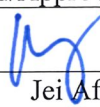


County of Marin Behavioral Health and Recovery Services	POLICY NO. BHRS - 27
	Next Review Date: March 1, 2025
POLICY: <u>EXCLUDED AND INELIGIBLE PROVIDER LIST CHECKS</u> <u>SUPERSEDES : MHSUS 214-02</u>	Date Approved: March 7, 2022 Date Reviewed/Approved:
	By:  Jei Africa, PsyD Behavioral Health and Recovery Services Director

POLICY: EXCLUDED AND INELIGIBLE PROVIDER LIST CHECKS

I. PURPOSE:

The purpose of the policy and procedure is to identify the specific Excluded Parties Lists that Behavioral Health and Recovery Services (BHRS) checks per State and Federal regulations. It establishes who is responsible for checking the Excluded Parties Lists, as well as the frequency and documentation requirements of the checks.

II. REFERENCES:

42 CFR Parts 400-455: §§ 438.214(d), 438.610, 438.602(b)(d) and 455.436(b)
 DMH Letter No. 10-05
 DHCS/MHP Contract, Exhibit A, Attachment I, Program Integrity Requirements
 DHCS/DMC-ODS Contract, Exhibit A, Attachment I, Program Integrity Requirements
 CMS/DHCS, section 1915(b) waiver
 BHRS-28 BHRS Provider Credentialing and Re-Credentialing

III. POLICY:

- A. Individuals and entities that (a) are currently excluded, suspended, debarred, or otherwise ineligible to participate in Federally funded health care programs or in federal procurement or non-procurement programs or (b) have been convicted of a criminal offense that falls within 42 USC § 1320a-7(a) but has not yet been excluded, debarred, suspended, or otherwise declared ineligible. are not permitted to participate in publicly funded programs. Individuals and/or businesses who are excluded or ineligible from participation are added to the Federal or State Excluded Provider Lists.
- B. BHRS submits claims to federal and state programs for the costs of services provided by BHRS and some of its business associates and contractors. Costs for which BHRS receives reimbursement may include direct service costs as well as overhead and administrative costs. Therefore, BHRS cannot contract with or pay for an item or service from individuals or businesses, nor have employees, that are excluded from participation in state and federal funded programs.
- C. BHRS shall conduct or cause to be conducted an exclusion screening of all BHRS employees and contractors against the required government exclusion lists and to

County of Marin Behavioral Health and Recovery Services	POLICY NO. BHRS - 27
	Next Review Date: March 1, 2025
POLICY: <u>EXCLUDED AND INELIGIBLE PROVIDER LIST CHECKS</u>	Date Approved: March 7, 2022 Date Reviewed/Revised:

establish a review and corrective action process for positive matches . The Exclusion Lists include, but are not limited to:

- i. U.S. Department of Health & Human Services’ Office of Inspector General (OIG) List of Excluded Individuals/Entities (LEIE) - <https://exclusions.oig.hhs.gov/>
- ii. U.S. General Services Administration (GSA) – Excluded Parties List System (EPLS a.k.a. SAM) <https://sam.gov/search/>
- iii. California Medicaid Program (Medi-Cal) – Suspended and Ineligible Provider List www.medi-cal.ca.gov.
- iv. Social Security Death Master File (DMF) - <https://www.ssdmf.com/>
- v. National Plan and Provider Enumeration System (NPPES)

(hereinafter collectively, the Excluded Provider Lists)

- D. BHRS contracted agencies, providers or their sub-contracted providers must certify to BHRS that they conduct initial and monthly checks of excluded provider databases for its own employees and subcontractors.
- E. All BHRS employees and contracted agencies, providers or their sub-contracted providers are required to notify their supervisor or their County contract manager immediately if they become aware of any information that may indicate their potential placement on an excluded providers list.
- F. In addition to screening for excluded providers, professional license checks, which include verification through the National Plan and Provider Enumeration System (NPPES) and California BreEZe database, (www.breeze.ca.gov) are completed for BHRS and contracted providers by BHRS Quality Management, as described in policy BHRS-28 BHRS Provider Credentialing.

IV. AUTHORITY/RESPONSIBILITY:

Quality Management
Compliance Officer
Program Manager/Supervisors
Administrative Services Manager/Designee
BHRS Division Directors

County of Marin Behavioral Health and Recovery Services	POLICY NO. BHRS - 27
	Next Review Date: March 1, 2025
POLICY: <u>EXCLUDED AND INELIGIBLE PROVIDER LIST CHECKS</u>	Date Approved: March 7, 2022 Date Reviewed/Revised:

V. PROCEDURE:

A. Employees

1. County of Marin Health & Human Services' Compliance Officer (or designee) checks the LEIE, SAM, Medi-Cal and DMF databases for all potential BHRS employees prior to employment.
 - a. The Compliance Officer (or designee) shall check the exclusion databases upon receipt of the name of the prospective employee from HHS Human Resources.
2. A monthly exclusion screening of all current BHRS employees is conducted by the HHS Compliance Officer (or designee) through a third-party exclusion screening vendor. The exclusion screening vendor conducts a screening from the Excluded Provider Lists databases.
 - a. A list of all HHS employees is generated from the Munis system and uploaded to the third-party exclusion screening vendor's portal.
 - b. Upon request from the third-party exclusion screening vendor, additional information on the BHRS employee with a possible match is provided to clear out any possible hits.
 - c. The monthly screening report is available in the exclusion screening vendor's portal. The Compliance and Privacy Office downloads a copy of this report.

B. Contractors/Vendors

1. The BHRS Administration unit or designee checks all contracted agencies or providers against the Excluded Provider Lists, prior to contracts being executed.
2. A monthly exclusion screening of all BHRS contractors/vendors is conducted by the HHS Compliance Officer (or designee) through a third-party exclusion screening vendor. The exclusion screening vendor conducts a screening from the Excluded Provider Lists databases.
 - a. A list of all HHS contractors/vendors is generated from the Munis system and uploaded to the third-party exclusion screening vendor's portal.
 - b. Upon request from the third-party exclusion screening vendor, additional information on the BHRS contractor/vendor is provided to clear out any potential matches/hits.
 - c. The screening report is available in the exclusion screening vendor's portal. The Compliance and Privacy Office downloads a copy of this report.
3. As part of the contracting process, BHRS contractors will submit to the BHRS Administrative Services Manager or designee a certification that it conducts initial

County of Marin Behavioral Health and Recovery Services	POLICY NO. BHRS - 27
	Next Review Date: March 1, 2025
POLICY: <u>EXCLUDED AND INELIGIBLE PROVIDER LIST CHECKS</u>	Date Approved: March 7, 2022 Date Reviewed/Revised:

and monthly checks of excluded provider databases for its own employees and subcontractors.

- a. Verification that the contractor is conducting these will be performed at a minimum: i) upon contract renewal and ii) upon Medi-Cal Site Certification/Recertification of the provider (for mental health providers) or upon annual Site Visit (for substance use providers), or at any time requested by BHRS and/or the County HHS Compliance Program.
- C. If a potential new hire is on the Excluded Provider Lists, the conditional offer of employment may be withdrawn. If a BHRS Contractor is included in the Excluded Provider Lists, a service contract cannot be executed.
- D. If a current BHRS employee or Contractor is found on the Excluded Provider Lists, the names will be included in the report from the exclusion screening vendor.
- i. Upon receiving the report, the Compliance Officer (or designee) will coordinate with the exclusion screening vendor, HHS Human Resources and the pertinent BHRS supervisor or contract manager to confirm that the individual or entity in the Excluded Provider Lists is the BHRS employee or contractor/vendor.
 - ii. Upon receipt of the report that an employee or contractor is in the Excluded Provider Lists,
 - a. the BHRS supervisor or contract manager, as applicable, will immediately coordinate with the appropriate BHRS Program staff to ensure that the employee or contractor will not participate in the provision of behavioral health services, including billing any services to Medi-Cal, Medicare or any other Federal or State Funded Health Care Program until the matter is fully remedied and a final decision has been rendered.
 - b. The BHRS Administrative Services Manager will coordinate with the HHS Fiscal Office and/or County Department of Finance to ensure the cessation and prevention of filing of claims rendered by the excluded employee or contractor. Any claims already submitted on services provided by the excluded employee or contractor will be reviewed and reported to DHCS' County Liaison. Paid claims will be returned in accordance with federal and state regulations.
 - iii. The Compliance Officer shall notify the employee or contractor in writing of the finding of their name in the Excluded Provider Lists.

County of Marin Behavioral Health and Recovery Services	POLICY NO. BHRS - 27
	Next Review Date: March 1, 2025
POLICY: <u>EXCLUDED AND INELIGIBLE PROVIDER LIST CHECKS</u>	Date Approved: March 7, 2022 Date Reviewed/Revised:

- a. The employee or vendor shall be given seven (7) calendar days to respond in writing regarding the reason for their inclusion in the Excluded Provider Lists and if they have taken steps to clear their name from the list.
 - b. The employee or vendor shall provide the Compliance Officer with written confirmation from the OIG or other applicable governmental agency that they are in the process of clearing their name from the Excluded Provider Lists.
- iv. The Compliance Officer will inform the BHRS Director and HHS Human Resources on the response of the employee or contractor and provide information on the implication of the exclusion of the employee or vendor on the County or HHS.
 - a. A current employee may be allowed to time to clear their name from the Excluded Provider Lists. HHS Human Resources and the BHRS Director will determine the appropriate employment action, up to and including termination, as provided in County policies and bargaining unit agreements.
 - b. The BHRS Director may decide and direct the pertinent contract manager to terminate the contract for a contractor in the Excluded Provider Lists.
- E. The Compliance Officer will notify the State Department of Health Care Services if an employee or contractor is found to be in the Excluded Provider List (42 C.F.R. §438.608(a)(2),(4)).
- F. Documentation
 - i. Employees. Documentation of the initial and monthly screening of potential and current BHRS employees are kept by the Compliance and Privacy Office.
 - ii. Contractors/vendors.
 - a. Documentation of the initial exclusion screening of contractors/vendors are attached to the contracts and also kept centrally by the BHRS Contract Division.
 - b. Monthly screening reports from the exclusion screening vendor are kept by the Compliance and Privacy Office.