



Fraud, Wast and Abuse

Cherish has a ZERO tolerance Policy for Fraud.

Fraud is wrongful or criminal deception intended to result in financial or personal gain. Fraud includes false representation of fact, making false statements, or by concealment of information. Under Minnesota law, “theft of public funds” is a felony regardless of the amount.

Standards of Conduct

- Fraud will not be tolerated.
- Providing false information on a timesheet/EVV is fraud.
- Billing for services not provided is fraud.
- Prohibited from giving or receiving any type of kick back; and
- Failure to refund or return overpayments is fraud.

Compliance Plan (measures to detect, prevent and correct fraud, waste and abuse)

- Quarterly review of time submitted by Cherish Staff and the Program Participant/Responsible Party.
- Random audits of EVV GPS clock in and out coordinates.
- Random audits of timesheets for overuse and fraud.
- Background checks to determine whether providers or office staff have been convicted of health care fraud;
- Open-door policy to report possible misuse of Medicare or Plan funds; and
- Random audits of billing claims (billing code must reflect the services provided).

Training (addresses detection, preventing and correcting fraud, waste and abuse)

- Policy and Procedures which address fraud and the reporting of fraud, waste and abuse;
- Signed employee annual training which addresses fraud and abuse;
- Program Participant/Responsible Party annual review which addresses detection, prevention and correcting fraud, waste and abuse; and
- Time sheets/EVV warning which address issues of fraud and abuse.

Disciplinary Actions

- Employee who commits fraud may be terminated.
- Services could be terminated for a client who commits fraud; and
- Committing fraud may result in jail time, probation, deportation, fines, exclusion from services or work in this field or a job requiring a background study

Reporting Fraud

- Any employee and/or Responsible Party can file a claim of fraud, abuse or waste to Cherish LLC;
- Claims will be addressed by a member of the Cherish management team within 5 business days from receiving the claim;



- The Cherish management team reviews incidents of fraud, compliance concerns, misconduct involving Medicaid programs will be reported to Law enforcement and/or SIRS.
- Anyone can report fraud to Cherish and/or MN SIRS to investigate fraud.

Avoiding Fraud

The Cherish programs are funded by Federal Medical Assistance. It is a crime to provide false information for Medical Assistance payments.

The Employee

- Can only be paid for work done when the employee is physically providing necessary care for the Program Participant.
- Cannot be asked or told to split pay with the Program Participant or Responsible Party;
- Cannot work when the Program Participant is at a HOSPITAL, school, receiving in-patient care, a nursing home, respite care facility, or is incarcerated; and
- Cannot submit time for hours not worked.

Conduct on the Job (the employee, when at work)

- Shall provide care as specified in the care plan and shall follow written and oral directions from the Program Participant/Responsible Party and Program Director.
- Shall arrive on time and shall not leave work early.
- Shall not steal from or mistreat the Program Participant.
- Shall not consume alcohol or be under the influence of any illegal drugs; and

Illegal Payment Schemes

- Both the Employee and the Responsible Party shall be held accountable for signing a fraudulent time sheet or Electronic Record (EVV)
- The following conduct is not acceptable and is fraudulent:
 - The Responsible Party signs for time for a certain payroll period when the Employee did not actually work those hours.
 - The time sheet is signed before hours are actually worked.

You are breaking federal law if you:

- **Provide false information by claiming hours that you did not actually work**
- **Sign the name of someone else such as the person receiving services**
- **Complete and sign a timecard/EVV for another staff person**

False Claims Act

Prohibits any person from knowingly presenting or causing a fraudulent claim for payment.

Anti-Kickback Statute

Makes it a crime to knowingly and willfully offer, pay, solicit, or receive, directly or indirectly, anything of value to induce or reward referrals of items or services reimbursable by a Federal health care program.



Reporting Fraud, Waste and Abuse

Everyone has the right and responsibility to report actual and possible fraud, waste or abuse. You may report anonymously, and retaliation is prohibited when you report a concern in good faith. Report issues or concerns to: Cherish LLC management; and/or MN DHS SIRS.

Cherish LLC
2900 East Beltline, Suite #8
Hibbing MN 55746
(218) 263-9000

DHS Surveillance and Integrity Review (SIRS)
(651) 431-2650
1 (800) 657-3750

Policy reviewed and authorized by the Cherish owners at a formal Board of Directors meeting

Last policy review: 11/18/2024