



Early Learning Coalition of Manatee County

Anti-Fraud Plan FY 2017-2018

PLAN STATEMENT

The Early Learning Coalition of Manatee County Inc. (ELCMC) recognizes that School Readiness and Voluntary Prekindergarten Program fraud exists in the early learning industry. As such, it is the policy of ELCMC to strive to protect its funders, clients, recipients, and early learning providers through the process of an effective and diligent Anti-Fraud Plan pursuant to Section 1002.91(8), F.S. and Rule 6M-9.400. This Anti-Fraud Plan shall be approved by the Coalition Board and submitted for annual approval to the Office of Early Learning (OEL) and the Office of Inspector General (OIG) no later than June 30 of each year (or an alternate deadline assigned by OEL).

DEFINITIONS

Fraud/Misrepresentation: an intentional deception, omission, or misrepresentation made by a person with knowledge that the deception, omission, or misrepresentation may result in unauthorized benefit to that person or another person, or any aiding or abetting of the commission of such act. The term includes any act that constitutes fraud under applicable federal or state law.

Suspension: a temporary situation that means the recipient would not have to go to the back of the waiting list when the suspension is finished.

Termination: means that the recipient would have to go to the back of the waiting list when the termination expires.

DESCRIPTION OF ORGANIZATIONAL STRUCTURE WITH PLAN RESPONSIBILITIES

The Chief Operations Officer is responsible for implementing the coalition's Anti-Fraud Plan and serves as the coalition administrator for OEL Fraud Referral System. The contact information for the Chief Operations Officer is soakes@elc-manatee.org or via telephone 941-757-2903.

The Chief Operations Officer is responsible for reviewing an initial appeal request by recipient for decision to uphold or modify the suspension or termination.

The following positions are responsible for the daily activities related to prevention, detection, investigation, and reporting of possible overpayment resulting in potential fraud or abuse:

- Director of Family Services
- Family Services Specialist II
- Family Services Specialist
- Data Quality Analyst
- Director of Provider Relations
- Reimbursement Specialist

PLAN PROCEDURES

ELCMC will perform internal file reviews, payment validation reviews, attendance reviews, and coordinate with other agencies to perform data matches on individuals and families participating in the School Readiness (SR) or Voluntary Prekindergarten (VPK) Programs. This includes review of data quality reports generated by OEL, documented verification of child care referrals from other organizations, and the electronic monthly reporting to OEL of recipients and providers terminated for fraud by a method determined by OEL.



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ELC Staff Education/Awareness/Training

ELC Director of Family Services will provide a mandatory fraud prevention staff training annually and new staff training within sixty (60) days of hire using OEL fraud prevention related training documents for daily coalition work activities. The Coalition will prepare an annual self-assessment of Internal Controls, policies and procedures to minimize instances of fraud. A link to the OEL Parenting Resources/Preventing Fraud website page and complaint form is available on the ELC-Manatee website.

Fraud Detection Procedures:

- **Initial Reporting:** Any potential overpayment, fraud or abuse that is uncovered or suspected by management, an employee, or an affiliated third party to ELCMC shall be immediately reported to the Chief Operations Officer. The Chief Operations Officer will be responsible for coordinating further investigations into the alleged fraud and for contacting and coordinating with the OEL Office of Inspector General, the Department of Financial Services (DFS) Public Assistance Fraud Unit, and/or the Florida Department of Law Enforcement (FDLE). DFS and FDLE will have primary responsibility for investigation of all suspected fraud cases presented to them, unless otherwise noted by OEL. The Chief Operations Officer may choose to delegate tasks in the fraud detection process to the Program Integrity Unit and/or other Coalition staff members.
- **Confidentiality:** All information provided by management, employees, or affiliated third parties relating to any new or pending fraud claim will be treated as confidential and only shared with OEL, DFS, FDLE, Department of Children and Families Licensing agency, ELCMC's attorney and other parties directly working on the investigation.
- **Preliminary Investigations:** Upon becoming aware of any suspected fraud or misrepresentation, the Chief Operations Officer shall, in cooperation with other employees of ELCMC, conduct a preliminary investigation to determine the likelihood that a fraudulent act has been committed against ELCMC. Such preliminary investigations may include, but need not be limited to: contacting OEL, DFS, FDLE, ELCMC attorney, conducting face-to-face interviews, making telephone calls, reviewing files and making on-site visits. The Chief Operations Officer, or his/her designee, shall ensure adequate documentation is placed in the file documenting such allegations and any findings from the preliminary investigation, including whether further investigation is warranted. If it is determined, at the sole discretion of ELCMC, that no further investigation is warranted, the case shall be closed and a notation placed in the file of such a determination.
- **Further Investigations:** If it is determined, at the sole discretion of the ELCMC, that further investigation is warranted, ELCMC will calculate associated overpaid benefits amount and follow the *Due Process provisions for termination or suspension of School Readiness or Voluntary Prekindergarten benefits*.

Due Process Provisions:

- Due Process procedures for Child Care Providers will be provided for in the contract between the coalition and the provider, pursuant to Rule 6M-4.610, F.A.C. 6M-0.400 (5)
- The client will be reported through the OEL Fraud Referral System. The client will be notified in writing of the action to be taken, and has the right to appeal suspension or termination of benefits from the SR or VPK program based on information that leads the Coalition to conclude that SR or VPK program benefits have been obtained or used fraudulently.
- Written notice before suspension/termination:
 - Shall be issued at least fourteen (14) calendar days prior to termination/suspension.
 - Shall include the allegations, the basis of the allegations, the intended action and the date the action is to be imposed.
 - Shall be translated into the recipient's native language if the coalition's other communications with the recipient have been translated.
 - Shall include the following:



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1. The process for the recipient to follow to attempt to appeal the decision.
2. A statement, **in bold print**, that failure to file a timely appeal waives the right to appeal.
3. Notice of the potential for repayment of improper benefits if the conclusion of fraud is upheld, including any benefits received after the receipt of the written advance notice.
4. The procedure for the recipient to obtain a copy of his/her file.
5. The amount of overpayment to be recovered, if applicable.
6. The length of time for which the recipient's benefits are suspended or the date of termination of benefits, if applicable. This length of time shall be proportionate to the alleged offense committed, consistent with suspensions or terminations issued to other recipients who allegedly committed comparable offenses, and may also consider prior offenses, as appropriate.

Recipient Right to Challenge Decision:

- If the recipient believes that the conclusion of fraud was made in error, the recipient should first seek to resolve the matter by contacting the coalition and providing the necessary documentation to resolve the issue. The Chief Executive Officer of the coalition shall not be involved in the pre-appeal resolution of the issue. To preserve the due process required by statute, the staff making the initial appeal decision must be removed from the second appeal decision.
- If the recipient believes the issue was not resolved by the coalition, the recipient may file a formal written appeal for review by the Chief Executive Officer using the following procedure:
 1. Submit a written appeal to the Chief Executive Officer or other executive staff person as designated by the Coalition Board. The appeal must fully describe the nature of the error the recipient believes has been made and shall contain any documentation which supports the recipient's claim.
 2. The appeal shall be postmarked or emailed before the date of the intended action. The recipient who fails to file a timely appeal waives the right to appeal.
 3. If the recipient files a timely appeal, he/she will not be suspended or terminated from the program until the written decision of the Chief Executive Officer or the original date of the intended action, whichever is later.
 4. The Chief Executive Officer or other executive staff person designated by the Coalition Board must respond to the recipient, in writing, within thirty (30) days of receiving the appeal with a decision as to whether the suspension or termination will be upheld or modified.
 5. The recipient who wishes to appeal the decision of the Chief Executive Officer or other executive staff person designated by the Coalition Board may request further review by an appeals committee. The request for further review by an appeals committee must be submitted to the Coalition in writing within ten (10) calendar days of the date of written response from the Chief Executive Officer or other executive staff persons designated by the Coalition Board to the recipient's formal written appeal.
- The recipient shall be given the opportunity to defend his or her position in an orderly proceeding of the appeals committee. When the meeting of the appeals committee is scheduled, the recipient shall be notified of the date of the appeals committee, informed that it is a public meeting, and that any information presented may be used by other state agencies.
 1. The appeals committee shall be selected by the Coalition Board Chair and a chair of the appeals committee shall be named. This committee shall consist of at least three (3) Board members.
 2. The appeals committee shall be convened within forty-five (45) calendar days of receipt of the recipient's request for appeal.



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3. The recipient shall be provided up to thirty (30) minutes to present his/her position along with any information he/she wishes the appeals committee to consider.
4. The coalition staff, excluding the Chief Executive Officer or other executive staff person designated by the Board, shall be available to provide any information requested by the committee.
5. The appeals committee will review all documents and statements, and may request additional evidence or information from the parties if an appeals committee member believes it is necessary and relevant to the decision making. The required final determination letter will be suspended for the length of time given to provide the additional information.
6. The appeals committee shall select or appoint a member of the Coalition staff, excluding the Chief Executive Officer or other executive staff person designated by the Coalition Board, to outline the events of the appeals committee proceeding and the final determination including the basis for the decision.
7. The appellant shall be notified in writing of the appeals committee's determination within ten (10) days of the date of the meeting.
8. The determination of the appeals committee shall be final.

PENALTIES

Any person who commits an act of fraud is subject to the penalties provided in Section 414.39(5) (a), FS. The recipient is also eligible for suspension or termination. **A suspension or termination shall not be applied against recipients with a valid at-risk referral.** Suspension or termination is effective on the date given on the initial notice or the date of the Chief Executive Officer or Board designee's decision, whichever is later. If the appeals committee overturns the decision of the Chief Executive Officer or Board designee and determines that no fraud occurred, the suspension or termination is lifted. If the recipient is still eligible for services, they should be offered services again.

- First determination of fraud-eligibility is suspended for the longer of six months or restitution of overpaid benefits.
- Second determination-eligibility is terminated for the longer of one year or restitution of overpaid benefits.
- Third and subsequent determinations-eligibility is terminated for the longer of 5 years or restitution of overpaid benefits.