

Who is Required to Undergo Compliance and FWA Training?

Is my organization subject to compliance and FWA training requirements?

Molina Healthcare uses the criteria defined in the CMS Compliance Program Guidelines to determine whether a contracted entity is considered a First Tier, Downstream, or Related Entity (FDR) and therefore, subject to Compliance and FWA training requirements. Molina contacts all FDRs each year to request an attestation of training completion.

Some FDRs are deemed to have met the FWA training requirements through enrollment into Parts A or B of the Medicare program or through accreditation as a supplier of DMEPOS, and are exempt from completing FWA training. These FDRs, however, are NOT exempt from completing general compliance training.

Are all of my employees required to undergo compliance and FWA training?

There will be certain FDRs where not every employee needs to take the training based on their duties. Below are examples of the critical roles within an FDR that should clearly be required to fulfill the training requirements:

- Senior administrators or managers directly responsible for the FDR's contract with Molina Healthcare (e.g. Senior Vice President, Departmental Managers, Chief Medical or Pharmacy Officer);
- Individuals directly involved with establishing and administering Molina Healthcare's formulary and/or medical benefits coverage policies and procedures;
- Individuals involved with decision-making authority on behalf of Molina Healthcare (e.g. clinical decisions, coverage determinations, appeals and grievances, enrollment/disenrollment functions, processing of pharmacy or medical claims);
- Reviewers of beneficiary claims and services submitted for payment; or,
- Individuals with job functions that place the FDR in a position to commit significant noncompliance with CMS program requirements or health care FWA.

Which of my downstream contracted entities are subject to CMS training requirements?

CMS encourages discretion when developing the criteria for determining whether a contracted entity is to be considered an FDR (and therefore, subject to Compliance and FWA training requirements.) A list of factors is provided in the CMS Compliance Program Guidelines to determine if a contracted entity is an FDR, including, but not limited to:

- The function performed by the contracted entity, such as Utilization Management, Credentialing, Claims Processing, Sales and Marketing (this is not a complete list)
- To what extent the function directly impacts enrollees, and
- The decision-making authority of the contracted entity.

Definitions

First Tier Entity is any party that enters into a written arrangement, acceptable to CMS, with an MAO or Part D plan sponsor or applicant to provide administrative services or health care services to a Medicare eligible individual under the MA program or Part D program. (See, 42 C.F.R. § 423.501).

Downstream Entity is any party that enters into a written arrangement, acceptable to CMS, with persons or entities involved with the MA benefit or Part D benefit, below the level of the arrangement between an MAO or applicant or a Part D plan sponsor or applicant and a first tier entity. These written arrangements continue down to the level of the ultimate provider of both health and administrative services. (See, 42 C.F.R. §, 423.501).

Related Entity means any entity that is related to an MAO or Part D sponsor by common ownership or control and

- (1) Performs some of the MAO or Part D plan sponsor's management functions under contract or delegation;
- (2) Furnishes services to Medicare enrollees under an oral or written agreement; or
- (3) Leases real property or sells materials to the MAO or Part D plan sponsor at a cost of more than \$2,500 during a contract period. (See, 42 C.F.R. §423.501).