	Shasta County Health and Human Services Agency Managed Care, Compliance and Quality Management
	Excluded Individuals and Entities

1.0 Persons/Programs Affected *(Check all that apply)*

☒ All Staff	☐ All Managers	☐ All Supervisors	

*Each branch to have unique Persons/Programs Affected
All employees include all employees--full-time, part-time and extra-help.

2.0 Definitions

Excluded Individual/Entity—The *List of Excluded Individuals and Entities* (LEIE) established by the Office of Inspector General (OIG) in 1981, provides information to the health care industry, patients, and the public regarding individuals or entities currently excluded, suspended, debarred, or otherwise, ineligible to participate in the Medicare, Medicaid, or other federal or state funded health care programs. Individuals and entities who have been reinstated are removed from the LEIE.

Federal health care programs – Medicare, Medicaid, and all other plans and programs that provide health benefits funded directly or indirectly by the United States. The exclusion implemented prior to August 4, 1997, includes the following federal health care programs: Medicare (Title XVIII), Medicaid (Title XIX), Maternal and Child Health Services Block Grant (Title V), Block Grants to states for Social Services (Title XX), and State Children's Health Insurance (Title XXI) programs.

3.0 Policy

The purpose of this policy and procedure (P-P) is to communicate the federal regulations regarding the Office of Inspector General (OIG) *List of Excluded Individuals and Entities (LEIE)* for federal or state funded health care programs and the required steps when an employee, contractor, sub-contractor, and/or vendor is identified as an excluded entity or individual.

The LEIE contains only exclusion actions taken by the OIG. There are many basis for exclusion, including a conviction related to the Medicare or Medicaid program, a conviction related to patient abuse, or an action taken by the state licensing authority. The LEIE only reports exclusion actions taken by the OIG and is not a clearinghouse for reporting actions taken by other agencies.

An exclusion will result in no payment made by any federal health care program for any items or services furnished, ordered, or prescribed by an excluded individual or entity. The payment prohibition applies to the excluded person, anyone who employs or contracts with the excluded person, and any hospital or other provider where the excluded person provides services. The exclusion applies regardless of who submits the claims and applies to all clinical, administrative and management services furnished by the excluded person.

- **NOTE: Exclusions affect only the ability to claim payment from the above programs for items and services rendered; it does not affect the ability of any individual to receive Medicare or Medicaid benefits under these programs.**

Pursuant to federal regulations, the Shasta County Health and Human Services Agency (HHSA) Compliance Program has established this P-P to ensure no individual, , including employees, volunteers, contract providers and/or their vendors, are identified on the LEIE as excluded from participation in federal health care programs.

Individuals employed by the HHSA or current contract providers and/or their vendors who become designated as an *Excluded Individual/Entity* or are charged with criminal conduct that could lead to exclusion from participation in federal health care programs shall be immediately removed from responsibility for, or involvement with, Mental Health Plan (MHP) operations funded by any federal or state health care programs until such time as the person or entity is reinstated by the OIG or cleared of all charges.

Further, the Shasta County Health and Human Services Agency shall not hire or contract with any individual or entity under sanction or exclusion by an authorized law enforcement, regulatory, or licensing agency.

4.0 Procedure

All entities/individuals considered for employment or contractual negotiations providing services related to specialty mental health services shall be cleared as not being an excluded entity or individual **prior** to hiring or contracting for a position or service that will be paid with federal or state health care programs.

Responsibilities of Contract Providers:

It is the responsibility of HHSA Contract Provider(s) to:

1. Verify that all of their existing employees, contractors, volunteers, vendors, and/or sub-contractors do not appear on the current LEIE. Contract providers shall perform checks monthly or as otherwise required by contract terms.

2. Notify the Compliance Program Manager or Compliance Officer within two (2) business days after an employee, individual, vendor, or sub-contractor is identified as an Excluded Individual/Entity.

3. Remove any Excluded Individual/Entity from active duty in any position in which the person's salary or the goods and services rendered, ordered, or prescribed are paid in whole or in part, by federal or state health care programs until such time the person is removed from the LEIE.

4. Maintain documentation of the LEIE name search performed (such as a printed screen-shot showing the results of the name search) and any additional searches conducted in order to verify results of potential name matches for all employees, contractors, volunteers, vendors, and/or sub-contractors funded in whole or in part by federal or state health care programs and retain the documentation for a minimum of **seven (7) years** after separation from employment or other relationship with the contractor. In addition, an activity log may be used to document the information and must identify who conducted the LEIE verification, date results, and notification of other parties, as appropriate. Provide copies (paper or electronic) of documentation to the HHSA Compliance Officer or designee, monthly or as otherwise required by contract terms.

Responsibilities of the Compliance Program and Human Resources (HR):

It is the responsibility of Business and Support Services HR and Compliance Program to:

1. Verify that all existing employees, contractors, volunteers, vendors, and/or sub-contractors do not appear on the current LEIE. Subsequently, Human Resources will conduct monthly checks.

2. Immediately report to the Compliance Officer, the Business and Support Services Director, or their designee, any employee, contractor, volunteer, vendor, and/or sub-contractor identified as an Excluded Individual/Entity.

3. Reassign any Excluded Individual/Entity to a position in which the person's salary or the goods and services rendered, ordered or prescribed are not paid in whole or in part, by federal or state health care programs until such time the person is removed from the LEIE.

4. Report activities and findings monthly to the HHSA Compliance Committee for review and consideration and/or policy revisions, improvements, or additions.

5. Maintain documentation of the LEIE name search performed (such as a printed screen-shot showing the results of the name search) and any additional searches conducted in order to verify results of potential name matches for all employees, contractors, volunteers, vendors, and/or sub-contractors funded in whole or in part by federal or state health care programs and retain the documentation for a minimum of **seven (7) years** after separation from employment or other relationship with the HHSA. An activity log may be used to document the information but must identify who conducted the LEIE verification, date, results, and notification of other parties, as appropriate.

References and Citations

42 Code of Federal Regulations §1001.2001 - 1001.2007
Social Security Act, § 1128 and 1156

OIG Exclusion Downloadable Database, General Program Information and List of Excluded individuals/Entities Search: www. http://oig.hhs.gov/fraud/exclusions.asp

Employees, contractors, sub-contractors, and/or vendors who have questions or wish to contest the information contained in the LEIE may contact the OIG Exclusions Staff:

Email: sanction@oig.hhs.gov Phone: 202-691-2311 Fax: 202-691-2298
Mail: HHS, OIG, OI
Attn: Exclusions

P.O. Box 23871
Washington, DC 20026

While the OIG recommends use of the LEIE as the primary database for purposes of exclusion screening for current and potential employees and contractors, the following websites that report exclusions or debarment actions taken by federal agencies may also be utilized:

The System for Award Management (SAM) is the official U.S. Government system that consolidated the capabilities of the Central Contract Registry (CCR), Federal Agency Registration (FedReg), Online Representations and Certifications Application (ORCA) and Excluded Parties List System (EPLS). SAM includes OIG's exclusions but also includes debarment actions taken by Federal agencies: http://sam.gov.

The National Practitioner Data Bank (NPDB - created as a result of the Health Care Quality Improvement act of 1986) and the Healthcare Integrity and protection Data Bank (HIPDB - created as a result of the Health Insurance Accountability and Portability Act) are not available to the general public but more information on using these data banks can be found at: http://www.npdb-hipdb.hrsa.gov

5.0 Attachments

NA

6.0 Revision History

Date	No.	Action:
05/27/2014	2014-18	Revision to new format and renumbered from 6511, Revision 1 to 2014-18
5/20/11	6511, Rev 1	Revision

7.0. Other Agency Involvement

NA

8.0 Authorization/Signatures

The above policy and procedure has been reviewed and is authorized for immediate implementation:

Donnell Ewert, MPH, Director
Health and Human Services Agency

5/30/14
Date

Micki Mills, Program Manager, Compliance Officer
Business & Support Services Date

5/29/2014
Date