

## Fraud and Abuse Laws and Code of Conduct

Cited from the HHS Ownership Manual

In order to inform Associates about fraud and abuse laws, whistleblower protections, and HHS policies and procedures to detect fraud, waste, and abuse, associates should be aware that HHS has System Compliance Policies for the reporting of potential fraud, waste, and abuse within the system. Associates should refer to these policies for additional direction.

HHS Code of Conduct also provides guidance in carrying out daily activities within appropriate legal and ethical standards. Associates should refer to the Code of Conduct policy (SE 510) for more detailed information regarding applicable state and federal laws on fraud and abuse, and the rights of employees who raise good faith concerns and protection from retaliation.

HHS has a Compliance Officer and a Compliance committee who review legal and ethical issues which arise within the operation of SRHS. Associates should report questions about potential violations to the Compliance Officer, members of the Compliance committee, Senior Leaders, or their supervisors. A toll free number is available for confidential reporting, 1-877-508-5433. HHS utilizes internal and external auditing processes for detecting and preventing fraud, waste, and abuse.

The goal of state and federal laws prohibiting fraud and abuse is to ensure the safety of beneficiaries and the integrity of healthcare programs. The laws target conduct that results in over-utilization, increased, program costs, corruptions of medical decision making and unfair competition. The work to prevent and detect fraud, waste, and abuse by punishing violators, and deterring potential violators through criminal and civil penalties, which may include imprisonment, exclusion, debarment, suspension, civil monetary penalties, and corporate integrity agreements, and by encouraging whistleblowers.

Some of the primary laws governing fraud and abuse: Federal False Claims Act. 31 USCA 37293733; Federal anti-Kickback Law. 42 USC 1320a-7b(b); Stark Self-Referral Law. 42 USC 1395nn. There are several Tennessee laws relating to fraud and abuse which include: Medicaid False Claims Act. TCA 71050181 et seq; TennCare Fraud and Abuse Reform Act of 2004. TCA 71-5-2500 et seq.