



Gregory J. Naclerio is a partner at Ruskin Moscou Faltischek, where he is chair of the Health Law Transactional and Health Law Regulatory Departments and co-chair of the White Collar Crime & Investigations

Group. He is also a member of the Corporate Governance Practice Group.

Ruskin Moscou Faltischek's Health Law Capabilities

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Compliance Plans Become Mandatory for Many Providers

On January 1, 2007, the Deficit Reduction Act (DRA) will go into effect. The DRA has serious ramifications for any health care facility that receives \$5 million or more in Medicaid reimbursement. Under the DRA, those Medicaid providers, as conditions of participation, must:

- Establish written procedures to provide employees with information pertaining to the Federal False Claims Act, state and federal laws pertaining to false claims, and how these laws are specifically designed to combat fraud in the health care industry;
- Establish internal procedures and train employees on how to detect and prevent fraud and abuse; and
- Provide employees with detailed information on all state and federal laws pertaining to "whistle-blowing and an employee's right to be protected from retribution for reporting fraud and abuse."

These conditions require, in essence, a mandatory compliance plan for all employees, agents and independent contractors. Similarly, the State of New York will be establishing regulations that will state that Medicaid providers who bill at a level to be determined by the Department of Health shall adopt a compliance program. The outline of the State's mandatory compliance program tracks the Federal Compliance Guidance, which was touted as a voluntary program. However, as of January 1st, "voluntary" is out, and "mandatory" is in.

Second, the provisions set forth in the DRA's section 6033 also apply to all of an employer's agents and independent contractors. What this means is that, for example, a nurse's aide who works in a facility two days a week must receive the same education and training about fraud abuse as a full-time employee. In short, the DRA requires employers to take a proactive role in ensuring that all of the people who work for them receive the necessary information required by law; it will not be enough to simply put a few additional pages in the hand book or to circulate a few internal memos.

For additional information on compliance with section 6033 of the DRA, please contact Gregory J. Naclerio, Esq. at (516) 663-6633 or gnaclerio@rmfpc.com.



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About the Firm

Founded in 1968, Ruskin Moscou Faltischek P.C. has emerged as Long Island's preeminent law firm. As specialized as we are diverse, we have built cornerstone groups in all of the major practice areas of law, and service a diverse and sophisticated clientele. With more than 60 attorneys, superior knowledge of the law, polished business acumen and proven credentials, Ruskin Moscou Faltischek has earned a reputation for excellence and success. It is this ongoing achievement that makes us an acknowledged leader among our peers and the preferred choice among business leaders.

The strength of Ruskin Moscou Faltischek's resources greatly enhances what we can accomplish for our clients – to not only solve problems, but to create opportunities. We take pride in going beyond what is expected from most law firms. The invaluable contacts and relationships we have nurtured in the financial, venture capital and business communities heighten our value-added services. Our knowledge of technology and business models enables us to guide clients to the next level in their business evolution. Our intellectual capital, multidisciplinary approach, and our ability to navigate through the complexities of each court and administrative forum in which we practice enables us to efficiently and cost effectively provide professional excellence and achieve success for our clients.



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East Tower, 15th Floor
1425 Reckson Plaza, Uniondale, NY 11556-1425
New York City ▾ Uniondale ▾ Hauppauge
516.663.6600 ▾ www.rmfp.com

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Seminar Announcement

On November 30, 2006, Ruskin Moscou Faltischek will host a free dinner seminar on the new Medicaid fraud legislation entitled, "From Voluntary to Mandatory: The New Medicaid Compliance Law - What You Must Know." At this event, New York State Senator Dean Skelos will discuss the new Medicaid fraud legislation and why it is needed. In addition, a large portion of the program will be devoted to compliance with the new regulations and the consequences of non-compliance. William Comiskey, the Deputy Attorney General for Medicaid Fraud in New York, will address his office's investigations into Medicaid fraud. We anticipate that this seminar will serve as an invaluable resource for any health care provider who is faced with the task of implementing programs in two months that should be developed over at least two years.

Date: Thursday, November 30, 2006

Time: 5:30 - 8:00 pm

Location: 1425 Reckson Plaza, Uniondale, New York

For information on the Medicaid Fraud seminar or to register, please call (516) 663-5353 or email info@rmfp.com.