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GA-004-290 Sanction Screening

I. Purpose

Under federal law, no payment will be made by any federal health care program for any items or services furnished, ordered, or prescribed by an excluded individual or entity. The Department of Health and Human Services Office of Inspector General (OIG) note in their compliance guidance documents to hospitals that all employees, medical staff, and all new employees who have discretionary authority to make decisions that may involve compliance with laws or regulations should be matched against the OIG List of Excluded Individuals and Entities (LEIE). They also recommend screening against the General Services Administration (GSA) sanction list included in the System for Award Management (GSA Debarment List).

Under the Centers for Medicare & Medicaid Services (CMS) rules, providers must not employ or contract with individuals or entities excluded from participation in any health care program or debarred by the GSA, when the GSA exclusion relates to the practice of healthcare. CMS does not permit payments furnished under the plan by an individual or entity while being excluded from participation. CMS has further advised states that they should require providers to search the HHS OIG website monthly to capture exclusions and reinstatements that have occurred since the last search.

Organizations have the responsibility to conduct a reasonable and prudent background investigation, including a reference check, as part of the employment application and hiring process. Further, the OIG recommends that employees, contractors and medical and clinical staff members be checked at least monthly against the LEIE.

The purpose of this policy is to ensure that all employees, medical staff, contractors, vendors and others with whom Broward Health does business are properly screened for exclusions and are authorized to participate in federal and state health care programs.

II. Key Terms

Board Members: Any member of the following: Broward Health Board of Commissioners, Broward Health Board Audit Committee, Broward Health Foundation Board of Directors, Children's Diagnostic Treatment Center Board of Commissioners, Broward Health Accountable Care Organization Board of Directors.

Covered Persons: Includes (a) all owners, officers, directors, commissioners, and employees of Broward Health; (b) all contractors, subcontractors, agents, and other persons who provide patient care items or services or who perform billing or coding functions on behalf of Broward Health excluding vendors whose sole connection is selling or otherwise providing medical supplies or equipment and who do not bill the Federal health care programs for such medical supplies or equipment; and (c) all physicians and other non-physician practitioners who are members of Broward Health's active medical staff. Further, this term shall include part-time and per diem employees, contractors, subcontractors, agents, and other persons, if they work more than 160 hours during a Reporting Period as prescribed by the CIA.

List of Excluded Individuals/Entities (LEIE): The OIG's LEIE database provides information to the health care industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid and all other Federal health care programs. Anyone who hires an individual or entity on the LEIE may be subject to civil monetary penalties (CMP).

Federal or State Health Care Programs: Any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States Government or a state government, including, but not limited to: Medicare, Medicaid, managed Medicare, managed Medicaid, TriCare/CHAMPUS, United States Department of Veterans Affairs (VA), The State Children's Health Insurance Program (SCHIP), and Federal Employees Health Benefit Plan.

Florida Medicaid Sanction Data: Many states maintain their own database of individuals and entities they sanction; and call for or require health care entities to screen against this list. This is in addition to, not in lieu of, screening against the Federal sanction databases. CMS calls for monthly screening of Medicaid sanction listings.

General Services Administration Debarment List: The GSA debarment list was created for the informing of and use by Federal agencies as part of its award system. It is maintained as part of the Systems for Awards Management (SAM) that includes their Excluded Parties List System (EPLS), commonly referred to as the GSA Debarment List.

Ineligible Person: An individual or entity who (a) is currently excluded, debarred, suspended, or otherwise ineligible to participate in the Federal health care program or in Federal procurement or nonprocurement programs; or (b) has been convicted of a criminal offense that falls within the scope of 42 U.S.C. § 1320a-7(a) but has not yet been excluded, debarred, suspended, or otherwise declared ineligible.

Medicare & Medicaid Services Preclusion List: A list of providers and prescribers who are precluded from receiving payment for Medicare Advantage (MA) items and services or Part D drugs furnished or prescribed to Medicare beneficiaries.

III. Policy

1. Broward Health shall screen all Covered Persons against the OIG's LEIE, GSA Debarment List, and Florida Medicaid Sanction Data.
2. Broward Health prohibits the employment, appointment or election of, execution of contracts with, provision of items or services at the direction or prescription of, and/or use of services provided by an Ineligible Person.

3. Broward Health shall not knowingly engage, employ, contract with, or submit claims for, any individual, including workforce members (including permanent, temporary, interns, and volunteers) Board Members and/or attendees, providers, or contractors, who are currently disbarred, mandatorily or permissively excluded from participation in Federal or State Health Care Programs that remove authorization for the practitioner to practice in Florida, those persons who have opted out of the Medicare program, or in limited circumstances, persons who have been sanctioned.
4. Broward Health shall not knowingly retain payment for any federal healthcare programs for any services provided, ordered, or referred by any Ineligible Person.
5. Broward Health requires that all screened persons be processed through Broward Health's exclusions screening against the exclusion lists prior to engaging in their services as part of the hiring, credentialing, or contracting process, and monthly thereafter.
6. All screened persons must notify Broward Health at the time of the initial hiring, credentialing, or contracting process, or immediately at any point in the future, when he or she has:
 - a. Pending charges against them related to healthcare; including but not limited to any conviction under the Federal Exclusion Statute;
 - b. Been convicted of a criminal offense related to healthcare; including but not limited to any conviction under the Federal Exclusion Statute;
 - c. Received notice that the government proposes to exclude him/her from participation in any federal or state health care program including, but not limited to the Centers for Medicare & Medicaid Services Preclusion List;
 - d. Become an Ineligible Person; or
 - e. Submitted an affidavit to Medicare expressing the desire to opt-out of Medicare.

IV. Procedures

1. Broward Health will screen all employees, Board Members, medical professionals or entities, contractors, consultants, vendors, joint venture parties, and affiliates providing services to or affiliated with Broward Health against the General Services Administration (GSA) System for Award Management (SAM) exclusion list, current LEIE, and Florida Medicaid Sanction Data prior to any engagement and monthly thereafter.
2. Broward Health will exercise reasonable due diligence to verify that any party found on an exclusion list is the same individual or entity noted, and if they are found to have been listed as excluded by the OIG, the relationship shall be immediately terminated.
3. Prospective employees and vendors who have been officially reinstated into the Medicare and Medicaid programs by the OIG may be considered for employment, medical privileges or a contractual relationship upon proof of such reinstatement and a determination that there are no other impediments to such action.
4. All employment applications and contracts shall include a statement that accuracy of all information provided is a condition of employment or contract, and that the provision of incorrect information is grounds for immediate termination of employment or contract. Applications and contracts will also include a statement that grants the right to verify all information provided in any employment application or contract agreement.

5. Human Resources is responsible for carrying out this policy as it relates to hiring of employees.
6. Credentialing committees are responsible for carrying out this policy in granting staff privileges to medical personnel who are not employees.
7. The Procurement Department or Contracts Administration is responsible for carrying out this policy as it relates to vendors and contractors, depending on the type of relationship that Broward Health has established with the vendor or contractor.
8. The screening of students/interns is addressed through the entity's Affiliation Agreement with Broward Health.
9. The Chief Compliance Officer is responsible for the retrospective monitoring of this policy for compliance and reporting results as deemed necessary to the Executive Compliance Group, along with any recommendations for remedial actions or improvement to the program.
10. If any of the aforementioned departments discovers an excluded individual, then the department should be report the finding to the Corporate Compliance Department.

V. Related Policies and Compliance Documents

- Broward Health Code of Conduct

VI. References

United States Sentencing Commission. Guidelines Manual. United States Sentencing Commission. Guidelines Manual. <https://www.ussc.gov/guidelines/2018-guidelines-manual>

DHHS. OIG Supplemental Compliance Guidance for Hospitals. 70 Fed. Reg. 4858, 4865 (Jan. 31, 2005). <https://edocket.access.gpo.gov/2005/pdf/05-1620.pdf>

DHHS. Publication of the OIG Compliance Program Guidance for Hospitals, 63 Fed. Reg. 35, 8987 (Feb. 23, 1998). <https://www.gpo.gov/fdsys/pkg/FR-1998-02-23/pdf/98-4399.pdf>

DHHS OIG. "Updated Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs." Special Advisory Bulletin (9 May 2013). <<http://oig.hhs.gov/exclusions/files/sab-05092013.pdf>>

Centers for Medicaid and CHIP Services. "Migration of the Excluded Parties List System (EPLS) to the System for Award Management (SAM)." CMCS Informational Bulletin. (Aug. 1, 2012).

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
Final Approver	Brian Kozik: SVP, COMPLIANCE & PRIVACY	06/2020
	Jennifer Mosley: EXEC SECRETARY/ANALYST	06/2020