

**LOUISIANA STATE UNIVERSITY
HEALTH CARE SERVICES DIVISION
BATON ROUGE, LA**

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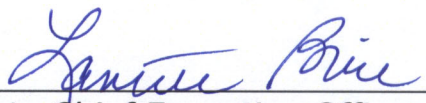
CONTENT: Sanctions Verification Policy

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**LOUISIANA STATE UNIVERSITY
HEALTH CARE SERVICES DIVISION**

SANCTIONS VERIFICATION POLICY

I. POLICY STATEMENT

In accordance with Sections 1128 and 1156 of the Social Security Act HCFA [currently Department of Health and Human Services (HHS)]/Office of the Inspector General (OIG) is authorized to exclude/sanction health care providers, individuals, businesses, contractors and/or employees of the contractor. Exclusions occur as a result of questionable, improper or abusive practices related to reimbursement for Medicare/Medicaid services.

An excluded or sanctioned individual or business is prohibited from receiving Medicare/Medicaid reimbursement/payment for any item or service (other than emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by any sanctioned individual or business. Additionally, no reimbursement for any service(s) furnished, ordered, or prescribed on or after the effective date of the exclusion will be made to any entity in which an excluded individual is serving as an employee, administrator, operator, contractor, or in any other capacity. Such exclusions or sanctions can be found on the following websites:

- HHS Office of Inspector General's (OIG) List of Excluded Individuals/Entities (LEIE)
- The System for Award Management (SAM) the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS.
- The Louisiana State Adverse Actions List

In conjunction with the above, the Medicare/Medicaid Intermediary requires HCSD Cost Reporting to certify that our reports or claims for reimbursement include no excluded/sanctioned individual, entity or business (reimbursement for position occupied by an individual; or reimbursement for any service(s), materials or equipment contracted for, rented or procured).

LSU HCSD will not hire any person or contract for products or services with any vendor, contractor, or medical professional or organization that is excluded or sanctioned. In addition, LSU HCSD does not intend to allow any individual or entity to remain employed, to order or prescribe items or services, or to continue serving under contract should they become excluded or sanctioned during employment, medical staff privileges or term of contract.

II. PURPOSE

- A. HCSD will check individual employees, vendors, contractors, and medical staff in an effort to avoid future or continuing employment, medical staff privileging, or contracting of any individual(s) or organization(s) that may have imposed sanctions against them; and to avoid misrepresentation with regard to Medicare/Medicaid or other federal reimbursement (e.g., TriCare, Veteran's Administration, etc).
- B. Monthly monitoring will be performed to identify any employee, contractor, vendor, or medical staff member whose sanction status has changed since hire, contract, or privileging date.

III. APPLICABILITY:

This policy shall be applicable to all LSU HCSD entities and to all categories of employees, contracted personnel, vendors and medical staff members including ancillary medical staff who do not practice at the hospital.

IV. PROCEDURES FOR SANCTIONS VERIFICATIONS

A. Prospective Employee, Medical Staff, and Vendor Checks

Hospital employees will be assigned the responsibility to perform sanction checks on prospective employees, contractors, vendors, and medical staff prior to hire, contracting, or granting of privileges. These checks will be done individually as potential new employees, contractors, vendors, and medical staff applicants are being considered.

The checks can be done using the OIG website <http://exclusions.oig.hhs.gov> and/or the SAM system at <https://sam.gov/portal/SAM#1> . In addition, the Louisiana State Adverse Actions List at <https://adverseactions.dhh.la.gov> must be checked on all prospective employees, contractors, medical staff, and vendors.

Database Checks using ELMS to Determine if an Individual or Vendor has Been Sanctioned

1. Log into the Exclusion List Management System (ELMS), to verify that an employee or vendor has not been sanctioned or excluded from any federal/state program, at <https://intranet.lsuhscl.edu/ELMS/ViewReports.aspx> .
2. Select "Verify Subjects".
3. Enter last and first name and social security number or Business Name and tax identification number and check "exact search". Enter any other information that you have available.
4. Select "Verify Subject" at the bottom of the screen.
5. A message will appear at the bottom of the screen in red if no match is found or a listing of name(s), address, and other identifying information will appear if a hit is identified.

6. By using ELMS in this manner, the check for exclusion will hit against all three of the required exclusion websites.

B. Existing Employee and Vendor Checks

HCSD and Lallie Kemp Medical Center employees will be assigned to perform sanction checks on employees and vendors monthly by completing a review of the ELMS report to determine if these individuals or businesses have been sanctioned or excluded. The monthly ELMS report will go to the individual(s) responsible for these reviews. ELMS will have already checked the employee and vendor against the various exclusion databases, and the employee assigned will need to drill down by individual person or business to determine if there is a match for an actual exclusion.

Verifying Hits

1. If the words "Verified Need Action Exact Hit" appear next to the employee or vendor listing, this means that ELMS has confirmed that the employee or vendor listed is, in fact, the same as the person or vendor on the exclusion list and appropriate action as described in this policy must be taken.
2. If the words "Matched Attention Check Hit" appear next to the listing, the assigned employee must verify that they received a valid hit by the system by:
 - a. Checking the actual exclusion site by keying in the social security number or tax identification number of the individual or business. If there is no exact hit with the identification number, then it is likely no further investigation is necessary. If there is an exact hit, then move on to b-e.
 - b. Questioning the employee/entity regarding the hit, and/or
 - c. Contacting the OIG or SAM (whichever is appropriate)
 - i. OIG contact-
Website: www.oig.hhs.gov
Phone: 202-691-2311
 - ii. SAM contact-
Website: www.sam.gov
Phone: 1-866-606-8220
 - iii. Louisiana Adverse Actions
Website: <https://adverseactions.dhh.la.gov> and follow the link to Program Integrity
 - d. Note that unless the employee/entity gives an affirmative answer as to having been sanctioned, the information provided by the employee/entity should not be the sole source of information, as the person responding may not be forthcoming as to the exclusion.
 - e. If the individual/entity is shown to not have been excluded by doing this verification process, documentation must be kept by the employee assigned to work the report to prove that the verification was done, and the results of the verification.

False Hits

1. In the event that it is proven that the individual/entity on the listing is not the individual/entity that we are employing/contracting, the name on the list will need to be indicated as a false hit within ELMS. This will prevent the individual/entity from showing on the report in the future.
2. Select "Reset False Positive Flag" on the tool bar.
3. Enter information needed.
4. Select "Reset False Positive Flag" at the bottom of the screen.
5. **IMPORTANT:** Once you set the individual/entity as a False Hit, the individual/entity will no longer show up on a report if they actually do become excluded. Therefore, the employee assigned the responsibility for working the report containing the False Hit will need to individually check the individual/entity at least once every six months, and keep a record of that review. A spreadsheet of false hits should be kept, with the last date of review so that this information may be tracked.

C. Medical Staff Sanction Checks

Medical Staff office will use the MD-Staff OIG search function to determine if any existing or prospective medical staff members are on the exclusion list. The steps involved in using this function include:

1. Search the OIG exclusion list database and determine a set of "Possible Matches"
2. Create a verification log item with either "No Match" or "Possible Match".
3. For each possible match, search the actual website (www.sam.gov) using the practitioner's social security number to determine if each "Possible Match" is an exact match.
4. For each possible match that could be found on the OIG website, a screen capture will be saved as a PDF document and attached to the verification record.
5. The verification record will be updated to say "Match Found"
6. Those practitioners whose social security numbers that were not a match will be updated from "Possible Match" to "No Match".
7. Also search the Louisiana State Adverse Actions list (<https://adverseactions.dhh.la.gov>) for possible matches. Follow the same steps as above for the OIG exclusion database. This review will be completed monthly as well.

D. CMS/Medicare/Medicaid Cumulative Sanctions Acknowledgment/Responsibility Form

1. The CMS/Medicare/Medicaid Cumulative Sanctions Acknowledgment/Responsibility Form is to be distributed to-
 - a. Employees-during the hiring process

- b. Contractors-during the contracting process
- c. Vendors-during the contracting process
- d. Medical staff members-during the application process

A copy of the Acknowledgment /Responsibility Form is attached. (Attachment A)

- 2. The Acknowledgment/Responsibility Form is to be included as part of the employee enrollment packet, the contract packet (professional, non-professional, and vendor), and the Medical Staff Application packet.
- 3. The statement shall be maintained in the-
 - a. Employee personnel records
 - b. Contract files (professional, non-professional, and vendor)
 - c. Medical staff member files

E. Determining Who is to Be Reviewed Against the ELMS or Exclusion Websites

- 1. All prospective employees, as well as current employees
- 2. All appointed medical staff members, as well as “ancillary” medical staff members whose orders and prescriptions are accepted by Lallie Kemp for processing.
- 3. All contractors and vendors.
- 4. The owners of entities that provide items or services integral to the provision of patient care.
- 5. Volunteers and students will be checked against the sanction websites. The checks can be conducted by LSU HCSD/Lallie Kemp, or evidence of checks from the school (e.g., School of Nursing, etc.) can be used as long as such checks meet the requirements of this policy.
- 6. The employees of contractors/vendors who provide direct patient care, or services related to the billing or coding of claims.
 - i. Lallie Kemp may depend on the contracted company, but must periodically validate that such sanction checks are occurring.

F. Reporting Confirmed Sanctions Imposed

Any check that confirms imposed sanction(s) against a prospective or current employee, contractor, vendor, or medical staff member must be reported as indicated in the Responsibilities section of this policy.

G. Additional Considerations

- 1. An individual or entity must apply for reinstatement after exclusion. There is no instance in which an exclusion “expires”. Therefore, an individual or entity found to be excluded must provide evidence of reinstatement before they may be allowed to regain employment, medical staff privileges, or contracting privileges.

2. ELMS checks against a variety of sanction/exclusion databases. A listing of those databases can be found in Attachment C.

V. RESPONSIBILITIES:

A. The Chief Administrator at each facility shall be responsible for:

1. Ensuring that this function is being performed in the designated area(s).
2. Certifying to the Fiscal Intermediary that to the best of their knowledge, that our cost reports or claims for reimbursement include no excluded/sanctioned individual, entity or business.

B. Department Leadership for Human Resource, Purchasing, Contracting and Medical Staff Services shall be responsible for:

1. Acknowledging the purpose and managerial responsibility for adherence to this policy. (Attachment B)
2. Assigning responsibility for this process to a departmental employee.
3. Ensuring that checks are conducted according to this policy.
4. Ensuring appropriate documentation is maintained as evidence of having checked the governmental sites. A screen print of the check is considered to be the standard for such evidence. An electronic version of the check may be kept as long as it is readily producible, and as long as a backup system exists should the electronic file become unusable. Proof of sanction checks should be kept for ten (10) years.
5. Reporting initial checks resulting in confirmed sanctions to the person responsible for hiring, contracting, purchasing or credentialing the individual or entity, so that the process can be terminated.
6. Reporting possible matches from sanction checks to the hospital's Compliance Officer or HCSD Deputy CEO.
7. Securing and maintaining signed Acknowledgment/Responsibility Forms regarding the applicability of existing or future sanctions from each employee, contractor, vendor or medical staff member.
8. Ensuring that any individual or entity that has been determined to be excluded is no longer employed, privileged, or eligible for business.
 - i. Medical staff members will lose their privileges. They will also be blocked from placing orders and lose access to the electronic medical record. They will be inactivated in M.D. Staff.
 - ii. Employees will be terminated.
 - iii. Vendors/contractors' contracts will be terminated. The vendor/contractor will also be inactivated in PeopleSoft.

C. Hospital Compliance Officer shall be responsible for:

1. Educating the appropriate employees about this process.
2. Receiving and responding to results reported by the departmental contacts.
3. Requesting a report to determine if any services have been ordered or rendered by an excluded individual/entity.
4. Take necessary action as to the repayment of funds related to services that were validated as ordered/rendered by an excluded individual/business. This must be completed within sixty (60) days of discovery of the monies owed.
5. Notify Reimbursement/Cost Reporting of excluded individual/business.
6. Notify the Louisiana Department of Health and Hospitals of any positive hit against the website(s), in accordance with their instructions. This must be completed within ten (10) days of the discovery of the sanction/exclusion.

D. Reimbursements/Cost Reporting shall be responsible for:

1. Receiving and processing notices of existing sanctions.
2. Coordinating any necessary corrective action(s) that may be required in response to the discovery of existing sanctions.

VI. ENFORCEMENT/ VIOLATIONS

Failure to adhere to the intent of this policy may result in disciplinary action up to and including dismissal.

(Attachment A)

**LSU - HEALTH CARE SERVICES DIVISION (HCSD)
CMS/MEDICARE/MEDICAID CUMULATIVE SANCTIONS ACKNOWLEDGMENT FORM**

Name: _____ Social Security #: _____ / _____ / _____
(PRINT FULL NAME)

DOB: _____ Category (Circle One): Employee Contractor Vendor Medical Staff

Have you ever had or do you currently have any CMS/Medicare/Medicaid sanctions imposed against you under the name indicated above or under any other name? _____ Yes _____ No

If yes, please explain:

By signature below I certify that I understand that I am obligated and expected to inform my:

- _____ -employer (employees)
- _____ -contracted facility (contractors and vendors)
- _____ -health care entity (hospital, clinic, contracted agency, affiliated agency)

should I incur any type of CMS/Medicare/Medicaid sanction against me at anytime during my employment/business relationship with LSU Health Care Services Division.

(Signature)

(Date)

To be kept in personnel/contract/vendor/medical staff file.

(Attachment B)

**LSU - HEALTH CARE SERVICES DIVISION (HCSD)
CMS/MEDICARE/MEDICAID CUMULATIVE SANCTIONS RESPONSIBILITY FORM**

Department Leadership

Name: _____ Title: _____
(Print full name)

Department: _____

By signature below I certify that I have:

- received information about the requirements for checking employees, contractors, vendors and/or medical staff members for Medicare and/or Medicaid Sanctions;
- a copy of the HCSD Sanctions Verification Policy for CMS/MEDICARE/MEDICAID CUMULATIVE SANCTIONS;
- and understand the significance of the Department's role in compliance with this policy.

Employee Signature

Date

(Attachment C)

Exclusion/Sanction Websites Checked in ELMS

Exclusions List	File URL
DC, Debarred List	http://www.pmddtc.state.gov/compliance/documents/debar.xls
DC, Denied List	http://www.bis.doc.gov/dpl/dpl.txt
DC, Entity List	http://www.bis.doc.gov/export_consolidated_list/consolidated_party_list_final.csv
DC, Unverified List	http://www.bis.doc.gov/enforcement/unverifiedlist/unverifiedlist.txt
DOT/OFAC	http://www.treasury.gov/ofac/downloads/sdn.xml
FDA, Debarment List	http://www.fda.gov/ICECI/EnforcementActions/FDADebarmentList/default.htm
FDA, Disqualified/ Totally Restricted List	http://www.accessdata.fda.gov/scripts/sda/sdExportData.cfm?sd=clinicalinvestigatorsdisqualificationproceedings&exportType=cs
GSA List	https://www.sam.gov/public-extracts/SAM-Public/SAM_Exclusions_Public_Extract_12346.ZIP
LA Vendors	http://app1.la.state.la.us/LLANon-ComplianceList.nsf/LLAncrWebExport.csv
Louisiana State Exclusion List	https://adverseactions.dhh.la.gov/SelSearch/GetCsv
OIG List	https://www.oig.hhs.gov/exclusions/downloadables/updatedleie.zip
ORI List	http://silk.nih.gov/public/CBZ1BJE.@WWW.ORIDTLS.HTML