

## Overview

Wheelchair Express Sioux Falls is committed to conducting its business operations in accordance with ethical standards, internal policies and procedures, contractual obligations, and all applicable federal and state statutes, regulations, and rules, including but not limited to those pertaining to the Centers for Medicare & Medicaid Services (CMS), the Office of the Inspector General (OIG), and South Dakota Medicaid, especially but not limited to its regulation by 42 CFR § 455. Because of this commitment, officers, employees, and other workforce members of Wheelchair Express Sioux Falls are expected to inform management or appropriate external authorities of suspicions of fraud, waste, and abuse, and to engage in appropriate operational practices to avoid overbilling (see below).

## Definitions

Improper billing can arise from many different sources. CMS defines three basic issues: waste, abuse, and fraud.

- *Waste.* “Waste” includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls. It also includes overbillings for services that arise from inaccurate record keeping.
  - o An example of waste would be if Wheelchair Express Sioux Falls billed South Dakota Medicaid two full-price rides for a doubled-up ride, because the fact that two Medicaid-eligible riders were in the same van was not recorded.
- *Abuse.* “Abuse” means provider practices that are inconsistent with sound fiscal, business, or medical practices, and result in unnecessary costs to the Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary cost to the Medicaid program.
  - o An example of abuse would be if a passenger asked for oxygen without any medical reason for it, which Wheelchair Express Sioux Falls then provided and charged to South Dakota Medicaid.
- *Fraud.* “Fraud” means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit, unlawful gain, or unfair gain.
  - o An example of fraud would be if a passenger requested a ride to a medical facility but did not have an appointment at that facility. Instead, they used Wheelchair Express Sioux Falls to provide personal transportation and bill South Dakota Medicaid for it.

## Federal Laws

There are several federal laws that govern business operations in healthcare. The two most relevant to Wheelchair Express Sioux Falls are the False Claims Act and the Exclusion Statute.

- *False Claims Act:* This law makes it illegal to submit fraudulent claims to Medicare and Medicaid. It also contains provisions to encourage people who know about fraudulent activities (“whistleblowers”) to come forward. [See Operational Policies: Reporting, below]
- *Anti-Kickback Statute:* This law prohibits payment or other reward for one healthcare entity to direct business to another entity.

- *Stark Law*: This law prohibits healthcare providers from referring patients to another business in which they have a financial interest.
- *Exclusion Statute*: This law requires the Office of the Inspector General (OIG) of the U.S. Department of Health & Human Services to exclude individuals and entities, which have been convicted of criminal healthcare offenses, from participation in federal healthcare programs. Basically, once a person or business has been excluded by the OIG, healthcare programs such as Medicaid and Medicare will no longer pay for services. Names of excluded people can be searched online through the OIG Exclusions and System for Awards Management (SAM) databases. [See Operational Policies: Hiring and Employment, below]

## **Operational Policies**

- *Transparency in billing*. When possible, quotes for rides should be provided upon request. Wheelchair Express Sioux Falls will honor those quotes if the parameters of the ride have not changed. Customers will be informed of inaccurate quotes as soon as possible.
- *Redress*. Customers will be informed in writing (on invoices and statements) and in conversation that questions concerning bills should be addressed to the Wheelchair Express Sioux Falls office. If office staff determine that an error has been made, any mistakes will be addressed through refunds or credit.
- *No double-billing*. Bills will be sent to the person or entity known to be or most likely to be responsible for the cost of services rendered. Bills for those same services will not be sent to any other party, unless new information is obtained that shifts financial responsibility; in this case, the original party billed will be relieved of any debt. If another party assumes responsibility after payment is received, the original payer will receive a full refund.
- *Hiring and employment*. No employee of Wheelchair Express Sioux Falls will be Excluded from participation in federal medical payment programs. Potential employees will be screened for Exclusion on the Office of the Inspector General and System for Award Management databases. Names of current employees will be searched regularly on those databases, as well.
- *Recordkeeping*. Drivers and staff must keep as accurate records as possible regarding the specific services rendered with each ride. We cannot bill for services that have not been documented. Office staff will review records for every Medicaid ride to ensure compliance.
- *Reporting*. Wheelchair Express Sioux Falls employees and workforce members are obligated to report suspicions of fraud, waste, and abuse to Marty for further investigation, or directly to the Office of the South Dakota Attorney General at <https://atg.sd.gov/OurOffice/Departments/MFCU/default.aspx> or by emailing [ProgramIntegrity@state.sd.us](mailto:ProgramIntegrity@state.sd.us). Federal law prohibits retaliation against individuals who report suspicious billing activity.
- *Training*. Employees of Wheelchair Express Sioux Falls will receive training about the preceding legal issues and company policies, within 90 days of hire and through annual training sessions.