Policy Title: FWA Laws and Utilization of Safe Harbors			
Department Responsible: THN Compliance & Integrity	**Policy Number:** FWA-001	**THN's Effective Date:** January 1, 2022	**Next Review/Revision Date:** September 30, 2023
Title of Person Responsible: THN Director of Compliance	**THN Approval Council:** THN Board of Managers	**Date Approved:** August 29, 2022	**Date Approved by THN Board of Managers:** August 29, 2022

I. **Purpose.** The purpose of FWA-001 is to outline (1) the processes used by Triad HealthCare Network (THN) to ensure compliance with all Fraud, Waste, and Abuse (FWA) laws and regulations, and appropriate use and documentation of any FWA applicable Safe Harbors, and (2) procedures to ensure that THN's practices are consistent with its stated policies.

II. **Policy.** It is the policy of THN to ensure that all THN Related Individuals act in accordance with all applicable FWA laws, and to ensure proper compliance with applicable Safe Harbors created by the Centers for Medicare & Medicaid Services (CMS) and the Office of Inspector General (OIG).

III. **Procedure.** THN requires that all THN Related Individuals complete Compliance training within 90 days of hire or contracting and on an annual basis thereafter. The training emphasizes THN's commitment to making compliance with Federal and State requirements a top priority, including but not limited to training related to the FWA laws.

A. THN's Compliance Officer (CO) is responsible for ensuring compliance with the FWA laws and utilizes THN's Monitoring & Oversight program to actively manage that requirement.

B. CMS has determined that the Federal Anti-Kickback Statute Safe Harbor for CMS-sponsored model arrangements (42 CFR §1001.952(ii)(1)) is available to protect THN's financial arrangements in so far as those arrangements:

1. Are reasonably related to the provision of THN Activities;
2. Are reasonably determined by THN to advance one or more goals of the GPDC Model;
3. Do not induce providers or suppliers to furnish medically unnecessary items or services, or reduce or limit medically necessary items or services furnished to any patient;

4. Do not offer, pay, solicit, or receive remuneration in return for, or to induce or reward, any Federal health care program referrals or other Federal health care program business generated outside of the GPDC Model;
5. Comply with Section 3.04(A)-(E) and (I) of the GPDC PA, all Safe Harbor requirements set forth in 42 CFR §1001.952(ii)(1), and where applicable, all requirements for PCC, APO and TCC Payment Arrangements; and
6. Are made in writing, in advance of or contemporaneous with the commencement of the arrangement, between or among THN, one or more DC Participants or Preferred Providers, or a combination thereof.

C. THN's CO with assistance from the Compliance Committee will ensure requirements of the Safe Harbors are met and documented when implementing new initiatives.
D. Consistent with the Requirements of the GPDC Model and all other applicable laws and regulations, THN and all THN Related Individuals are prohibited from providing gifts or other remuneration to Beneficiaries as inducements for receiving, or continuing to receive, items or services from DC Participants or Preferred Providers.
E. Any new initiatives are brought to Compliance for review to ensure compliance with applicable laws and regulations. If any Safe Harbor is to be utilized, Compliance will work with Operations to document that use. This documentation will include, but may not be limited to:
    1. The nature of the item or service being provided;
    2. The identity of the individual or entity that furnished the item or service;
    3. Details around the program including any payments to be made;
    4. Purposes of the program and their relationship to the purposes of the GPDC Model; and
    5. Approval of the use of a Safe Harbor by THN's CO.

Date	Reviewed	Revised	Notes
January 1, 2022			Originally Published
August 2022	X		No changes