



POLICY # COMP-DMG-014	Revision: 2.0	Page 1 of 4
TITLE: Excluded Individual and Screening Policy		
Department: Compliance (Team Quest)	Effective date: April 2015	
<p><i>Teammates must promptly report all potential violations of the Code of Conduct, DaVita Medical Group policies and procedures and/or applicable laws or regulations. Reports should be made to the compliance department (Team Quest), or the Compliance Hotline, 1-855-236-1448 or www.healthcarepartners.ethicspoint.com. In accordance with DaVita Medical Group's Non-Retaliation for Reported Compliance Violations Policy, DaVita Medical Group will not tolerate any form of retaliation against anyone who files a compliance report in good faith. Questions regarding any compliance policy may be directed to Team Quest.</i></p>		

1. PURPOSE

To document DaVita Medical Group's (DMG) efforts in preventing the employment of, contracting with, any individual or entity, or credentialing any healthcare provider that is ineligible to participate in federal and state funded health care programs in compliance with the Social Security Act, applicable state law requirements and federal contracts.

2. SCOPE

This policy applies to DMG and, subject to approval by the chief compliance officer or his/her designee; it may be customized by a business unit-specific policy(ies).

3. DEFINITIONS

Term	Definition
Exclusion Lists	<ul style="list-style-type: none"> a. Office of Inspector General (OIG) List of Excluded Individuals/Entities (LEIE) currently available on the website at https://exclusions.oig.hhs.gov; b. System Awards Management (SAM) the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS at https://www.sam.gov; and c. Any applicable state healthcare Exclusion List.
Exclusion Screening	A process in which all Screened Persons are checked against all available federal and state Exclusion Lists to minimize the risk of hiring, retaining, credentialing, or contracting with individuals or entities identified as debarred or excluded from participation in Medicare, Medicaid, and any other federal and state health care programs identified on any Exclusion Lists.
Federal Exclusion Statute	<p>42 U.S.C. § 1320a-7(a) – mandates exclusion for conviction of healthcare program- related crimes, conviction relating to patient abuse or neglect, felony conviction relating to healthcare fraud, or felony conviction relating to controlled substances.</p> <p>42 U.S.C. §§ 1320a-7(b)(1)-(3) – permits exclusion for misdemeanor conviction relating to healthcare fraud, conviction relating to fraud in non-healthcare programs, conviction relation to obstruction of an investigation, or misdemeanor conviction relating to controlled substances.</p>

Term	Definition
Ineligible Person	Any individual or entity: a. Currently excluded, suspended, debarred, or otherwise ineligible to participate in federally funded healthcare programs, in federal procurement or non-procurement programs or any state funded program; or b. Who has been convicted of a criminal offense that falls within the ambit of 42 USC § 1320a-7(a) (see References, below) but has not yet been excluded, debarred, suspended, or otherwise declared ineligible.
Screened Person	All officers, directors, teammates, vendors, credentialed healthcare providers, as well as providers in a contractual arrangement with DMG who are required to be reviewed pursuant to the Exclusion Screening process.

4. POLICY

4.1. DMG will not:

- 4.1.1. Hire, retain, credential or contract with individuals or entities identified as debarred or excluded from participation in Medicare, Medicaid, and any other federal and state healthcare programs identified on any Exclusion Lists;
- 4.1.2. Submit any claims to any federal or state healthcare programs for any services provided, ordered or referred by any Ineligible Person; and
- 4.1.3. Knowingly retain reimbursement for any federal or state health care program for any services provided, ordered or referred by any Ineligible Person.

4.2. DMG requires that all Screened Persons:

- 4.2.1. Are minimally reviewed against the available Federal Exclusion Lists (OIG and SAM) prior to engaging their services as part of the hiring, credentialing or contracting process;
- 4.2.2. Disclose if they are an Ineligible Person at the time of the initial hiring, credentialing, or contracting process, or at any point in the future when they become ineligible; and
- 4.2.3. Are reviewed monthly against all active and available Exclusion Lists.

4.3. DMG requires that all Screened Persons notify DMG if they have:

- 4.3.1. Pending charges against them related to healthcare;
- 4.3.2. Been convicted of a criminal offense related to healthcare;
- 4.3.3. Received notice that the government proposes to exclude him/her from participation in any federal or state health care program; or
- 4.3.4. Been excluded from participation in any federal or state health care program.

4.4. If DMG determines that a Screened Person is an Ineligible Person, the appropriate parties will be notified to take corrective action. (See Procedure 5.1 Notification of Ineligible Person below).

4.5. Any Screened Person that appears on one or more of the Exclusion Lists who cannot be confirmed as an Ineligible Person will complete a *Sanctioned Screening Questionnaire Attestation Form* (see Procedure 5.2 below).

4.6. The Compliance Department (Team Quest) will monitor this policy and exclusion process on an on-going basis.

4.7. Exclusion screening documentation will be maintained by DMG for a period of ten (10) years.

5. PROCEDURE

5.1. Notification to others of Ineligible Person status:

5.1.1. When DMG identifies that a Screened Person is an Ineligible Person, Team Quest will coordinate with the appropriate teams to implement the following corrective action steps:

- Immediately remove the Ineligible Person from responsibility for, or involvement in any business operation;
- Terminate employment, contract or credentials by working with the appropriate departments:
 - Notify the Credentialing Department when a healthcare provider has been determined to be an Ineligible Person;
 - Notify teammate's supervisor and Human Resources (People Services) of any Ineligible Person in order to terminate the teammate or contracted teammate in accordance with state regulations; and
 - Notify Accounts Payable of any Ineligible Person so all payments can be placed on hold and send notification of the immediate discontinue use of Ineligible Person's services.
- Calculate and prepare repayment for amounts received from federal or state healthcare program(s) for services furnished by an Ineligible Person; and
- If the Ineligible Person is excluded in a state where they are not providing services, refer to procedure C below for corrective action steps.

5.2. Exclusion Screening Questionnaire Attestation process:

5.2.1. Screened Persons whose Exclusion Screening outcome has been reported as a possible Ineligible Person by a name match only, and there is no ability to clear the Screened Person with a unique identifier (e.g. social security number, date of the birth or Tax Identification Number (TIN)), will be required to do the following:

- Complete the Exclusion Screening Questionnaire Attestation form and return the attestation to Team Quest within ten (10) business days to attest whether or not they are excluded.

5.2.2. Failure to return the attestation form within the required time frame will result in the suspension of employment, payment and credentials.

6. APPLICABLE DOCUMENTS

→ *Sanctioned Screening Questionnaire Attestation Form*

7. REVISION HISTORY

REVISION HISTORY			
Doc. Revision	Description	Revision Date	Last Date Reviewed
1.0	Policy Creation	April 2015	April 2015
2.0	Rebranding and formatting	Dec 2017	Dec 2017