

MEDICAL HOME NETWORK
Compliance Policies and Procedures Manual

EC.005 – GOVERNMENT SANCTIONS SCREENING

SECTION:	ETHICS AND COMPLIANCE	LAST REVISION DATE:	05.18.2016
SUBJECT:	Government Sanctions Screening	LAST REVIEW DATE:	05.18.2016
POLICY NUMBER:	EC.005	APPROVED BY:	Compliance & Risk Management Committee

I. POLICY

We take reasonable steps to ensure that we do not knowingly employ or contract with Excluded Parties for services or products that are billed to or paid for with government funds. Accordingly, we conduct federal and state sanctions and exclusions checks on Covered Persons.

- A. We will regularly conduct government sanctions screening to ensure that we do not knowingly employ or retain persons or vendors that have been excluded or debarred from participating in government programs.
- B. All applicants and employees are required to self-report any government sanctions and exclusions on their employment application. Individuals who have been excluded, debarred, restricted, disqualified or sanctioned from any federal, state or government programs shall not be hired. All employees are required to report any exclusion they receive during their tenure with MHN within five (5) days to the President and Executive Director. MHN has the right to take disciplinary action, up to and including termination for any employee who provides false or inaccurate information regarding their government sanctions status.
- C. All prospective new employees and vendors are to be checked against the sanction list before being offered the position or contract.
- D. Ongoing screening for government sanctions is conducted on all Covered Persons on a monthly basis.
- E. All Covered Persons identified as having matching names on government sanctions lists shall have the right to review and contest any such findings by providing information to clarify whether a match has in fact occurred.
- F. If MHN discovers that a Covered Person is or became an Excluded Party during an employment or contractual relationship with us (a “Business Relationship”), we will consult legal counsel and take all such actions as it deems appropriate, including, without limitation, immediately terminating the Business Relationship.

II. PROCEDURAL GUIDELINES

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A. DEFINITIONS Capitalized terms not otherwise defined in these policies and procedures shall have the following meaning:

1. **“Excluded Parties”** are individuals or entities listed by a federal agency as debarred, suspended or otherwise ineligible to participate in federal healthcare programs or individuals or entities that, as the result of a settlement agreement, have voluntarily withdrawn from participation in any program under federal law.
2. **“Covered Persons”** are defined to include the following persons if they (1) provide services and products that are billed to government programs or (2) have influence over, or assist with, the submission of claims to government programs:
 - a. MHN Board Members and Officer
 - b. MHN employees;
 - c. MHN Provider Participants and Portal Participants; and
 - d. MHN vendors, consultants, and contractors (including individuals providing services through contractors or vendors if their services are being compensated, directly or indirectly, with Federal or state program funds).

B. PROCEDURE

1. Ongoing Screening. Screening will be conducted on a monthly basis in accordance with the procedure set forth in Section III(D), below.
2. Database Checks for Initial and Ongoing Government Sanctions Screening
 - a. Screening will be performed by the Executive Assistant by no later than the fifteenth (15) day of each month.
 - b. The Executive Assistant will be responsible for ensuring that an up-to-date list of Covered Persons is used for each ongoing screening.
 - c. The Executive Assistant will perform searches of the Excluded Parties lists maintained by:
 - i. The Department of Health and Human Services Office of Inspector General, available at <https://oig.hhs.gov/exclusions/index.asp>
 - ii. The federal government’s System for Award Management (“SAM”) site (formerly referred to as the General Services Administration Excluded Parties List), available at <https://www.sam.gov/portal/public/SAM/>; and
 - iii. Such other agency as directed by the Compliance Officer or Legal Counsel.
 - d. The Executive Assistant and the Compliance Officer are responsible for maintaining documentation that screening has been performed and that appropriate follow-up has occurred for any identified matches.

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3. Contract Clauses. Where appropriate, we will include clauses in our contracts with vendors, consultants and contractors authorizing immediate termination of a contractual relationship if the party to the contract becomes debarred, suspended or otherwise ineligible to participate in any government program.

4. Handling an Excluded Party. If any Covered Person becomes suspended, proposed for debarment, debarred or otherwise ineligible to participate in government programs during a Business Relationship with us, we will take such action as appropriate, including, without limitation: (1) removing such individual or entity from responsibility for providing services and products to government programs; (2) removing such individual or entity from any position in which they have any influence over, or assist with, the submission of claims to government programs; and (3) immediately terminating our Business Relationship with the individual or entity. We will provide notice to our upstream contracting parties of the termination of a Business Relationship with a newly identified Excluded Party to the extent required by our upstream contracts, or if MHN becomes an Excluded Party. Please refer to the MHN Contract Compliance Matrix for specific contract requirements. Contract Compliance Matrices are maintained by the Contract Compliance Specialist.

III. REFERENCES AND ACCREDITATION AUTHORITIES

- Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs, HHS OIG (May 8, 2013), *available at*: <http://oig.hhs.gov/exclusions/files/sab-05092013.pdf>

- CMS Proposed Final Rule Regarding Additional Screening for Medicare, Medicaid and CHIP Programs, 76 Fed. Reg. 5862 (Feb. 2, 2011), *available at*: <http://www.gpo.gov/fdsys/pkg/FR-2011-02-02/pdf/2011-1686.pdf>

- State Medicaid Director Letter No. 08-003(June 2008)
<http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD061208.pdf>

- State Medicaid Director Letter No. 09-001 (Jan. 2009)
<http://downloads.cms.gov/cmsgov/archived-downloads/SMDL/downloads/SMD011609.pdf>

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IV. REVIEW STATEMENT

MHN will maintain the status of this activity and conduct audits as appropriate to ensure compliance. This policy will be reviewed every two years or in timely response to changes in local or federal regulations. Modifications to the policy will be made as needed.