

	PCHP.CP.108 OIG/SAM Exclusions Policy V3 PCHP.CP.108	
	Name:	PCHP.CP.108 OIG/SAM Exclusions Policy
	ID Number:	PCHP.CP.108
	Approval Date:	01/18/2018
	Approved By:	David Cook/CentraNotes

Body

Policy Name: Screening for Exclusion from Federal Healthcare Programs

Scope: Entire Piedmont workforce

Purpose:

Federal law prohibits entities that participate in federal health care programs (including Medicare) from entering into or maintaining certain relationships with individuals or entities that have been excluded from participation in federal health care programs. It also excludes from coverage any item or service that has been ordered, supervised, or furnished by an individual or entity during a time when the individual or entity has been excluded from the federal program. Health plans may not use federal funds to pay for items, services, equipment or drugs furnished, prescribed or provided by a provider, entity, supplier, employee or FDR excluded by the DHHS OIG or GSA. This policy describes the process by which Piedmont determines whether potential and current employees and/or contractors are excluded from participation in such federal programs.

Definitions & Acronyms:

- CFR: Code of Federal Regulations
- CMS: Centers for Medicare & Medicaid
- DHHS: Department of Health and Human Services
- EPLS: Excluded Parties Lists System
- FDR: First Tier, Downstream or Related Entity
- GSA: U.S. General Services Administration
- LEIE: List of Excluded Individuals
- MA: Medicare Advantage
- MMCM: Medicare Managed Care Manual
- OIG: Office of the Inspector General
- PDBM: Prescription Drug Benefit Manual
- SAM: System for Award Management

***Piedmont:** "Piedmont" collectively refers to Piedmont Community Health Plan (PCHP), Piedmont Community HealthCare (PCHC) and any future entities that are owned, affiliated with and/or operated by Piedmont.

As used in this policy, the following terms have the following meanings:

Downstream Entity means any party that enters into a written arrangement with persons or entities involved with an MA or Part D benefit plan below the level of the plan sponsor (Piedmont) or First Tier Entity. [42 CFR 423.501]

First Tier Entity is any party that enters into a written arrangement with an MA or Part D plan sponsor (Piedmont) to provide administrative services or health care services to a Medicare eligible individual under the MA program or Part D program. [42 CFR 423.501]

Governing Body means that group of individuals at the highest level of governance of the sponsor (Piedmont), such as the Board of Directors or the Board of Trustees, who formulate policy and direct and control the sponsor in the best interest of the organization and its enrollees. As used in this policy, Governing Body does not include C-level management such as the Chief Executive Officer, Chief Operations Officer, Chief Financial Officer, etc., unless persons in those management positions also serve as directors or trustees or otherwise at the highest level

of governance of the sponsor.

Related Entity means any entity that is related to an MA or Part D sponsor (Piedmont) by common ownership or control and: (1) performs some of the MA or Part D plan sponsor's management functions under contract or delegation; (2) furnishes services to Medicare enrollees under an oral or written agreement; or (3) leases real property or sells materials to the MA or Part D plan sponsor at a cost of more than \$2,500 during a contract period. [42 CFR 423.501]

Ineligible Individual or Ineligible Entity means anyone who: (a) is currently excluded, debarred, or otherwise ineligible to participate in federal health care programs; or (b) has been convicted of a criminal offense related to the provision of health care items or services but has not yet been excluded, debarred, or otherwise declared ineligible.

Policy:

1. **Initial Review:** Piedmont must review: (a) the DHHS OIG List of Excluded Individuals and Entities (LEIE), and (b) the GSA System for Award Management (SAM), prior to the hiring of, contracting with, or making payment to any new employee, temporary employee, seasonal employee, volunteer, intern, independent contractor, consultant, vendor, Governing Body Member, delegated entity, participating provider, or FDR, to ensure that none of these persons or entities are excluded or become excluded from participation in federal programs.
2. **Monthly Review:** After entities are initially screened against the entire LEIE and SAM at the time of hire or contracting, Piedmont must conduct a similar review every month. For the monthly reviews, however, Piedmont need only review the LEIE supplement file provided each month, which lists the entities added to the list that month, and review the SAM updates provided during the specified monthly time frame. Monthly screening is essential to prevent inappropriate payment to providers, pharmacies, and other entities that have been added to exclusions lists since the last time the list was checked.
3. **Annual Review:** Each year, Piedmont will screen all individuals and entities listed above against the full LEIE and SAM.
4. Both the LEIE and SAM lists must be checked because OIG's LEIE includes all health care providers and suppliers that are excluded from participation in federal health care programs, including those health care providers and suppliers that might also be on the SAM. In addition to health care providers (that are also included on the OIG LEIE) the SAM includes non-health care contractors.
5. If Piedmont identifies an ineligible individual/entity in the exclusions verification process, Piedmont must terminate its relationship with that person or entity.

Procedures:

1. **Initial Screens of Employees.** Prior to hiring or contracting with any new, temporary or seasonal employee, volunteers and interns, Centra Human Resources (HR) will conduct a background check on all Piedmont candidates for employment to ensure persons are not excluded from participation in federal programs. If a potential employee is determined to be an Excluded Individual, the individual will no longer be eligible for hire.
2. **Monthly Screening of Employees after Hire.** Centra Compliance will conduct the Monthly and Annual Reviews of all Piedmont employees. In the event that an employee becomes an Excluded Individual, Piedmont may terminate that employee's employment without notice.
3. **All Other Screenings.** For all other individuals and entities (i.e. – all those except employees), the Compliance Officer or designee will conduct the Initial, Monthly and Annual Reviews following the procedures listed below.
 - a. **Board Members**
 - i. **Initial Review:** Piedmont Compliance performs the reviews internally.
 - ii. **Monthly Review:** Piedmont Compliance compiles a list of all individuals and entities and sends them to Centra Compliance, who then sends the lists to John Sterling & Associates to perform the review.
 - iii. **Annual Review:** Piedmont Compliance compiles a list of all individuals and entities and sends them to Centra Compliance, who then sends the lists to John Sterling & Associates to perform

the review.

- b. **Independent Agents and Brokers** (non-employees and for all lines of business)
 - i. Initial Review: Piedmont Sales & Marketing obtains an OIG attestation form from the broker and performs the reviews internally.
 - ii. Monthly Review: Piedmont Sales & Marketing compiles a list of all individuals and entities and sends them to Centra Compliance, who then sends the lists to John Sterling & Associates to perform the review.
 - iii. Annual Review: Piedmont Sales & Marketing compiles a list of all individuals and entities and sends them to Centra Compliance, who then sends the lists to John Sterling & Associates to perform the review.
- c. **Vendors and Contractors (Delegated Entities)**
 - i. Initial Review: Piedmont Compliance performs the reviews internally.
 - ii. Monthly Review: Piedmont Compliance compiles a list of all individuals and entities and sends them to Centra Compliance, who then sends the lists to John Sterling & Associates to perform the review.
 - iii. Annual Review: Piedmont Compliance compiles a list of all individuals and entities and sends them to Centra Compliance, who then sends the lists to John Sterling & Associates to perform the review.
- d. **Participating Providers**
 - i. Initial Review: Piedmont contracts with Med Advantage CVO to perform the reviews.
 - ii. Monthly Review: Med Advantage CVO performs monthly reviews against the monthly supplemental files.
- e. **Non-Participating Providers**
 - i. Initial Review: Piedmont's delegated vendors, S&S (claims administrator) and Caremark (PBM), perform the initial reviews.
 - ii. Monthly Review: Piedmont's delegated vendors, S&S (claims administrator) and Caremark (PBM), perform the monthly reviews.
- f. **Delegated Entity and Vendor Responsibilities to Screen Employees**: All agreements or contracts for services should include an obligation for such company/vendor to screen employees. All companies and vendors performing services for or on behalf of Piedmont must ensure their employees are not on the OIG list of Excluded Individuals or GSA's System for Award Management.
- g. **Timing of Monthly Reviews**: Centra Compliance provides the master lists to John Sterling & Associates on the 12th of each month. Piedmont must provide its lists to Centra Compliance no later than the 1st of each month.

4. Exclusion Results

- a. After performing the Monthly Reviews, John Sterling & Associates sends a report to Centra Compliance, providing the results of the reviews. Centra Compliance will forward a copy of each such report to Piedmont Compliance.
- b. After performing the Monthly Reviews, Caremark and S&S sends an email to Piedmont Compliance providing the results of the reviews.
- c. If an individual/entity that is or has become ineligible to participate in federal health care programs is identified, Piedmont will terminate its relationship with that person or entity. Any affected department will be immediately notified of this action by the Compliance Department (or Medical Management Staff if a provider).
- d. Centra HR will be notified any time an employee is identified as excluded.

5. Exclusion Report Record Retention

- a. Reports of the findings from the initial employee background checks and screenings are filed in the Centra HR Department.
- b. Reports of all other findings are filed in the Piedmont Compliance Department.

- c. All records are maintained for a minimum of 10 years following the procedures in Policy PCHP.ADM.104.

6. Links to OIG and GSA Exclusions Databases

- OIG LISTSERV via the OIG Website: <http://exclusions.oig.hhs.gov/>
- General Services Administration (GSA) database of excluded individuals/ entities: <https://www.sam.gov/>

Equipment: None

Forms and Letters: None

References:

42 CFR Sections 422.503(b)(4)(vi)(F), 422.752(a)(8), 423.504(b)(4)(vi)(F), 423.752(a)(6); Medicare Managed Care Manual, Chapter 21 and Prescription Drug Benefit Manual, Chapter 9 (Rev. 1-11-13) – Compliance Program Guidelines, Section 50.6.8

Interdisciplinary Review: None

Policy History:

Date	Revision No.	Reason for Change	Sections Affected
09/28/12	NEW		All
01/11/2013	1.0	<ul style="list-style-type: none"> ▪ Reformatted Policy Header. ▪ Changed Policy Title to include MED. ▪ Updated Procedures in conjunction with issuance of new Chapters 9 and 21 of the PDBM and MMCM, and HPMS memo date 1/9/13 on the MED Pilot Study Alert. ▪ Replaced EPLS search with MED search. 	Header, Policy Title, and Procedures
03/04/2014	2.0	<ul style="list-style-type: none"> ▪ Annual review. Changed reference to Compliance Specialist to "designee". 	
01/21/2016	3.0	<ul style="list-style-type: none"> ▪ Converted Policy to Centra format, new numbering system, and new housing location on Centra's Intranet ▪ Updated to incorporate Centra's policy and checks with John Sterling and Associates. ▪ Updated to include how results of checks are communicated. 	All
12/30/2016	4.0	<ul style="list-style-type: none"> ▪ Minor edits for clarification 	Procedures
1/18/2018	5.0	<ul style="list-style-type: none"> ▪ Minor edit to date due to Centra 	Procedure 3 g

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