



COLORADO

Department of Health Care
Policy & Financing

Dear Provider,

Pursuant to Section 6032 of the Deficit Reduction Act of 2005 (DRA) any entity that receives or makes payments totaling at least \$5,000,000 annually must have certain written policies and procedures in place that are readily available to all employees, contractors, or agents.

An entity includes a governmental agency, organization, unit, corporation, partnership, or other business arrangement (including any Medicaid managed care organization, irrespective of the form of business structure or arrangement by which it exists), for-profit or not-for profit, which receives or makes payments, under a State plan approved under title XIX or under any waiver of such plan, totaling at least \$5,000,000 annually.

If an entity furnishes items or services at more than a single location or under more than one contractual or other payment arrangement, the provisions of the DRA apply if the aggregate payments to that entity meet the \$5,000,000 annual threshold. This applies when the entity submits claims for payments using one or more provider identification or tax identification numbers.

If identified as an entity subject to the requirements of the DRA, providers must:

- Establish, disseminate and maintain written policies for all employees, including management and the employees of any contractors or agents, that include detailed information about the False Claims Act established under sections 3729 through 3733 of title 31, United States Code, administrative remedies for false claims and statements established under chapter 38 of title 31, United States Code, State laws pertaining to civil or criminal penalties for false claims and statements, and whistleblower protections under such laws, with respect to the role of such laws in preventing and detecting fraud, waste, and abuse in Federal health care programs (as defined in section 1128B(f)).
- Include in those written policies detailed information about policies and procedures for detecting and preventing waste, fraud, and abuse.
- Include in any employee handbook a specific discussion of the laws described in the written policies, the rights of employees to be protected as whistleblowers and a specific discussion of policies and procedures for detecting and preventing fraud, waste, and abuse. **Note:** An employee handbook does not need to be created if one does not already exist.

Entities subject to the DRA must complete and return to the Department the DRA Declaration. Entities with multiple identified locations must send one DRA Declaration with an attachment listing all NPIs and service location IDs covered by the DRA Declaration. The DRA Declaration is located on the [Deficit Reduction Act of 2005 web page](#).

The completed **DRA Declaration** must be emailed to hcpf_draact2005@state.co.us no later than **November 1, 2021**.

Contact Eileen Sandoval, Recovery Officer, Program Integrity Contract Oversight Section, at 303-866-3133 or email hcpf_draact2005@state.co.us with any questions regarding the DRA.

Sincerely,

Bart Armstrong - Manager, Program Integrity Contract Oversight Section
Medicaid Operations Office
Department of Health Care Policy & Financing

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