Title: Federal Health Care Program Exclusion Screening 1.CE.08

Effective Date: 10/00; Rev. 09/02, 10/04, 02/07, 09/09

POLICY: IHS and affiliates may not employ or develop a relationship with an Ineligible Person (as defined below).

SCOPE: IHS system wide. All IHS and affiliate facilities including, but not limited to, hospitals, ambulatory surgery centers, home care programs, physician practices, and all IHS and affiliate departments.

BACKGROUND: The purpose of this policy is to provide a standard requirement and process for screening individuals and/or entities to ensure that IHS and its affiliates do not employ or develop a relationship with an Ineligible Person. The Department of Health and Human Services’ Office of Inspector General and the General Services Administration provide the sanction list and require screening in order to protect beneficiaries and control fraud and abuse in Federal Health Care Programs.

PROCEDURES:

1. Definition.

   1.1 An “Ineligible Person” is any individual or entity who is currently or was excluded, suspended, debarred or otherwise ineligible to participate in the Federal Health Care Programs (as defined in 42 U.S.C. § 1320a-7b(f) or in any other government payment program) pursuant to a criminal conviction relating to the provision of health care items or services, and whose participation in the Federal Health Care Program has not been reinstated.

   1.2 “Business Partner” is an individual or entity who is retained by contract or otherwise to perform, conduct or provide services or products to IHS or its related affiliates.

2. Prescreening.

   2.1 Before IHS or an affiliate enters into an employment agreement with a potential employee, the Human Resources department at that entity will ensure that the potential employee is not an Ineligible Person.
2.2 Before entering into an educational program agreement with an educational institution, the institution shall be responsible for furnishing a list of prospective student program participants indicating whether the student is an Ineligible Person.

2.3 Before entering into a relationship with a Business Partner and/or before paying for services provided by a new Business Partner, the IHS or affiliate personnel proposing to enter into the relationship will ensure that the proposed Business Partner is not an Ineligible Person.

2.4 Potential Business Partners should receive the Guidance for Business Partners prior to any provision of services to IHS or affiliates.

2.5 Contracts with Business Partners should include representations by the Business Partner that it is in compliance with all applicable laws, and neither it nor any of its employees or subcontractors are excluded from or ineligible to participate in a Federal Health Care Program (as defined in 42 U.S.C. §1320a-7b(f)). Sample language for these representations is available at the IHS Law Department.

2.6 Before approving individuals to serve on Boards of Directors/Trustees, the IHS and Affiliate CEO must assure that each of the proposed Board members is not an Ineligible Person.

2.7 During the credentialing process, the IHS and affiliate Medical Staff offices must assure that the proposed Medical Staff member, or other person to whom privileges may be granted, is not an Ineligible Person.

2.8 Designated individuals at each affiliate must compare the name (entity name or last name), social security number or federal tax identification number (TIN) and birth date (when available) of each potential employee, Business Partner, Board member, or Medical Staff member to the General Service Administration’s List of Parties Excluded from Federal Programs (the “GSA List”) and the Health and Human Services/Office of Inspector General List of Excluded Individual/Entities (the “OIG Sanction List”). Because the GSA List and OIG Sanction List do not have all fields filled or may use different degrees of completeness for names, designated individuals should perform partial name searches as well. It may be necessary to verify a potential match with the debarring agency identified in the record information. (See Attachment A to Policy, “Exclusion Screening Guidance and Tips.”)

2.9 The GSA List and the OIG Sanction List are on the Internet in searchable formats at, respectively
2.9.1 https://www.epls.gov/; and

2.9.2 http://exclusions.oig.hhs.gov/.

2.10 IHS and its affiliates may not employ or establish a business relationship with individuals or entities whose names appear on the OIG Sanction List or the GSA List unless such individual or entity can demonstrate that they are not the Ineligible Person.

3. Annual Screening.

3.1 IHS Internal Audit Services will check the list of current employees, Business Partners, Board members and Medical Staff members against the OIG and GSA Sanction Lists on at least an annual basis.

3.2 If an individual or company shows up as an Ineligible Person, the name of the individual or company and the reason for exclusion will be reported to the Affiliate Compliance Officer.

3.3 The Affiliate Compliance Officer or designee will perform a follow-up by looking up each potential match on the appropriate website using the social security number or TIN. The follow-up results will then be communicated to Internal Audit. Because the GSA List and OIG Sanction List do not have all fields filled or may use different degrees of completeness for names, designated individuals should perform partial name searches as well. It may be necessary to verify a potential match with the debarring agency identified in the record information.


4.1 When an employee, Business Partner, Board member or Medical Staff member is identified as an Ineligible Person, the Affiliate Compliance Officer or designee will contact the potential Ineligible Person and arrange a meeting.

4.1.1 At this time, the alleged Ineligible Person will be told that he/she is believed to be an Ineligible Person and offered an opportunity to distinguish him or herself from the person on the OIG Sanction List or GSA List.

4.1.2 The alleged Ineligible Person must provide proof within two weeks of the meeting showing that he/she is not the person on the OIG Sanction List or GSA List. Failure to provide such proof will result in immediate termination of employment, grounds for
termination of the contract, termination of medical staff privileges, termination of Board appointment, and/or termination of other form of relationship.

4.1.3 The IHS Compliance Officer will make any final determination if further issues arise as to the identity or eligibility of the persons or entities on the OIG Sanction List or GSA List.

4.2 For employees, eligibility for re-employment after the period of exclusion and notice of reinstatement will be evaluated based on minimum employment standards and the requirements of the available position.

4.3 Should a Business Partner, board member, or medical staff member appear on the OIG Sanction List or GSA List, IHS and its affiliates may not contract or do business with that individual or company until the charges are resolved and it is clear the individual or company has been reinstated.

4.4 In the event that it is determined that an Ineligible Person is a Business Partner or employee, the Chief Financial Officer of the entity must be notified so that appropriate entries or corrections can be made to the CMS cost report.

4.5 Should an individual or company provide satisfactory evidence that they are not the individual or company that appears on the OIG Sanction List or GSA List, the individual or company may be considered eligible to do business with IHS and/or the affiliate.

/s/ William B. Leaver

William B. Leaver
IHS President
Attachment A to Policy 1.CE.08

EXCLUSION SCREENING GUIDANCE AND TIPS

In order to protect beneficiaries and control fraud and abuse the Federal Government has
developed lists of individuals/entities that have been excluded or restricted in their
participation in federally funded programs such as Federal Health Care Programs. Iowa
Health System has established a policy (1.CE.08) providing a standard requirement and
process for screening individuals and/or entities to ensure IHS and its affiliates do not
employ or develop a relationship with these excluded parties. Following are some
guidelines and tips to aid in the screening of individuals/entities.

Exclusion Lists

There are two Federal exclusion lists that are used by IHS in the exclusion screening
process.

1. List of Excluded Individuals / Entities (LEIE) – This list is maintained by
   The Department of Health and Human Services’ (HHS) Office of
   Inspector General (OIG) and may also be referred to as the “OIG list”.
   This list contains individuals/entities that have been excluded from
   participation in HHS administered programs such as Medicare &
   Medicaid. This list may be found on the internet at
   http://exclusions.oig.hhs.gov/.

2. Excluded Parties List System (EPLS) – This list is maintained by the
   General Services Administration (GSA) and may also be referred to as the
   “GSA List”. This list contains individuals/entities that have been
   excluded or restricted in their participation in federally funded programs
   by various government agencies such as HHS, Office of Personnel
   Management (OPM), Environmental Protection Agency (EPA), Drug
   Enforcement Agency (DEA), etc. This list may be found on the internet at
   https://www.epls.gov/.

While there is a great deal of overlap in the information presented in these two lists
neither should be considered all inclusive and both should be used in the screening
process.

Searching the LEIE (OIG) Online Database

The online search function for the LEIE database consists of three informational fields
that may be searched (First Name, Last Name, Business Name). Following are some
considerations to address when completing a search.

• A single field or any combination of the fields may be searched.
- Searches are not case sensitive.

- Punctuation is a factor in the search. For example, “Obrien” will not match “O’Brien”.

- Be aware of names that may be subject to multiple variations. For example, “Robert”, “Rob”, “Bob”, etc. Business names may be especially vulnerable to these variations especially in consideration of potential punctuation differences. (i.e. “ABC Inc” vs. “A.B.C. Inc.” vs. “A B C Inc.” vs. “Alpha Beta Charlie Inc.”)

- Each field is searched as a partial string match. Therefore, a first name search on “Rob” will provide matches to “Rob”, “Robert”, “Robyn”, etc. This functionality is useful when searching for names that may have multiple variations.

- While up to five names may be searched at one time it is recommended that you search only one individual at a time. This will simplify review of the potential matches. However, consider searching up to five variations of an individual name.

Here is an example of how the preceding factors may be used in a search. We’ll say that “Robert L O’Brien” needs to be screened. We may search for the following names within the LEIE online database:

- First Name: “rob”; Last Name: “obr”
- First Name: “bob”; Last Name: “obr”
- First Name: “rob”; Last Name: “o’br”
- First Name: “bob”; Last Name: “o’br”

The combination of these searches would cover many possible variations of the name in question.

**Searching the EPLS (GSA) Online Database**

There are three types of searches that are available on the EPLS site. The searches consist of:

- Exact Name and SSN/TIN – This is the most limited of the searches and should only be used for clearing potential matches as described in the “Clearing EPLS (GSA) Potential Matches” section.

- Multiple Names – Gives the ability to search up to 5 names at once. It is recommended that you search only one individual at a time. This will
simplify review of the potential matches. However, consider searching up to five variations of an individual name. It also allows the search to be based on exact or partial name match. The differences in these searches will be discussed later.

- **Advanced Search** – Allows searching on multiple database fields. The most notable search options are either an exact or partial name search.

Following are some considerations to address when completing a search:

- Searches are not case sensitive.
- Names are in the following format: Last, First Middle
- Exact name searches must match the database exactly. This includes any punctuation. For example “ABC Inc” does not match “ABC Inc.”. This limits the effectiveness of the exact name search.
- Partial name searches are not dependent on punctuation.
- Partial name searches will search for each portion of the name to be anywhere in the name field. For example a search for “David Peter” will match to any record with “David” or “Peter” within the name.
- Unlike the LEIE (OIG) database searches, EPLS searches will not match to a partial string segment. Therefore, “Peter” will not match to “Peterson” and “Rob” will not match to “Robert”.
- During partial name searches you may require that multiple pieces of the name be present by using the “AND” function (must be in caps). For example a search for “David AND Peter” will match to records that have both “David” and “Peter” within the name.
- You may use wildcards within either an exact or partial name search. However, a wildcard can not be the first character in the search. The “?” character represents a single character and the “*” represents 0 or more characters. A search for “David*” would match to “David”, “Davidson”, “David’s”, etc.
- Additional search guidance may be found on the EPLS website by clicking on the “Search Help” link.

Here is an example of how the preceding factors may be used in a search. If “Robert L O’Brien” needs to be screened you may perform the following “Multiple Names” searches using the partial name option:

- rob* AND obr*
The combination of these searches would cover many possible variations of the name in question.

**Internal Audit Reports**

Periodically Internal Audit will perform electronic comparisons of the LEIE and EPLS lists to current lists of employees, vendors, providers, and board members. In addition to comparing names, comparisons are completing using criteria such as address, birth date, etc.

The Internal Audit reports will contain the individual/entity name as found within IHS records and the potentially matching name as it appears in the EPLS/LEIE database. These potential matches can be reviewed by following the guidance in the “Clearing Potential Matches” section and using the EPLS/LEIE name provided.

**Clearing Potential Matches**

When a potential match to either of the databases is identified appropriate steps must be taken to confirm/disprove the existence of a match. Following are some factors to consider in this process.

- Tax Identification Number (TIN), which consists of either the Social Security Number (SSN) or Employer Identification Number (EIN), is the most effective matching criteria.
- TINs’ are not available for every excluded individual/entity and will most likely become less available in the future.
- Excluded individuals/entities may change locations from that reported in the databases.
- Excluded entities may have multiple business locations (corporate offices, factories, etc.) and the location which appears within the exclusion database may not be the address with which you do business.
- Additional information sources may need to be used to confirm/disprove a potential match.

Each database will be different in the approach needed to confirm/disprove the potential match. Guidance related to each database may be found in following sections.

**Clearing LEIE (OIG) Potential Matches**
When a search is performed on the LEIE database a list of potential matches will be displayed. By clicking on the last name, a verification screen may be viewed that will provide additional information about the excluded party. If an information entry box and a button with the word “Verify” appear within the SSN/EIN section you may match the TIN on file with that of the excluded individual/entity. This is accomplished by typing the TIN (hyphens excluded) into the space provided and clicking on the “Verify” button. You will then receive a response as to whether the number you entered matches the number in the LEIE database.

If the TIN is not available, in either your records or in the LEIE database, then you must use available information to confirm/disprove the potential match. This may involve obtaining additional information via internet searches, licensure review, etc.

**Clearing EPLS (GSA) Potential Matches**

When a search has been performed on the EPLS database a list of potential matches will be displayed. To clear the potential match using the TIN you will need to note the exact name (including punctuation) as displayed on the EPLS site. Then you will choose the “Exact Name and SSN/TIN” search option and enter the exact name, as noted previously, and the TIN (without hyphens). Carefully read the resulting message for the following:

- If the response indicates that the individual/entity is not in the database the name has probably been entered incorrectly. Complete the “Partial Name” search again and verify how the name is stored within the database.

- The Name matches but the TIN is unknown for the record. Return to the detail information for the individual/entity and use other available information to confirm/disprove the potential match. This may involve obtaining additional information via internet searches, licensure review, etc.

- The TIN did or did not match information within the database. Verify TIN entry was correct and confirm/disprove potential match.

**Additional considerations:**

- When there is a high probability of a match, reviewing the “CT” (Cause & Treatment) code and the scope of the exclusion may be helpful. CT Code information may be found by clicking on the “CT Code” link within the detailed record. The treatment of the exclusion may not apply to the relationship we have with the entity. For example, the exclusion may only apply to a specific factory/location/circumstance.

- If there is not enough information within the EPLS system to confirm/disprove the potential match it may be necessary to contact the
excluding agency for additional information. Contact information is available by clicking on the “Agency POC” link within the detailed record.

**Confirmed & Undetermined Conclusions**

Any potential matches that can not be disproved should be brought to the attention of the Compliance Officer and/or designated individual in your facility for additional guidance and/or action.

**Additional Questions**

If you have additional questions contact the Compliance Officer or individual designated by your facility.