

False Claims Employee Education

Frequently Asked Questions

I received a letter about False Claims Employee Education. Does this mean I am an entity?

Not necessarily. Follow these steps to determine if you are an entity:

- 1) Identify all components of your organization, corporation, partnership or business arrangement. This may include multiple locations, Billing NPIs, and FEINs.
- 2) Total all payments received from South Dakota Medicaid in the last federal fiscal year. A federal fiscal year begins October 1 and ends September 30 of the following year. Federal Fiscal Year 2013 began October 1, 2012 and ended September 30, 2013.
- 3) Did the total of all payments for all components of your organization exceed \$5 million?
 - If yes, you are an entity and must complete a self-attestation form.
 - If no, you do not need to attest.

I received multiple letters for different NPIs and FEINs. Do I have to fill out a separate attestation form for each NPI and FEIN?

No. South Dakota only needs to receive one completed form per entity. If your entity includes multiple Billing NPIs and FEINs, you must attach a list that includes all of the Billing NPI and FEINs that you are including in your attestation.

How do I submit my attestation?

South Dakota Medicaid prefers to receive attestations via email at MedicaidAttestations@state.sd.us. You may also fax the completed form to 605.773.5246, or mail the form to:

South Dakota Medicaid
700 Governor's Drive
Pierre, SD 57501

What's an FEIN?

FEIN is an abbreviation for Federal Employer Identification Number. This is a nine-digit number assigned by the Internal Revenue Service to businesses for tax purposes. This

number is also known as a Federal Tax Identification Number or Employer Identification Number (EIN).

My entity operates in multiple states. Are payments from multiple states aggregated to reach the \$5 million threshold?

No. You only need to total payments received from South Dakota Medicaid. Other state Medicaid agencies will have their own process for attestation.

Do I need to submit a copy of my entity's written policy for review with my self-attestation form?

No. South Dakota Medicaid will only ask for written policies in the event of an audit.

What happens if I do not attest?

If you meet the definition of an entity and fail to attest, you may be subject to sanctions, including suspension of Medicaid payments and termination from participation in South Dakota Medicaid.

Would a school-district be an entity?

If the school district has received payments from South Dakota Medicaid totaling over \$5 million in the last federal fiscal year then it would meet the definition of an entity.

Does South Dakota Medicaid have a preferred format for written policies regarding False Claims Recoveries?

No. The format and wording of the written policy is up to the discretion of the entity.

What is the False Claims Act? Where can I read it?

The False Claims Act was passed in 1863. It has been amended multiple times since its initial passage. The provisions of the False Claims Act applicable to Medicaid entities are found in 31 U.S.C. §§ 3729 – 3733. You may read Sections 3729 – 3733 of Title 31, United States Code, [here](#).

What is the Deficit Reduction Act of 2005, Section 6032? How is it related to the False Claims Act?

Section 6032 of the Deficit Reduction Act of 2005 created 1902(a)(68) of the Social Security Act that requires state Medicaid agencies to implement procedures for the oversight of entities as defined by the Deficit Reduction Act, Section 6032.

- Read [Section 1902\(a\)\(68\) of the Social Security Act](#)
- Read [Section 6032 of the Deficit Reduction Act of 2005](#)