

Office of the Inspector General and the LEIE. Are You Compliant?

What does it mean?

The OIG (Office of Inspector General) has the authority to exclude individuals and entities from Federally funded health care programs pursuant to sections 1128 and 1156 of the Social Security Act, and 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 (CMP).

What kind of exclusions are there?

Mandatory exclusions:

OIG is required by law to exclude from participation in all Federal health care programs individuals and entities convicted of the following types of criminal offenses: Medicare or Medicaid fraud, as well as any other offenses related to the delivery of items or services under Medicare, Medicaid, SCHIP, or other State health care programs; patient abuse or neglect; felony convictions for other health care-related fraud, theft, or other financial misconduct; and felony convictions relating to unlawful manufacture, distribution, prescription, or dispensing of controlled substances.

Permissive exclusions:

OIG has discretion to exclude individuals and entities on a number of grounds, including misdemeanor convictions related to health care fraud other than Medicare or a State health program, fraud in a program (other than a health care program) funded by any Federal, State or local government agency; misdemeanor convictions relating to the unlawful manufacture, distribution, prescription, or dispensing of controlled substances; suspension, revocation, or surrender of a license to provide health care for reasons bearing on professional competence, professional performance, or financial integrity; provision of unnecessary or substandard services; submission of false or fraudulent claims to a Federal health care program; engaging in unlawful kickback arrangements; and defaulting on health education loan or scholarship obligations; and controlling a sanctioned entity as an owner, officer, or managing employee.

What does this mean to you as a provider?

Providers are required to check their employees and contracted vendors against the OIG exclusion list on a monthly basis. This list is located at <https://exclusions.oig.hhs.gov/>. Or you can download the list of excluded people at https://oig.hhs.gov/exclusions/exclusions_list.asp. If you find that you have an excluded vendor or employee working for you, your best course of action is to follow the process outlined in the Office of Inspector General (OIG) self-disclosure processes located at <https://oig.hhs.gov/compliance/self-disclosure-info/index.asp>.

Under Medicare requirements for providers the self-disclosure process extends also to any paramedics and EMTs whose certification has expired while they have treated Medicare beneficiaries. If you have paramedics or EMTs whose certification has expired and they have treated any Medicare or Medicaid patient's you will need to identify these accounts and if they have been paid refund those payments. This also includes Medicare and Medicaid HMO's.

Your Wittman Enterprises OIG Compliance Resource

For more details or for any questions about OIG and their LEIE Program please contact Stephanie Cooper-Noe directly at (916) 669-4607 | scooper-noe@webillems.com.