



Americare Certified Special Services
Policy, Procedures and Information

Department: Compliance	Effective Date: 01/01/2011
Title: Vendor Exclusion Check Requirements	Last Revision: 12/20/2015
Issued By: Compliance Committee	Approved by: Martin Kleinman, President and CEO, The Compliance Committee

BACKGROUND

We recognize that we are responsible for those whom we hire, those to whom we give discretionary authority, and those with whom we do business. This policy has been developed to ensure that all contracted vendors providing services to Americare patients are properly credentialed, licensed, and without a history of misconduct or performance problems.

We recognize that potentially, this type of history may affect contracted personnel's ability to perform his or her fiduciary duties and responsibilities in accordance with all applicable legal, regulatory, and performance requirements. The OIG/OMIG in its compliance guidance calls for healthcare organizations to develop policies addressing the non-employment or retention of sanctioned individuals.

The OIG/OMIG strongly advises companies to utilize screening mechanisms to preclude employing or engaging in business relationships with individuals and entities that have been convicted of criminal violations or have been the subject of sanctioning, debarment, exclusion, or other adverse action that could have an impact on their compliance with applicable laws and regulations.

PURPOSE

To ensure that all contracted personnel has no history of misconduct or excluded from participation in the government programs.

POLICY

1. Contracted Personnel are expected to be honest and lawful in their business dealings. Americare will do business with any individuals who have been convicted of health care fraud or listed by a federal agency as excluded, debarred, or otherwise ineligible to participate in federally funded health care programs.
2. Contracted vendor is responsible to verify that the information provided is accurate.
3. The credentials of all Americare employees, physicians ordering home care services and contracted vendors or entities employed by us or with whom we

establish a business relationship will be checked against the current List of Excluded Individuals in OIG, OMIG and SAM data bases.

PROCEDURES

1. The employment application for all vendor employees will include an attestation by the candidate relating to whether he or she has ever been convicted of a crime or sanctioned by a duly authorized regulatory or enforcement agency of government.
2. Vendor will conduct exclusion searches for all personnel that is assigned to Medicare case
3. The search will be conducted in the OMIG, OIG and SAM databases **prior to hire** or assigning employee to service Medicare patients and **monthly after**.

OMIG: <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>

OIG: <https://exclusions.oig.hhs.gov/Default.aspx>

SAM: <https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>

REFERENCES/CITATIONS

OIG Compliance Program Guidance for Hospitals. Published by the Office of Inspector General in a *Federal Register* notice, dated February 23, 1998, and Supplemental Compliance Guidance January 31, 2005 (See 70 FR 4858). Available at the OIG Web site: <http://oig.hhs.gov/authorities/docs/cpghosp.pdf>.

OMIG Self Disclosure Guidance, March 12, 2009. Available at the OMIG Web site: http://www.omig.ny.gov/data/images/stories/self_disclosure/omig_provider_self_disclosure_guidance.pdf