

Policy 9.9

POLICY TITLE:	EXCLUSION SCREENING	POLICY # 9.9	
Topic Area:	CORPORATE COMPLIANCE	ISSUED BY: Chief Executive Officer APPROVED BY: Board of Directors	REVIEW DATES
Applies to:	LRE Staff and Operations, All Member CMHSPs, LRE Provider Network		7/22/22
Developed and Maintained by:	CEO and Designee		7/21/23
Supersedes:	NA	Effective Date: June 26, 2014	Revised Date: 7/22/23

I. PURPOSE

To establish a process and guidelines for performing sanction screening checks as required by federal and state agencies on LRE employees, temporary employees, volunteers, consultants, governing body members and vendors to ensure that the LRE does not employ, contract or partner with any individual who is designated as ineligible by a federal or state law enforcement, regulatory or licensing agency. Federal regulations prohibit health care programs from employing, or contracting with, individuals or entities that have been excluded from participation in federally funded programs. The United States Department of Health and Human Services, Office of Inspector General (OIG) has the authority to impose civil monetary penalties against excluded individuals and entities that seek reimbursement from federal health care programs and health care providers that employ or enter into contracts with excluded individuals that provide items or services to federal program beneficiaries.

II. POLICY

It is the policy of the Lakeshore Regional Entity (LRE) not to employ, contract or conduct business with individuals or entities listed by a federal agency or state law enforcement, regulatory or licensing agency as excluded, suspended, debarred, or otherwise ineligible to participate in federally funded health care programs, as defined in 42 U.S.C. Section 1320a,7,b(f), or who have been identified as potential terrorists or having connections with terrorists.

- A. Applicants and or vendors who are excluded, debarred, charged or proposed for exclusion, or listed as alleged terrorists are not offered employment or awarded contracts for services.
- B. Individuals currently employed by LRE or employed by one of LRE's vendors who become designated as excluded or debarred or listed as alleged terrorists are subject to disciplinary action up to and including employment or contract termination.
- C. It is the responsibility of each provider to conduct exclusion screenings.

This policy demonstrates the manner in which the LRE performs sanction-screening checks.

III. APPLICABILITY AND RESPONSIBILITY

This policy applies to all LRE staff and the LRE Provider Network regardless of the role they play or responsibility they hold within the organization including:

- A. All Full, Part-time and temporary employees, and volunteers;
- B. Vendors, Contractors, Consultants;
- C. Corporate directors and officers (as applicable), and governing body members;
- D. Partners (as applicable)
- E. Any Health Professional participating in one of LRE's Provider Networks; and
- F. Any individual with an ownership or controlling interest of five (5) percent or more in LRE or one of its providers

IV. MONITORING AND REVIEW

The CEO and designee will review this policy on an annual basis.

V. DEFINITIONS

Employee: Any LRE per diem, temporary, part-time, or full-time Employee, corporate director, officer (as applicable) and Board of Managers for LRE.

Excluded Parties List System (EPLS): General Service Administration's (GSA) database that was replaced by System for Awards Management (SAM).

Federal Health Care Program: Any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or part, by the United States government or a state health care program.

Health and Human Services (HHS) Office of Inspector General (OIG): The Office of Inspector General was established by law as an independent and objective oversight unit of the HHS Department to carry out the mission of promoting economy, efficacy, and effectiveness through the elimination of waste, abuse, and fraud.

List of Excluded Individuals/Entities (LEIE): Office of Inspector General's (OIG) database that provides information to the health care industry, patients, and the public, regarding individuals and entities currently excluded from participation in Medicaid and all Federal health care programs.

Office of Foreign Assets Control (OFAC): US Department of Treasury's agency that enforces the mandatory screening of all employees, vendors and providers against the database that provides information to the public regarding individuals and entities involved with terrorist and terrorist activities.

Sanction: Action taken by a federal or state government to debar or exclude an entity or individual from receiving government funding, either directly or indirectly, as a result of a government determination that the entity or individual has engaged in wrongdoing.

Specially Designated Nationals (SDN): Individuals and companies which OFAC has designated as being owned by or acting on behalf of terrorist organizations, targeted countries or narcotics traffickers. SDN assets are blocked, and U.S. persons are generally prohibited from dealing with them.

System for Awards Management (SAM): database that provides information to the health care industry, patients and the public, regarding individuals and entities currently excluded from participation Medicaid and all Federal health care programs due to non-healthcare related issues.

Vendor: Any entity or individual receiving a payment from LRE for services that receives a 1099 (vs. a W-2) from LRE. This includes consultants, contractors and subcontractors (as applicable).

VII. RELATED POLICIES AND PROCEDURES

- A. Disclosure of Ownership, Control, and Criminal Convictions
- B. LRE Exclusions Screening Procedure
- C. 8.5 Hiring/Background Checks
- D. 9.6 Compliance Program
- E. LRE Corporate Compliance Plan

VI. REFERENCES/LEGAL AUTHORITY

- A. MDHHS Medicaid Provider Manual
- B. MDHHS Contract
- C. MCL 333.20173a, MCL 330.1134a, MCL 400.734b,
- D. 42 USC 1320a-7: Exclusion of certain individuals and entities from participation in Medicare and State health care programs
- E. 42 CFR 441.570

VII. CHANGE LOG

Date of Change	Description of Change	Responsible Party
06/26/2014	New Policy	Corporate Compliance Officer
7/22/2022	Updated and removed procedure	CEO and Designee
7/22/2023	Annual Review	CEO and Designee