

## Long-Term Care Survey Alert

### Compliance: Are You Harboring Exclusions List Violators? 5 Questions You Need to Ask

**You could face big repayments due to rogue 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.

"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.

**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."