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Date: June 17, 2015

To: All Medicare Advantage Organizations and Prescription Drug Plan Sponsors

From: Gerard Mulcahy, Director  
Medicare Parts C and D Oversight and Enforcement Group

Subject: Update - Reducing the Burden of the Compliance Program Training Requirements

On May 23, 2014 the Centers for Medicare & Medicaid Services (CMS) published CMS-4159-F, *Medicare Program; Contract Year 2015 Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs*. This memo provides guidance for how your organization can satisfy the requirements related to “*Reducing the Burden of the Compliance Program Training Requirements*” for sponsors and first-tier, downstream and related entities (FDRs) that was detailed in that final rule. See also (§§ 422.503(b)(4)(vi)(C)(3) and 423.504(b)(4)(vi)(C)(4)).

Sponsors must provide general compliance and fraud, waste and abuse (FWA) training for all employees of their organization and entities they partner/contract with to provide benefits or services. Starting January 1, 2016, to comply with training requirements sponsors must accept from FDRs certificates of completion of CMS’ training located on the Medicare Learning Network (MLN).

CMS developed web-based compliance training to ensure the requirement is met and to reduce the largely duplicative training required of FDRs by the multiple organizations with whom they contract. The compliance and FWA training topics include:

- Relevant laws and regulations related to Medicare Parts C and D FWA.
- An overview of compliance expectations, how to ask compliance questions, request compliance clarification, hotline reporting.
- Types of non-compliance and FWA that can occur in the settings in which sponsor and FDR employees work.
- Processes for Sponsors and FDR employees to report suspected Medicare program non-compliance and FWA to the sponsor.
- Case examples and resources.

CMS recognizes that many organizations use sophisticated training mechanisms and invest substantial resources to deliver and track their employee's compliance with CMS requirements. In the final rule, CMS stated that we would consider and determine if the CMS training modules could be available in a format for downloading into organizations' existing training systems. To further minimize the administrative burden on Sponsors and FDRs, CMS is broadening the availability of the CMS compliance program training.

Sponsors will have two (2) options for ensuring its FDRs (including the FDR's employees) have satisfied the general compliance and FWA training requirement that must be completed 90 days after initial hire/contracting and annually thereafter as described in the regulations and sub-regulatory guidelines.

- (1) FDRs and its employees can complete the general compliance and/or FWA training modules located on the CMS Medicare Learning Network (MLN). Once the individual completes the training, the system will generate a certificate of completion. The MLN certificate of completion must be accepted by all Sponsors.
- (2) FDRs may download, view or print the content of the CMS standardized training modules from the CMS website to incorporate into their organization's existing compliance training materials/systems. The CMS training content **cannot** be modified to ensure the integrity and completeness of the training. However, an organization can add to the CMS training to cover topics specific to their organization. Training materials are available at the following path:

<http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/ProviderCompliance.html>

CMS will accept either the MLN system generated certificates of completion, or, an attestation confirming that the organization has completed the appropriate compliance and FWA training. Attestations must include language specifying the entity complies with CMS compliance and FWA training requirements, and, if choosing to implement option (2) the training provided includes CMS content without modification. Further, sponsors and FDRs must maintain certificates or documentation of training completion and will furnish upon request a certificate of training such as certificates of completion, training logs, system generated reports, spreadsheets etc. FDRs providing training logs, reports, etc. must include at least employee names, dates of employment, dates of completion, passing scores (if captured) to clearly document training completion.

Sponsors are required to validate that all of the general compliance and FWA training requirements are completed by their FDRs. In addition, Sponsors are accountable for maintaining

records for a period of 10 years of the time and must require their FDRs to maintain training records of the FDRs' employees.

While use of the web-based training via the CMS MLN website is optional for Sponsors employees, a benefit of using the web-based training and education modules is the ability to receive continuing education credits for course completion.

Additional compliance information is available at:

<http://www.cms.gov/Medicare/Compliance-and-Audits/Part-C-and-Part-D-Compliance-and-Audits/ComplianceProgramPolicyandGuidance.html>

More guidance regarding training and education requirements can be found in the Compliance Program Guidelines located in the Internet Only Manual (IOM) Pub. 100-16, Medicare Managed Care Manual Chapter 21, and IOM Pub.100-18, Medicare Prescription Drug Benefit Manual Chapter 9. Additional guidance on the specifications and new location of the web-based compliance training modules is forthcoming.

For compliance-training related questions please contact:

[Parts C and D CP Guidelines@cms.hhs.gov](mailto:Parts_C_and_D_CP_Guidelines@cms.hhs.gov). For FWA training-related questions, please contact [FWATraining@cms.hhs.gov](mailto:FWATraining@cms.hhs.gov).