

## Section 6032 of the Deficit Reduction Act

Section 6032 of the Deficit Reduction Act (DRA) established section 1902(a)(68) of the Social Security Act. Effective January 1, 2007, all “entities” as described in the Act were required to comply with the terms of this section. The term “entity” includes, but is not limited to 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), whether for-profit or not-for-profit, which furnishes directly, or otherwise authorizes the furnishing of, the delivery of Medicaid health services where payments are made with respect to those services are received or made under a State Plan approved under Title XIX or under any waiver of such plan approved under section 1115, and total at least \$5,000,000 during the most recent federal fiscal year.

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 section 1902(a)(68) apply if the aggregate payments meet the \$5,000,000 annual threshold. This applies whether the entity submits claims for payments using one or more provider identification or tax identification numbers.

If you or your organization meets the definition of an “entity” under this section as determined by payments received during the federal fiscal year ended September 30, 2006, you are required to establish written policies for all employees (including management), and of any contractor or agent of the entity, that include detailed information about the False Claims Act and the other provisions named in section 1902(a)(68)(A). The entity shall include in those written policies detailed information about the entity’s policies and procedures for detecting and preventing waste, fraud, and abuse. The entity shall also provide specific discussion of the laws described in the written policies, the rights of employees to be protected as whistleblowers and a specific discussion of the entity’s policies and procedures for detecting and preventing waste, fraud, and abuse.

Any entity that meets the \$5,000,000 threshold must provide to the Department of Social Services (DSS) an affidavit stating that it understands the requirements of section 1902(a)(68) and that it has provided and continues to make available to its employees, contractors and agents written policies that fully address the requirements of the section. The written policies must be available for review by DSS. Failure to submit an affirmative affidavit or to comply with the requirements of section 1902(a)(68) will result in termination of the entity’s provider agreement with DSS.

**You are strongly advised to consult the language in Section 1902(a)(68) of the Social Security Act (Section 6032 of the DRA).** For reference please see [www.ssa.gov/OP\\_Home/ssact/title19/1900.htm](http://www.ssa.gov/OP_Home/ssact/title19/1900.htm).

In addition to the education requirements regarding the False Claims Act and other provisions named in section 1902(a)(68)(A) of the Social Security Act, an entity shall reference the following Connecticut State Statutes and Regulations in their employee policies:

### Criminal:

- Conn. Gen. Stat. Sec. 53a-290 et seq. (Vendor Fraud)
- Conn. Gen. Stat. Sec. 53-440 et seq. (Health Insurance Fraud)
- Conn. Gen. Stat. Sec. 53a-118 et seq. (Larceny)
- Conn. Gen. Stat. Sec. 53a-155 (Tampering With Or Fabricating Physical Evidence)
- Conn. Gen. Stat. Sec. 53a-157b (False Statement Intending to Mislead Public Servant)

Fraud:

Conn. Gen. Stat. Sec. 17b-25a (Toll free vendor fraud telephone hotline)  
Conn. Gen. Stat. Sec. 17b-99 (Vendor Fraud)  
Conn. Gen. Stat. Sec. 17b-102 (Financial Incentive for Reporting Vendor Fraud)  
Regs. Conn. State Agencies Sec. 17-83k-1 et seq. (Administrative Sanctions)  
Regs. Conn. State Agencies Sec. 17b-102-01 et seq. (Financial Incentive for Reporting Vendor Fraud and Requirements for Payment for Reporting Vendor Fraud)

Whistleblower Protections:

Conn. Gen. Stat. Sec. 4-61dd (Whistleblowing)  
Conn. Gen. Stat. Sec. 31-51m (Protection of Employee Who Discloses Employer's Illegal Activities or Unethical Practices)  
Conn. Gen. Stat. Sec. 31-51q (Liability of Employer for Discipline or Discharge of Employee on Account of Employee's Exercise of Certain Constitutional Rights)  
Regs. Conn. State Agencies Sec. 4-61dd-1 et seq. (Rules of Practice for Contested Case Proceedings under the Whistleblower Protection Act)

Please sign the affidavit below and return it with this enrollment/re-enrollment packet.

**ATTESTATION Re: Section 6032 of the Deficit Reduction Act**

**To: Quality Assurance Division  
Connecticut Department of Social Services  
25 Sigourney Street  
Hartford, CT 06106-5033**

I, \_\_\_\_\_ [name of entity's authorized representative], hereby swear or attest, under the penalty for false statement, that in my capacity as \_\_\_\_\_ [position or office held by entity's authorized representative] of \_\_\_\_\_ [name of entity] I have the authority to make this attestation on behalf of \_\_\_\_\_ [name of entity] and have attached appropriate documentation proving that I possess such authority. \_\_\_\_\_ [name of entity] has complied with all applicable requirements of § 1902(a)(68) of the Social Security Act (42 U.S.C. 1396a(a)(68)) and §§ 17b-262-770 through 17b-262-773 of the Regulations of Connecticut State Agencies.

\_\_\_\_\_ Date: \_\_\_\_\_  
[name of entity's authorized representative]

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_ [name of entity's authorized representative], who acknowledged herself/himself to be the \_\_\_\_\_ [position or office held by entity's authorized representative] of \_\_\_\_\_ [name of entity], a \_\_\_\_\_ [business form of entity, e.g., partnership, corporation, etc.], and that she/he, as such \_\_\_\_\_ [position or office held by entity's authorized representative], being authorized so to do, executed the foregoing attestation for the purposes therein contained, by signing the name of \_\_\_\_\_ [name of entity] by herself/himself as \_\_\_\_\_ [position or office held by entity's authorized representative], and swore or attested to the truth of the above attestation.

In witness whereof I hereunto set my hand

\_\_\_\_\_  
Notary Public/Justice of the Peace/ Commissioner of the Superior Court

FALSE STATEMENT IS PUNISHABLE BY A FINE NOT TO EXCEED \$1,000.00,  
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH. CONN. GEN. STAT. § 53A-15