

Policy Name: Prohibition Against Doing Business with Any Ineligible Persons	
Owner (Title, Committee, or Council): Texas Health Chief Compliance Officer	Effective Date: 4/17/12
Approved By: System Performance Council	Last Reviewed Date: 4/17/12
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1.0 Scope:

1.1 Applicable Entities:

This policy applies to Texas Health Resources (Texas Health) and its wholly owned or wholly controlled affiliates.

1.2 Applicable Departments:

This policy applies to all Texas Health departments.

2.0 Purpose:

2.1 To provide that Texas Health will not employ, contract with or do business with any person or entity ineligible to participate in Federal health care programs.

2.2 References to third party sources and resources are intended for informational purposes only and not as procedural mandates.

3.0 Policy Statement(s):

Texas Health will not knowingly employ, contract or otherwise do business with any Ineligible Person. Further, pending the resolution of any criminal charges or proposed debarment or exclusion, individuals or entities with whom Texas Health currently contracts (who have charges pending) must be removed from direct responsibility for or involvement in any federally-funded health care program. If resolution results in conviction, debarment or exclusion of the individual or entity, Texas Health must immediately cease business relationships with that Ineligible Person.

4.0 Policy Guidance:

4.1 **Required Disclosure to Texas Health:**

4.1.1 Prospective employees, current employees, medical staff members, students, vendors and contractors must disclose any debarment, exclusion or any other event that makes the individual or the entity ineligible to participate in Federal health care programs (i.e., an Ineligible Person) or the commencement of an investigation that could lead to debarment or exclusion.

4.2 **Effect of Exclusion from Federally Funded Health Care Programs:**

4.2.1 Program payments will not be made by Medicare, Medicaid or any other Federal health care program for any item or service furnished, ordered or prescribed by an excluded individual or entity during the exclusion period. *NOTE: There is a limited exception to exclusions for the provision of certain emergency items or services not provided in a hospital emergency room (reference 42 CFR 1001.1901).*

4.2.2 Program payment prohibition applies to the Ineligible Person, anyone who employs or contracts with the Ineligible Person, any hospital or other provider where the Ineligible Person provides services, and anyone else involved directly or indirectly. Additionally, the payment prohibition applies to any business or facility (e.g., hospital) that submits claims for payment of items or services provided by the Ineligible Person.

4.3 **Exclusion Screening:**

4.3.1 Texas Health will review the following sources to determine whether its employees, vendor/contractors, referring physicians and other persons are Ineligible Persons.

a) List of Excluded Individuals/Entities (LEIE) – The LEIE is a listing maintained and published periodically by the Department of Health and Human Services, Office of Inspector General (OIG) that provides information relating to parties (individuals, entities) excluded from participation in the Medicare, Medicaid and other Federal health care programs. It includes only exclusion actions taken by the Office of Inspector General (OIG). The LEIE is an on-line searchable and downloadable database that may be accessed at the OIG website: <http://oig.hhs.gov>.

b) Excluded Parties List System (EPLS) – The EPLS is the electronic version of the Lists of Parties Excluded from Federal Procurement and Non-procurement Programs that is maintained and published periodically by the General Services Administration (GSA). EPLS identifies those parties (individuals, entities, contractors) that are excluded throughout the U.S. Government from receiving Federal contracts or certain subcontracts, and from certain types of financial and non-financial assistance and benefits. EPLS includes debarment actions taken by various Federal agencies, but not necessarily those taken by the OIG. EPLS is an on-line searchable and downloadable database that may be accessed at the GSA website: <http://epls.arnet.gov>.

- c) Texas Health and Human Services Commission (HHSC) – Office of Inspector General (OIG) Exclusion List – The Texas HHSC-OIG exclusion list is maintained by the Texas OIG and identifies those parties (individuals, entities, contractors) that are excluded billing or otherwise requesting or receiving payment for any Title V, XIX, or XX, or other HHS programs for items or services provided on or after the effective date of the exclusion. Exclusion also prevents the excluded person from providing any services pursuant to the Medicaid program, whether or not the party directly requests Medicaid program payment for such services.
Website: <http://oig.hhsc.state.tx.us/exclusions>
- d) National Practitioner Data Bank (NPDB) – The NPDB contains information on medical malpractice payments; adverse licensure, clinical privilege, professional society membership actions; and also includes information regarding practitioners who have been declared ineligible to participate in Medicare/Medicaid. The NPDB may be accessed at website: <http://www.npdb-hipdb.com>.

4.4 **Responsibility for Screening Process:**

4.4.1 The following parties (i.e., personnel/departments) are responsible for performing the Texas Health exclusion screening processes:

- a) Employee Screening – Screening of employees will be conducted at the System level by Texas Health People & Culture for all employees and prospective employees. Contractors who are included in the Texas Health PeopleSoft system will also be included in this screening process.
- b) Vendor/Contractor Screening – Screening of vendors and contractors will be conducted at the System level by Supply Chain Management for all Texas Health current and prospective vendors/contractors.
- c) Medical Staff, Other Physician/Practitioner Screening – The Medical Staff Affairs department at each hospital will perform screening for physicians and other practitioners.

4.4.2 Non-Medical Staff Physicians/Practitioner Screening – Scheduling and registration personnel will perform screening against the LEIE, EPLS and HHSC sanctions lists for non-medical staff physicians and practitioners who order outpatient services from Texas Health Resources entities. This screening process will be performed monthly.

4.5 Screening Process for Existing Employees, Vendors, Contractors and Medical Staff:

- 4.5.1 The Texas Health System Compliance Office will supply detailed information and instructions to all parties responsible for screening for Ineligible Persons each month.
- 4.5.2 If during the screening process, a Texas Health employee, vendor, contractor, physician or other person is identified as a possible Ineligible Person, the Texas Health System Compliance Office must be contacted immediately. The Texas Health System Compliance Office will verify that the possible Ineligible Person is actually an Ineligible Person and provide additional guidance at that time.
- a) Any employee, vendor, contractor, medical staff member or other person who is the subject of a criminal investigation or proposed debarment or exclusion will be removed from direct responsibility for or involvement in Texas Health programs until resolution of such criminal charges or proposed debarment or exclusion.
 - b) If any employee, vendor, contractor, medical staff member or other person who is convicted, debarred, excluded or otherwise becomes ineligible for participation in federal health care programs, Texas Health will take immediate action to terminate employment, contracting or other business relationship with the individual or the entity.
 - c) In the event an employee, vendor, contractor, medical staff member or other person is confirmed to be an Ineligible Person during the screening process, the Texas Health Chief Compliance Officer will immediately be notified and all appropriate corrective action will be taken in coordination with Texas Health Legal Counsel. Such actions may include adjustment of cost reports, notice to governmental agencies, refund of healthcare payments and/or other actions as appropriate based upon the facts and circumstances.
- 4.5.3 Each month, each Texas Health employee responsible for carrying out the monthly screening process (LEIE and Texas HHSC- OIG List) must submit documentation to the Texas Health System Compliance Office confirming that the screening process has been accomplished. This written notification to the System Compliance Office is required regardless of whether or not any possible ineligible person(s) was identified.

4.5.4 The EPLS (GSA) Exclusion screening process will be performed at least semi-annually.

4.6 Screening Process for Prospective Employees, Vendors, Contractors, Medical Staff or Other Persons Who Seek to do Business with Texas Health:

4.6.1 All candidates for employment, contracting, or appointment to a medical staff must be screened against the LEIE, EPLS and Texas HHSC – OIG exclusion lists prior to hiring, contracting or appointment as a part of the standard Texas Health processes for these types of relationships.

4.6.2 Texas Health will not hire, contract with, do business with or appoint to a medical staff any Ineligible Person until the exclusion is resolved and it is clear the individual or entity is no longer excluded or debarred.

4.7 Review of Screening Process:

4.7.1 The Texas Health System Compliance Office will periodically review exclusion screening processes to determine if this policy is being followed.

5.0 Definitions:

5.1 Exclusion – Exclusion refers to the temporary or permanent debarment of an individual or entity from participation in any Federal health care program. Items or services furnished by any such person or entity will not be reimbursed under any Federal or State health-related program.

5.2 Federally Funded Health Care Program – Any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the U.S. Government or a State health care program (except for the Federal Employees Health Benefit Program).

5.3 Ineligible Person – For purposes of this policy, an ineligible person is any individual or entity that: (1) is currently excluded, suspended, debarred, or ineligible to participate in any Federal health care program; or (2) has been convicted of a criminal offense related to the provision of health care items or services and has not been reinstated in a Federal health care program after a period of exclusion, suspension, debarment, or ineligibility.

5.4 Reinstatement – Reinstatement refers to individuals or entities that have completed the exclusion period and have been reinstated as eligible to participate in Federal health care programs.

6.0 Responsible Parties:

6.1 THR Chief Compliance Officer

6.1.1 Responsible for oversight of this policy and the processes necessary to carry out the policy.

6.1.2 Responsible for oversight of any corrective action necessary as a result of identifying any Ineligible Person.

6.2 THR System Services and Entity personnel

6.2.1 Texas Health People & Culture: – Responsible for screening of employees, prospective employees and contractors who are included in the Texas Health PeopleSoft system.

6.2.2 Texas Health Supply Chain Management: – Responsible for screening of all Texas Health current and prospective vendors and contractors.

6.2.3 Medical Staff Offices: – Responsible for screening of medical staff members and other credentialed practitioners.

6.2.4 Scheduling and Registration Personnel: Responsible for screening of physicians or other practitioners who order outpatient tests and services but are not members of a Texas Health hospital medical staff.

7.0 External References:

Office of Inspector General Compliance Guidance for Hospital
Texas Health Background Check Policy
Texas Health Clearance Level for Contractors Policy
Texas Health Licensure Policy
Texas Health Progressive Corrective Action Policy

8.0 Related Documentation and/or Attachments:

List of Excluded Individuals/Entities (LEIE) on OIG website at <http://oig.hhs.gov>.
Excluded Parties List System (EPLS) on GSA website: <http://epls.arnet.gov>.
Texas Health and Human Services Commission (HHSC) – Office of Inspector General (OIG) Exclusion List on <http://oig.hhsc.state.tx.us/exclusions>
National Practitioner Data Bank (NPDB) accessed on: <http://www.npdb-hipdb.com>