

Map-811 Individual Checklist

NOTICE: Pursuant to 907 KAR [1:672](#) Section 2 1(c) (1), you must be enrolled as a participating provider prior to being eligible to receive reimbursement. **Enrollment in the program is not a guarantee; therefore, providing services to Kentucky Medicaid members prior to your effective date is at your own financial risk.**

Did you:

- ◆ Complete all questions. Questions not applicable should be completed with “N/A”.
(Applications will be rejected for any questions left blank.)
- ◆ Sign and date signature page 5. **Only original blue ink signatures are accepted. Copied or stamped signatures are not accepted.**
- ◆ Attach appropriate licenses and/or certifications and all other required documents for requested effective date as well as current.
- ◆ Attach verification documentation for NPI and Taxonomy Code(s) from the Systems or NPPEs.
- ◆ Attach a [MAP-347](#) if individual wants to be linked to more than one KY Medicaid group provider number.
- ◆ Attach a copy of your Social Security card.
- ◆ Attach your IRS verification letter if you are applying for an individual Medicaid provider number and you are the sole owner of a FEIN.
- ◆ Keep a copy of the application for your records.

Not completing these reminders will delay the processing of your application. Please ensure that all reminders above are completed. Other corrections not mentioned above may be requested during the processing of your application.

Please mail the completed application to the following address:

***Kentucky Medicaid
P.O. Box 2110
Frankfort, KY 40602***

Please do not send the application to the Department for Medicaid Services. This will delay the processing of your application.

MAP-811 Individual Provider Application Instructions

**NOTE: Fill out all applicable sections. Indicate Not Applicable (N/A) for questions that do not apply.
Applications will be rejected if any questions are left blank.
Please do not re-format or alter application in any matter.**

Section A: Administrative Information

Field #	Description
Enrollment Block:	
<ul style="list-style-type: none"> • If applying for a Kentucky Medicaid number for the first time, check first block. • If re-enrolling as a Kentucky Medicaid number, check second block and enter your provider number in question 1. • If a change in Federal Tax Identification number (FEIN) or change in ownership has occurred, check third block. • If applicant has been excluded from Medicare/Medicaid by Federal, State, or court sanction please declare "I am enrolling as a reinstatement", check fourth block. 	
1	If a Kentucky Medicaid provider number has already been assigned to this provider, enter provider number.
2	Indicate name of individual provider.
3	Enter type of provider. (EXAMPLE: physician; dentist; etc.)
4	Enter the county of the primary practice location.
5	Enter the type of service that will be provided.
6	Enter the date you wish your enrollment with Medicaid to be effective.
7	Enter your National Provider Identifier (NPI). Include your FOX verification or National Plan and Provider Enumeration System (NPPES) printout.
8	Enter your Taxonomy Code(s) associated with your NPI. Attach extra sheet if necessary.) Include your FOX verification or (NPPES) printout.
9	Enter individual Social Security Number (SSN).
10	Enter FEIN only if you own the FEIN 100%
11	Enter date of birth of applicant provider.
12	Please indicate which number you will use for reporting monies to you from Medicaid for 1099 purposes. <i>Example: If you are an individual completing this question, please input your Social Security Number unless you are a sole proprietor. An individual proprietor can bill under his/her individual provider number even if they are working in a group setting. The individual must complete Map-347 in order to be linked to the group setting under which they are reporting.</i>
13	Enter the name of the person to sign for a summons in case of a lawsuit (N/A is not acceptable).
14	Enter telephone number of person named in #13.
15	Enter Mailing address of applicant.
16	Enter the address where you want your Medicaid 1099 mailed.
17	Complete if you wish to link with a group. Attach a MAP – 347 for any additional group you wish to link too.

Section B: Disclosure of Ownership and Control Interest

Field #	Description
1	If there has been a change of ownership or a Federal Tax Identification number, list previous Medicaid provider numbers and effective dates for each.
2	Describe relationship or similarities between the provider disclosing information on this form and items "A" through "C".
3	Do you plan to have a change in ownership, management company or control within the next year? If so, when?
4	Do you anticipate filing bankruptcy? If so, when?
5	Enter the Federal Tax Identification Number (if there is an affiliation with a chain) along with name, address, city, state and zip code.
6	List name, address, SSN/FEIN of each person or organization having direct or indirect ownership or control interest in the disclosing entity. **Complete question #17 with the officers' and board members' information. If no one owns 5% or more of provider, check box and complete question #17 with the officers' and board members' information. **If you are applying as an individual and do not own a FEIN, please enter your name and information.
<p>Indirect Ownership Interest - means an ownership interest in an entity that has an ownership interest in the disclosing entity. This term includes an ownership interest in any entity that has an indirect ownership interest in the disclosing entity. Ownership interest - means the possession of equity in the capital, the stock, or the profits of the disclosing entity. Person with an ownership or control interest - means a person or corporation that:</p> <ul style="list-style-type: none"> • Has an ownership interest totaling 5% or more in a disclosing entity; • Has an indirect ownership interest equal to 5% or more in a disclosing entity; • Has a combination of direct and indirect ownership interests equal to 5% or more in a disclosing entity; • Owns an interest of 5% or more in any mortgage, deed of trust, note, or other obligation secured by the disclosing entity if that interest equals at least 5% of the value of the property or assets of the disclosing entity; • Is an officer or director of a disclosing entity that is organized as a corporation; or, • Is a partner in a disclosing entity that is organized as a partnership 	
7	List name, address and SSN/FEIN of each person with an ownership or control interest in any subcontractor in which the disclosing entity has direct or indirect ownership of 5% or more.
<p>Subcontractor- means an individual, agency, or organization to which a disclosing entity has contracted or delegated some of its management functions or responsibilities of providing medical care to its patients, OR an individual, agency or organization with which a fiscal agent has entered into a contract, agreement, purchase order, or lease (or lease of real property) to obtain space, supplies, equipment or services provided under the Medicaid agreement</p>	
8	If applicant is related to persons listed in # 6 and #17, list the relationship
9	List name of managing company, if not applicable enter N/A.
10	List names of the disclosing entities in which persons have ownership of other Medicare/Medicaid facilities
<p>Other Disclosing Entity- means any other Medicaid disclosing entity and any entity that does not participate in Medicaid, but is required to disclose certain ownership and control information because of participation in any of the programs established under Title V, XVIII, or XX of the Act. This includes:</p> <ul style="list-style-type: none"> • Any hospital, skilled nursing facility, home health agency, independent clinical laboratory, renal disease facility, rural health clinic, or health maintenance organization that participates in Medicare (Title XVIII). • Any Medicare intermediary or carrier. • Any entity (other than an individual practitioner or group of practitioners) that furnishes, or arranges for the furnishing of, health-related services for which it claims payment under any plan or program established under Title V or Title XX of the Act. 	
11	If entity engages with subcontractors (such as physical therapist, pharmacies, etc.,) which exceeds the lesser of \$25,000 or 5% of applicant's operating expense, list subcontractor's name and address.
<p>Significant Business Transaction- means any business transaction or series of transactions that, during any one fiscal year, exceeds the lesser of \$25,000 or 5% of applicant's operating expense.</p>	
12	List any significant business transactions between this provider and any wholly owned supplier, or between this provider and any subcontractor, during the previous 5-year period.
13	List name, SSN, address of any immediate family member who is authorized to prescribe drugs, medicine, devices or equipment.

14	List anyone disclosed in question #6 who has been convicted of a criminal offense related to the involvement of such persons or organizations in any program established under Title 19 (Medicaid) or Title 20 (Social Services Block Grants) of the Social Security Act (SSA) or any criminal offense in this state or any other state. Please also indicate any KY Medicaid provider number(s) associated with individual or organization.
15	List any agent and/or managing employee who has been convicted of a criminal offense related to any program established under Title XVIII, XIX or XX of the SSA or any criminal offense in this state or any other state. Indicate any KY Medicaid provider number(s) associated with individual or organization.
<p>Agent- means any person who has been delegated the authority to obligate or act on behalf of a provider. Managing Employee- means a general manager, business manager, administrator, director or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of an institution, organization or agency.</p>	
16	List the name, title, FEIN/SSN, and business address of all managing employees as defined in 42 CFR 455.101 .

Section C: Tax Structure

Field #	Description
1	Check block, which pertains to applicant's tax structure
	<ul style="list-style-type: none"> • If "B" is marked, please complete number 2 with name, address, city, state, zip code, and telephone number. • If "C" is marked, please complete number 3 with name, address, city, state, zip code and FEIN/SSN. • If "E" is marked, please attach a list of Officer and Board Members. • If "F" is marked, please attach list of Board Members. • If "G" is marked, please attach list of Board Members. • If "H" is marked, please attach list of Limited Liability members.
2	• If you are a sole proprietor, please complete.
3	• If you are a partnership, please complete.

Signature Page

Provider Signature	Individual provider must sign original signature in blue ink. (Copied or stamped signatures are not accepted.) Signature must be first and last name, initials or partial names will not be accepted
Name	Printed name of provider
Title	Title of person signing. EXAMPLE: doctor, physician assistant, etc...
Date	Enter the date the agreement was signed

Health Care Partnership Signature:

To be completed by Managed Care representative only

Department for Medicaid Services:

To be completed by Department for Medicaid Services representative only

**COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR MEDICAID SERVICES
AND/OR
KENTUCKY HEALTH CARE PARTNERSHIP**

For Kentucky Medicaid Use Only
ATN# _____
Identifier: _____
Provider Type _____
Reviewer's Initials: _____

SECTION A: ADMINISTRATIVE INFORMATION

I am enrolling as a: <input type="checkbox"/> New Provider <input type="checkbox"/> Re-applicant <input type="checkbox"/> Change of Ownership/FEIN <input type="checkbox"/> Re-Instatement			
1. Kentucky Medicaid Provider Number: _____			<input type="checkbox"/> Check here for N/A
(Complete if you have a current or previous Kentucky Medicaid provider number)			
2. Name of Individual Provider: Last Name: _____		First Name: _____ M.I: _____	
3. Type of Provider: _____		4. County of Practice Location: _____	
5. Type of Service: _____		6. Date Provider Requests Effective Enrollment: _____	
7. National Provider Identifier (NPI): _____		8. Primary Taxonomy Code: _____ (Attach extra sheet if necessary.)	
9. SSN: _____	10. FEIN (Please list only if you own the FEIN 100%): _____		11. Date of Birth _____
12. DMS will report all monies paid to the IRS. Please indicate which number you use for tax reporting. (If you are enrolling as an individual and do not own a FEIN, please check SSN field). (Check one only) <input type="checkbox"/> SSN <input type="checkbox"/> FEIN			
13. Agent of Service in Case of Summons (N/A not acceptable): _____		14. Telephone # of Agent of Service (N/A not acceptable): _____	
15. MAILING ADDRESS:			
Address: _____			
City: _____		State: _____	Zip: _____
Contact Name: _____		Contact Phone Number: _____	
16. 1099 ADDRESS (annual earnings form):			
Name: _____			
Address: _____			
City: _____		State: _____	Zip: _____
Contact Name: _____		Contact Phone Number: _____	
17. Complete if provider wishes to link to Clinic Corporation or Facility.			
I hereby declare that I, _____ (Individual Provider Enrolling) have entered into a contractual agreement with the following:			
(Clinic/Corporation or Facility Name) _____			
(KY Medicaid Provider Number of Clinic/Corporation or Facility) _____		(Effective date if different than requested enrollment date) _____	
to provide professional services. I authorize payment including Medicaid/Medicare cross-overs, from the Kentucky Medicaid Program for covered services provided by me and specified by the criteria of our contract. I understand that I, personally shall not bill the Kentucky Medicaid Program for any service that is reimbursed as part of contractual agreement, and further that Clinic/Corporation or Facility Name listed above shall be responsible for refunding any overpayments made for services rendered.			

Complete [MAP-347](#) for each additional Clinic/Corporation or Facility

SECTION B: DISCLOSURE OF OWNERSHIP AND CONTROL INTEREST

ITEMS 1 -17 BELOW ARE REQUIRED BY FEDERAL AND STATE LAW AND REGULATION (42 CFR 455.101, 455.104, 455.105 and 455.105 AND KRS CHAPTER 205, AS AMENDED). YOU WILL RECEIVE THIS SECTION ANNUALLY TO UPDATE AND RETURN TO DMS.

Note: See page 2 and 3 of the instructions and page 4 of the MAP-811 Individual for definitions according to 42 CFR 455.101 and 455.104 and KRS Chapter 205, as amended, of underlined terms in Section B.

1. If there has been a change in ownership, change of tax ID number (FEIN), or change in Kentucky Provider Number for a previously enrolled Kentucky Medicaid provider, enter the previous provider number(s) and their effective date(s): *Check here for N/A*

Previous Medicaid Prov. #	Start Date:	to End Date:
----------------------------------	--------------------	---------------------

2. If you completed #1, describe the relationship between the provider disclosing information on this form, and the following: (a) previous Medicaid owner (b) corporate boards of disclosing provider and previous Medicaid owner; i.e. board members and ownership or control interest (c) disenrollment circumstances. (Attach extra page if necessary.) *Check here for N/A*

- a.
- b.
- c.

3. If you anticipate any change of ownership, management company or control within the year, state anticipated date of change and nature of the change. *Check here for N/A*

Date:	Change:
--------------	----------------

4. If you anticipate filing for bankruptcy within the year, enter anticipated date of filing.
 Check here for N/A

5. If this facility is a subsidiary of a parent corporation, enter corporate FEIN #:
 Check here for N/A

Name:		
Box or Address		
City:	State:	Zip

6. List name, date of birth, SSN#/FEIN# and address of each person or entity that owns 5% or more direct or indirect ownership or controlling interest in the applicant provider. (Attach extra page if necessary.) Complete question 17 with the officers' and board members' information. IF YOU ARE APPLYING AS AN INDIVIDUAL, LIST YOUR INFORMATION. *Check here if no one owns 5% or more and list officers' and board members' information in question 17. (N/A Not Acceptable)*

Name:	SSN:	
FEIN (Complete only if applicant solely owns 100%):		
Box or Address:		
DOB:		
City:	State	Zip:

7. List name, address, SSN#, FEIN# of each person with an ownership or control interest in any subcontractor in which the provider applicant has direct or indirect ownership of 5% or more. (Attach extra page if necessary.)
 Check here for N/A

Name(a):	SSN:	
Box or Address:		
FEIN:		
City:	State:	Zip:
Name(b):		SSN:
Box or Address:		FEIN
City:	State:	Zip:

8. If any individuals listed in item #6 (above) are related to each other as spouse, parent, child, or sibling (including step or adoptive relationships), provide the following information: (Attach extra page if necessary.) <input type="checkbox"/> <i>Check here for N/A</i>			
Name(a):		SSN:	
Relationship:		FEIN:	
Name(b):		SSN:	
Relationship:		FEIN:	
9. If this facility employs a management company, please provide following information: <input type="checkbox"/> <i>Check here for N/A</i>			
Name:			
Box or Address:			
City:		State:	Zip:
10. List the names of any other disclosing entity in which person(s) listed on this application have ownership of other Medicare/Medicaid facilities. <input type="checkbox"/> <i>Check here for N/A</i>			
Name:		Provider Number:	
Box or Address:			
City:		State:	Zip:
11. List the names and addresses of all other Kentucky Medicaid providers with which your health service and/or facility engages in a significant business transaction and/or a series of transactions that during any one (1) fiscal year exceed the lesser of \$25,000 or 5% of your total operating expense. (Attach extra page if necessary.) <input type="checkbox"/> <i>Check here for N/A</i>			
Name:			
Box or Address:			
City:		State:	Zip:
12. List any significant business transactions between this provider and any wholly owned supplier, or between this provider and any subcontractor, during the previous 5-year period. (Attach extra page if necessary.) <input type="checkbox"/> <i>Check here for N/A</i>			
Name:			
Box or Address:			
City:		State:	Zip:
13. List the name, SSN, and address of any immediate family member who is authorized under Kentucky Law or any other states' professional boards to prescribe drugs, medicine, medical devices, or medical equipment in accordance with KRS 205.8477. <input type="checkbox"/> <i>Check here for N/A</i>			
Name (a):		Credential (M.D., etc.):	
Box or Address:		DOB:	SSN:
City:		State:	Zip:
Name (b):		Credential (M.D., etc.):	
Box or Address:		DOB:	SSN:
City:		State:	Zip:
14. List the name of any individuals or organizations having direct or indirect ownership or controlling interest of 5% or more, who have been convicted of a criminal offense related to the involvement of such persons, or organizations in any program established under Title XVIII (Medicare), or Title XIX (Medicaid), or Title XX (Social Services Block Grants) of the Social Security Act or any criminal offense in this state or any other state, since the inception of those programs. (Attach extra page if necessary.) If individual or organization is associated with a KY Medicaid provider number(s), please indicate below. (Attach extra page if necessary.) <input type="checkbox"/> <i>Check here for N/A</i>			
NAME (a)/KY Medicaid Provider Number(s):			
NAME (b)/KY Medicaid Provider Numbers(s):			
15. List the name of any agent and/or managing employee of the disclosing entity who has been convicted of a criminal offense related to the involvement in any program established under Title XVIII, XIX, or XX, or XXI of the Social Security Act or any criminal offense in this state or any other state. (Attach extra page if necessary.) If individual or organization is associated with a KY Medicaid provider number(s), indicate below. (Attach extra page if necessary.) <input type="checkbox"/> <i>Check here for N/A</i>			
NAME (a)/KY Medicaid Provider Number(s):			
NAME (b)/KY Medicaid Provider Number(s):			

SAMPLE

16. List the name, title, SSN, and business address of all managing employees below as defined in 42 CFR 455.101.
(Attach extra sheet if necessary listing same details below.) Check here for N/A

Name (a):		Title:	
Box or Address:	DOB:	SSN:	
City:	State:	Zip:	
Name (b):		Title:	
Box or Address:	DOB:	SSN:	
City:	State:	Zip:	

17. If you responded to question 6 and are not enrolled as an individual, please list officers' and board members' information. (Attach extra sheet if necessary listing same details below.)

Name:		Title:	
Box or Address:	DOB:	SSN:	
City:	State:	Zip:	
Name:		Title:	
Box or Address:	DOB:	SSN:	
City:	State:	Zip:	

SECTION C: TAX STRUCTURE

1. Provider Tax Structure of Applicant. Please check only one (1).

<input type="checkbox"/>	(A) Individual
<input type="checkbox"/>	(B) Sole Proprietor
<input type="checkbox"/>	(C) Partnership
<input type="checkbox"/>	(D) Estate/Trust
<input type="checkbox"/>	(E) Corporation (please attach a list of Officers' and Board Members' names or list below).
<input type="checkbox"/>	(F) Public Service Corporation (please attach a list of Officers' and Board Members' names or list below).
<input type="checkbox"/>	(G) Government/Non-Profit (please attach a list of Officers' and Board Members' names or list below).
<input type="checkbox"/>	(H) Limited Liability Company (please attach a list of Officers' and Board Members' names or list below).

2. If tax structure is (B) Sole Proprietor, give name, address, and telephone number of owner

Name:		
Box or Address:		
City:	State:	Zip:
Telephone #		

3. If tax structure is "C" Partnership, give name, address, and the social security numbers of partners

Name:		
Box or Address:		
City:	State:	Zip:
SSN		

455.104 Definitions:

- Indirect Ownership Interest** means an ownership interest in an entity that has an ownership interest in the disclosing entity. This term includes an ownership interest in any entity that has an indirect ownership interest in the disclosing entity.
- Other Disclosing Entity** Means any other Medicaid disclosing entity and any entity that does not participate in Medicaid, but is required to disclose certain ownership and control information because of participation in any of the programs established under title V, XVIII, or XX of the Act. This includes:
 - Any hospital, skilled nursing facility, home health agency, independent clinical laboratory, renal disease facility, rural health clinic, or health maintenance organization that participates in Medicare (title XVIII);
 - Any Medicare intermediary or carrier; and
 - Any entity (other than an individual practitioner or group of practitioners) that furnishes, or arranges for the furnishings of, health-related services for which it claims payment under any plan or program established under Title V or Title XX of the Act.
- Person with an Ownership or Control Interest** means a person or corporation that:
 - Has an ownership interest totaling 5 percent or more in a disclosing entity;
 - Has an indirect ownership interest equal to 5 percent or more in a disclosing entity;
 - Has a combination of direct or indirect ownership interests equal to 5 percent or more in a disclosing entity;
 - Owens an interest of 5 percent or more in any mortgage, deed of trust, note, or other obligation secured by the disclosing entity if that interest equals at least 5 percent of the value of the property or assets of the disclosing entity;
 - Is an officer or director of a disclosing entity that is organized as a corporation; or
 - Is a partner in a disclosing entity that is organized as a partnership
- Subcontractor** means:
 - An individual, agency, organization to which a disclosing entity has contracted or delegated some of its management functions or responsibilities of providing medical care to its patients; or
 - An individual, agency, or organization with which a fiscal agent has entered into a contract, agreement, purchase order, or lease (or lease of real property) to obtain space, supplies, equipment, or services provided under the Medicaid agreement.

WHOEVER KNOWINGLY OR WILLFULLY MAKES, OR CAUSES TO BE MADE, A FALSE STATEMENT OR REPRESENTATION OF THIS STATEMENT SHALL BE SUBJECT TO PROSECUTION UNDER APPLICABLE FEDERAL OR STATE LAWS. (42USC 1320A -7B, CRIMINAL PENALTIES FOR ACTS INVOLVING FEDERAL HEALTH CARE PROGRAMS IS PRINTED ON PAGE 8) FAILURE TO FULLY AND ACCURATELY DISCLOSE THE INFORMATION REQUESTED SHALL RESULT IN A DENIAL OF A REQUEST TO PARTICIPATE IN OR TERMINATION OF THE CURRENT AGREEMENT WITH THE STATE AGENCY, AS REQUIRED BY 42 CFR 455.104 AND KRS CHAPTER 205 AS AMENDED.

Provider Authorized Signature: I certify, under penalty of law, that the information given in this form is correct and complete to the best of my knowledge. I am aware that, should investigation at any time show any falsification, I will be considered for suspension from the Program and/or for prosecution for Medicaid fraud. I certify that I have read and understand the "Medicaid Rules, Regulation, Policy and 42USC 1320a-7b" (pp. 6-8) to the best of my ability. I agree to abide by the Medicaid Program terms and conditions listed in this document, and I hold a license/certification to provide service corresponding to the information above and for which this agreement applies. I hereby authorize the Cabinet for Health and Family Services, the Kentucky Health Care Partnership to make all necessary verification concerning me and/or my medical practice/facility, and further authorize each educational institute, medical/license board or organization to provide all information that may be needed in connection with my application for participation in the Kentucky Medicaid Program. I also understand that the KAPER-1 (Kentucky Application for Provider Evaluation and Re-evaluation) or CAQH application is considered a continuation of my contract with the KY Department for Medicaid Services. I further certify that, if I keep medical records on an electronic database, those records are confidential and patient privacy is protected (KRS 205.510).

Provider Signature:
(BLUE INK ONLY)

Health Care Partnership Signature:
(BLUE INK ONLY)

(First and last name required)

(First and last name required)

Name (please print): _____
(First and last name required)

Name (please print): _____
(First and last name required)

Title: _____

Title: _____

Date: _____

Date signed: _____

SAMPLE

Department for Medicaid Services:

Name: _____

Title: _____

Date: _____

NOTE: Please ensure that no questions were left blank before submitting application.

PLEASE MAKE A COPY OF COMPLETED PAGES FOR YOUR RECORDS. YOU WILL RECEIVE NOTIFICATION OF YOUR KENTUCKY MEDICAID PROVIDER NUMBER.

MEDICAID RULES, REGULATION, POLICY AND 42USC 1320a-7b

1. Scope of Agreement:

This provider agreement sets forth the rights, responsibilities, terms and conditions governing the provider's participation in the Kentucky Medicaid Program, KenPAC, KCHIP and/or Kentucky Health Care Partnership and supplements those terms and conditions imposed by these four (4) programs.

2. Medical Services to be Provided:

The provider agrees to provide covered services to Medicaid, KenPAC and KCHIP recipients in accordance with all applicable federal and state laws, regulations, policies and procedures relating to the provision of medical services according to Title XIX, Title VI, the approved Waivers for Kentucky and, for those providers participating in the Partnership, all applicable provisions of the pertinent contract for managed care and policies and procedures duly adopted by the governing board of the Partnership applicable to provider and recipients of Title XIX services.

3. Assurances:

The Provider:

- (1) Agrees to maintain such records, including electronic storage media, as are necessary to document the extent of services furnished to KCHIP and Title XIX recipients for a minimum of five (5) years or as required by state and federal laws, and for such additional time as may be necessary in the event of an audit exception, quality of care issue, or other dispute and to furnish the state or federal agencies with any information requested regarding payments claimed for furnishing services.
- (2) Agrees to permit representatives of the state and federal government, and, for those providers participating in the Partnership, staff of the Kentucky Health Care Partnership to have the unrestricted right to examine, inspect, copy and audit all records pertaining to the provision of services furnished to KCHIP and Title XIX recipients. Such examinations, inspections, copying and audits may be made without prior notice to the Provider. This right shall include the ability to interview facility staff during the course of any inspection, review, investigation or audit.
- (3) Agrees to comply with the Civil Rights requirements set forth in 45 CFR Parts 80, 84, and 85 and the Americans with Disabilities Act (ADA), 42 USC 12101. Payments shall not be made to providers who discriminate on the basis of race, color, national origin, sex, disability, religion, age or marital status in the provision of services.
- (4) Agrees to cooperate with applicable public health agencies to coordinate appropriate medical care for KCHIP and Title XIX recipients in order to ensure quality of care and avoid the provision of duplicate or unnecessary medical services.
- (5) Assures awareness of the provisions of 42 USC 1320a-7b reproduced on page 13 of this agreement and of the provisions of KRS 205.8451 to KRS 205.8483 relating to Medicaid Program Fraud and Abuse, and applicable Kentucky Administrative Regulations as specified in Title 907 relating to the Kentucky Health Care Partnerships and Provider Agreements.
- (6) Agrees to inform the Cabinet for Health Services, Department for Medicaid Services or the appropriate Partnership;
 - A. within thirty-five (35) days of any change in the following:
 1. name;
 2. ownership;
 3. address; and,
 - B. within five (5) days of information concerning the following:
 1. change in licensure/certification;
 2. regulation status;
 3. disciplinary action by the appropriate professional association; and,
 4. criminal charges
- (7) Agrees to the following:
 - A. To assume responsibility for a prompt, accurate, and timely submission of claims and encounter data whether submitted directly by the provider or by an agent;
 - B. To use EMC submittal procedures and form layouts as defined by the Cabinet if submitting electronic claims;
 - C. That the provider's signature on this agreement constitutes compliance with the following: the transmitted information is true, accurate and complete and any subsequent correction which alters the information contained therein will be transmitted promptly;
 - D. Payment and satisfaction of claims will be from federal and state funds and that any false claims, statements, or documents or concealment or falsification of a material fact, may be prosecuted under applicable federal and state law.
- (8) Agrees to participate in the quality assurance programs of the partnership and the Department for Medicaid Services and understands that the data will be used for analysis of medical services provided to assure quality of care according to professional standards.
- (9) A contract for the sale or change of ownership participating in the Medicaid Program shall specify whether the buyer or seller is responsible for the amounts owed to the department by the provider, regardless of whether the amounts have been identified at the time of sale. In the absence of such specification in the contract for the sale or change of ownership, the owners or the partners at the time the department paid the erroneous payments have the responsibility for liabilities arising from those payments, regardless of when identified.
- (10) Agrees to notify the Department for Medicaid Services and/or the Partnership in writing of having filed for protection from creditors under the Bankruptcy code within five (5) days of having filed a petition with the court. Notification shall include the number assigned the case by the court, and the identity of the court in which the petition was filed.
- (11) Agrees to return any overpayment made by the Department for Medicaid Services and/or Partnership resulting from agency error in calculation of amount or review of submitted claims.
- (12) Agrees to comply with employee education for false claims recovery deficit reduction act (DRA) of 2005, Section 6032. More information can be found at <http://chfs.ky.gov/dms/provider.htm>.

4. ITEM # 4 APPLIES ONLY TO LONG TERM CARE FACILITIES (NF, ICF/MR or Mental Hospital), AND HOME COMMUNITY BASED Waiver SERVICES (HCB, SCL, Model Waiver II, Acquired Brain Injury, etc.)

As a result of the Medicare Catastrophic Coverage Act of 1988, each facility providing long term care services agrees to advise all new admissions of resource assessments to assist with financial planning performed by the Department for Community Based Services through a contractual arrangement with the Department for Medicaid Services. This requirement is a Condition of Participation in the Kentucky Medicaid Program, in accordance with 907 KAR 1:672 and is effective with new admissions on and after September 30, 1989.

Each nursing facility agrees to comply with the preadmission screening and resident review requirement specified in Section 1919 of the Social Security Act, effective with regard to admissions and resident stays occurring on or after January 1, 1989.

5. Payment:

In consideration for the provision of approved Title XIX services rendered to Medicaid recipients and Title XXI services rendered to KCHIP recipients and subject to the availability of federal and state funds:

- (1) The Cabinet for Health and Family Services, Department for Medicaid Services agrees to reimburse the provider according to current applicable federal and state laws, rules and regulations and policies of the Cabinet for Health and Family Services for providers participating as direct Medicaid payment providers. Payment shall be made only upon receipt of appropriate billings and reports as prescribed by the Cabinet for Health and Family Services, Department for Medicaid Services.
- (2) The Partnership agrees to reimburse the provider according to the provisions of the Partnership agreement with the provider. Payments shall be made only upon receipt of appropriate encounter data, claims and reports as prescribed by the Partnership governing board.
- (3) In accordance with 42 CFR 447.15, if the department makes payment for a covered service and the provider accepts this payment in accordance with the department's fee structure, the amounts paid shall be considered payment in full; a bill for the same service shall not be tendered to the recipient, and a payment for the same service shall not be tendered to the recipient, and a payment for the same service shall not be accepted from the recipient. A provider may not bill a Medicaid recipient for a bill that was denied due to incorrect billing. A provider may bill a Medicaid recipient under the following conditions:
 - a. Service not covered by Kentucky Medicaid, and member was previously informed of the non-covered service.
 - b. Provider is not enrolled in Kentucky Medicaid.

6. Provider Certification:

- (1) If the provider is required to participate or hold certification under Title XVIII of the Social Security Act to provide Title XIX services, the provider assures such participation or certification is current and active.
- (2) If the Provider is a specialty hospital providing psychiatric services to persons age twenty-one (21) and under, the Provider shall be approved by the Joint Commission on Hospitals or the Council on Accreditation of Services for Families and Children or any other accrediting body with comparable standards that are recognized by the state. In the event that the Provider is a general hospital, the Provider shall be certified for participation under Title XVIII of the Social Security Act or the Joint Commission on the Accreditation of Health Care Organizations.
- (3) Home Care Waiver Services agrees to comply with the conditions for participation established in 1907 KAR 1:070. All staff shall meet all training requirements prior to providing services.
- (4) Personal Care Assistance Programs agree to comply with the conditions for participation established in 1907 KAR 1:090. All staff shall meet all training requirements prior to providing services.

7. Lobbying Certification:

The provider certifies that to the best of one's knowledge and belief, that during the preceding contract period, if any, and during the term of this agreement:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influence 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 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.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL 'Disclosure Form to Report Lobbying' in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
- (4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into, submission of this certification is a prerequisite for making or entering into this transaction imposed under Section 1352 Title 31. US code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.

8. Termination

- (1) The Department for Medicaid Services and/or partnership or provider shall have the right to terminate this agreement for any reason with up to thirty (30) days written notice served upon the other party by registered mail with return receipt requested. The Partnership and/or Department for Medicaid Services may terminate this agreement immediately for cause, or in accordance with state or federal laws, upon written notice served upon the Provider by registered mail with return receipt requested.
- (2) If Medicare or Medicaid terminates the provider, the Partnership shall also terminate the provider from participation.
- (3) If there is a change of ownership of nursing facility, the Cabinet for Health and Family Services agrees to automatically assign this agreement to the new owner according to 42 CFR 442.14.
- (4) Failure of a provider to comply with the terms of this agreement may result in the initiation of the following sanctions:
 - Freezing member enrollment with the provider.
 - Withholding all or part of the provider's monthly management fee.
 - Making a referral to the Office of Inspector General for investigation of potential fraud or quality of care issues.
 - Terminating the provider from the KenPAC program.

The Department will allow the provider two weeks to cure any violation that could result in the sanctioning of the provider. If the provider does not or refuses to cure the violation, the Department will proceed with action to impose sanctions on the provider. If sanctions are applied against the provider, the action will be reported to the appropriate professional boards and/or agencies. One or more of the above sanctions may be initiated simultaneously at the discretion of the Department based on the severity of the contraction violation. The Commissioner makes the determination to initiate sanctions against a provider. The provider will be notified of the initiation of a sanction by certified mail.

Map-811 Individual
(Rev 07/10)

42USC Section 1320a-7b. Criminal Penalties for Acts Involving Federal Health Care Programs

- (a) Making or causing to be made false statements or representations
- Whoever-
- (1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit or payment under a Federal health care program (as defined in subsection (f) of this section),
- (2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining rights to such benefit or payment,
- (3) having knowledge of the occurrence of any event affecting (A) his initial or continued right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceals or fails to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized.
- (4) having made application to receive any such benefit or payment for the use and benefit of another and having received it, knowingly and willfully converts such benefit or payment or any part thereof to a use other than for the use and benefit of such other person,
- (5) presents or causes to be presented a claim for a physician's service for which payment may be made under a Federal health care program and knows that the individual who furnished the service was not a licensed physician, or
- (6) knowingly and willfully disposed of assets (including by any transfer in trust) in order for an individual to become eligible for medical assistance under a State plan under subchapter XIX of this chapter, if disposing of the assets in the imposition of a period of ineligibility for such assistance under section 1396p© of this title, shall (i) in the case of such a statement, representation, concealment, failure, or conversion by any person in connection with the furnishing (by that person) of items or services for which the payment is or may be made under the program, be guilty of a felony and upon conviction thereof fined not more than \$25,000 or imprisoned for not more than five years or both, or (ii) in the case of such a statement, representation, concealment, failure, or conversion by any other person, be guilty of a misdemeanor and upon conviction thereof fined not more than \$10,000 or imprisoned for not more than one year, or both. In addition, in any case where an individual who is otherwise eligible for assistance under a Federal health care program is convicted of an offense under the preceding provisions of this subsection, the administrator of such program may at its option (notwithstanding any other provision of such program) limit, restrict, or suspend the eligibility of that individual for such periods (not exceeding one year) as it deems appropriate; but the imposition of a limitation, restriction, or suspension with respect to the eligibility of any individual under this sentence shall not affect the eligibility of any other person for assistance under the plan, regardless of the relationship between the individual and such other person.
- (b) Illegal remunerations
- (1) whoever knowingly and willfully solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind
- (A) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program, or
- (B) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a Federal health care program, shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.
- (2) whoever knowingly and willfully offers or pays any remuneration (including kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person-
- (A) to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program, or
- (B) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a Federal health care program, shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.
- (3) Paragraphs (1) and (2) shall not apply to-
- (A) a discount or other reduction in price obtained by a provider of services or other entity under a Federal health care program if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under a Federal health care program;
- (B) any amount paid by an employer (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services;
- (C) any amount paid by a vendor of goods or services to a person authorized to act as a purchasing agent for a group of individuals or entities who are furnishing services reimbursed under a Federal health care program if-
- (i) the person has a written contract, with each such individual or entity, which specifies the amount to be paid the person, which amount may be a fixed amount or a fixed percentage of the value of the purchases made by each such individual or entity under the contract, and
- (ii) in the case of an entity that is a provider of services (as defined in section 1395x(u) of this title), the person discloses (in such form and manner as the Secretary requires) to the entity and, upon request, to the Secretary the amount received from each such vendor with respect to purchases made by or on behalf of the entity;
- (D) a waiver of any coinsurance under part B of subchapter XVIII of this chapter by a Federally qualified health care center with respect to an individual who qualifies for subsidized services under a provision of the Public Health Service Act {42 U.S.C.A. section 201 et seq.};
- (E) any payment practice specified by the Secretary in regulations promulgated pursuant to section 14(a) of the Medicare and Medicaid Benefit and Program Protection Act of 1987; and
- (F) any remuneration between an organization and an entity providing items or services, or a combination thereof, pursuant to a written agreement between the organization and the individual or entity if the organization is an eligible organization under section 1395mm of this title or if the written agreement, through a risk-sharing arrangement, places the individual or entity at substantial financial risk for the cost or utilization of the items or services, or a combination thereof, which the individual or entity is obligated to provide.
- (c) False statements or representations with respect to condition or operation of institutions
- Whoever knowingly and willfully makes or causes to be made, or induces or seeks to induce the making of, a false statement or representation of a material fact with respect to the conditions or operation of any institution, facility, or entity in order that such institution, facility, or entity may qualify (either upon initial certification or upon recertification) as a hospital, rural primary care hospital, skilled nursing facility, intermediate care facility for the mentally retarded, home health agency, or other entity (including an eligible organization under section 1395mm(b) of this title) for which certification is required under subchapter XVIII of this chapter of a State health care program (as defined in section 1320a-7(h) of this title), or who, with respect to information required to be provided under section 1320a-a-3a of this title, shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.
- (d) Illegal patient admittance and retention practices
- Whoever knowingly and willfully-
- (1) charges, for any service provided to a patient under a State plan approved under subchapter XIX of this chapter, money or other consideration at a rate in excess of the rates established by the State, or
- (2) charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under a State plan approved under subchapter XIX of this chapter, any gift, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or a person designated to the patient)-
- (A) as a precondition of admitting a patient to a hospital, nursing facility, or intermediate care facility for the mentally retarded, or
- (B) as a requirement for the patient's continued stay in such a facility, when the cost of the services provided therein to the patient is paid for (in whole or in part) under the State plan, shall be guilty of a felony and upon conviction thereof shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.
- (e) Violation of assignment terms
- Whoever accepts assignments described in section 1395u (b) (3) (D) (ii) of this title or agrees to be a participating physician or supplier under section 1395u9h) (1) of this title and knowingly, willfully, and repeatedly violates the term of such assignments or agreements shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$2,000 or imprisoned for not more than six months, or both.
- (f) "Federal health care program" defined
- For purposes of this section, the term "Federal health care program" means-
- (1) any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United - 8 -States Government (other than the health insurance program under chapter 89 of Title 3); or
- (2) any State health care program, as defined in section 1320a-7(h) of this title.