LINE OF BUSINESS

This document applies to the following line(s) of business:
All SWHP & ICSW

DEFINITIONS

When used in this document with initial capital letter(s), the following word(s)/phrase(s) have the meaning(s) set forth below unless a different meaning is required by context. Additional defined terms may be found in the BSWH P&P Definitions document.

LEIE – List of Excluded Individuals/Entities

EPLS – Excluded Parties List System

Executive Order 13224 - Entitled, “Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or support Terrorism.” Executive Order 13224 prevents payors and all other United States persons from conferring benefits upon or transacting business with listed persons. To accomplish this, payors need to identify the individuals with whom they do business and determine whether any of them are listed by:

- Excluded Parties List System-(EPLS) -GSA administers EPLS and System Award System (SAM)
- Government Services Administration- (GSA)
- Office of the Inspector General (OIG)- List of Individuals/Entities Excluded from Federal health and Medicare Programs
- Office of Foreign Assets Control- (OFAC)
- Office of Personnel Management- (OPM)
- System for Award Management- (SAM)
- Texas Medicaid- (TXM)
POLICY

Scott and White Health Plan (SWHP) is committed to maintaining high quality care and service as well as integrity in its financial and business operations. Therefore, Scott and White Health Plan will conduct appropriate screening of all SWHP employees, temporary employees, consultants, governing body members and all applicable first tier, downstream and related entities (FDRs) for all lines of business to ensure that they have not been sanctioned by a federal or state law enforcement, regulatory, or licensing agency.

The Office of the Inspector General has the authority to exclude individuals and entities from federally funded health care programs pursuant to sections 1128 and 1156 of the Social Security Act and maintains a list of all currently excluded individuals called the List of Excluded Individuals and Entities (LEIE).

The General Services Administration (GSA) administers the System for Award Management (SAM), both of which contain debarment actions taken by various Federal agencies. The LEIE contains only the exclusion actions taken by the OIG.

1 SWHP shall check all State and Federal Exclusion databases for any employee or vendor for all lines of business. SWHP will screen all prospective employees or prospective contractors prior to engaging their services by:
   - Requiring applicants to disclose whether they are “Ineligible Persons” and;
   - Reviewing the General Services Administration’s List of Parties Excluded from Federal Programs (available through the Internet at http://epls.arnet.gov) and the Health and Human Services Office of Inspector General (HHS OIG) List of Excluded Individuals/Entities (available through the Internet at www.hhs.gov/oig). The following lists will be referred to herein as Sanction List.

2 The Plan must review the DHHS OIG List of Excluded Individuals and Entities (LEIE list), Office of Foreign Assets Control (OFAC) Watch List and the GSA Excluded Parties Lists System (EPLS) prior to the hiring or contracting of any new employee, temporary employee, volunteer, consultant, governing body member, or FDR, and monthly thereafter, to ensure that none of these persons or entities are excluded or become excluded from participation in federal programs.

3 SWHP shall not hire staff or contract with a provider, agent, or vendor for any of its lines of business any "ineligible" individual or entity defined as: (a) is currently excluded, debarred or otherwise ineligible to participate in the federal health care programs or in federal procurement or non-procurement programs; or (b) has been convicted of a criminal offense related to the provision of health care items or services, but has not yet been excluded, debarred or otherwise declared ineligible.

4 Monthly screening is essential to prevent inappropriate payment to providers, pharmacies, and other entities that have been added to exclusions lists since the last time the list was checked. SWHP will screen all employees monthly against these lists. If SWHP has notice that an employee or contractor has become an ineligible person or entity, SWHP will remove such persons from responsibility for or involvement with, SWHP’s business operations related to federal health care programs and will remove such person or entity from any position for which the person’s salary or the items or services rendered, ordered, or prescribed by the person are paid in whole or in part, directly or indirectly, by federal health care programs or otherwise with federal funds until such time as the person is reinstated into participation in the federal healthcare programs.

After entities are initially screened against the entire LEIE and EPLS at the time of hire or contracting, sponsors need only review the LEIE supplement file provided each month, which lists the entities added to the list that month, and review the EPLS updates provided during the specified monthly time frame.

5 SWHP will take all reasonable steps to verify that the information provided is accurate. All individuals or entities whose name appears on a Sanctions List shall be allowed to review and deny any such findings by providing information that clarifies his or her identity as other than that of the person listed.
6 SWHP will immediately remove or terminate an individual or contractor who is found to be excluded, debarred or otherwise ineligible to participate in the federal health care programs or in a federal procurement or non-procurement program.

7 If SWHP has notice that an employee or contractor is charged with a criminal offense related to any federal or state health care program or is proposed for exclusion during his or her employment or contract, SWHP will take all appropriate actions to ensure that the responsibilities of that employee or contractor have not and shall not adversely affect the quality of care rendered to SWHP members, or the accuracy of any claims submitted to federal and state health care programs.

**PROCEDURE**

**Accountabilities:**
The assigned Compliance Department staff member is responsible for running monthly checks of Full Time Employees and Temporary Staff, Providers, Groups, Members and Vendors of the Scott and White Health Plan to ensure that none are on any Federal or State list of exclusions. Members may not be listed on the OFAC list in compliance with Executive Order 13224. Providers and Groups may not be listed on the OIG LEIE list or the GSA EPLS list in compliance with federal regulations.

1. Monthly Checks of the LEIE and EPLS lists for all Providers
2. Monthly Checks of the OFAC (Office of Foreign Assets Control) for all Members and Providers in compliance with Executive Order 13224
3. Check the Sales Agents, Provider and Group and Vendor, Full Time Employee, Temporary Staff Group, Member and Provider and Vendor Management files against the LEIE, EPLS and OFAC lists for excluded providers and members and Vendors.
4. Pre-Defined Search - Check Sales Agents, Provider and Group and Vendor, Full Time Employee, Temporary Staff, files against the Watchlist Search list. The Watchlist Search list is set to check the following Federal lists – OIG Exclusions (LEIE), GSA EPLS and the internal “Accept List”. The internal "Accept List" is a list of individuals/providers that have previously been checked and ruled out as a True Match.
   a. To determine if “True Match” exists, verify any Alerts against the following lists: True Matches may be ruled out by name, date of birth, social security number, address, license number, NPI number, Tax Identification number and any other identifiable demographic information available. If the individual/provider cannot be ruled out by these methods, contact with the agency responsible for the exclusion may be necessary.
      i. OIG LEIE online database search – for individual checks
      ii. OIG LEIE downloadable list – includes the Office of the Inspector General’s complete list of excluded individuals and providers
      iii. SAM EPLS list – SAM (System for Award Management) Website
4. Pre-Defined Search – Check Member and Group and Vendor files against the OFAC Member Defined Search list. The OFAC Member Defined Search list is set to check the following Federal lists – OFAC Sanctions, OFAC SDN, and the internal “Accept List” in order to comply with Executive Order 13224.
   a. To Determine if “True Match” exists, verify any Alerts against the following:
      i. SAM EPLS list – SAM (System for Award Management) Website

6. Upon identification of a potential match for a member, Compliance will consult with the Legal Counsel to determine validation of the match and identify next steps.
7. Any results from these searches will be promptly investigated and appropriate immediate actions will be taken to prevent the employee or contracted consultant from participating in the Medicare, Medicaid or any other health care program, including termination of employment or contract.

8. Any searches in the OIG and GSA exclusions lists that resulted in a finding, must be reported to the SWHP Compliance Committee, Corporate Compliance Officer, and the SWHP Credentialing Committee, and senior management immediately for necessary actions to be taken.

9. Upon completion of each monthly screening, an update to SWHP’s OIG & GSA Exclusion Checklist document and supporting documentation of the monthly search will be maintained by the Compliance Department or its designee. This documentation is password protected and maintained consistent with SWHP’s document retention policies.

10. **Procedural Requirements for FDR’s**: All SWHP FDR’s are required, via contract, to carry out the following steps to maintain compliance with this Policy:
   a. FDRs (including Network Providers) are required to review the OIG LEIE exclusion list and GSA EPLS exclusion list prior to hiring or contracting of any new employee, temporary or permanent, Board members, consultants and monthly thereafter,
   b. SWHP’s Compliance Department must be promptly and formally notified if it is determined that an individual or entity is on the list.
   c. Immediately remove any such individuals or entity from any work related, directly or indirectly, to SWHP.
   d. Maintain documentation evidencing the screening of all relevant individuals or entities.


**Internal Reporting**: The SWHP VP of Compliance is responsible to ensure the exclusion screenings are performed on an ongoing basis. The SWHP VP of Compliance will inform the Executive Compliance Committee (ECC) and governing body when an individual/entity is identified as excluded. Additionally, the VP of Compliance ensures that the Credentialing Committee is informed of findings and actions related to this policy.

**ATTACHMENTS**

None

**RELATED DOCUMENTS**

SWHP.CMP.071 - Management of First Tier, Downstream and Related Entities - Delegates

**REFERENCES**

42 CFR 1001.1901 – Public Health – Program Integrity – Medicare and State Health Programs - Scope and Effect of Exclusion
Medicare Manage Care Manual – (Chapter 21 - Compliance Program Guidelines and Chapter 9 - Prescription Drug Benefit Manual) - Section 50.6.8 - OIG/GSA Exclusion
The Patient Protection and Affordable Care Act (PPAC) Section 6501 - Termination of Provider Participation under Medicaid if Terminated under Medicare or other State Plan
The information contained in this document should not be considered standards of professional practice or rules of conduct or for the benefit of any third party. This document is intended to provide guidance and, generally, allows for professional discretion and/or deviation when the individual health care provider or, if applicable, the “Approver” deems appropriate under the circumstances.