



UPDATE

OMIG EXTENDS TIME TO FILE THE MANDATORY PROVIDER COMPLIANCE CERTIFICATION TO DECEMBER 31, 2009

The Office of the Medicaid Inspector General (“OMIG”) has extended the date for providers subject to 18 NYCRR Part 521 to submit the online Mandatory Provider Compliance Certification form (“Provider Compliance certification form”) to **December 31, 2009**. The Deficit Reduction Act Certification form (“DRA certification form”) must still be submitted online by January 1, 2010.

In addition to extending the submission date for the Provider Compliance certification form, the OMIG has revised the online certification forms and Frequently Asked Questions (“FAQs”) to clarify certain aspects of the certification process. The Provider Compliance certification form no longer requires the provider to certify its prospective compliance, but rather requires providers to certify their initial compliance with the law and regulations by December 31, 2009, and annually thereafter (also by December 31st). Likewise, the DRA certification form no longer requires certification of prospective compliance. In its revised FAQs, the OMIG clarifies that the \$5 million threshold that subjects providers to the Deficit Reduction Act’s requirements is based on reimbursements received during the federal fiscal year (which runs from October 1st to September 30th). Thus, the annual DRA certification form is based on the provider’s compliance with the Deficit Reduction Act’s requirements during the time period of October 1st to September 30th of each year.

As noted on the OMIG’s website, providers who have already filed either certification form have the option of submitting a new certification, but will not be required to do so. The OMIG also clarifies that providers do not have an option of submitting hard copy certifications. **Only on-line certifications will be accepted.** Providers are encouraged to print a copy of the electronic confirmation generated when the on-line certification is submitted and to retain the confirmation as proof of certification.

The Mandatory Compliance certification form and the DRA certification form can be found at:

<http://www.omig.state.ny.us/data/content/view/81/206/>

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If you have any questions regarding these requirements or need assistance, please contact the GWT attorney with whom you regularly work.

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