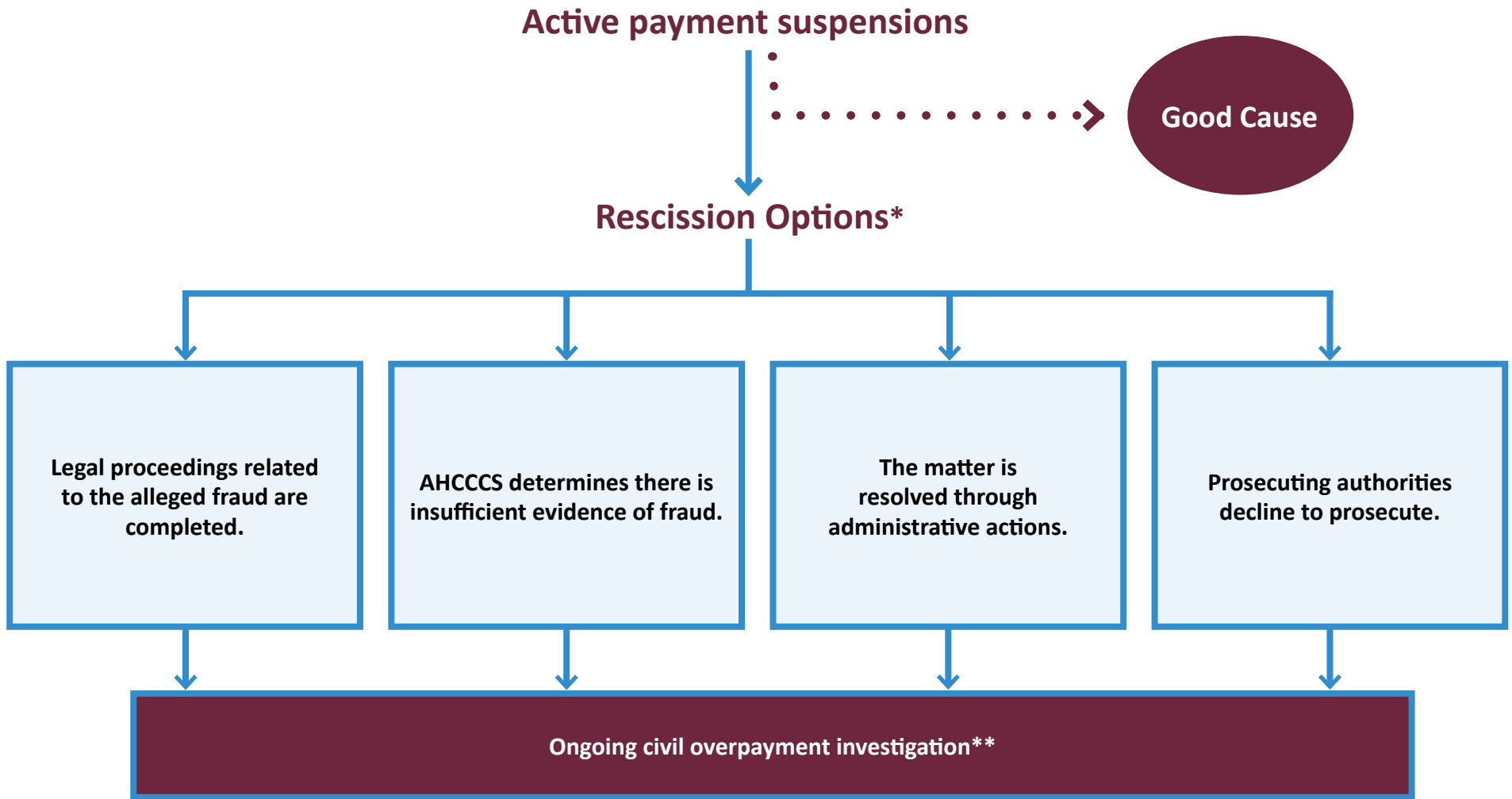


Pathways Out of Payment Suspension



* Parties should review 42 C.F.R. § 455 Subpart A for a full explanation of the Credible Allegation of Fraud (CAF) process.

**After discontinuance of a payment suspension, AHCCCS-OIG continues its review of evidence to determine if there are overpayments, penalties, and/or assessments that can be issued as a result of its full investigation.

How Payment Suspensions Can End

A Credible Allegation of Fraud (CAF) payment suspension is temporary and may end when any of the following occur:*

- Legal proceedings related to the alleged fraud are completed.
- AHCCCS determines there is insufficient evidence of fraud.
- The matter is resolved through administrative actions.
- Prosecuting authorities decline to prosecute.

These pathways out of a CAF payment suspension are described below.

1. Legal proceedings related to the alleged fraud are completed.

AHCCCS' payment suspension of a provider will end when a law enforcement agency's criminal prosecution of that provider is completed. If a provider was convicted of a crime related to providing AHCCCS services, AHCCCS will terminate that provider's contract and exclude them from re-enrollment. Criminal prosecution also can result in forfeiture of a provider's assets and payment of restitution to AHCCCS.

2. AHCCCS determines there is insufficient evidence of fraud.

At any time, providers can submit evidence relating to their alleged fraud. The evidence is reviewed by the AHCCCS Office of Inspector General to determine if the payment suspension should continue. If the evidence explains the alleged fraudulent conduct, AHCCCS rescinds and lifts the suspension. Rescinding a CAF for this reason does not mean there was insufficient evidence for AHCCCS to have placed the payment suspension nor does it mean the provider is without blame or error.

Even if a payment suspension is rescinded, there may be further legal actions taken against the provider. AHCCCS may recover overpayments or assess monetary penalties outside of the payment suspension process. Additionally, at the time AHCCCS rescinds a payment suspension, providers may agree to corrective actions including billing restrictions, mandatory pre-payment review of claims, education, and monitoring to ensure that incorrect billing does not continue, public funds are not at risk, and the provider meets AHCCCS quality of care requirements.

3. The matter is resolved through administrative actions.

AHCCCS can resolve a payment suspension through administrative actions including terminating a provider's contract, excluding a provider from re-enrollment, recovering overpayments, and assessing monetary penalties. AHCCCS may take these actions when criminal prosecution is not completed or in order to proactively seek civil recovery of overpayments. AHCCCS collaborates with law enforcement to identify cases that are appropriate for civil recovery and administrative resolution in advance of criminal prosecution.

4. Prosecuting authorities decline to prosecute.

A payment suspension may continue as long the matter remains under investigation by law enforcement. In some instances, law enforcement conclude their investigation without finding proof of fraud or other evidence to sustain a criminal conviction. When this occurs and prosecuting authorities decline to prosecute, AHCCCS's payment suspension must end.

Good Cause

AHCCCS may find that "good cause" exists to not suspend payment to a provider or to suspend payment in part. This finding is limited to specific circumstances, such as when law enforcement has requested that a suspension not be imposed because it would jeopardize an investigation, a provider is the sole source of essential specialized services in a community, or suspending payment is not in the best interests of the agency. This determination may occur before or during a suspension.

*Parties should review 42 C.F.R. § 455 Subpart A for a full explanation of the Credible Allegation of Fraud (CAF) process.