



Corporate Compliance: Exclusion & Sanction Screening

Purpose:

Advocates (sometimes referred to as “organization” or “the organization”) is committed to providing high quality services and conducting its business operations with integrity. Therefore, all necessary steps will be taken by Advocates to ensure that it does not employ, contract or enter into a relationship with, or conduct business with an individual or entity excluded from participation in federally funded healthcare programs, such as Medicaid.

Regulatory/Additional Authority:

18 NYCRR Part 521

Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977

Public Law 95-142

Department of Health and Human Services Office of Inspector General: Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs (5/8/2013)

Scope:

All Affected Individuals

Responsible Employee (Title) and/or Department:

The Compliance Officer (Director of Compliance, Quality & Incident Management) or their designee.

Definitions:

Affected Individuals:

All Advocates’ employees including the Executive Director, and senior leadership, contractors, subcontractors, independent contractors, agents (collectively, “contractors”), corporate officers, and the Board of Directors.

Contractors:

- Any organization or person who, on behalf of the organization, furnishes or otherwise authorizes the furnishing of Medicaid healthcare goods or services, or performs billing or coding functions;
- Any organization or person who provides administrative or consultative services, goods, or other significant services that are directly related to and/or are included in or are a necessary part of the organization providing goods or services reimbursed by Medicaid, or another federally funded healthcare program; or
- Any organization or person who is involved in monitoring goods or services, reimbursed by Medicaid or another federally funded healthcare program, provided by the organization.

Policy

1. It is the policy of Advocates not to employ, contract or enter into a relationship with, or conduct business with an individual or entity excluded from participation in federally funded healthcare programs, such as Medicaid.
2. It is the policy of Advocates that employees including the Executive Director and senior leadership, and Board members are required to notify the Compliance Officer and/or the Director of Human Resources promptly if charged with a criminal offense related to healthcare or are proposed or found to be excluded from participating in federal healthcare programs.
3. It is the policy of Advocates to conduct exclusion (sanction) screening of all current and proposed employees including the Executive Director and senior leadership, and Board members.
4. It is the policy of Advocates to verify that contractors, as defined by this Policy, who provide and/or perform services for the organization have not been the subject of adverse governmental actions and/or excluded from the federal healthcare programs.
5. It is the policy of Advocates to verify that any healthcare practitioner, clinician, consultant or therapist ordering, authorizing, prescribing or providing goods or services under a federally funded healthcare program, such as Medicaid, has not been excluded from participation in federal healthcare programs. (for example; clinicians, consultants or therapists reimbursed through a self-direction budget.)

Procedures

1. Advocates will conduct exclusion checks to verify that all employees, including the Executive Director and senior leadership, contractors as defined by this policy, and Board members have not been excluded from federal healthcare programs. An exclusion check is a search of the following sources to determine if the individual or entity's name appears on any of the lists:
 - U. S. Department of Health and Human Services, Office of Inspector General's (OIG) List of Excluded Individuals and Entities (LEIE) available on the website at <http://exclusions.oig.hhs.gov>
 - The System for Award Management (SAM) available on the SAM website at <https://www.sam.gov>
 - NYS Medicaid Fraud Database available on the NYS Office of Medicaid Inspector General (OMIG) website at <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>
2. An exclusion check will be performed for all applicants for employment as part of the pre-employment screening process. All names used by the applicant will be obtained and utilized

as part of the exclusion screening process. If the exclusion check indicates that any individual has been excluded from federal healthcare programs, the applicant will not be offered employment.

3. An exclusion check will be performed for potential Board members as part of the Initial screening process. All names used by the potential Board member will be obtained and utilized when conducting the exclusion screening. If the exclusion check indicates that a potential Board member has been excluded from federal healthcare programs, the individual will not be considered for Board affiliation.
4. An exclusion check will be performed for all potential contractors as defined by this policy, as part of the screening process prior to entering into an agreement/contract. All names used by the potential contractor will be obtained and utilized when conducting the exclusion screening. If the exclusion check indicates that a potential contractor has been excluded from federal healthcare programs, the contract/agreement will not be executed.
5. Ongoing exclusion screening is conducted on all employees, contractors and Board members monthly following initial screening. All names used by the parties will be utilized when the exclusion screening is conducted.
6. The Human Resources Department will obtain updated lists of employees, contractors and Board members monthly. Updated information will be obtained by accessing the current employee directory in the Paycom payroll system, collaborating with the Finance and Independent Broker Services Departments which maintain current lists of contractors, vendors and Independent Brokers and referencing the Board of Directors meeting minutes.
7. The Human Resources Department will compile a current list inclusive of all employees, contractors and Board members and forward to Valenz Assurance which submits the list to the required databases for screening monthly.
8. Any potential matches identified in the ongoing exclusion screening process for employees, contractors and Board members will be reviewed and resolved by the Compliance, Quality and Leadership Sub-Committee. The excluded party will be immediately relieved from duty and the Sub-Committee will consult with legal counsel as needed in the event the organization has been reimbursed for services associated with the excluded party.
9. The exclusion will be reported as a violation of the Compliance Program and investigated and reported in accordance with the Reporting and Investigation of Compliance Concerns Policy and Procedure.
10. If any employee, contractor or Board member is charged with a criminal offense related to healthcare or is proposed or found to be subject to exclusion from federal healthcare programs, they must be removed from direct responsibility or involvement in any federally funded healthcare program while the matter is pending. If the matter results in conviction

or exclusion, Advocates will immediately terminate the organization's relationship with the employee, contractor or Board member.

11. In addition to exclusion screening, the credentials of healthcare practitioners, clinicians, consultants and therapists associated with Advocates will be verified with appropriate licensing and disciplining authorities, including any adverse actions taken against the individuals. The process is applicable to anyone for which license/certification is required for their duties. The verification will be conducted as part of the initial screening and annually thereafter.
12. The Compliance Officer and Director of Human Resources will report the results of exclusion screenings to the Compliance Committee quarterly.
13. Advocates will retain the results of all exclusion checks for a period of at least six (6) years.

Sanction Statement:

Non-compliance with this policy may result in disciplinary action, up to and including termination.

Compliance Statement:

As part of its ongoing Compliance Program review and improvement process, Advocates will review this policy at least annually and as needed to respond to changes in laws or regulations and to determine if this policy:

- Has been implemented.
- Is being followed.
- Is effective.
- Needs to be updated.

Record Retention Statement:

Advocates will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six years.

Approval(s)

Approved by: Carol Gentry, Director of Compliance, QA & Incident Mngmt (Compliance Officer)

Signature: *Carol L. Gentry*

Date: 04-30-2025

Approved by: Amy Dugliss

Executive Director

Signature: *Amy Dugliss*

Date: 05-02-2025

Approved by: Beth Henderson

Chairperson, Compliance Committee

Signature: *Beth Henderson*

Date: 05-01-2025