

	POLICY & PROCEDURE MANUAL COMPLIANCE	Effective Date: 6/1/2005
		Review Date: 8/6/2025
		Supersedes issue of: 7/24/2024
Subject: Medicaid Exclusion Screening		
Distribution: Contractors/Vendors, Board Members, Maryhaven employees and volunteers		
Responsible Department: Quality Improvement and Compliance		
Approved by: Agency Policy Committee, Compliance Committee		
Review frequency: Annually		

I. Background:

Maryhaven is committed to maintaining high-quality care, service, and integrity in its financial and business operations and is committed to meeting high ethical standards and compliance with all applicable laws and regulations. Therefore, Maryhaven will take all necessary steps to ensure it does not employ, contract with, or conduct business with an individual or entity excluded from participating in federally funded healthcare programs, such as Medicare and Medicaid.

II. Policy:

- Maryhaven Monthly exclusion checks are performed to prevent Maryhaven from conducting business with a person/party deemed ineligible. Persons/Parties include, but are not limited to: All Employees and Interns, Contracted Healthcare Providers, Vendors/Contractors, Board Members
- Maryhaven will not employ, contract with, or conduct business with an individual or entity excluded from participation in federally-funded healthcare programs, such as Medicare and Medicaid.
- Maryhaven employees, interns, and Board Members have an affirmative responsibility to notify the Compliance Officer promptly if charged with a criminal offense related to healthcare or proposed or found to be subject to exclusion from federal healthcare programs.
- Maryhaven will conduct exclusion (sanction) screening of all current and contingent employees, including the Chief Executive and senior leadership, interns, and Board Members.
- Maryhaven will verify that contractors, as defined by this Policy, who provide and/or perform services for Maryhaven have not been the subject of adverse governmental actions and/or excluded from the federal healthcare programs.
- Maryhaven will verify that any physician or other healthcare practitioner ordering, authorizing, or prescribing goods or services under a federally-funded healthcare program, such as Medicare or Medicaid, has not been excluded from participation in federal healthcare programs.

III. Definitions:

For purposes of this Policy, a “contractor” is defined as:

- Any contractor or other person who, on behalf of Maryhaven, furnishes or otherwise authorizes the furnishing of Medicare, Medicaid, or other federally funded healthcare items or services or performs billing or coding functions.
- Any contractor or other person who provides administrative or consultative services, goods, or services that are significant and material, are related to healthcare provision, and/or are included in or are a necessary component of providing items or services of Medicare, Medicaid, or other federally funded healthcare programs; or

Any contractor, subcontractor or other person involved in monitoring healthcare by Maryhaven.

IV. Record Retention:

Maryhaven will retain this policy, all subsequent revisions indefinitely, and any related documentation for a minimum of seven (7) years.

V. Procedure:

Applicable to all Contractors/Vendors, Executive Director, Board Members, Employees, and volunteers

1. Kinexion will conduct monthly exclusion checks to verify that all employees and Board Members have not been excluded from federal healthcare programs. An exclusion check is a search of the following sources to determine if the individual's name appears on any of the lists:
 - U. S. Department of Health and Human Services, Office of Inspector General's (OIG) List of Excluded Individuals and Entities (LEIE) available on the website at <http://exclusions.oig.hhs.gov>.
 - The System for Award Management (SAM) is available on the SAM website at <https://www.sam.gov>.
 - NYS Medicaid Fraud Database available on the NYS Office of Medicaid Inspector General (OMIG) website at <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>
2. As part of the pre-employment screening process, all applicants for employment will undergo an exclusion check. All names used by the individuals will be obtained and utilized. If the exclusion check indicates that any individual has been excluded from federal healthcare programs, they will not be offered employment.
3. Potential Board Members will be subject to an exclusion check as part of the screening process. During the exclusion screening, all names used by the potential Board Member will be obtained and utilized. If the exclusion check indicates that a potential Board Member has been excluded from federal healthcare programs, the individual will not be considered for Board affiliation.
4. An exclusion check will be performed on all interns as part of the screening process. All names used by the intern will be obtained and utilized during the exclusion screening. If the exclusion check indicates that the intern has been excluded from federal healthcare programs, the intern will not be offered an internship.
5. The Kinexion Human Resources department is responsible for pulling a list of all current employees and interns each month from the KRONOS system, Kinexion's electronic timekeeping software. The list will be sent to Valenz for screening. Results are provided to the Maryhaven Human Resources Director and Compliance Officer. Any employees flagged for additional data to thoroughly screen will be provided by the Maryhaven HR Director and sent to the Kinexion HR department for re-screening.
6. The Kinexion Compliance Officer will maintain an updated list of Board Members and provide any changes to Valenz for monthly exclusion screening. The Officer is responsible for ascertaining the status of the Board Members monthly to ensure they do not appear on an exclusion list and providing any additional information necessary to screen properly.
7. Kinexion Human Resources department will ensure exclusion screening is conducted on all employees, interns, and Board members at least every 30 days thereafter. All names used by the parties will be utilized during the exclusion screening.

8. The Maryhaven Compliance Officer will review any potential matches identified in the ongoing exclusion screening process for employees, interns, and Board members. The excluded party will be immediately relieved from duty, and the Compliance Officer will consult with legal counsel if Maryhaven has been reimbursed for services from the excluded party.
9. The exclusion will be reported as a violation of the Compliance Program and investigated and reported in accordance with the Reporting and Investigation of Compliance Concerns Policy.
10. If any employee, intern, or Board Member is charged with a criminal offense related to healthcare or is proposed or found to be subject to exclusion from federal healthcare programs, they must be removed from direct responsibility or involvement in any federally funded healthcare program while the matter is pending. If the matter results in conviction or exclusion, Maryhaven will immediately terminate Maryhaven's relationship with the employee, intern, or Board Member.
11. In addition to exclusion screening, the credentials of medical/healthcare and other professionals employed by Maryhaven will be verified with appropriate licensing and disciplining authorities, including any adverse actions taken against the individuals that might impair their performance of duties on behalf of Maryhaven. The process applies to all employees whose duties require a license/certification. The verification will be conducted as part of the hiring process and at least annually thereafter.

Applicable to Contractors:

1. The Maryhaven Compliance Officer will send proposed vendor/contractor names to Valenz for exclusion screening before entering into an agreement with a contractor, as defined by this Policy.
2. If the exclusion check indicates that a contractor has been excluded from federal healthcare programs, the contract will not be executed until the Maryhaven Compliance Officer determines whether it pertains to activities subject to the prohibition on participation by excluded entities.
3. The Maryhaven Director of Support Services will maintain an updated list of contractors in an approved format and make it available monthly to the Compliance Officer. The Compliance Officer will provide this information to the Kinexion Compliance Officer, who will forward all vendor lists to Valenz.
4. The Maryhaven Compliance Officer will ensure that an exclusion check of contractors is conducted prior to entering into a business contract with the contractor and at least every 30 days thereafter.
5. Any matches identified in the ongoing exclusion screening process for contractors will be reviewed and resolved by the Kinexion Compliance Officer. If the exclusion check indicates that a contractor has been excluded from federal healthcare programs, the Kinexion Compliance Officer will determine whether the contract pertains to activities subject to the prohibition on participation by excluded entities. The contract will be immediately terminated if the goods or services are subject to the prohibition on participation by excluded entities.
6. The Maryhaven Compliance Officer will consult with legal counsel if Maryhaven has been reimbursed for goods or services from the excluded individual or entity.

7. The indicated exclusion will be reported as a violation of the Compliance Program and investigated and reported in accordance with the Reporting and Investigation of Compliance Concerns Policy.
8. The Maryhaven Compliance Officer will ensure that all contracts entered into by Maryhaven will contain a certification that the federal or state government does not exclude the contractor, its employees, or subcontractors.

Applicable to Ordering/Prescribing Physicians and Other Healthcare Practitioners:

1. The Maryhaven Compliance Officer will ensure an initial exclusion check is conducted on each physician and healthcare practitioner who authorizes, prescribes, or orders goods or services funded by Medicaid, Medicare, or other federally funded healthcare programs.
2. Any Maryhaven department or program providing healthcare services that require an authorization, order, or prescription by a physician or other healthcare practitioner will ensure that an initial exclusion check is conducted on each physician or practitioner who authorizes, orders, or prescribes goods or services reimbursed by Medicaid, Medicare, or other federally funded healthcare programs.
3. The department or program will maintain an up-to-date list of physicians and practitioners who authorize, order, or prescribe Medicaid, Medicare, or other federally funded healthcare program services. The list will be maintained in an approved manner and be made available to the personnel responsible for the exclusion screening of such parties.
4. The Maryhaven Compliance Officer will ensure that an exclusion check of all physicians and practitioners who authorize, order, or prescribe healthcare goods or services provided by the Organization is conducted at least every 30 days.
5. The Compliance Officer will review and resolve any matches identified in the ongoing exclusion screening process for physicians and practitioners. If the exclusion check indicates that a physician or practitioner has been excluded from federal healthcare programs, the services or goods will not be billed to Medicaid, Medicare, or other federally funded healthcare programs. The Compliance Officer will consult with legal counsel if Maryhaven has been reimbursed for goods or services authorized, ordered, or prescribed by an excluded physician or practitioner.
6. The indicated exclusion will be reported as a violation of the Compliance Program and investigated and reported in accordance with the Reporting and Investigation of Compliance Concerns Policy.

Monitoring for Compliance with Policy:

1. The Compliance Officer will ensure the results of all exclusion checks are maintained for a period of at least seven (7) years.
2. The Compliance Officer is responsible for monitoring this Policy for compliance and reporting results quarterly to the Compliance Committee and the Board, along with any recommendations for remedial actions or improvements to the program.
3. An annual audit of employment applications, Board appointments, and contractors (as defined by this Policy) with which Maryhaven enters into a contractual relationship will be conducted by the Compliance Officer to verify that this policy is enforced. A report of this audit will be made to the Compliance Committee and Board, along with any recommendations for remedial actions or improvement to the process as part of the annual compliance report.

Sanction Statement:

Non-compliance with this policy may result in disciplinary action, up to and including termination.

Compliance Statement:

As part of its ongoing auditing and monitoring process in its Compliance Program, Maryhaven will review this policy based on changes in the law or regulations, as Maryhaven's practices change, and, at minimum, on an annual basis. Additionally, this policy will be tested for effectiveness annually or more frequently as identified in accordance with Maryhaven's Compliance Program. Testing will include but is not limited to ensuring that the policy is appropriately followed; the policy is effective; the policy has been disseminated to all Affected Individuals, as well as being notified of any updates or changes.

The Compliance Officer or designee will track the criteria above and the results of this testing. The results will be reported to the Compliance Committee and Governing Body on a regular basis.