

Policies and Procedures: WVU Physicians of Charleston
Sanction Screening

Section: **Compliance**
Chapter: **Administration**
Policy: **Sanction Screening; Preclusion on Doing Business With Excluded
 Individuals/Entities**

I. PURPOSE

To establish a policy which will ensure that WVU Physicians of Charleston (WVUPC) does not employ or contract to do business with individuals or entities who are currently excluded by the Office of Inspector General (OIG) and/or the General Service Administration (GSA) from participation in Federal health care programs, or who have in the past been convicted of any criminal offense of the types identified within the WV Bureau for Medicaid Services (BMS) manuals as precluding program participation.

II. ACCOUNTABILITY

Under the direction of the Board of Directors, WVUPC's Director of Corporate Compliance & Regulatory Affairs, along with Human Resources, shall take all such steps as are necessary and appropriate in order to ensure compliance with and implementation of this policy.

III. APPLICABILITY

This policy applies to all WVUPC employees and to all individuals/entities entering into contracts to do business with WVUPC.

IV. POLICY

In accordance with Federal law, WVUPC will not employ or enter into contracts to do business with any individual or entity that is currently excluded by the Office of Inspector General (OIG) and/or the General Service Administration (GSA) from participation in Federal health care programs. WVUPC will also not employ or enter into contracts to do business with any individual who has been convicted in the past of any criminal offenses listed in the WV Bureau for Medicaid Services (BMS) provider manuals as precluding program participation.

V. PROCEDURE

1. The WVUPC employment application will require an attestation by the candidate seeking employment, stating whether or not such candidate has ever been convicted of a crime or has ever excluded/sanctioned by any federal or state healthcare agency or convicted of any past crime of the types listed in the WV BMS manuals.
2. Prior to the hiring of any candidate for employment by WVUPC, the WVUPC Human Resources Department must be notified of the pending hire and must ascertain whether or not the candidate is listed on either the OIG or GSA exclusionary rosters, or has a past conviction of any criminal offenses as listed in the WV BMS Manuals. The listings to be utilized by the Human Resources Department for such pre-hire searches are accessible by Internet at:

(For OIG) <http://exclusions.oig.hhs.gov/>.

(For GSA) <http://epls.arnet.gov/>

WV BMS Provider Manual Chapter (512) (Behavioral Services)

Willingness and agreement to be subject to fingerprint background searches as may be required by either the federal or state government as a condition of program participation is a condition of employment.

3. If an employment candidate is found to be listed on either of the above-referenced exclusionary rosters, or has a past conviction of the type listed in the WV BMS manuals, the Director of Corporate Compliance & Regulatory Affairs and the Department of Human Resources shall undertake a thorough review of the matter, and shall communicate all relevant findings to the WVUPC Board of Directors and its general counsel. The WVUPC Board of Directors shall, following receipt of the report of the Director of Corporate Compliance & Regulatory Affairs, Human Resources, and the advice of counsel, have final authority on the hiring decision(s) in such circumstances.
4. Any third-party contracts, business arrangements and/or purchasing agreements entered into by or on behalf of WVUPC shall be contingent upon the third-party's eligibility to participate in the federal health care programs. The clinical departments of WVUPC shall notify the Director of Corporate Compliance & Regulatory Affairs ("Compliance Officer"), or his/her designee, of their department's intention to enter into any third party contracts or business arrangements in advance of finalization of the contract so that the necessary exclusionary roster searches can be completed prior to entry of any such contract.
5. If exclusionary roster searches referenced in paragraph 4 above indicate that a third-party is on either the OIG or GSA list of excluded individuals and entities or

has been convicted of an offense listed as precluding program participation in the WV BMS Manuals, the Director of Corporate Compliance & Regulatory Affairs shall be notified, shall communicate all relevant findings and legal ramifications of the matter to the WVUPC Board of Directors and its general counsel. The WVUPC Board of Directors shall, following receipt of the report from the Director of Corporate Compliance & Regulatory Affairs and the advice of counsel, have final authority on the matter.

6. To protect WVUPC against the possibility that an individual or entity may have been excluded from program participation subsequent to their employment, during the duration of a business contract, or after the granting of clinical privileges, federal health care program exclusionary data bases searches shall also be performed on a monthly basis by or at the direction of the Office of Corporate Compliance & Regulatory Affairs. If it is determined that a current employee, or third-party with whom WVUPC has entered a current business contract or arrangement, are listed on the federal exclusionary rosters, the Director of Corporate Compliance & Regulatory Affairs and the Department of Human Resources shall undertake a substantive review of the matter, and shall report all relevant findings, including legal ramification of the continued employment or business relationship, to the WVUPC Board of Directors and its general counsel. The WVUPC Board of Directors shall, following receipt of any such report and the advice of counsel, have final authority on the matter.

VI. Amendment or Termination of this Policy

This policy may be amended or terminated at any time.

VII. References

- 42 C.F.R. §1001.1901
- <http://oig/hhs.gov/fraud/docs/alertsandbulletins/effected.htm>.