

Key Provider Highlights from Special Advisory Bulletin on

Exclusions from Participation in Federal Health Care Programs



On May 8, 2013, the U.S. Department of Health and Human Services

released a revised Special Advisory Bulletin to help to clarify many components of the OIG exclusion process including: the key points of frequency of screening, the potential penalties for engaging an excluded individual, and enforcement of exclusions. To download the full report, please click <http://oig.hhs.gov/exclusions/files/sab-05092013.pdf>.

Frequency

Beyond screening potential new employees, the OIG helps clarify the appropriate screening cycle post-hire. For the OIG LEIE (List of Excluded Individuals & Entities), the OIG affirmed:

“Supplemental exclusion and reinstatement files are posted monthly to OIG’s website.”

And, related to the OIG monthly website updates and revisions, OIG advises:

“OIG updates the LEIE monthly, so screening employees and contractors each month best minimizes potential overpayment and CMP (Civil Monetary Penalty) liability.”

Finally, the report also shared that:

“The CMS (Centers for Medicare & Medicaid Services) issued a State Medicaid Director Letter (SMDL) recommending that States require providers to screen all employees and contractors monthly”

In short, it seems the OIG is giving very clear and compelling guidance for monthly screening.

Penalty

As to penalty, the OIG bulletin also clarifies the penalties as below:

“The effect of an OIG exclusion is that no Federal health care program payment may be made for any items furnished (1) by an excluded person or (2) at the medical direction or on the prescription of an excluded person.....(and) includes items and services beyond direct patient care.”

“OIG may impose CMPs (Civil Monetary Penalties) of up to \$10,000 for each item or service furnished by the excluded person....as well as an assessment of up to three times the amount claims, and program exclusion.”

In short, the scope for non-compliance and penalty has grown and can potentially be very punitive.

Enforcement

Finally, Enforcement of the rules and associated penalty seems to continue with

“...significant and ongoing OIG initiative to ensure compliance with and enforcement of exclusions.”

To find out how you can efficiently meet the updated compliance guidelines, please contact Emptech at **1-800-518-3874** or email us at info@emptech.com . You can also visit us on the web at www.emptech.com.