



# First-Tier, Downstream and Related Entity Program Self-Assessment Tool

**Objective:** To validate an organization’s compliance with specific Medicare Compliance Program requirements as required by the Centers for Medicare & Medicaid Services (“CMS”) of Care First Advantage, Inc. products.

**Instructions:** After review of the procedures, documents, or other materials, select whether there is sufficient evidence to ensure organizational compliance with each of the elements listed in the grid below. Select “Met” if organization has validated its compliance or select “Not Met” if the organization is not compliant. For any “Not Met” responses, a root cause analysis and resulting corrective action plan should be developed to bring organization into compliance.

Element	Requirement to be completed by the Organization for CareFirst Advantage, Inc.	Met	Not Met
<b>1. Code of Conduct (“COC”) and Compliance Policies</b>			
1.a	Provided Code of Conduct (“COC”) and Compliance Policies to employees within 90 days of hire.	<input type="checkbox"/>	<input type="checkbox"/>
1.b	Provided COC and Compliance Policies to employees annually and when updates are made.	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>▪ 42 C.F.R. §§ 422.503(b)(4)(vi)(A), 423.504(b)(4)(vi)(A)</li> <li>▪ 42 C.F.R. §§ 438.230, 457.1233</li> <li>▪ Deficit Reduction Act of 2005</li> </ul>			
<b>2. Fraud Waste and Abuse (“FWA”) Training</b>			
First-Tier <sup>1</sup> Entities may be “deemed” if enrolled into Parts A or B of the Medicare program or accredited as a supplier of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (“DMEPOS”)². Any portion of the organization that is not deemed is still subject to the requirements. <i>If deemed, the First-Tier has automatically “Met” this element.</i>			
2.a	New employees complete General Compliance and Fraud, Waste, and Abuse Training within 90 days of hire.	<input type="checkbox"/>	<input type="checkbox"/>
2.b	Existing employees complete Compliance and Fraud, Waste, and Abuse Training annually.	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>▪ 42 C.F.R. §§ 422.503(b)(4)(vi)(C), 423.504(b)(4)(vi)(C), 438.230</li> </ul>			
<b>3. Exclusion and Preclusion List Screenings: Office of Inspector General List of Excluded Individuals and Entities (“OIG”), General Services Administration System for Award Management (“GSA”), and CMS Preclusion List</b>			
3.a	Screen employees against the OIG <u>and</u> GSA exclusion lists <u>and</u> CMS Preclusion List prior to hire.	<input type="checkbox"/>	<input type="checkbox"/>
3.b	Screen employees against the OIG <u>and</u> GSA exclusion lists <u>and</u> CMS Preclusion List monthly.	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>▪ The Act §1862(e)(1)(B), 42 C.F.R. §§ 422.503(b)(4)(vi)(F), 422.752(a)(8), 423.504(b)(4)(vi)(F), 423.752(a)(6), 1001.1901, 438.230</li> </ul>			

<sup>1</sup>First-Tier Entity is any party that enters into a written arrangement, acceptable to CMS, with a Medicare Advantage Organization or Part D plan sponsor or applicant to provide administrative services or healthcare services to a Medicare eligible individual under the Medicare Advantage program or Part D program. (See, 42 C.F.R. §§ 422.500 & 423.501)

<sup>2</sup>Health care providers enrolled in the Medicare program or accredited as a DMEPOS provider are deemed to have met the FWA training and education requirements.

Element	Requirement to be completed by the Organization for CareFirst Advantage, Inc.	Met	Not Met	
<b>4. Reporting Mechanisms</b>				
4.a	Communicate reporting mechanisms, obligation to report, and non-retaliation policy for the reporting of non-compliance and potential FWA to employees.	<input type="checkbox"/>	<input type="checkbox"/>	
4.b	Report compliance concerns and potential FWA impacting CareFirst Advantage Inc.'s Medicare business to CareFirst Advantage, Inc.	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ False Claims Acts (31 U.S.C. §§ 3729-3733)</li> <li>▪ 42 C.F.R. §§ 422.503(b)(4)(vi)(G), 423.504(b)(4)(vi)(G), 438.230</li> </ul>				
<b>5. Record Retention</b>				
5.a	Retain training records of employees for ten (10) years which includes key data elements such as time, attendance, topic, certificates of completion, and test scores as applicable.	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ 42 CFR 422.503 422.504 (d), 438.230</li> </ul>				
<b>6. Monitoring and Auditing</b>				
6.a	Establish and maintain an auditing and monitoring program that addresses functions and services performed as part of the delegated relationship.	<input type="checkbox"/>	<input type="checkbox"/>	
6.b.	Have defined processes in place to report auditing and monitoring results to CareFirst Advantage, Inc.	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ 42 C.F.R. §§ 422.503(b)(4)(vi)(E), 423.504(b)(4)(vi)(E), 438.230</li> </ul>				
<b>7. Downstream Oversight</b> Element #7 is Not Applicable (N/A) for organizations that do not have contracted Downstream Entities OR that do not use Downstream Entities for CareFirst Advantage Inc.'s Medicare products.				
7.a	<p>Conducts oversight (e.g., monitoring or auditing) of Downstream Entities to ensure: (§50.6.6)</p> <ul style="list-style-type: none"> <li>a) Downstream Entities are compliant with Medicare regulations and requirements such as the Medicare Compliance Program Requirements.</li> <li>b) Downstream Entities are meeting performance expectations; AND</li> <li>c) Corrective actions and disciplinary actions are enforced as appropriate.</li> </ul>	<input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
7.b	Screen Downstream Entities against OIG <u>and</u> GSA exclusion lists and CMS Preclusion List prior to contracting and monthly thereafter.	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ 42 C.F.R. §§ 422.503(b)(4)(vi)(F), 423.504(b)(4)(vi)(F), 438.230</li> </ul>				