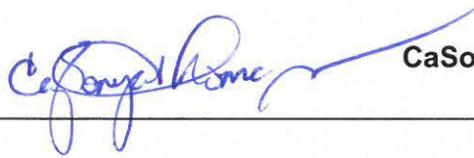


**San Bernardino County
Department of Behavioral Health**

Ineligible Persons Policy

Effective Date 04/17/07
Revised Date 09/15/15



CaSonya Thomas, Director

Policy

The Department of Behavioral Health (DBH) shall not hire, contract, or utilize the services of any individual or entity identified as excluded or ineligible from participation in federal or state funded health care programs. DBH shall cease to conduct business with contractors, vendors, workforce members, interns and volunteers who become ineligible, are identified as ineligible, or have pending criminal health care charges from participating in federal or state funded health care programs.

Purpose

- To ensure DBH employees, contractors, vendors, workforce members, interns, and volunteers providing patient care services, including administrative and management services that are necessary components of providing items and services to federal or state program beneficiaries are eligible for participation in federal or state funded health care programs;
 - To require sanction screening be conducted upon hire and monthly thereafter;
 - To ensure DBH does not certify any contract agency as a Medi-Cal provider if the agency is ineligible or excluded;
 - To require DBH not pay any ineligible or excluded individual or organizational provider; and
 - To communicate the policy to candidates who have been made contingent job offers and individuals currently employed with DBH.
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Definitions

Federal and State funded health care programs: Medicare, Medicaid and all other plans/programs that provide health benefits funded directly or indirectly by the United States government or state health care plan (other than Federal Employees Health Benefit Program)

Ineligible Person: An individual or entity who meets one or more of the following conditions:

- Currently excluded, suspended, debarred; or
 - Otherwise ineligible to participate in federal or state health care programs; or
 - Has been convicted of a criminal offense related to conduct that would or could trigger an exclusion under Title 42 of the U.S. Code 1320a-7, including criminal offenses related to the delivery of health care items or services, but has not yet been excluded, debarred, suspended or otherwise declared ineligible.
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San Bernardino County Department of Behavioral Health

Ineligible Persons Policy, Continued

Definitions, continued

Medi-Cal Suspended and Ineligible Provider List: A list maintained by the Department of Health Care Services (DHCS) for individuals and entities that have been suspended from Medi-Cal or have been excluded from Medicare or Medicaid by the Office of Inspector General (OIG). DHCS updates the list monthly.

OIG List of Excluded Individuals/Entities (LEIE): A list maintained by the U.S. Department of Health and Human Services Office of Inspector General (OIG). The list 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.

Sanction screening: The process of searching and verifying state and federal databases to ensure individuals and entities have not been sanctioned, excluded or banned from providing certain services to a designated population or to various branches of government. Screening individuals and entities is a method to ensure compliance with state and federal requirements.

System for Award Management (SAM): The official U.S. Government system that replaced the Excluded Parties List System (EPLS). The General Services Administration (GSA) maintains a list of current open exclusions in SAM. All firms, individuals, special entity designations and vessels that are restricted from doing business with the US Federal Government are on list.

Candidates for Employment

Candidates for County employment who have been given a conditional job offer shall sign an [Ineligible Persons Policy Acknowledgment and Attestation](#) that they are not presently excluded from participation in federal or state funded health care programs and are not, nor have they been, the subject of an investigation by any duly authorized regulatory or enforcement agency. Failure to do so may result in a withdrawal of job offer.

Current Employee Requirements

Current DBH employees, contractors, workforce members, interns, and volunteers are required to report a change of eligibility status that affects participation in federal or state funded health care programs to their immediate supervisor within five (5) working days of such change. Employees who have pending criminal healthcare charges shall be removed from any responsibility that receives federal or state health care reimbursement or funding, directly or indirectly, until determination of the outcome.

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Ineligible Persons Policy, Continued

Current Employee Requirements,
continued

Additionally, current employees, contractors, workforce members, interns, and volunteers must promptly report any notification of any adverse action by any duly authorized regulatory or enforcement agency within five (5) working days of notification. Failure to do so may result in disciplinary action, up to and including termination of employment.

Important Note: DBH contract agencies are contractually required to have its staff report any change of eligibility status that affects participation in federal or state funded health care programs.

Sanction Screening

In order to ensure DBH is complying with federal and state requirements for sanction screening, it must complete sanction screening by reviewing the following ineligible persons lists:

- OIG LEIE
- DHCS Medi-Cal Suspended and Ineligible Provider List
- General Services Administration SAM

The following table describes the responsible party and the required action of that party:

Responsible Party	Required Action
Human Resources	<ul style="list-style-type: none"> • Conduct sanction screening for prospective DBH employees once a contingent job offer is accepted
Office of Compliance	<ul style="list-style-type: none"> • Conduct monthly sanction screening for existing DBH employees, contractors, workforce members, interns, and volunteers • Maintain a complete record of each sanction screening conducted, including a signed Sanction Screening Attestation, documenting the completion of each sanction screening • Audit contract agencies for compliance with sanction screening requirements, including, but not limited to the following: <ul style="list-style-type: none"> ○ Inquire about exclusion process and records maintenance ○ Inquire about frequency of exclusion checks ○ Review listing of DBH funded employees ○ Confirm exclusion checks have been completed for DBH funded employees ○ Review past exclusion checks ○ Review exclusion policy and procedure ○ Determine compliance with contractual requirements, write audit findings and if applicable, require corrective action

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San Bernardino County Department of Behavioral Health

Ineligible Persons Policy, Continued

**Sanction
Screening,
continued**

Responsible Party	Required Action
Office of Compliance (continued)	<ul style="list-style-type: none"> • Respond to HR, Contracts, Quality Management, etc., within 24 hours to confirm if an applicant, vendor or contract agency is eligible to work or contract with DBH. If an applicant, vendor or contract agency is ineligible, DBH Office of Compliance shall immediately notify the DBH program that the person or entity <u>cannot</u> work or contract with DBH
Contracts	<ul style="list-style-type: none"> • Contact DBH Office of Compliance with name of vendor or contract agency so it can complete sanction screening prior to awarding or renewing a contract
Quality Management	<ul style="list-style-type: none"> • Contact DBH Office of Compliance with name of vendor or contract agency so it can complete sanction screening prior to certifying or re-certifying as Medi-Cal provider
DBH Contract Agencies	<ul style="list-style-type: none"> • Sign Attestation Regarding Ineligible/Excluded Persons upon contract signing and annually thereafter • Conduct monthly sanction screening of agency staff • Maintain a complete record of each sanction screening conducted

**Non-
Compliance**

- DBH employees, contractors, workforce members, interns, and volunteers who become excluded from participation in federal or state funded health care programs may be subject to termination as their salary is paid, in part or in whole, directly or indirectly, by federal or state reimbursement of funding. It is a job requirement to maintain eligibility to claim for federal or state funded health care programs.
- DBH and its contract agencies shall be subject to disallowance and repayments if it employs or contracts with an ineligible individual or if the agency becomes ineligible. If the ineligible individual is a service provider, then all services rendered while ineligible are subject to disallowance. Additionally, the salary and benefits of ineligible individuals are subject to repayment, regardless if the person is a provider or not. Also, regulations state that if a person is deemed ineligible they can no longer provide services to Medi-Cal beneficiaries or receive federal funds.
- In accordance with DHCS requirements, DBH shall not pay any ineligible provider or organization Medi-Cal funding. To ensure adherence with this requirement, DBH Office of Compliance shall notify DBH Fiscal of any provider or contract agency that is ineligible so DBH can hold monies until eligibility is reinstated, or the monies are repaid.

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San Bernardino County Department of Behavioral Health

Ineligible Persons Policy, Continued

Non-Compliance, continued

- DHCS has the authority to impose administrative sanctions on Mental Health Plans, such as DBH, and on their providers and contractors who are paid with Medi-Cal funds.
 - OIG has the authority to impose civil monetary penalties against individuals and entities that violate exclusion of federal health care program payments. Civil monetary penalties are subject to up to \$10,000 for each item or service furnished by an excluded individual or entity where a claim was submitted for federal program reimbursement. Additionally, the individual may be subject to an assessment of up to three (3) times the amount of each claim. The individual may be subject to program exclusion and denied reinstatement. Lastly, the individual or entity may be subject to criminal prosecutions or civil actions in addition to the civil monetary penalties for violation of an OIG exclusion.
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References

Code of Federal Regulations, Title 42, Section 1001
Department of Health and Human Services Office of Inspector General.
(2015). List of Excluded Individuals/Entities
Department of Health Care Services. (2010). *Mental Health Letter 10-05*.
Department of Health Care Services, Medi-Cal. (2015). *Medi-Cal Suspended
and Ineligible Provider List*.
Office of Inspector General Special Advisory Bulletin on the Effect of Exclusion
from Participation in Federal Health Care Programs, dated May 8, 2013
Social Security Act, Sections 1128, 1128a and 1156
United States Code, Title 42, Section 1320a-7
Welfare and Institutions Code, Sections 14043.61 and 14123
