



## Anti-Fraud Plan 2022-2023

Revised: 05/16/22

Board approved: 06/15/22

### Plan Statement

The Anti-Fraud Plan addresses the detection and prevention of overpayments, abuse, and fraud relating to the provision of and payment for the School Readiness program and Voluntary Prekindergarten program services. The Plan addresses parents or legal guardians of children enrolled in the School Readiness or VPK programs. *Note that provider fraud is a violation of the terms of the contract and addressed in the state wide contracts rules. The due process procedures for providers are provided for in the contract between the ELC and the provider, pursuant to Rule 6M-4.610. F.A.C.*

The Anti-Fraud Plan serves to support organizational processes and staff in prevention of fraud, build on employee knowledge and awareness of fraud prevention and describe the coalition's procedures for detecting and investigating possible acts of fraud, abuse of services and related overpayment. Due process procedures for suspending or terminating a recipient's eligibility for School Readiness or VPK programs and the recipient's right to appeal the decision are included in the Plan.

The Plan will be submitted to the Division of Early Learning (DEL) Office of Inspector General (OIG) by requested date annually.

### Plan Definitions

**Recipient** - The parent or legal guardian whose child was determined eligible for School Readiness or Voluntary Prekindergarten Education Program benefits.

**Fraud** - 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 and abetting of the commission of such an act. The term includes any act that constitutes fraud under applicable federal or state law.

**Suspension** - When services are temporarily no longer provided, however the parents do not have to go to the waiting list when their suspension is finished.

**Termination** - When services are ended, and the recipient would have to return to the waiting list when their termination is expired.

## **Description of Organizational Structure with Plan Responsibilities**

*Reference Addendum ELC of North Florida's Organizational Chart*

The Program Support Coordinator with Episcopal Children's Services (ELC of North Florida's Primary Service Provider) is responsible for implementing the coalition's anti-fraud activities.

The C.E.O. 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 from potential fraud or abuse:

- Senior Director of Programs
- Family Services Coordinators
- Family Services Specialists
- Family Services Assistant
- Training Director
- Grants and Operations Manager
- Early Literacy Coordinator
- Finance Manager
- Director of Provider Services
- Reimbursement Coordinator
- Reimbursement Specialists
- Education Specialists
- Program Assessment Specialists
- Program Assessment Coordinator
- Manager of School Readiness Education
- Director of School Readiness Education
- Manager of Family Services
- Contract Coordinator
- Contract Specialists
- Provider Contract Monitoring Specialist
- Program Support Coordinator
- Chief of Programs

## **Plan Procedures**

**ELC Procedures Review** –The ELC of North Florida and Episcopal Children's Services will annually review job descriptions and internal processes to confirm appropriate separation of duties is in place and review internal controls to reduce risk.

**ELC Staff Education/Awareness/Training** – Training will be targeted both at policy level and operational level.

- All ELC and ECS staff will receive Annual Awareness Review of *their Employee Handbook* covering topics including Employee Conduct and Work Rules, Whistleblower Policy, Criminal Destruction of Records and Files Policy, and Conflict of Interest and Business Ethics which requires employees to report any actual or potential conflict of interest between the

employee/employee's family and the ELC or ECS.

- All staff will sign the Anti-Fraud Plan Disclaimer Statement & Acknowledgement Form after receiving the annual training indicating that they have received a copy of the ELC or ECS Employee Handbook.
- All staff will sign the Code of Ethics Statement upon hire.
- Additionally, all staff will be reminded of specific Internal Control policies and practices in place to prevent fraud. On a regular and routine basis, it is the responsibility of all management staff to ensure that all internal control practices, appropriate fiscal procedures, and separation of duties are being followed.

- 
- A mandatory fraud prevention staff training annually and new staff training within thirty (30) calendar days of hire using DEL fraud prevention related training documents for daily coalition/ECS work activities. Topics to be covered include Client Applications and Forms, Local School Readiness Income Worksheet, Client Rights and Responsibilities, Authorization for release of information and other related documents related to fraud prevention
    - Client responsibility to report changes within ten (10) calendar days of change and coalition/ECS responsibility to implement reported change, including acting on unreported changes, once discovered
    - Quality interviewing techniques during intake, redetermination, and when reporting changes
    - What to look for in an altered or falsified document
    - Eligibility staff are required to identify, verify, and resolve case inconsistencies when inconsistencies occur

### **SR and VPK Parent Education and Awareness**

- Display fraud awareness posters in interview rooms at ECS
- Include a fraud awareness statement posted on the ECS website with ECS phone number and/or email to report any suspected fraud
- Family Services Specialists will review responsibilities of parent in detail at enrollment and redetermination, including importance of reporting changes in their circumstances within ten (10) calendar days.

### **SR and VPK Provider Education and Awareness**

- Encourage child care providers to report potential fraud to ELC or ECS staff through provider communication venues including email or portal communications or other methods and venues as appropriate.
- Periodic reminders to providers about procedures in place to prevent fraud in addition to regular practices of monitoring that occur with providers that also keep providers aware of ELC's/ECS's intention to prevent and/or detect fraudulent practices

### **Providers, Parents, employees, and Public Access to Reporting of Potential Fraud**

- Email and/or newsletter reminders to providers of what to look for and how to report potential fraud
- Employee fraud prevention training as well as a periodic reminder of internal controls
- Annual staff training includes Whistleblower procedures to report potential fraud
- Statement on website with hotline phone number to report potential fraud for parents,

providers, and the general public.

### **ELC Detection and Investigation of Acts of Fraud, Abuse or Overpayment**

- Monthly unscheduled reviews of work products and follow up on questionable circumstances by the Family Services Coordinators, Manager of Family Services, and the Training Director.
  - Monthly review, research, and follow up of data quality reports generated from Division of Early Learning by Manager of Family Services, the Training Director and designated ELC/ECS staff
- 
- Documented verification of child care referrals from other organizations through contact with referring agencies.
  - Job descriptions of ELC/ECS staff include fraud prevention task
  - Daily alertness of Eligibility staff to inconsistencies through regular operational processes with parents and reporting suspected fraud or abuse to supervisor.
  - Follow up on potential fraud reported to ELC/ECS for investigation and to verify or question when inconsistencies occur by Family Services staff.
  - Once inconsistencies are identified through any of the above means, contact parent or legal guardian and obtain verification from parent or legal guardian to resolve inconsistencies, which could include but not limited to income, residential documentation, or household composition, and determine if situation is resolved or warrants next steps of due process provisions for termination or suspension of School Readiness or Voluntary Prekindergarten benefits. – Program Support Coordinator
  - For those where investigation concludes that the recipient has committed fraud in the receipt of School Readiness or Voluntary Prekindergarten services, calculate associated overpaid benefits amount and follow the *Due Process provisions for termination or suspension of School Readiness or Voluntary Prekindergarten benefits*. Program Support Coordinator and Director of Provider Services or other designated staff.

### **Due Process Provisions for Termination or Suspension of School Readiness or Voluntary Prekindergarten Benefits**

The ELC/ECS will provide written advance notice of the intended action to suspend or terminate benefits to the recipient to be affected. This notice must clearly advise of the allegations, the basis of the allegations, the intended action, and the date the action is to be imposed. The coalition/ECS shall send the written advance notice at least fourteen (14) calendar days before the intended action. The written advance notice will be translated in the recipient's native language if the coalition's/ECS's other communications with the recipient have been translated. The written advance notice shall include the following:

1. The procedure for the recipient to follow to attempt to appeal the decision.
2. A statement, in bold print, that the failure to file a timely appeal waives the right to an appeal.
3. Notice of the potential for the demand of 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 or 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 the

termination of benefits, if applicable. The following general guide for penalties will be applied, however, considerations will also include the length of time 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.

### **Penalties Guideline**

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

The recipient has a right to challenge the suspension or termination of benefits within fourteen (14) calendar days of the date of the notice of the proposed action. If the challenge is before benefits are terminated or suspended, then benefits remain in place for duration of initial challenge. However, if the decision is upheld, any services received during that timeframe will be included with the overpayment amount.

***A suspension or termination shall not be applied against recipients with a valid at-risk referral.***

### **Recipient Right to Challenge Decision**

#### **Pre appeal Resolution Procedure**

If recipient believes that the conclusion of fraud was made in error, the recipient should first seek to resolve the matter by contacting the coalition/ECS and providing the necessary documentation to resolve the issue. The Program Support Coordinator will consider all statements, review all documents, and may request any additional evidence or information as is necessary and relevant to the review. Within fourteen (14) calendar days of receiving the parent's request for review, the recipient will be notified in writing of the determination and given a new date when services will end (intended action date) should the finding of fraud stand. Otherwise, the parent will be informed within this same timeframe that upon review there is no finding of fraud and therefore no penalty will be assessed. The C.E.O. of the coalition shall not be involved in the pre-appeal resolution of the issue.

If the recipient believes that the issue was not resolved during the pre-appeal resolution procedure, the appeal procedure is outlined in *Florida Rule 6M-9-400 Early Learning Coalition Anti-Fraud Plan, subsection (e) and (f) as follows:*

#### **Appeal Resolution Procedure:**

If the recipient believes that the issue was not resolved by the coalition/ECS, the recipient may file a formal written appeal for review by the C.E.O. of the Coalition, using the following procedure:

1. Submit a written appeal to the C.E.O. 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 noted above. The recipient who fails to file a timely appeal waives the right of appeal.
  3. If the recipient files a timely appeal, he or she will not be suspended or terminated from the program until the written decision of the C.E.O. or the original date of the intended action, whichever is later.
  4. The C.E.O. of the coalition or other executive staff person designated by the coalition board must respond to the recipient, in writing, within thirty (30) calendar days of receiving the appeal with a decision as to whether the suspension or termination will be upheld or modified.

The recipient who wishes to appeal the decision of the C.E.O. of the coalition or other executive staff person designated by the coalition board may request further review by an appeals committee in accordance with subsection (e) of this rule. 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 the C.E.O. or other executive staff person designated by the coalition board's written response 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 informed that any information presented may be used by other state agencies.

1. The appeals committee shall be selected by the Chairman of the Board of the coalition and a chair of the appeals committee shall be named.
2. The appeals committee shall be convened within forty-five (45) calendar days of receipt of the recipient's request for an appeal.
3. The recipient shall be provided up to thirty (30) minutes to present their position and any information they wish the appeals committee to consider.
4. The coalition staff, excluding the Executive Director or other executive staff person designated by the coalition board shall be available to provide any information requested by the committee.
5. The appeals committee will consider all statements, review all documents, and may request any 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 tolled for the length of time given to provide the additional information.
6. The appeals committee shall select or appoint a member of the coalition, or another executive staff person designated by the coalition board but excluding the C.E.O., to memorialize 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) calendar days of the date of the meeting.
8. The determination of the appeals committee shall be final.

## **Benefit Recovery**

- For a voluntary overpayment repayment, the ELC/ECS will follow the ELC overpayment repayment process, including review for approval of a payment plan with the recipient, if requested
- For criminal prosecution with restitution, the ELC/ECS will follow the ruling from the court regarding restitution plan

### **Monthly Reporting Process to DEL**

The Program Support Coordinator will submit an electronic report monthly reporting the parents and providers terminated from services as a result of fraud, per Rule 6M-9.400 subsection (b).

### **Process for Mandatory Reporting Fraud and Abuse through the DEL Fraud Referral System**

The Program Support Coordinator is the coalitions designated administrator for the Division of Early Learning's *Fraud Referral System*. Contact information:

Kenya Register

Early Learning Coalition of North Florida/ Episcopal Children's Services

kenya.register@ecs4kids.org

904-726-1500 ext. 2246

At the point when potential fraud has been communicated to the recipient, the Program Support Coordinator makes a mandatory referral for potential fraud or abuse investigation using Division of Early Learning *Fraud Referral System*. The referral includes the recipient information, amount of overpayment, discovery date and a brief summary of the allegations, and notification of any evidencing documents available that substantiate the allegations. At this time, the Program Support Coordinator also notifies the Division of Early Learning's Inspector General's office that a fraud referral has been submitted.

Note the coalition's fraud investigation and appeals procedures outlined in this plan will complement the DEL referral process to Department of Financial Services through the *Fraud Referral System*. If the recipient appeals the decision through the coalition appeals process, the Program Support Coordinator will update the referral information in the *Fraud Referral System* as appeal decisions are made throughout the appeal process.

### **Related Policies:**

Grievance Policy