



Memorandum: 2025 Anti-Fraud, Waste and Abuse Plan, Code of Conduct, Compliance Plan, HIPAA Privacy and Security Program and the Office of Compliance Policies and Procedures Update

Date: December 30, 2024

To: Jennifer Castrillo, Health Network Provider Relations

From: Tracy Weske, Regulatory Affairs & Compliance

Subject: 2025 Anti-Fraud, Waste and Abuse Plan, Code of Conduct, Compliance Plan, HIPAA Privacy and Security Program and Recently Approved CalOptima Health Office of Compliance Policies and Procedures

The information below was originally provided in the *November Health Network Weekly Communication*. CalOptima Health policies are publicly available on the [Compliance Information](http://www.caloptimahealth.org) section of www.caloptimahealth.org.

POLICY & DEPARTMENT	REVISION & PROGRAM	A – NEW B – REVISED C – RETIREMENT D – REVISED [MINOR EDITS]: E – ANNUAL REVIEW [NO EDITS]:
HH.3024: Confidentiality of Medical Information Act Compliance <i>Privacy</i>	A – NEW: This new policy was developed to support requirements of the Confidentiality of Medical Information Act (CMIA). Program(s): Medi-Cal; OneCare; PACE	
AA.1270: Certification of Document and Data Submissions <i>Regulatory Affairs & Compliance</i>	B – REVISED: This policy was revised to add terms and references to appropriate regulations to ensure compliance with regulatory and interoperability requirements related to data, information, and documentation submitted to DHCS, to which a DHCS-approved certification statement applies. Additional updates involve the inclusion of language to clarify the responsibility of CalOptima Health’s Provider Relations department to collect monthly data attestations from each delegated Health Network for data, information, and documentation submitted to CalOptima Health. Reference and glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare	
AA.1275: Department of Health Care Services (DHCS) File and Use Submission Process <i>Regulatory Affairs & Compliance</i>	B – REVISED: This policy was updated to clarify procedures performed by CalOptima Health’s Regulatory Affairs & Compliance Medi-Cal (RAC Medi-Cal) department to verify readiness of and submit revised deliverables/submissions and policies, including the signed DHCS Medi-Cal Managed Care Plan File and Use Attestation Form to DHCS as File and Use. Glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal	

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HH.1105: Fraud, Waste, and Abuse Detection <i>Fraud, Waste & Abuse</i>	B – REVISED: This policy was updated to add additional sources in which CalOptima Health may receive complaints of suspected fraud, waste, and abuse (FWA), which include memorandums and resources from the Centers for Medicare and Medicaid Services (CMS) and referrals from the Department of Health Care Services (DHCS). Reference and glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	
HH.2005: Corrective Action Plan <i>Regulatory Affairs & Compliance</i>	B – REVISED: This policy was revised to provide additional elements to be included in an Immediate Corrective Action Plan (ICAP) and Corrective Action Plan (CAP) response, and the provision to make a publicly available report containing CAP status and action taken to close out findings by CalOptima Health’s Office of Compliance on a quarterly basis to align with the 2024 DHCS MCP Contract. Attachment A, ICAP/CAP Request Template was also updated for formatting and language changes to align with the 2024 DHCS MCP Contract. Glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	
HH.2007: Compliance Committee <i>Office of Compliance</i>	B – REVISED: This policy was updated to clarify the role of CalOptima Health’s Compliance Committee, including procedures regarding designation and/or selection of its members, review of the Compliance Plan and responsibilities within CalOptima Health to align with the 2024 Department of Health Care Services (DHCS) Contract. Glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	
HH.2014: Compliance Program <i>Office of Compliance</i>	B – REVISED: This policy was updated to clarify the review of CalOptima Health’s Compliance Program will occur no less than annually, the roles of CalOptima Health’s Board of Directors and Compliance Officer regarding the review, approval, and development of the Compliance Program, and requirements to publicly post the Compliance Plan on CalOptima Health’s website. Glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE; Administrative	
HH.2022: Record Retention and Access <i>Regulatory Affairs & Compliance</i>	B – REVISED: This policy was updated for the addition of documentation of disciplinary actions for a period of at least ten (10) years to be included in CalOptima Health’s and its First Tier, Downstream, and Related Entities (FDR’s) requirements to retain and make available contracts, books, documents, records, and financial statements and reference CalOptima Health’s Document Retention Schedule. Reference and glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	
HH.2023: Compliance Training <i>Regulatory Affairs & Compliance</i>	B – REVISED: Language and grammatical revisions were made throughout this policy to provide clarity and improve readability. Attachment A, First Tier, Downstream, and Related Entities (FDR) Compliance Attestation was also updated to remove language regarding mail-in options. Glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	

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HH.3000: Notice of Privacy Practices <i>Privacy</i>	B – REVISED: This policy was updated to clarify controls for physical/electronic access and impermissible/permmissible uses of member data including Protected Health Information (PHI) and Personally Identifiable Information (PII). Language revisions were also applied for clarity in directives and procedural clarifications were made to outline elements that must be included in the content of the Notice of Privacy Practice (NPP) to align with the Health Insurance Portability and Accountability Act (HIPAA) Final Privacy Rule and Title 42 Code of Federal Regulations (C.F.R.) Part 2. The content throughout Attachment A, NPP was also updated to align with Title 42 C.F.R. Part 2, Health Equity (HE) Accreditation Standards, and Section 1157 Final Rule. Reference and glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	
HH.3001: Member Access to Designated Record Set <i>Privacy</i>	B – REVISED: This policy was revised to include procedures regarding CalOptima Health restrictions of circumstances of the use or disclosure of reproductive health care information if the disclosure may be related to a prohibited purpose. Attachment B, Instruction Sheet for CalOptima Health, Health Insurance Portability and Accountability Act (HIPAA) Authorization for Disclosure of Protected Health Information was updated to add language regarding disclosure of PHI and Attachment C, Authorization for CalOptima Health to Disclose Protected Health Information (PHI) to Another Person or Entity. Reference updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	
HH.3002: Minimum Necessary Uses and Disclosure of Protected Health Information and Document Controls <i>Privacy</i>	B – REVISED: This policy was revised to add language referencing Personally Identifiable Information (PII) and to add reproductive health care as minimum necessary data. Procedures were also updated regarding the minimum disclosure of Protected Health Information (PHI), requests for PHI/PII and federal and state law criteria for determinations of requests for the release of PHI/PII by CalOptima Health’s Privacy Officer or designee. Reference and glossary updates were also made to align with current contractual and regulatory guidelines and CalOptima Health policies. Program(s): Medi-Cal; OneCare; PACE	
HH.3003: Verification of Identity for Disclosure of Protected Health Information <i>Privacy</i>	B – REVISED: This policy was updated to clarify language regarding written requests for PHI to align with changes made to Attachments A and B. Attachment A, Authorization for a Person or Entity to Disclose PHI to CalOptima Health was revised for formatting changes, inclusion of language regarding disclosure requirements, and to provide additional content and fill-in elements throughout Sections A-F. Attachment B, Instruction Sheet for CalOptima Health, HIPAA Authorization for Disclosure of PHI, was updated to include language on disclosure requirements. Reference update(s) were also made to align with CalOptima Health policies. Program(s): Medi-Cal; OneCare; PACE	
HH.3008: Member Right to Request Confidential Communications <i>Privacy</i>	B – REVISED: This policy was revised to clarify processes for CalOptima Health’s Customer Service department to route Request for Restriction on Manner/Method of Confidential Communications Forms to the Privacy department when completed and submitted by a member. Glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	

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<p>Title Revision HH.3010: Protected Health Information Disclosures Permitted and Required by Law</p> <p><i>Privacy</i></p>	<p>B – REVISED: This policy was updated to include language clarifying CalOptima Health’s responsibility not to use or disclose PHI related to lawful Reproductive Health Care and procedures for attestation requirements for a use or disclosure of Reproductive Health Care related PHI for non-prohibited purposes to align with requirements of the HIPAA Privacy Final Rule and advisory by Legal. Attachment A, Attestation Regarding Requested Use or Disclosure of Protected Health Information Potentially Related to Reproductive Health Care was also added to this policy. Reference and glossary updates were also made to align with current contractual and regulatory guidelines.</p> <p>Program(s): Medi-Cal; OneCare; PACE</p>	
<p>Title Revision HH.3014: Use of Electronic Mail with Protected Health Information (PHI) and Personally Identifiable Information (PII)</p> <p><i>Privacy</i></p>	<p>B – REVISED: This policy was updated to include language referencing PHI/PII to align with the National Committee of Quality Assurance (NCQA) requirements and clarify references to CalOptima Health policies. Reference and glossary updates were also made to align with current contractual and regulatory guidelines and CalOptima Health policies.</p> <p>Program(s): Medi-Cal; OneCare; PACE</p>	
<p>HH.3015: Member Authorization for the Use and Disclosure of Protected Health Information</p> <p><i>Privacy</i></p>	<p>B – REVISED: This policy was updated to provide content, and grammatical revisions to clarify procedures regarding authorization for use or disclosure of psychotherapy notes, substance use disorder information, and sensitive services information. Attachment A, Authorization for CalOptima Health to Disclose PHI to Another Person or Entity, was revised for formatting changes, inclusion of language regarding disclosure requirements, and to provide additional content and fill-in elements throughout Sections A-F. Attachment B, Instruction Sheet for CalOptima Health, HIPAA Authorization for Disclosure of PHI, was also updated to include language on disclosure requirements. Reference and glossary updates were also made to align with current contractual and regulatory guidelines.</p> <p>Program(s): Medi-Cal; OneCare; PACE</p>	
<p>HH.3016: Guidelines for Handling Protected Health Information (PHI) Offsite</p> <p><i>Privacy</i></p>	<p>B – REVISED: General guidelines within this policy were updated to clarify that CalOptima Health staff shall not access, use, or disclose any member Protected Health Information (PHI) via CalOptima Health’s system without a business need.</p> <p>Program(s): Medi-Cal; OneCare; PACE</p>	
<p>Title Revision HH.3020: Reporting and Providing Notice of Security Incidents, Breaches of Unsecured PHI/PII or other Unauthorized Use or Disclosure of PHI/PII</p> <p><i>Privacy</i></p>	<p>B – REVISED: This policy was updated to include language referencing PII throughout to align with the Health Plan Management System (HPMS) Memorandum: Update on Security and Privacy Breach Reporting Procedures. Updates were also made to include procedures regarding Centers for Medicare and Medicaid (CMS) reporting related to Health Information and Technology for Economic and Clinical Health (HITECH) breach notification regulations, notifications to the CMS Account Manager if there is potential for significant member harm, monthly breach reports by CalOptima Health’s Privacy department, and notifications to PACE Account Managers regarding security and privacy breaches involving PACE participants. Attachment C, PACE Privacy Breach Notification Timeline and Summary Form was added to this policy. Reference and glossary updates were also made to align with current contractual and regulatory guidelines.</p> <p>Program(s): Medi-Cal; OneCare; PACE</p>	

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HH.3022: Business Associate Agreements <i>Privacy</i>	B – REVISED: This policy was revised to include language and directives regarding CalOptima Health’s monitoring of its business associates. Procedural updates were also made to include regulatory amendments to Business Associate Agreements (BAAs) and compliance requirements for business associates via BAAs to provide more protections to member medical information. Provisional updates were made to Attachment C, CalOptima Health Business Associate Agreement Template, to ensure member medical information protection. Glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE; Administrative	
HH.5000: Provider Overpayment Investigation and Determination <i>Fraud, Waste & Abuse</i>	B – REVISED: This policy was revised to include appropriate cross-reference to CalOptima Health policy(s) for maintaining medical records, update reference to former title ‘Audit & Oversight Committee’ to current title ‘Delegation Oversight Committee (DOC),’ add rendering provider NPI as an additional required detail to include in the “Overpayment Spreadsheet” to adequately review, investigate, and determine if claims were overpaid, and clarify timelines and procedures for notifying DHCS and/or CMS of overpayment determinations after the date CalOptima Health identified the overpayment. Reference and glossary updates were also made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare; PACE	
HH.3023: Information Sharing <i>Privacy</i>	D – Revised [Minor Edits]: Glossary updates were made to align with current contractual and regulatory guidelines. Program(s): Medi-Cal; OneCare	