

MCS HEALTHCARE HOLDINGS, LLC

MCS Policy No: MCS-Policy-003

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Related Departments: Compliance and Human Resources	Effective Date: 5/12/2008
Policy Title: Effective Training and Education	Most Recent Revision Date: 12/17/2019
Approved by: Corporate Compliance Committee	Applies to: <input checked="" type="checkbox"/> MCS Advantage, Inc. <input checked="" type="checkbox"/> MCS Life Insurance Company <input checked="" type="checkbox"/> MCS General Insurance Agency

POLICY**A. Training and Education**

1. MCS establishes, implements, and provides effective training and education for its employees, (including all senior management and temporary employees), members of the Board of Directors and first tier, downstream and related entities (FDRs) through different mechanisms.
2. General compliance trainings are reviewed at least annually and approved by the Corporate Compliance Committee.
3. The training and education must occur within ninety (90) days of initial hire or appointment, and at least annually thereafter. The training is part of the orientation for new employees, (including all senior management and temporary employees), members of the Board, and FDRs.

B. General Compliance Trainings

1. General compliance trainings are provided to all employees and members of the Board within ninety (90) days of initial hiring, or appointment, when there are updates and annually thereafter. Attendance and participation in trainings and education is a mandatory condition of employment for MCS employees and is a criterion in employee evaluations. General compliance trainings cover the following:
 - a. The MCS Compliance Program, Codes of Conduct, and compliance policies and procedures;
 - b. MCS's commitment to ethics and compliance with all pertinent laws and regulations related to compliance, and privacy and security, including but not limited to, Medicare program requirements;
 - c. Effective lines of communication, including how to ask compliance questions and report potential non-compliance, and/or fraud, waste, and abuse (FWA) with an emphasis on confidentiality, anonymity, non-retaliation, and non-intimidation;
 - d. The requirement to report actual or suspected Medicare and any other program non-compliance or potential FWA;
 - e. Review of the disciplinary guidelines for non-compliant or fraudulent behavior;
 - f. Examples of reportable non-compliance that an employee might observe;
 - g. A review of policies related to contracting with the government, such as the laws addressing gifts and gratuities for government employees;
 - h. A review of potential conflicts of interest and MCS' process for disclosing potential conflicts of interest;

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- i. An overview of HIPAA/HITECH, the CMS Data Use Agreement, and the importance of maintaining the confidentiality of Personal Health Information;
 - j. An overview of the monitoring and auditing process;
 - k. A review of the laws that govern employee conduct in the Medicare program.
 - 2. Separate trainings related to FWA, are also provided by MCS. These FWA trainings cover the following, among other topics:
 - a. Laws and regulations related to MA and Part D FWA (i.e., False Claims Act, Anti-Kickback statute, etc.);
 - b. Definitions and identification of fraud (e.g., kickbacks and drug diversion), waste (e.g. payment and utilization errors), and abuse (e.g., over utilization) with an emphasis on prompt detection and escalation procedures of a fraud allegation;
 - c. Obligations of FDRs to have appropriate policies and procedures to address and report suspected FWA;
 - d. Identification of any false statements or misrepresentation by a beneficiary, a person calling on behalf of a beneficiary, a pharmacy provider, or employee of the pharmacy;
 - e. A description of the process for reporting suspected FWA to MCS;
 - f. A description of the protections available to employees who report suspected FWA;
 - g. Description of Federal Exclusion and Preclusion Programs;
 - h. Examples of the types of FWA that can occur in the settings in which employees work;
 - i. Review of policies and procedures as available internal resources covering all aspect of the program, including standards of conduct, compliance, and methods of reporting FWA.
- C. Specialized Compliance Trainings
- 1. MCS provide specialized compliance trainings to employees in order for them to become aware of the Medicare or other requirements related to their job function. These trainings are provided at initial hiring, when there are updates, and/or as result of an Internal/External Audit, Monitoring or Investigation processes. In addition, the Compliance department offers its employees, according to their role in the company, the specialized trainings provided by CMS through the HPMS memos or the Medicare Learning Network.
- D. Education to MCS Employees
- 1. MCS uses different mechanisms to reinforce the compliance culture such as:
 - a. General Compliance and/or FWA Alerts
 - b. Specialized Compliance and/or FWA Alerts
 - c. CMS Webinars and User Calls
 - d. Compliance awareness materials (e.g. newsletters, posters, awareness campaigns)
- E. Effectiveness of Training and Education
- F. MCS evaluates training and education effectiveness to ensure that all employees understand and retain appropriate information to conduct business in an ethical and compliant manner. The most common method for this evaluation is providing a post-test that includes questions of the material discussed in the training. The post-test measures the knowledge acquired by the personnel taking the training in that specific subject. Also, when the training is provided in person, an evaluation of the training and the instructor is completed by the attendee. This

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evaluation provides information about whether the training and assigned instructor achieved the training objectives in order to improve the learning experience.

G. Records

1. MCS maintains records for a period of ten (10) years of the time, attendance, topic, certificates of completion (if applicable), and test scores of any tests administered to their employees.

G. First Tier Entity Training and Education

1. MCS distributes the general compliance trainings to First Tier entities once the initial contract is executed, when there are updates, and annually thereafter.
2. MCS requires First Tier entities to provide effective general compliance trainings and education to their employees and members of the Board, as applicable, within ninety (90) days of initial hiring or appointment, when there are updates and annually thereafter.
3. First Tier entities identify, develop, and provide specialized compliance trainings related to the service delegated by MCS, in accordance with the risks and needs of the job functions of their employees.
4. As a result of an Internal and/or External Audit or Monitoring, the MCS Compliance Department may provide a specialized compliance training to First Tier entities.
5. MCS requires, at least annually, First Tier entities submit their compliance trainings to MCS for review.
6. MCS provides continuing education to First Tier entities to reinforce the MCS compliance culture through different mechanisms including, but not limited to:
 - a. Specialized compliance alerts;
 - b. CMS Webinars: MCS requires registration and participation (as applicable);
 - c. Distribution of HPMS Memos (as applicable); and
 - d. Compliance awareness materials (e.g. poster, pagers, brochures, awareness campaign).
 - e. Compliance to Compliance meetings
7. First Tier entities must maintain for a period of ten (10) years all documentation related to trainings, including the mechanisms used to measure the effectiveness of the trainings.

H. Enrollee Education

1. MCS has identified that the compliance culture should be expanded to our beneficiaries and subscribers. MCS has different mechanisms to educate our beneficiaries on compliance, on how to identify and report potential FWA and the protections for whistleblowers. These mechanisms may include:
 - a. Newsletters
 - b. MCS's Webpage
 - c. Awareness campaigns
 - d. Other documents provided to enrollees as part of the enrollment process or regular operations (i.e. ANOC, EOC, EOB, among others)

DEFINITIONS

1. Centers for Medicare and Medicaid Services (CMS): The Federal agency within the Department of Health and Human Services (DHHS) that administers the Medicare program.

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2. FDR: First Tier, Downstream, and Related Entity

- First Tier Entity: is any party that enters into a written arrangement, acceptable to CMS, with an MAO or Part D plan sponsor or applicant to provide administrative services or health care services to a Medicare eligible individual under the MA program or Part D program. (See, 42 C.F.R. § 423.501).
- Downstream Entity: is any party that enters into a written arrangement, acceptable to CMS, with persons or entities involved with the Medicare Advantage (MA) benefit or Part D benefit, below the level of the arrangement between a Medicare Advantage Organization (MAO) or applicant or a Part D plan sponsor or applicant and a first tier entity. These written arrangements continue down to the level of the ultimate provider of both health and administrative services. (See, 42 C.F.R. §, 423.501).
- Related Entity: means any entity that is related to an MAO or Part D sponsor by common ownership or control and performs some of the MAO or Part D plan sponsor's management functions under contract or delegation; furnishes services to Medicare enrollees under an oral or written agreement; or leases real property or sells materials to the MAO or Part D plan sponsor at a cost of more than \$2,500 during a contract period. (See, 42 C.F.R. §423.501).

3. HIPAA: The Health Insurance Portability and Accountability Act is federal legislation approved by Congress regulating the continuity and portability of health plans. Mandating the adoption and implementation of administrative simplification standards to prevents, fraud, abuse, improve health plan overall operations and guarantee the privacy and confidentiality of individually identifiable health information, among other requirements.

REFERENCES

- §422.504(C)(1)(2)
- §422.503(C)(1)(2)
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RELATED MCS PROCEDURE(S)

- HR-ORGDT-003 General and Specialized Compliance Trainings and Education
- CA-COMP-028 Part C and D User Group Call Coordination
- CA-COMP-078 First Tiers Education and Training Procedure

POLICY REVISIONS:

DATE	CHANGE(S)	REASONS
7/30/2014	Segregation between policy and procedure	Annual Review
8/25/2015	Inclusion of Education mechanism and First Tiers education and training.	Review to comply with HPMS Memo 6/17/2015 Update – Reducing the Burden of the Compliance Program Training Requirements.

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DATE	CHANGE(S)	REASONS
8/17/2016	Changes in Holding company and add subsidiary.	Annual Review
2/01/2017	Include information related to education to enrollees regarding how to report FWA and whistleblower protections.	Annual Revision
11/08/2017	Minor Changes to align policy with the work performed	Annual Review
12/21/2018	Minor changes to align policy with Compliance Program	Annual Review
12/17/2019	Clarified some of the processes. Added new references and deleted obsolete references.	Annual Review.

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