UCONN HEALTH PROTOCOL FOR RESPONDING TO GOVERNMENT INVESTIGATIONS

BACKGROUND:

Under certain circumstances, employees or agents of a Federal or State governmental agency may arrive unannounced at UConn Health to investigate possible violations of laws or regulations governing or relating to federal health care programs (e.g., Medicare and Medicaid). Examples of such agencies include:

- Department of Health and Human Services (HHS) - Office of Inspector General (OIG)
- Centers for Medicare and Medicaid Services (CMS)
- United States Attorney’s Office (USAO)
- United States Department of Justice (DOJ)
- Federal Bureau of Investigations (FBI)
- Food and Drug Administration (FDA)
- U.S. Postal Inspectors
- Other state or federal law enforcement or regulatory agency auditing or investigating a matter pertaining to federal health care programs

It is UConn Health’s policy to cooperate fully with any lawful government investigation while protecting UConn Health’s interests in accordance with the law.

APPLICABILITY:

This protocol applies to all UConn Health faculty, staff and administrators. It is intended to guide employees in the event of a Government Investigation.

DEFINITIONS:

Government Investigator: A government official, representative, investigator, or other individual acting on behalf of a government agency listed above in connection with one or more federal health care programs.

Government Investigation includes:

1. Any unannounced on-site visit to, or inspection of, any UConn Health workplace by a Government Investigator.

2. Presentation at any UConn Health workplace or other approved work location (e.g., approved work from home) of a demand letter, subpoena or search warrant by a Government Investigator.

This protocol does not apply to planned or scheduled audits and reviews that are coordinated with an external agency on an occurring basis (e.g., audits conducted by the State Auditors of Public Accounts). This protocol also does not apply to accreditation visits, licensure surveys and complaint investigations, whether scheduled or unannounced, conducted by the Department of Public Health or accrediting agencies.
PROCEDURES:

1. All UConn Health faculty, staff and administrators are responsible for cooperating with Government Investigations.

2. Employees must not obstruct or impede a Government Investigation in any way. For example, employees must not alter, remove or destroy any relevant documents or erase or delete any relevant information (including emails) while a Government Investigation is in process.

3. Any employee contacted at a UConn Health workplace or other approved work location by a Government Investigator should:
   a. Ask to see identification, including a business card;
   b. Immediately notify the employee’s supervisor, who shall immediately notify the UConn Health Office of the General Counsel (OGC). If the employee cannot immediately reach a supervisor, the employee should leave a message for the supervisor and contact OGC directly.

4. Upon becoming aware of a Government Investigation, OGC will notify any applicable University/UConn Health offices, including but not limited to, the UConn Health Office of Healthcare Compliance & Privacy, the Office of University Compliance and/or the Office of Audit and Management Advisory Services, and work to coordinate a response.

5. Employees are not authorized to provide UConn Health documents to Government Investigators without obtaining prior approval through the appropriate administrative channels. Should a Government Investigator demand immediate access to UConn Health documents (for example, by presenting a demand letter or search warrant), the employee receiving the demand should politely refer the Government Investigator to OGC.

6. OGC, working with other University/UConn Health offices as appropriate, will coordinate the provision of any records to Government Investigators. This is necessary to ensure cooperation with the investigation while protecting all applicable legal rights and privileges (e.g., patient privacy rights and the attorney-client privilege).

Questions regarding this protocol should be directed to the UConn Health Office of the General Counsel at (860) 679-1114. After hours, dial ext. 2000 and ask to speak to the attorney on-call.

Effective Date: September 15, 2020