

WESTERN MICHIGAN UNIVERSITY COMPLIANCE MATRIX - OUTWARD FACING LEGAL COMPLIANCE				
Health & Human Services 2018-2019				
Compliance Standard	SUMMARY OF REQUIREMENT	UNIVERSITY COMPLIANCE SOURCE	STATUTORY CITATION	PERIODIC REVIEW DATE
<b>PROTECTION OF PATIENTS</b>				
Michigan Mental Health Code, Act 258 of the Public Acts of 1974, as amended and Administrative Rules	To provide mental health services for indigent persons while protecting the health and safety of recipients. Comply with recipient rights rules as guaranteed by Mental Health Code and MDHHS rules.		Act 258 of the Public Acts of 1974, as amended and Administrative Rules	
Michigan Public Health Code, 1978 PA 368, as amended	To protect public health, licensees to self report certain events and other licensees to report their colleagues, public health facilities to report disciplinary action of health professional		1978 PA 368, as amended	
State of Michigan Health Professional Licensing and Health Facility Licensing under the Public Health Code	Requirement for healthcare professionals and certain facilities be licensed			
Michigan Child Protection Law, 1975 PA 238, MCL 722.621	Requires reporting of child abuse and neglect by certain persons (mandated reporters)		1975 PA 238, MCL 722.621	
Communicable Disease Public Health reporting under 1978 PA 368	Communicable Diseases, reporting requirements regarding communicable diseases.		<b>1978 PA 368</b>	
Reporting of Abuse, Neglect and/or Exploitation	MUST be reported to Michigan Department of Human Services (DHS)/Adult Protective Services (APS)		P.A. 519 of 1982, (as amended)	
<b>PROTECTION OF PATIENT INFORMATION</b>				
Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the Patient Protection and Affordable Care Act (ACA). Administrative Simplification Compliance Act provisions that the ACA (Affordable Care Act) expanded in 2010	HIPAA's Privacy Rule, Security Rule, Transaction and Code Set Rule and <b>Breach Notification Rule</b> and 42 CFR Part 2 (as now existing and as may be later amended) with respect to all Protected Health Information and substance use disorder treatment information that it generates, receives, maintains, uses, discloses or transmits in the performance of its services. Electronic data interchange (EDI) will comply with the mandates of Administrative Simplification as specified by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Business Associates or Trading Partner Agreement established with the Payor. Administrative Simplification provisions of ACA introduces operating rules to standardize business practices.			
Requirements for Billing, Healthcare Claims, Collections				
<b>HITECH, enacted as part of the American Recovery and Reinvestment Act of 2009</b>				
	Promote the adoption and meaningful use of health information technology. Subtitle D of the HITECH Act addresses the privacy and security concerns associated with the electronic transmission of health information, in part, through several provisions that strengthen the civil and criminal enforcement of the HIPAA rules.			
<b>Confidentiality of Substance Use Disorder Patient Records 42 CFR Part 2, 438 (Code of Federal Regulations)</b>	Maintaining privacy of substance use disorder treatment information that it generates, receives, maintains, uses, discloses or transmits in the performance of services.		42 CFR Part 2, 438	
Prevention of Healthcare Fraud & Abuse				
<b>21st Century Cures Act, Section 5005(b)(2)</b>	Wide impact in many areas. Impacts health IT certification criteria. Also, compliance requires any individual or entity that provides services to, or orders, prescribes, refers or certifies eligibility for services for, individuals who are eligible for medical assistance under the Michigan Medicaid State Plan participating in a managed care entity's provider network must be <b>screened and enrolled in the Michigan Medicaid program.</b>			
<b>Balanced Budget Act of 1997</b>				
	Requires Corporate Compliance Plans to prevent healthcare fraud			
<b>Medicare Conditions of Participation, Medicare Standards</b>				
	Comply with Medicare Conditions of Participation			
<b>OIG Exclusion List Social Security Act Sections 1128 (42 U.S.C. 132a-7) or 1128A (42 U.S.C. 1320a-7a)</b>	Excludes any staff member, director or manager from being involved in services, if convicted of a criminal offense described under sections 1128(a) and 1128(b)(1), (2), or (3) of the Act, or has had criminal money penalties or assessments imposed under section 1128A of the Act.		Social Security Act Sections 1128 (42 U.S.C. 132a-7) or 1128A (42 U.S.C. 1320a-7a)	

<b>Federal False Claims Act, 31 U.S. C. 3729-3733</b>	Those who knowingly submit false claims for payment of government funds are liable for civil penalties			
<b>Medicaid, Title XIX of Social Security Act</b>	Comply with Michigan's State Plan for Medicaid services including Michigan's Medicaid Provider Manual and Medicaid Policies and Procedures.			
<b>Michigan Medicaid False Claim Act; MCL 400.601 et seq</b>	Modeled after Federal law, establishes criminal and civil liability when improperly receives reimbursement as payments from state government.			
<b>Deficit Reduction Act (DRA)2005, PL 109-17, section 6032 codified at Section 1902(a) (68) of Title XIX (Social Security Act)</b>	Requires Employee Education About False Claims Recovery. The development of policies and education relating to false claims, whistleblower protections and procedures for detecting and preventing fraud and abuse must be implemented.			
<b>Anti-Kickback Statute of 1977</b>	Criminal offense to knowingly offer, pay, solicit or receive any money for item or services reimbursable by federal healthcare program.			
<b>Stark Laws</b>	Prohibits physician self-referral to self or family member with a financial relationship with entity that receives the referral.			
<b>Whistleblower's Protection Act (Act 469 of Public Acts of 1980)</b>	Abide by and post a copy of the Whistleblower's Protection Act (Act 469 of the Public Acts of 1980) in a conspicuous place at its public and/or licensed service location(s) and its headquarters.			
<b>Byrd Anti-Lobbying Amendment</b>	No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.			
<b>Hatch Political Activity Act, 5 USC 1501-1508, and Intergovernmental Personnel Act of 1970, as amended by Title VI of the Civil Service Reform Act, P. L. 95-454, 42 USC 4728</b>	Federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs.			
<b>Anti-Lobbying Act, 31 USC 1352 as revised by the Lobbying Disclosure Act of 1995, 2 USC 1601 et seq. and Section 503 of the Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act (Public Law 104-209).</b>				
<b>Pro-Children Act of 1994, 20 USC 6081 et seq.,</b>	Smoking not be permitted in any portion of any indoor facility owned or leased or contracted by and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by federal programs either directly or through state or local governments, by federal grant, contract, loan or loan guarantee.			
<b>Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.)</b>				
<b>Public Law 103-227</b>	Any behavioral health service or activity funded will be delivered in a smoke-free facility or environment. Smoking shall not be permitted anywhere in the facility, or those parts of the facility under the control of the Provider.			
<b>Title VI of the Civil Rights Act of 1964</b>	Office of Civil Rights Policy Guidance on the Title VI Prohibition Against Discrimination as it affects persons with Limited English Proficiency. This guidance clarifies responsibilities for providing language assistance.			
<b>Davis-Bacon Act, Department of Labor regulations (29 CFR part 5), "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction")</b>	Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor.			

Contract Work Hours and Safety Standards Act (40 U.S.C. 327 - 333), as supplemented by Department of Labor regulations (29 CFR part 5).	Compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1 and 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek.			
Elliott Larsen Civil Rights Act of 1976 PA 453, as amended, Persons with Disabilities Civil Rights Act 1976 PA 220, as amended, Section 504 of the Federal Rehabilitation Act 1973, P.L. 93-112	Shall not discriminate against any employee or applicant for employment with respect to hiring, recruitment, advancement, tenure or discharge or in the terms, conditions or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, political beliefs, national origin, culture, citizenship, ethnicity, age, sex, gender orientation, height, weight, physical appearance, family/marital status, physical or mental disability unrelated to the individual's ability to perform the duties of the particular job or position,			
Michigan Persons with Disabilities Civil Rights Act of 1976 PA 220				
Section 504 of the Federal Rehabilitation Act of 1973 P.L. 93-112, 87 Stat 394, as amended				
Americans with Disabilities Act of 1990 (ADA), P.L. 101-336, 104 Stat 328 (42 USCA 5 12101 et. seq.), as amended, Age Discrimination Act of 1973; Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.				
Title VI of the Civil Rights Act of 1964 (42 USC 2000 D et. seq.) and Office of Civil Rights Policy Guidance on the Title IV Prohibition Against Discrimination as it Affects Persons with Limited English Proficiency; Title IX of the Education Amendment of 1972, as amended (20 USC 1681-1683; and 1685-1686) and the regulations of the U. S. Department of Health and Human Services issued there under (45 CFR, Part 80, 84, 86 and 91				
Healthcare Worker Protection/Workplace Safety				
Universal Precautions OSHA standards for bloodborne pathogens (BBP, <a href="#">29 CFR 1910.1030</a> ) and personal protective equipment (PPE, <a href="#">29 CFR 1910 Subpart I</a> )	Requires employers to protect workers from occupational exposure to infectious agents.		BBP, 29 CFR 1910.1030	