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Oversight will primarily be the responsibility of the Office of the Medicaid Inspector General, which will incorporate criteria to address these mandates into its periodic audits and investigations.

Under proposed regulatory provisions, each covered provider and entity, as defined in section 4.42(a)(1)(A) above, shall be required to submit to the Office of the Medicaid Inspector General on or before October 1, 2007, and on or before January 1, every year thereafter, a certification that it maintains the written policies, and any employee handbook, required under the above mandates and that they have been properly adopted and published by the provider entity, and disseminated among employees, contractors and agents. The written policies and any employee handbook shall be retained for a period of six years from the latter of the due date or the actual date of submission of the certification.

The Office of the Medicaid Inspector General will review the certifications of the entity, and will also review the written policies and any employee handbook maintained by the entity during audits, for compliance with the Social Security Act, and any additional requirements of which entities are notified. Failure to timely submit the required certifications, or to bring the written policies and any employee handbook into compliance upon reasonable notice from the Medicaid Inspector General, may be considered an unacceptable practice and subject the entity to sanctions and/or penalties. CMS may, at its discretion, independently determine compliance through audits of entities or other means.

In addition, the Medicaid Inspector General will request participation from other state agencies responsible for regulatory oversight and will strongly recommend inclusion of this periodic review during such agencies' routine audits and investigations. These agencies will include:

Department of Law: Medicaid Fraud Control Unit

Office of Mental Health

Department of Health: Offices of Health Systems Management, Professional Medicaid Conduct

State Education Department: Office of Professions

Office of Alcoholism and Substance Abuse Services

Office of Mental Retardation and Developmental Disabilities

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