

**CLIENT ALERT
OCTOBER 2007**

**MASSHEALTH PROMULGATES REGULATIONS FOR
PROVIDER CERTIFICATION OF DRA COMPLIANCE**

MassHealth recently promulgated emergency regulations that affect all health care providers with at least \$5 million dollars in Medicaid revenues annually. The regulations require providers to certify that they are compliant with the federal Deficit Reduction Act (“DRA”) requirements concerning employee education about federal and state false claims acts and their accompanying whistleblower/anti-retaliation protections. The new regulations, codified at 130 CMR 450.205(F), are included within MassHealth’s Administrative and Billing regulations and are set forth in the Medicaid provider manuals. The regulations are incorporated by reference in all MassHealth provider contracts and may be viewed at the following link:
http://www.mass.gov/Eeohhs2/docs/masshealth/regs_provider/regs_allprovider.pdf

Specifically, the new regulations state that all providers subject to the DRA shall “provide written certification, on or before June 30 of each year, or such other date as specified by the MassHealth agency, signed under the pains and penalties of perjury, of compliance with the federal requirements”.

Because the regulations were made effective retroactively as of January 1, 2007, MassHealth has informed us that they intend to send out sample certification forms and a packet of guidance information to affected providers within the next few weeks. Please watch for direct communications from the Office of Medicaid and make sure that you have implemented policies and procedures to ensure DRA compliance. We are available to assist in reviewing your false claims and whistleblower policies, or in drafting new policies.