



ALCOHOL, DRUG & MENTAL HEALTH SERVICES  
MANUEL J. JIMÉNEZ JR., MA, MFT, DIRECTOR

Quality Assurance Office  
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August 12, 2014

Dear Provider:

The Federal Office of the Inspector General (OIG) was established in the U.S. Department of Health and Human Services to identify and eliminate fraud, waste and abuse in the Department's programs. Pursuant to this objective, the OIG has the authority to exclude individuals and entities from federally funded health care programs for certain criminal offenses related to the delivery of items or services under Medicare, Medicaid, SCHIP etc.,. The OIG maintains a list of all currently excluded individuals and entities called the List of Excluded Individuals and Entities (LEIE). Anyone who hires an individual or entity on the LEIE may be subject to civil monetary penalties.

To comply with Federal law, Behavioral Health Care Services (BHCS) will not contract with any persons or entities that are excluded from participating in providing items and/or services billed to Federal health care programs, including Medicare, Medi-Cal, and all other Federal health care programs. BHCS receives Federal funding for administrative operations as well as direct client care. Therefore, BHCS must monitor all employees, contracted staff, contracted entities and interns to ensure persons are not on the Exclusion list.

#### **ATTACHMENT 1- HEALTH CARE SERVICES AGENCY POLICY ON EXCLUSION LIST**

**MONITORING (Exclusion Policy):** This draft policy will be effective on September 1, 2014. Please note that the policy reflects the Health Care Agency's plan to check all county employees, including clinical and non-clinical staff that meet the federal criteria. This memo explains how the Exclusion Policy will be operationalized for ACBHCS contract providers. Please carefully review this policy and how it may apply to your organization.

There are two groups discussed below and how the policy applies and affects them:

- 1) Clinicians
- 2) Non-clinician staff that are compensated by federal funds, including administrators, supervisors, clerks and billing staff.

- 1) **CLINICIANS:** In order to claim mental health services, every clinician in our system is assigned a staff number in the "Staff Mask" within the BHCS Provider Staff Database hosted by Information Systems. Every month, all contracted clinical staff and entities will be checked against the four Federal databases below.

***To ensure that all of the correct individuals are being checked, it is essential that all providers update the BHCS Provider Staff Database when any changes occur with clinical staff, including the addition, removal or retirement of any staff with functions described within the Exclusion Policy. Failure to accurately record these changes will result in the loss of Federal funding for any activities performed by staff that are discovered to be on the OIG list, but were not properly reported on your active staff roster.***



<a href="https://www.sam.gov">SAM.gov</a> Excluded Parties List (formerly the GSA EPLS)	<a href="https://www.sam.gov">https://www.sam.gov</a>
Office of the Inspector General List of Excluded Individuals/Entities (OIG LEIE)	<a href="https://exclusions.oig.hhs.gov/">https://exclusions.oig.hhs.gov/</a>
Office of Inspector General (OIG) Most Wanted Fugitives	<a href="https://oig.hhs.gov/fraud/fugitives/index.asp">https://oig.hhs.gov/fraud/fugitives/index.asp</a>
Office of Foreign Assets Control Specially Designated Nationals (OFAC SON)	<a href="https://sdnsearch.ofac.treas.gov/">https://sdnsearch.ofac.treas.gov/</a>

- 2) NON-CLINICIAN STAFF: This policy also extends to non-clinician staff that are compensated by federal funds, including administrators, supervisors, and clerks and billing staff. For these staff, each provider is required to do one of the following:
- Check all non-clinician individuals and entities on the four Federal Databases themselves OR
  - Enter the information of the non-clinician individuals and entities into the BHCS Provider Staff Database so they can be included in Alameda County's monthly check of clinicians.

***In either case, each service provider must submit a monthly "attestation" to BHCS that a check has been completed for non-clinician staff. BHCS will maintain a record of these written attestations for audit purposes.***

## **ATTACHMENT 2-PROVIDER ATTESTATION AND STAFF UPDATE/CHANGE PROCEDURE:**

This is the procedure for (1) how to complete the monthly "attestation" of your compliance with the policy and (2) how to update your active staff roster using the online forms developed by BHCS Information Services (IS).

Below is a summary of how BHCS will enforce the policy:

1. If a person or entity comes up on the OIG list during the monthly check, every effort will be made to verify that name is or is not the actual person or entity performing services in our system.
2. Upon verification of the person or entity, BHCS Quality Assurance (QA) staff will notify you in writing within 24 hours. All of that person or entity's Federal billing will be stopped or, if a claim has already been made, a void request will be submitted to the fiscal intermediary, resulting in loss of revenue for the provider. BHCS primary goal is the quality and continuity of the care provided to our clients. If necessary, QA will work with you to develop a transition plan depending on the severity of the exclusion.

***Exclusions due to fraud or other serious violations may result in the immediate suspension of all activities of the person or entity.***

3. From the date of first notification you will have:

- Fourteen (14) days to respond in writing with your agency's own plan of action and
- Sixty (60) days to work with any and all Federal agencies to clear the exclusion.

4. If the exclusion remains after sixty days, QA will work with you to develop alternative client care plans as necessary. Behavioral Healthcare Services Fiscal Department will return dollars through the State of California recoupment process and will work with the excluded person or entity to recover these funds.

BHCS staff will be presenting this policy and responding to any questions at your next monthly provider meeting in August or September. You and your appropriate Human Resources staff can also attend one of the trainings below in person or participate on the web:

**OIG Exclusion Policy  
Information Systems Training and Q & A**

Wednesday, August 27, 2014

10:30-11:30AM

1900 Embarcadero Cove, Suite 101

Tilden Conference Room – 1st Floor

To join this training on the web please go to <https://meet.acgov.org/steve.kline/TMV7M2NM>

AND call in 510-272-6500, Conference ID 57361#

OR

**OIG Exclusion Policy  
Information Systems Training and Q & A**

Wednesday, September 3, 2014

2:00-3:00PM

2000 Embarcadero Cove, Suite 400

Gail Steele Conference Room – 5<sup>th</sup> Floor

To join this training on the web please go to <https://meet.acgov.org/steve.kline/TMV7M2NM>

AND call in 510-272-6500, Conference ID 57361#

This policy will ensure that our services fully comply with Federal guidelines. We appreciate your cooperation in the application and enforcement of this policy.

If you have any questions, please contact Kyree Klimist, Quality Assurance Associate Administrator, at [kklimist@acbhcs.org](mailto:kklimist@acbhcs.org).

Sincerely,



Manuel J. Jimenez, Jr., MA MFT  
Behavioral Health Director