

EVMS MEDICAL GROUP		
POLICY: Government Agency Contact Guidelines	DATE: 08-22-2000	
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PURPOSE: Limit EVMS Medical Group potential liability that can arise from unauthorized requests or inaccurate and incomplete disclosures.

Operate as an educational tool to ensure that employees understand their obligations and rights.

POLICY: If you are contacted at work or at home by an agent of the government (Office of Inspector General--OIG, Federal Bureau of Investigation--FBI, Occupational Safety and Health Administration--OSHA, Centers for Medicaid and Medicare Services--CMS, etc), **report the contact immediately to your supervisor and the Compliance Officer of EVMS Medical Group. EVMS Police should also be notified as instructed in the procedure below.**

PROCEDURE:

Phone contact from a government agency

Record in memo format:

1. name of the person contacting EVMS Medical Group
2. title
3. agency
4. address and phone number
5. nature of the information requested

Report this contact, along with a copy of the memo, immediately to your supervisor, the Compliance Officer of EVMS Medical Group and EVMS Police.

The Compliance Officer with the help of the EVMS Medical Group attorney will make the decision to release requested information.

Personal contact by a government agency

The agent must provide proper identification to include:

1. the agent's business card **and/or**
2. the agent's name
3. title and foundation

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4. address
5. telephone number
6. the nature of the visit.

EVMS Police should be called to act as a liaison to government agents and to provide them with a suitable location outside of the clinic area to conduct the investigation or obtain the requested materials. Notify your supervisor and the Compliance Officer of EVMS Medical Group immediately. The EVMS Medical Group attorney should be summoned by the Compliance Officer of EVMS Medical Group.

Any documents and/or information the agent requests must be specified in writing. You normally have 24 hours to produce the requested documents and/or information. Agents can demand records be delivered immediately if they believe the records will be altered or destroyed.

If agents want to wait while documents and/or information are gathered, have them wait by themselves in a room that does not contain any files, documents or electronic equipment.

A random search of the office should not be allowed. A search warrant is required to review any records or files.

If an agent arrives at your home and wants to talk, consider your rights carefully before beginning the conversation.

In either of the above scenarios consider the following:

IF NO SUBPOENA OR SEARCH WARRANT IS PRESENTED:

- You do not have to talk to the agent. You may refuse to cooperate. The agent may offer leniency in return for cooperation. The agent cannot guarantee this leniency, only prosecutors can offer leniency. Only judges can offer a reduced sentence.
- If you decide to talk to the agent you need not talk to him/her immediately. You can choose the time, place and who you want present.
- You have the right to have an attorney present. The EVMS Medical Group attorney can also be present. If the EVMS Medical Group attorney is not present, you must meet with him/her immediately afterwards. It is hard to remember what was said as time elapses. This is important because EVMS Medical Group may not know what is being investigated.

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- You have the right to have the interview taped or not taped as you wish. If you allow agents to tape the interview, you have the right to a copy of the tape.
- You can terminate the interview when and if you wish.
- If you decide to talk with the agent, you must tell the truth as you know it. There are laws that prohibit false statements to the government.
- Understand that even if the agents do not tell you, anything that you say can be used against you.

IF A SUBPOENA IS PRESENTED:

- Accept the subpoena.
- **Contact EVMS Police and your supervisor and/or the Compliance Officer of EVMS Medical Group immediately. Your supervisor and/or the Compliance Officer of EVMS Medical Group will summon the EVMS Medical Group attorney.**
- An attorney should **always** be present before anything is said. Professional counsel will be involved in all communications from this point.

IF A SEARCH WARRANT IS PRESENTED:

- **Contact EVMS Police and your supervisor and the Compliance Officer of EVMS Medical Group immediately. Your supervisor and/or the Compliance Officer of EVMS Medical Group will summon the EVMS Medical Group attorney.**
- Stay silent, do not engage in conversation with the agent(s) or answer any questions until the EVMS Medical Group attorney arrives.
- The Compliance Officer or the Administrator/Practice Manager should ask for a copy of the affidavit. It may be sealed, but the agent should be able to give a verbal description of the suspected crime.

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- Examine the search warrant. It will specify the areas where agents can search and take records. **Object** if the agents are looking in areas not covered by the warrant. Agents may try to take more evidence than is authorized by their warrant.

- Ask the agents for an inventory of seized items or records.

- Ask for permission to copy any records that may be vital to continued operation of the practice.

- If there are several agents, assign an employee to each agent to monitor what is searched and to record their observations of the search and anything said by the agents.

Involvement of the press:

All contact with the press (newspaper, television, radio, etc.) will be directed to the Office of Marketing and Communications. Under no circumstances will an employee talk with the press unless directed by the Office of Marketing and Communications and your supervisor.