# Item 7 Finalized Title IX Documents – Fraud, Waste, and Abuse Training for Individual Service Providers

## Slide 1

Fraud, Waste and Abuse Training for Individual Service Providers

## Slide 2: Definition of an Individual Service Provider (ISP)

An ISP assists Department of Rehabilitation (DOR) consumers to participate in vocational rehabilitation services and to prepare for, achieve, and maintain an employment outcome as outlined in their Individualized Plan for Employment. ISPs are independent contractors and not DOR employees.

## Slide 3: Definition of an Individual Service Provider (ISP)

An ISP:

Establishes their working hours

Procures their own tools and equipment

Maintains necessary licenses, certificates, and insurances for their work

Complies with terms and conditions in the ISP Handbook

Maintains sufficient and adequate records to support the actual hours and services provided directly to each consumer

Agrees to consumer privacy protection

## Slide 4: Consumer Privacy Protection

ISP agrees that all information obtained while providing services, including consumer information such as: names, personal information, and relationship with the DOR, is confidential and shall not be published or open to public inspection in any manner, except as authorized by the DOR.

## Slide 5: Consumer Privacy Protection

ISP agrees to report any security breach or information security incident involving confidential, sensitive, or personal information (e.g., consumer information) obtained while providing services to their DOR contact and the DOR’s Information Security Officer. The DOR’s Information Security Officer can be contacted via email at iso@dor.ca.gov.

## Slide 6: Fraud, Waste, and Abuse Prevention

It is the ISP’s responsibility to provide services to a consumer in alignment with the ISP Referral (form DR173), Authorization for Vocational Rehabilitation Services (form DR 297B), and the ISP handbook.

It is DOR’s responsibility to maintain appropriate oversight of ISP services provided to consumers. The ISP and DOR are responsible for preventing and detecting fraud, waste, and abuse (FWA).

## Slide 7: What is FRAUD?

Fraud is any illegal act characterized by deceit, concealment, or violation of trust. Fraud is perpetrated by parties and organizations to obtain money, property, or services; to avoid payment or loss of services; or to secure personal or business advantage.

Examples:

Invoicing for services not provided

Invoicing for services at an individual rate, but provided in a group

## Slide 8: What is WASTE?

Waste involves the taxpayers not receiving reasonable value for money in connection with any government funded activities. Waste relates to mismanagement, inappropriate actions, and inadequate oversight.

Examples:

Recommending or invoicing for unnecessary services

Charging excessively for services

## Slide 9: What is ABUSE?

Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances.  Abuse may include misuse of authority or position for personal gain.

Examples:

Providing or recommending unnecessary services or products

Providing substandard services

## Slide 10: Compliance with Civil Rights Laws

In providing services to individuals with disabilities, service provider shall not deny services to or otherwise discriminate against an individual on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

## Slide 11: Compliance with Civil Rights Laws Continued

Service provider shall comply with the provisions of the Unruh Civil Rights Act (Cal. Civil Code section 51), Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code sections 11135 through 11139.5), the Disabled Persons Act (Cal. Civil Code sections 54 et seq.), Section 504 of the Rehabilitation Act (29 U.S.C. 794 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act (42 U.S.C. 6101 et seq.), and Title II of the Americans with Disabilities Act (42 U.S.C. section 12131 through 12134).

## Slide 12: Compliance with Discrimination Complaint Resolution Process

As identified in DOR’s Rights and Remedies form, DR 1000, individuals receiving services from service provider may file discrimination complaints by:​

1) Make an oral or written request for an administrative review to the District Administrator, who oversees the office where the consumer’s case is assigned. The request should include: the individuals name, address, and phone number; the name and title of the person against whom the complaint is being made; a description of the alleged discrimination; the protected category; and the remedy being sought. ​

2) File a discrimination complaint directly with DOR’s Office of Civil Rights. For more information or to obtain a discrimination complaint form, contact the DOR’s Office of Civil Rights directly by phone at 916-558-5850 or by email at OCR@dor.ca.gov. ​

3) File a complaint with the U.S. Department of Education’s Office for Civil Rights. For more information contact the U.S. Department of Education’s Office for Civil Rights directly by telephone at 800-421-3481 or by email at OCR@ed.gov.

## Slide 13: Compliance with Title IX Education Amendments Act of 1972

Service provider must also comply with Title IX of the Education Amendments Act of 1972 (20 U.S.C. section 1681) (Title IX) and federal implementing regulations (34 C.F.R. 106 et seq.), which prohibits discrimination on the basis of sex –including sexual orientation, gender identity, sexual harassment, and sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion-- in education programs and activities receiving or benefitting from federal financial assistance.

## Slide 14: Compliance with Title IX Education Amendments Act of 1972 Continued

As identified in DOR’s Rights and Remedies form, DR 1000, individuals receiving services from service provider may file Title IX specific complaints by:​

1) Contacting DOR’s Chief of the Office of Civil Rights and Title IX Coordinator by mail at 721 Capitol Mall, Sacramento, California 95814, by email at OCR@dor.ca.gov, or by telephone at 916-558-5850;​

2) Reporting information about potential harassment by leaving a voicemail for DOR’s Chief of the Office of Civil Rights and Title IX Coordinator at 916-857-9175; and​

3) Filing a complaint with the U.S. Department of Education’s Office for Civil Rights directly by telephone at 800-421-3481 or by email at OCR@ed.gov. ​

## Slide 15: How can ISPs prevent FWA?

Never deliver services to a consumer before receiving an authorization

Stay within the scope of the service authorization

Provide direct services to the consumer– an ISP is prohibited from subcontracting services to any individual or entity

Maintain documents adequately supporting the services provided

Comply with the terms and conditions in the ISP Handbook

## Slide 16: More Ways ISPs can prevent FWA

Ensure progress reports include sufficient detail of services  provided and consumer progress

Provide necessary and quality services

Ensure invoices are accurate and complete

Only bill for actual services provided

Ask DOR for clarity on questions related to billing and authorizations  to avoid invoicing errors

Avoid late or supplemental billings

## Slide 17: DOR’s Responsibilities

DOR staff will monitor the ISP’s quality of services, billing, supporting documentation practices, and obtain consumer feedback regarding service satisfaction.

DOR or its designee shall have the right to review, obtain, and copy all ISP records pertaining to the invoices submitted and the services provided to consumers.

## Slide 18: ISPs Responsibilities

ISPs must cooperate with DOR or its designated representatives by providing all requested information to support invoices submitted to DOR and the services provided to consumers.

ISPs shall permit DOR or its designated representatives reasonable access for the purpose of interviewing, inspecting, copying books, records, and other electronic or printed material relevant for an audit or review.

## Slide 19: Consequences

Consider the potential penalties of FWA:

Disputed invoices

Reimbursement of overpayments

Revocation of ISP approval status

Fines

Prosecution

## Slide 20: Conclusion

The next slide is your training certificate. Please print and fill out the certificate and submit a copy to ISP.Applications@dor.ca.gov or mail to:

Department of Rehabilitation

Attn: Community Resources Development

721 Capitol Mall

Sacramento, CA 95814

Please retain a copy of the certificate for three (3) years. Certifications must be made available upon DOR request.

For further questions on fraud, waste, and abuse, contact:

DOR Audit Services

Phone: (916) 558-5835

Email:  auditinfo@dor.ca.gov

## Slide 21

Department of Rehabilitation
Certificate of Completion

is hereby granted to:

{type or print Individual Service Provider name}

to certify that he/she/they has completed to satisfaction Fraud, Waste, and Abuse Training for Individual Service Providers

Date:

Sign Name

Note: this certificate is only valid for one year and must be renewed annually.