploited, or is or has been involved in human trafficking, or is engage in unlicensed activity, or is residing in an unlicensed home or facility must make an immediate referral to regulators and law enforcement.

LIBERTY Dental Plan and its contracted providers will report all instances of suspected fraud, waste, abuse, neglect, exploitation, human trafficking, unlicensed activity, unlicensed adult foster care home and/or assisted living facilities. This policy contains the procedures on how to report any of these violations.

I. Non Retaliation for reporting suspected FWA:

1. LIBERTY does not retaliate against any individual who report violations of LIBERTY’s fraud and abuse procedures or suspected fraud and abuse.
2. LIBERTY ensures the identities are protected for individuals reporting in good faith alleged acts of fraud and abuse; or suspected fraud and abuse.

II. Direct Confidential Reporting to AHCA (Florida Medicaid):

LIBERTY has established several options, which allow for confidential reporting of violations to Medicaid Program Integrity “MPI.” The number for MPI is listed in LIBERTY’s Provider Manual under Section 11- Fraud, Waste, and Abuse. LIBERTY has established the following mechanisms for employees to report FWA to MPI:

In support of the federal Whistleblower Protection Act, LIBERTY Dental Plan will ensure that AHCA’s Fraud and Abuse toll-free hotline is posted to allow associates, members, and providers to report issues confidentially.

AHCA’s Toll Free Fraud Hotline: 1-888-419-3456

- AHCA Consumer Complaint Hotline: (888) 419-3456
- Florida Attorney General’s Office: (866) 966-7226
- The Florida Medicaid Program Integrity Office: (850) 412-4600

III. AHCA Website Allows Reporting of FWA Via Online Complaint Form:

1. The public, providers, and enrollees can report fraud, abuse, and waste via the online link below.

2. All LIBERTY employees can report fraud, abuse, and waste via an online link to the Agency's (MPI) complaint form.

AHCA's website: <https://apps.ahca.myflorida.com/mpi-complaintform/>

IV. Direct Confidential Reporting to HHS/OIG:

LIBERTY Dental Plan will ensure the U.S. Department of Health & Human Services, Office of Inspector General (HHS-OIG) Whistle Phone number is posted to allow associates, members, and providers to report confidentially by dialing 1-800-HHS-TIPS. The number for HHS/OIG is listed in LIBERTY's Provider Manual under Section 11- Fraud, Waste, and Abuse.

1-800-HHS-TIPS (1-800-447-8477) or TTY 1-800-377- 4950.

V. How to Report Fraud, Waste, or Abuse to LIBERTY:

LIBERTY has established several options, which allow for confidential reporting of violations to LIBERTY. LIBERTY has established the following internal mechanisms, which includes a tip-line and two email boxes for internal plan associates to report suspected FWA.

- LIBERTY'S Corporate Compliance Hotline: (888) 704-9833
- LIBERTY'S Compliance Unit email: compliance@libertydentalplan.com
- LIBERTY'S Special Investigations Unit Hotline: (888) 704-9833
- LIBERTY'S Special Investigations Unit email: SIU@libertydentalplan.com

VI. LIBERTY's Internal SharePoint Describes to Associates How to Report FWA:

LIBERTY has an internal SharePoint home page (<https://spwebsrvr1.libertydentalplan.com/SitePages/LibertyDental.aspx>). Under the tab "LIBERTY Dental," directly in the middle of the page are company news and announcements. In this section, LIBERTY associates can find information about where they can report suspected fraud, waste, or abuse. The "Read More" link provides additional information about reporting FWA. The email compliance@libertydentalplan.com is the mechanism used to report compliance, privacy, ethics, or fraud, waste, and abuse.

Report Compliance, Privacy, Ethics or Fraud,
Waste and Abuse concerns



Call: 888.704.9833

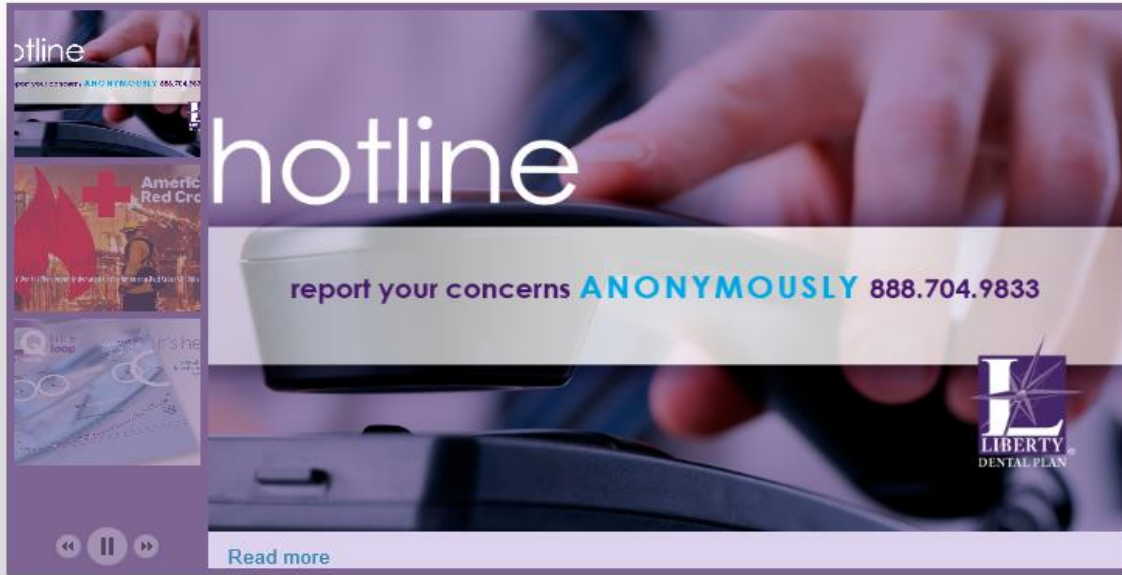
Fax: 714.389.3529

Email: compliancehotline@libertydentalplan.com

Mail: Compliance Officer
LIBERTY Dental Plan
1730 Flight Way, #125,
Tustin, CA 92782

Anyone can report concerns 24 hours a day, 7 days a week, including employees, members, providers, vendors, etc. LIBERTY enforces a strict policy of non-retaliation. Retaliation against anyone who reports compliance concerns in good faith is strictly prohibited. If you see retaliation or believe it has occurred, you must report it.

Company News & Announcements



VII. LIBERTY's FWA REFERRALS TO MEDICAID PROGRAM INTEGRITY (MPI):

1. LIBERTY shall report all suspected or confirmed instances of internal and external fraud, waste, or abuse, overpayment relating to the provision of, and payment for, Medicaid services. This includes but is not limited to, Medicaid Dental Covered Services, employees/management, providers, subcontractors, vendors, delegated entities, or enrollees under state and/or federal law be reported to MPI within fifteen (15) calendar days of detection.
2. Reporting suspected fraud and abuse by non-participating providers when detected.

VIII. Identifying and Reporting Physical Abuse, Neglect, & Exploitation:

LIBERTY Dental Plan shall immediately report to DCF's Central Abuse Hotline any suspected cases of abuse, neglect, or exploitation of enrollees.

Department of Children & Families (DCF)

(800)-962-2873 or (800) 96-ABUSE

Report Abuse Online:

<http://www.myflfamilies.com/service-programs/abuse-hotline/report-online>

IX. Dial 911 for Immediate Danger & Imminent Harm:

If you suspect there is a risk of danger or immediate harm to anyone, which may involve physical abuse, sexual abuse, neglect, exploitation, or human trafficking, unlicensed activity, immediately, call 911.

X. Florida Adult Protective Services Abuse Hotline:

The Florida Abuse Hotline accepts reports 24 hours a day and 7 days a week of known or suspected child abuse, neglect, or abandonment and reports of known or suspected abuse, neglect, or exploitation of a vulnerable adult.

Department of Children & Families (DCF)

(800)-962-2873 or (800) 96-ABUSE

Report Abuse Online:

<http://www.myflfamilies.com/service-programs/abuse-hotline/report-online>

XI. How to Report Human Trafficking:

Human Trafficking, under both federal and Florida law, it is defined as the transporting, soliciting, recruiting, harboring providing, or obtaining of another person for transport; for the purposes of forced labor, domestic servitude or sexual exploitation using force, fraud and/or coercion.



**REPORT HUMAN
TRAFFICKING**

THE NATIONAL
HUMAN TRAFFICKING
HOTLINE
1-888-373-7888

OR

THE U.S. DEPARTMENT
OF JUSTICE HOTLINE
1-888-428-7581

OR

FLORIDA ABUSE HOTLINE
1-800-96-ABUSE

OR

REPORT IT TO YOUR
LOCAL AUTHORITIES

XII. How to Report Unlicensed Activity:

A. Unlicensed Activity Unit.

The Unlicensed Activity (ULA) program protects Florida residents and visitors from the potentially serious and dangerous consequences of receiving medical and health care services from an unlicensed person. The ULA unit investigates and refers for prosecution all unlicensed health care activity complaints and allegations.

The ULA unit works in conjunction with law enforcement and the state attorney's offices to prosecute individuals practicing without a license. In many instances, unlicensed activity is a felony level criminal offense. More importantly, receiving health care from unlicensed people is dangerous and could result in further injury, disease or even death.

1. The public, providers, and enrollees can report unlicensed activity via the phone number (850) 245-4339, using the online link below, or sending an email to: MQA.ConsumerServices@flhealth.gov.
2. All LIBERTY employees can report unlicensed activity via the phone number (850)245-4339, using the online link below, or sending an email to: MQA.ConsumerServices@flhealth.gov.

<http://www.floridahealth.gov/licensing-and-regulation/enforcement/report-unlicensed-activity/index.html>

Unlicensed Activity Unit (ULA)

(850) 245-4339

Report Unlicensed Activity Unit:

MQA.ConsumerServices@flhealth.gov

4052 Bald Cypress Way, BIN C75

Tallahassee, FL 32399-3260

XIII. How to Report Unlicensed Adult Family Care Homes & Assisted Living Facilities:

A. Adult Family Care Homes (AFCHs)

Adult family care homes (AFCHs) are private residences that are licensed to provide housing, meals, and personal care services to older persons and disabled adults who are unable to live independently. Unlike assisted living facilities, AFCHs are owned and operated by licensed AFCH "providers" who live with the residents they serve. In addition, AFCHs are limited to a maximum of five (5) residents. AFCHs are intended to be a less costly alternative to more restrictive, institutional settings for individuals who do not need 24-hour nursing supervision.

The Agency for Health Care Administration (AHCA) licenses and inspects AFCHs. To obtain an adult family care home license application package, please contact:

B. Assisted Living Facilities (ALF)

An assisted living facility (ALF) is designed to provide personal care services in the least restrictive and most home-like environment. These facilities can range in size from one resident to several hundred and may offer a wide variety of personal and nursing services designed specifically to meet an individual's personal needs.

Facilities are licensed to provide routine personal care services under a "Standard" license, or more specific services under the authority of "Specialty" licenses. ALFs meeting the requirements for a Standard license may also qualify for specialty licenses. The purpose of "Specialty Licenses" is to allow individuals to "age in place" in familiar surroundings that can adequately and safely meet their continuing healthcare needs.

Assisted Living Unit

Bureau of Health Facility Regulation

2727 Mahan Drive MS #30 Tallahassee, FL 32308

Florida Relay Service (TDD): (800) 955-8771

Phone: (850) 412-4304

Fax: (850) 922-1984

Email: assistedliving@ahca.myflorida.com

To file a complaint against an assisted living facility please call: 1-888-419-3456

For complaints concerning Medicaid please call: 1-877-254-1055

C. Agency for Health Care Administration:

The Agency for Health Care Administration's Role includes the following:

- To ensure providers are informed of the law and allowed to comply prior to the Agency taking administrative sanctions for unlicensed activity (as required by law).
- To continue meeting with our sister agencies including the Departments of Children and Families, Business and Professional Regulation, Elder Affairs, Health and the Attorney General's Office to ensure all parties remain current with regard to policies and reporting.
- To continue referring unlicensed activity or unsafe conditions to the Attorney General's Medicaid Fraud Control Unit or local law enforcement.

The Consumer's Role

- To be knowledgeable about a facility before moving yourself or a loved one there. Licensed facilities as well as inspection reports and complaint history can be viewed via: www.FloridaHealthFinder.gov.

How to Report Unlicensed Activity to AHCA:

- To report suspected unlicensed activity to the Agency by calling **(888) 419-3456**
- or completing the online form at: <http://apps.ahca.myflorida.com/hcfc/>

Additional Background about Unlicensed Activity

- The majority of unlicensed operators discontinue their unlicensed activity once notified by the Agency and therefore not subject to fines.
- Action can be taken if an operator of a licensed facility is found to run an unlicensed operation, including action against the licensed facility. Each case is addressed individually, and appropriate avenues are pursued as authorized by law. It is important to note other actions are taken which may not tie directly to the unlicensed location such as action against a related licensed facility.

XIV. LIBERTY Provides Training to Employees, Providers, Members, & Vendors:

To ensure all pertinent individuals have access to the information contained in this policy the following mechanisms are being used to train and educate employees, providers, members, and vendors.

- **Employees:** employee training shall be included in the required new hire compliance training and in the required annual employee compliance training.
- **Providers:** provider training educating all new providers contracted under the Florida Medicaid Prepaid Dental Health Plan. The provider training shall be posted on LIBERTY's Florida Medicaid website under the provider section.
- **Members:** member training educating all enrollees who are enrolled in LIBERTY Dental Plan under the Florida Medicaid Prepaid Dental Health Plan. The member training shall be posted on LIBERTY's Florida Medicaid website under the member section.
- **Vendors:** vendor training to educate all vendors subcontracted under the Florida Medicaid Prepaid Dental Health Plan. The vendor training will be added to the vendor pre-delegation checklist and will be included in the annual vendor-monitoring schedule.