



SAINT LOUIS UNIVERSITY

University Sanction Check

Policy Number: OUC-001

Version: 2.0

Effective Date: 07/29/2014

Responsible University Official: Vice President and General Counsel/Office of University Compliance

Approved By: Executive Staff (05/11/2016)

1.0 INTRODUCTION

Under federal law, no payment will be made by any federal health care program for any items or services furnished, ordered, or prescribed by an excluded individual or entity. The Department of Health and Human Services Office of Inspector General (OIG) note in their compliance guidance documents that all employees, medical staff, and all new employees who have discretionary authority to make decisions that may involve compliance with laws or regulations should be matched against the OIG List of Excluded Individuals and Entities (LEIE). They also recommend screening against the General Services Administration (GSA) sanction list included in the System for Award Management. In addition, organizations have the responsibility to conduct a reasonable and prudent background investigation, including a reference check, as part of the employment application and hiring process. Further, the OIG recommends that employees, contractors and medical and clinical staff members be checked monthly against the OIG (LEIE) and GSA (SAM).

Under the Centers for Medicare & Medicaid Services' (CMS) rules, providers must not employ or contract with individuals or entities excluded from participation in any health care program or debarred by the GSA. CMS does not permit payments furnished under the plan by an individual or entity while being excluded from participation.

2.0 PURPOSE

Saint Louis University, through the Office of University Compliance, will ensure that all employees, medical staff, contractors, vendors and others with whom Saint Louis University (SLU) does business with are properly screened for exclusions and are authorized to participate in federal and state healthcare programs.

3.0 PERSONNEL AFFECTED

This Policy applies to SLU personnel tasked with conducting sanction screenings for new and current employees, contractors, medical staff and vendors.

4.0 DEFINITIONS

List of Excluded Individuals/Entities (LEIE): The OIG established a program to exclude individuals and entities who have been found to have violated federal law and/or regulations. The OIG has been granted a number of legal authorities under the Social Security Act to affect sanctions and maintains a List of Excluded Individuals and Entities (LEIE). The effect of an OIG exclusion from Federal health care programs is that no Federal health care program payment may be made for any items or services (1) furnished by an excluded individual or entity, or (2) directed or prescribed by an excluded physician (42 CFR 1001.1901). This payment ban applies to all methods of Federal program reimbursement, whether payment results from itemized claims, cost reports, fee schedules or a prospective payment system (PPS). Any items and services furnished by an excluded individual or entity are not reimbursable under Federal health care programs. In addition, any items and services furnished at the medical direction or prescription of an excluded physician are not reimbursable when the individual or entity furnishing the services either knows or should know of the exclusion. This prohibition applies even when the Federal payment itself is made to another provider, practitioner or supplier that is not excluded.

General Services Administration Sanction List: The GSA maintains the sanction list to provide a single comprehensive list of individuals and firms excluded by Federal government agencies from receiving federal contracts or federally approved subcontracts and from certain types of federal financial and nonfinancial assistance and benefits. The GSA Office consolidated the government wide acquisition and award support systems into one new system—the System for Award Management (SAM). SAM is the official U.S. Government system that consolidated the capabilities of Central Contractor Registration (CCR), FedReg, Online Representations and Certifications Application (ORCA), and Excluded Parties List System (EPLS).

Medicaid State Sanction Data: Many states maintain their own database of individuals and entities they sanction. Several call for or require health care entities to screen against this list. This is in addition to, not in lieu of, screening against the Federal sanction information.

5.0 POLICY

1. SLU will not employ or engage in a business relationship with anyone who is currently under sanction or exclusion by the Department of Health and Human Services OIG, GSA, and any other duly authorized enforcement agency or licensing and disciplining authority.
2. SLU shall not employ any individuals who have been recently convicted of a criminal offense related to healthcare or who are listed as excluded or otherwise ineligible for participation in federal healthcare programs.

3. SLU shall remove individuals with direct responsibility for or involvement in any federal healthcare program, as well as those pending the resolution of any criminal charges or proposed exclusion sanction. Contractors under pending criminal charges shall be suspended from continued work until the matter is resolved in a court of law.

6.0 PROCEDURES

1. Prior to establishing employment or a business relationship with any employees and volunteers identified as having direct or indirect involvement in providing and supporting CMS-related patient care, Saint Louis University Human Resources will perform a background check on the candidate, which will include, but is not limited to, a screening against the current OIG (LEIE) and GSA (SAM).
2. Saint Louis University Office of University Compliance shall also screen, on a monthly basis, employees and volunteers identified as having direct or indirect involvement in providing and supporting CMS-related patient care”.
3. If it is determined upon reasonable due diligence that an individual or entity is listed as excluded by the OIG and/or the GSA, the relationship shall be immediately terminated. All employment actions are subject to language outlined in The Faculty Manual of Saint Louis University 2008 (as further amended and currently in effect) (“The Faculty Manual”), Section III.I.5-7.
4. Prospective employees and vendors who have been officially reinstated into the Medicare and Medicaid programs by the OIG may be considered for employment, medical privileges or a contractual relationship upon proof of such reinstatement and a determination that there are no other impediments to such action.
5. Saint Louis University Office of University Compliance shall screen all contractors, consultants, vendors, joint venture parties, and affiliates providing ancillary medically related services or products against the OIG (LEIE) and GSA (SAM) exclusion lists. These screenings take place monthly. If it is determined that an individual or entity is under debarment, we shall follow the guidance offered by the OIG and/or GSA on their website and by CMS.
6. All applications and contracts shall include a statement that accuracy of all information provided is a condition of employment or contract, and that the provision of incorrect information is grounds for immediate termination of employment or contract. Applications and contracts will also include a statement that grants the right to verify all information provided in any employment application or contract agreement.
7. Saint Louis University Office of University Compliance will exercise reasonable due diligence to verify that any party found on an exclusion list is the same individual or entity noted.

8. The Executive Director of University Compliance is responsible for monitoring this Policy for compliance and reporting results quarterly to the Legal and Legislative Committee of the Board of Trustees, along with any recommendations for remedial actions or improvement to the program.

7.CHANGES TO THIS POLICY

Changes to this policy may be necessary from time to time. At a minimum the policy and all other program policies, procedures and guidelines will be reviewed on an annual basis.

8.0 RELATED POLICIES AND DOCUMENTA

SLUCare Compliance General Policy
 Saint Louis University Employment Background Check Policy

APPROVAL SIGNATURES

This policy was prepared by the Office of University Compliance

This policy was approved by:

 William Kauffman
 Vice President and General Counsel
 Saint Louis University

 Date:

EFFECTIVE DATE	VERSION NUMBER	MODIFICATION
July 29, 2014	1.0	New Policy
May 11, 2016	2.0	Increase GSA Screens to Monthly