

MADISON COUNTY POLICIES AND PROCEDURES

Subject: **Compliance Policy:**
Employee, Board, and Contractor Exclusion Screening

Issued: February 19, 2013

Approved: April 9, 2013

Revised: November 25, 2014
December 22, 2020

Purpose:

Madison County (herein referred to as “County” or “the County”) is committed to maintaining high quality care and service, as well as integrity in its financial and business operations. Therefore, the County will conduct appropriate screening of key service providers, employees, independent contractors and business vendors, to ensure that they have not been sanctioned by a federal or state law enforcement, regulatory, or licensing agency.

Definitions:

Exclusion Screening/Check is defined as: An inspection process for minimizing risk in hiring individuals or contracting with business entities that have been involved in adverse governmental actions related to fraud, patient abuse, licensing board sanctions, professional license revocation/suspension/surrender, or that have been excluded from federal healthcare programs.

Class A Contractors is defined as:

- Any contractor, subcontractor, agent, or other person which or who, on behalf of the County, furnishes or otherwise authorizes the furnishing of Medicare and/or Medicaid health care items or services, performs billing or coding functions; or
- Any contractor, subcontractor, agent, or other person who provides administrative or consultative services, goods or services that are significant and material, are directly related to health care provision, and/or are included in or are a necessary component of providing items or services of Medicaid-funded programs; or
- Any contractor, subcontractor, agent, or other person who is involved in the monitoring of health care provided by the County.

Policy:

1. Madison County does not to employ, contract with, or conduct business with an individual or entity excluded from participation in state or federally sponsored health care programs, such as Medicare and Medicaid.
2. The County will conduct exclusion (sanction) screening of all current and proposed employees, Board members, and contractors.
3. The County will verify that individual contractors and entities that provide and/or perform services for the County have not been the subject of adverse governmental actions and/or excluded from the Federal or State healthcare programs.
4. The County will verify that any physician or other healthcare practitioner ordering or prescribing goods or services under a federally sponsored healthcare program with the County’s Public Health and Mental Health Departments, such as Medicaid, has not been excluded from participation from Federal or State healthcare programs.

MADISON COUNTY POLICIES AND PROCEDURES

5. If any County employee, and/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, the employee or board member 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, the County will immediately address the situation in accordance with the Madison County Corporate Compliance Plan.

Procedures:

- A. The County will conduct *monthly* exclusion checks searches using multiple databases, including but not limited to, the following sources:
 - Exclusion file maintained by General Services Administration (GSA);
 - List of Excluded Individuals/Entities (LEIE) maintained by the United States Department of Health and Human Service's Office of Inspector General;
 - Specially Designated Nationals (SDN) File maintained by the United States Department of the Treasury; and
 - Various state exclusion files that are made available to the public, such as the NYS Medicaid Fraud Database currently available from the NYS Department of Health.
- B. The Compliance Officer will maintain the results of all exclusion checks for one year.
- C. Specific responsibilities regarding exclusion checks:
 1. All County departments shall ensure that exclusion checks are conducted *prior* to entering into an agreement with contractors or vendors, including contractual agreements for healthcare-related services categorized as "Class A Contractors". The **Finance Department** will assist departments with conducting an exclusion check on contractors or vendors.
 - a. If the exclusion check indicates that a bidder or contractor has been excluded from federal or state healthcare programs, the bid will not be accepted or the contract will not be executed.
 - b. All contracts entered into or bids accepted by the County will contain language that by signing the contract or bid, the contractor attests that it and its employees and subcontractors have not been sanctioned nor excluded by the federal or state government healthcare program.
 - c. The results of all exclusion checks for contractors or vendors will be reported to the County Compliance Officer on a quarterly basis.
 2. The **Personnel Officer** or their designee will ensure exclusion checks are performed on candidates for employment *prior* to the official offer of employment; and, potential governing board members that have authority to grant appropriations or that contribute to the development or execution of policy as these actions relate to the use of Medicaid or Medicare Funds *upon their appointment or shortly thereafter*.
 - a. If the exclusion check indicates that any individual has been excluded from federal or state healthcare programs, the applicant will not be offered employment or the member's Board affiliation will be terminated.
 - b. The Personnel Officer or their designee will report the results of exclusion checks to the County Compliance Officer on a quarterly basis.

MADISON COUNTY POLICIES AND PROCEDURES

3. Any County department that bills Medicaid shall ensure that an exclusion check of all existing employees, board members, and contractors, including healthcare contractors is conducted *monthly through to the end of employment, board affiliation, or contract performance period*.
 - a. If the exclusion check indicates that a contractor has been excluded from federal or state healthcare programs since the initiation of the contract, the Department head will notify the Compliance Officer, who in consultation with the County Administrator, will determine if the contract is directly or indirectly funded by a state or federal program that bars participation by such excluded individuals or entities. The County reserves the right to terminate the contract based on the determination.
 - b. If the exclusion check indicates that any employee or board member has been excluded from federal or state healthcare programs, the Department head will notify the Compliance Officer, and the County Administrator.
 - c. The results of all exclusion checks for all existing employees, board members, and contractors, including healthcare contractors will be reported to the County Compliance Officer on a quarterly basis.
 4. Any County department working directly with physicians and healthcare practitioners will ensure that an initial exclusion check is conducted on each practitioner who prescribes or orders Medicaid or Medicare-funded goods or services, and then *monthly thereafter*.
 - a. If the exclusion check indicates that a practitioner has been excluded from federal or state healthcare programs, the services or goods will not be billed to Medicaid or Medicare.
 - b. The results of all exclusion checks for physicians and healthcare practitioners will be reported to the County Compliance Officer on a quarterly basis.
 5. In addition to exclusion checks, verification of credentials of medical/healthcare and other professionals employed by the County with appropriate licensing and disciplining authorities, including any adverse actions taken against the individuals that might impair his or her performance of duties or fiduciary responsibilities on behalf of the County. The process is applicable to all employees for which the license/certification is required for the performance of their duties. The screening and *verification will be conducted as part of the hiring process and at least annually, thereafter*.
 - a. The Department Head or their designee will report the results of credential verifications to the County Compliance Officer on an annual basis.
- D. The **County Compliance Officer** will conduct annual audit to verify that this policy is enforced. A report of this audit will be made to the Compliance Committee and Board of Supervisors, along with any recommendations for remedial actions or improvement to the process as part of the annual compliance report.