



Title: Fraud, Waste, and Abuse (FWA) Prevention Policy	Created Date: April 10, 2025
Reviewed/Approved By: Jen Cathy, CEO and Mary LaDuca, COO/Compliance Officer	Approval Date: April 16 2025

Purpose

To prevent, detect, and report potential fraud, waste, or abuse (FWA) in connection with services reimbursed by Medicaid, Medicare, or other payors.

Policy Statement

This policy also supports compliance with 42 CFR Part 2 confidentiality regulations where applicable, especially in cases where fraud, waste, or abuse involves substance use disorder treatment records. Disclosures must comply with federal protections for patient confidentiality.

Delphi Rise has zero tolerance for fraud, waste, or abuse. All employees, contractors, and vendors must report suspected FWA and cooperate with investigations. This policy supports compliance with federal and state laws, including the False Claims Act and OMIG guidance.

Definitions

- **Fraud:** Intentionally submitting false information to get unauthorized benefits or payment (e.g., billing for services not provided).
- **Waste:** Overuse of services or misuse of resources that results in unnecessary costs (e.g., ordering duplicative tests).
- **Abuse:** Practices that are inconsistent with sound billing or medical practices, resulting in improper payment (e.g., upcoding or providing services not medically necessary).

Example of FWA

- Billing for services or items not provided
- Falsifying patient records or time sheets
- Providing unnecessary services
- Using someone else's Medicaid or Medicare number
- Failing to return overpayments
- Accepting or offering kickbacks for referrals

Reporting FWA

All reports involving suspected fraud related to substance use disorder services must be evaluated for compliance with 42 CFR Part 2 before any identifiable information is shared externally. Disclosures to OMIG, OIG, or law enforcement require appropriate patient consent or a qualifying court order when 42 CFR Part 2 applies.

- **Internal Reporting:** All staff must report suspected FWA to the Compliance Officer, via the anonymous Compliance Hotline, or in person.
- **External Reporting:** When required, the Compliance Officer will report confirmed FWA to OMIG, the Office of Inspector General (OIG), or other authorities.



Investigation and Response

The Compliance Officer must ensure that investigative procedures involving SUD-related services or records are conducted in a manner consistent with 42 CFR Part 2 requirements.

- The Compliance Officer will promptly investigate all FWA concerns.
- If a violation is confirmed, the organization will take corrective action, including possible discipline, refund of overpayments, and process improvement.
- Retaliation against anyone who reports FWA in good faith is strictly prohibited.

Training

Annual FWA training will include guidance on how to navigate confidentiality concerns, including when and how to report issues involving 42 CFR Part 2-protected records.

All employees will receive annual FWA training, and new hires must complete training within 30 days of hire.

Enforcement

Failure to report FWA or knowingly participating in it may result in disciplinary action, including termination and possible legal action.