Re: Cease and Desist Notice for non-compliance of OptumRx online Fraud, Waste and Abuse CMS attestation requirements

Attention: Owner/Person Responsible for Third-Party Contracting:

In accordance with Centers for Medicare & Medicaid Services (CMS) requirements, Medicare Advantage Organizations (MAO), Medicare-Medicaid Plans (MMPs) and Medicare Part D (PDP) sponsors are obligated to require completion of annual fraud, waste and abuse (FWA) and general compliance training by their first-tier, related, and down-stream entities (collectively referred to as FDRs). In addition, FDRs are required to monitor federal exclusions lists on a monthly basis as well as annually distribute code or standards of conduct information.

For 2015, OptumRx and its affiliate Catamaran (collectively, “ORx”), on behalf of its plan sponsor clients, utilizes the Centers for Medicare & Medicaid Services (CMS) standardized Medicare Parts C & D Fraud, Waste and Abuse (FWA) and General Compliance training module. This training module satisfies the regulatory requirement for effective training and education (42 CFR 422.503(b)(4)(vi)(C) and 423.504(b)(4)(vi)(C)) and is located at the following site:

In order to comply with CMS requirements, ORx asks that each of our contracted network provider pharmacies review the CMS training materials along with our client sponsors’ code of conduct and conflict of interest policies and provide them to your staff who administer the Medicare Part D drug benefit and/or provide health care services to Medicare Advantage or Medicare-Medicaid Plan enrollees. FWA and general compliance training must be completed by all employees within ninety (90) days of hire/contract and annually thereafter.

The deadline for December 31, 2015 completion of the ORx online attestation has already passed and you are non-compliant with the CMS regulatory requirement. To be in compliance with the regulation, each contracted network provider pharmacy must complete the online OptumRx attestation indicating that they have received and completed FWA and general compliance training materials and are applying the additional compliance requirements concerning Medicare Advantage, Medicare-Medicaid Plans (MMP) and Medicare Part D business. The attestation, along with your pharmacy’s identifying information and your electronic signature on behalf of your pharmacy, must be provided electronically at the following site:

You are hereby informed that ORx requires you to complete the ORx FWA online attestation within five (5) business days from the date of this letter, and no later than February 18, 2016. If you fail to complete the attestation and come into compliance with the applicable regulations within five (5) business days, ORx may terminate your pharmacy from some or all ORx pharmacy networks in accordance with your agreement. If the website is slow or non-responsive, please retry before reaching out to ORx. If you have any questions, please reach out to ORx Pharmacy Network Programs at the following email address: pharmacyprograms@optum.com.

Sincerely,

Network Provider Evaluation Committee

February 9, 2016
**URGENT! IMPORTANT INFORMATION REGARDING**

2015 Fraud, Waste and Abuse (FWA) and General Compliance Training & Requirements

**FINAL REMINDER! YOUR 2015 FWA ATTESTATION SUBMISSION IS DUE WITHIN 5 (FIVE) BUSINESS DAYS! SUBMIT NOW!**

For those pharmacies that dispense Drug Products to ‘Part D’ Members and have NOT completed the required attestation for 2015 on the OptumRx website. Please note, by receiving this fax, our records indicate we have not received your FWA Online Attestation.

Important Note: This communication is being sent to all pharmacies contracted for Part D by OptumRx and/or Catamaran.

Effective July 23, 2015, OptumRx and Catamaran began the integration of the two entities. The integration of the companies will facilitate, among other things, a simple and unified FWA Online Attestation process for our collectively contracted pharmacies.

In accordance with Centers for Medicare & Medicaid Services (CMS) requirements, Medicare Advantage Organizations (MAO), Medicare-Medicaid Plans (MMPs) and Medicare Part D (PDP) sponsors (“Plan Sponsors”) are obligated to require completion of annual Fraud, Waste and Abuse (FWA) and General Compliance Training with their First-tier, Down-stream and Related (FDR) entities. In addition, FDRs are required to monitor federal exclusions lists on a monthly basis, as well as annually distribute Code (or Standards) of Conduct information. As a “Network Pharmacy Provider,” you are considered a FDR. On behalf of our Plan Sponsors, we are providing this training to all of our Network Pharmacy Providers.

To avoid termination action each contracted Network Pharmacy Provider must complete the online OptumRx attestation for each National Council for Prescription Drug Programs (NCPDP) associated with the business indicating that it has received and completed FWA and General Compliance Training materials and are applying the additional compliance requirements concerning Medicare Advantage (MA), MMP and PDP sponsors. The attestation details/information is located on the OptumRx portal:


Note:

- Please submit an attestation for your PSAO/GPO/Chain Code(s) (print and/or save a PDF copy of your online attestation; keep it on file with your training materials and training log for audit-purposes)
- OptumRx does not require you to submit a copy of your training materials, training log, etc. (OptumRx only requires you to attest to the completion of annual FWA and general compliance training and these documents be made available upon request)
Failure to comply may lead to a formal warning and termination of your Agreement

There are three (3) options of which one (1) will apply to your PSAO/GPO/Chain to choose from on the drop-down list, please select the appropriate option applicable to your PSAO/GPO Chain code:

1. Independent (not affiliate with a PSAO/Chain Code, but directly with OptumRx)
2. Independent (affiliated with a PSAO/GPO/Chain Code)
3. PSAO/GPO/Chain (attesting on behalf of all pharmacies)

**Required Attestation** (located on the OptumRx portal):


If you have any questions please contact OptumRx at:

- Pharmacyprograms@optum.com

**Additional Information:**

**CMS Training Module**

For 2015 OptumRx, on behalf of its Plan Sponsor clients, will utilize the Centers for Medicare & Medicaid Services (CMS) standardized Medicare Parts C & D Fraud, Waste and Abuse (FWA) and General Compliance training module. This training module satisfies the regulatory requirement for effective training and education (42 CFR 422.503(b)(4)(vi)(C) and 423.504(b)(4)(vi)(C)) and is located at the following site:


**PLEASE NOTE:** As per June 17, 2015 CMS memo, beginning in 2016 only CMS training materials located on the Medicare Learning Network (MLN) will be allowed and the content of these materials cannot be modified in order to ensure the integrity and completeness of the training.

**Training Your Employees within Ninety (90) Days**

In order to comply with CMS requirements, OptumRx asks that each of our contracted network provider pharmacies review the CMS training materials along with our Plan Sponsors’ code of conduct and conflict of interest policies and provide them to your staff who administer the Medicare Part D drug benefit or provide health care services to MA and MMP enrollees. FWA and general compliance training must be completed by all employees within ninety (90) days of hire/contract and annually thereafter.

*Completion of the OptumRx online attestation is still required even if your pharmacy/organization qualifies for the waiver based on meeting the fraud, waste and abuse certification requirements through enrollment into the Medicare program or accreditation as a Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) provider and are deemed to have met the training and education requirements for fraud, waste and abuse per 423.504 (vi)(C)(3). To indicate the deemed status, please check the Waiver section of the attestation.*

**Ten (10) Year Data Maintenance and Audit Requirements**

In addition, CMS requires records demonstrating compliance with these requirements be maintained for ten (10) years. This includes all individuals trained be listed along with the date the FWA and General Compliance Training information is provided/completed, as well as the date of the Office of Inspector General's (OIG) - U.S. Department of Health & Human Services (HHS)/General Services Administration (GSA) monitoring review. You can download a form for this purpose and keep on file for future audit purposes. **It is not necessary to send this to OptumRx but it must be made available immediately**
up on request in the event of an audit. In our experience, auditors expect us to provide this information the same day it is requested and we greatly appreciate your prompt cooperation.

Completing the annual CMS FWA and general compliance training is required by your OptumRx network contract and is your obligation as a recipient of Medicare Part D or any other government funds.

Reminders:

- OptumRx must ensure that you have not been excluded from participation in federal health care programs. We do this by checking your status in federal programs exclusion lists maintained by the OIG-HHS and GSA - System for Award Management (SAM). In turn, Network Pharmacy Provider must review the OIG-HHS and GSA-SAM lists prior to hire/contracting and monthly thereafter for its current employees/contractors, health professionals or subcontracted delegates working with MA, MMP and PDP sponsor programs to ensure none are excluded from participating in these programs. This information is available at the following sites:
  - General Services Administration (GSA) - System for Award Management (SAM) ~ Excluded Parties Listing System (EPLS): [https://www.sam.gov/portal/SAM/#1](https://www.sam.gov/portal/SAM/#1)

  Please be sure you do this on a monthly basis and maintain documentation for ten (10) years as evidence of this practice. If you identify an excluded party, report this to OptumRx.

- You are required to report any suspected or potential FWA. To report an incident, please contact the OptumRx Pharmacy Network Relations Department via email to pharmacyprograms@optum.com.

- Plan Sponsors, FDR entities (including Network Pharmacy Providers) should initiate an inquiry immediately, but no less than two (2) weeks from the date a potential fraud matter is identified. If, upon investigation, the Network Pharmacy Provider believes potential misconduct has occurred, the Network Pharmacy Provider should report the alleged activity to the OptumRx Pharmacy Help Desk. In addition, the Network Pharmacy Provider may report this information to either of the following:
  - Customer Service’s number identified on the back of the Member’s ID card
  - Medicare Integrity Contractor (MEDIC) at 1-877-7SAFERX or 1-877-772-3379.

We appreciate your efforts to review the CMS FWA and General Compliance Training module and sharing details with the staff in your pharmacy. With the completed attestations from all of our Network Provider Pharmacies, we can help assure our Plan Sponsors of our compliance with CMS MA, MMP and PDP requirements.

Thank you for your continued support. Please Distribute Immediately.