



Compliance Program

2018

False Claims Act (42 U.S.C. 1320a-7b(b))

The False Claims Act is a federal law that prohibits any person from:

- Knowingly presenting, or causing to be presented, to an officer or employee of the U.S. Government a false or fraudulent claim for payment or approval.
- Knowingly making, using, or causing to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the government.
- Conspiring to defraud the government by allowing a false or fraudulent claim to be paid.
 - A violator may be to the U.S. Government for civil and/or monetary penalties.



False Claims Act Examples

Some examples which fall under The False Claims Act include, but are not limited to:

- A claim indicating that a service was provided for some diagnosis code other than the true diagnosis code in order to obtain reimbursement for the service, which would not be covered if the true diagnosis code were submitted.
- A claim for a service or supply that was never provided.
- A claim indicating a higher level of service than was actually provided.



Anti-Kickback Statute (42 U.S.C. § 1320a-7b(b))

The Anti-Kickback Statute makes it a criminal offense to knowingly and willfully offer, pay, solicit, or receive payment – including any kickback, bribe, or rebate – in return for:

- Referrals for the furnishing or arranging of any items or service reimbursable by a federal health care program.
- Purchasing, leasing, ordering, or arranging for the purchasing or leasing of an item or service reimbursable by a federal health care program.

Payment is defined as the transfer of anything of value – money or gifts – directly or indirectly, overtly or covertly, in cash or in kind.

- When this happens, both parties are held in criminal liability of the impermissible “kickback” transaction.



Anti-Kickback Example

An example of a possible kickback would be:

- A hospital demands that radiologist pay excessive transcription costs for which the hospital is reimbursed under Medicare Part A. The radiologists either have to pay an amount that exceeds what Medicare pays for the service or risk losing the contract to provide radiology services for the hospital.

Penalties for violating the Anti-kickback Statute can include:

- Up to 5 years in prison,
- Criminal fines up to \$25,000,
- Administrative civil money penalties up to \$50,000, and
- Exclusion from participation in federal health care programs.



Stark Law (42 U.S.C. § 411.353)

Also known as the “Physician Self-Referral” Law, the Stark Law:

- Prohibits a physician from making referrals for certain designated health services payable by Medicare to an entity with which he/she – or an immediate family patient – has a financial relationship (ownership, investment, or compensation), unless an exception applies.

Examples of Stark Law violations include, but are not limited to:

- A Physician referring Medicare patients for certain designated health services to an entity with which the physician or a patient of the physician’s immediate family has a financial relationship.
- An agent referring patients to a specific provider, who in turn pays the agent.

Penalties for violating the Stark Law include:

- Up to a \$23,863 fine for each service provided.
- Up to a \$159,089 fine for entering into an arrangement or scheme, and
- Exclusion from participation in all Federal health care programs.



Conflict of Interest

- Conflict of interest is a set of circumstances that creates a risk that creates competing interests or loyalties that either are, or potentially can be, at odds with each other.
- All agilon health employees must avoid situations where their personal interests could conflict or appear to conflict with the best interests of the company.
- If you find yourself in a situation where to believe a conflict of interest exists, you are responsible for seeking guidance from the Chief Compliance Officer.



Reporting Non-Compliance or FWA



Non-Compliance Reporting

- Employees are required to, and encouraged to, bring forth information on suspected or known issues of non-compliance, FWA, or other violations of patient or company privacy or confidentiality issues.
- agilon health's Code of Conduct clearly states this obligation.
- agilon health prohibits any form of retaliation or intimidation against employees for reporting a compliance concern in good faith or for good-faith participation in any investigation or other proceeding related to such a report.
- Disciplinary actions that could be imposed for non-compliance or FWA include training, verbal or written warnings, reprimands, suspensions, terminations, and/or financial or criminal penalties.



Ways to Report Non-Compliance

- Suspected non-compliance or FWA can be reported in the following ways:
 - By notifying a supervisor, manager, or director
 - Directly to the Chief Compliance Officer
 - Through the Compliance secured email box (ComplianceAH@agilonhealth.com) or the Compliance hotline (833-668-8638)
- Reports made through the compliance can be made confidentially or anonymously.

