

Eli's Hospice Insider

Enforcement: Don't Overlook Exclusions List Check For Employees

Two home care providers face big repayments due to excluded employees.

You could have to cough up upwards of \$100K if you fail to take the time to cross-check your staff against the **HHS Office of Inspector General's** exclusion list.

Paying the government tens of thousands of dollars is the hard penalty one hospice had to face this summer, according to information recently posted to the OIG's website. After it self-disclosed conduct to the OIG, **Seasons Hospice and Palliative Care of Southern Florida Inc.** in Florida, agreed to pay \$73,428 for employing an individual that it knew or should have known was excluded from participation in Federal health care programs, the OIG says.

And another home care provider that apparently didn't self-disclose paid an even higher price. **Cooperative Home Care** in Missouri agreed to pay \$121,010 for the same violation, according to the OIG.

"Anyone who hires an individual or entity on the LEIE may be subject to civil monetary penalties," the OIG warns on its website.

Checking the OIG's List of Excluded Individuals and Entities (LEIE) is key to avoiding these violations, stresses attorney **John Gilliland** with **The Gilliland Law Firm** in Indianapolis.

The best way to find excluded individuals is the OIG's exclusion list, advises attorney **Kendra Conover** with **Hall, Render, Killian, Heath & Lyman** in Indianapolis.

Use the 5 Ws to cover your excluded employee bases:

Who? Run all new hires through a check, Gilliland counsels. Also, check a random selection of current employees.

If you can swing it based on your size, check all current employees and contractors at specified timepoints, Conover recommends.

What? Use the OIG's database at <http://oig.hhs.gov/exclusions/index.asp> to run the check. "Check previous names as well as the employee's current name," Gilliland says. If a name match is made, the database can verify the match using a Social Security Number or Employer Identification Number, the OIG says.

Keep a record of your reviews, Conover suggests.

When? Check all new hires at the time of hire, Gilliland offers. Run your checks on other employees and contractors monthly, the attorneys say.

"I suggest no one be engaged/hired until the check has been done," adds attorney **Ross Lanzafame** with **Harter Secrest & Emery** in Rochester, N.Y.

Where? At the OIG's website, you can download the exclusions database and monthly supplements to your own computer. Or you can run an online search for up to five names at a time.

Why? You run major financial and compliance risks by skipping an exclusions database check. And don't assume you're in the clear once an individual's exclusion period is over. "Reinstatement of excluded entities and individuals is not automatic once the period of exclusion ends," the OIG explains. "Those wishing to again participate in the Medicare, Medicaid, and any Federal health care program must apply for reinstatement and receive notice from OIG that

reinstatement has been granted."

What if, despite your best efforts, an excluded individual slips through your net? "Immediately terminate -- and self-disclose -- if someone later appears on the excluded list," Lanzafame recommends. "That really is all you can do."