

THE CENTER FOR DISCOVERY

SUBJECT: Exclusion and Sanction Screening Policy

MANUAL: Corporate Compliance

SECTION: Section 7

Purpose: The Center for Discovery (“TCFD”) is committed to maintaining high quality care and service as well as integrity in its financial and business operations. Therefore, all necessary steps will be taken by TCFD to ensure that it does 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.

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

- Any independent contractor, contractor, subcontractor, or other person who, on behalf of TCFD, furnishes or otherwise authorizes the furnishing of Medicare, Medicaid, or other federally-funded healthcare items or services, or performs billing or coding functions;
- Any independent contractor, contractor, subcontractor, 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 independent contractor, subcontractor, or other person who is involved in the monitoring of healthcare provided by TCFD.

Policy:

It is the policy of TCFD not to employ, contract with, or conduct business with an individual or entity excluded from participation in federally-funded healthcare programs, such as Medicare and Medicaid.

It is the policy of TCFD that TCFD employees including the Chief Executive and senior leadership, 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.

It is the policy of TCFD to conduct exclusion (sanction) screening of all current and proposed employees including the Chief Executive and senior leadership, interns, and Board members.

It is the policy of TCFD to verify that contractors, as defined by this Policy, who provide and/or perform services for the TCFD have not been the subject of adverse governmental actions and/or excluded from the federal healthcare programs.

ORIGINAL DATE: 09/02/11

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REVISION: 5

DATE: 04/18/24

FILE NUM: CCP-7(f)

PAGE: 1 OF 7

THE CENTER FOR DISCOVERY

SUBJECT: Exclusion and Sanction Screening Policy	MANUAL: Corporate Compliance
	SECTION: Section 7

It is the policy of TCFD to 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 from federal healthcare programs.

Regulatory Reference:

Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977

Public Law 95-142

18 NYCRR Part 521

Department of Health and Human Services Office of Inspector General: Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs (5/8/2013)

Procedures:

Applicable to Employees, Interns, and Board Members:

1. TCFD will conduct exclusion checks to verify that all employees including the Chief Executive and senior leadership, interns, 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) available on the SAM website at <https://www.sam.gov>
- For New York Agencies only: NYS Medicaid Fraud Database available on the NYS Office of Medicaid Inspector General (OMIG) website at <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>
- For Medicaid Managed Care TCFDs (MMCO) only: MMCOs will be responsible for utilizing any other list or database that is required within their contract(s).

ORIGINAL DATE: 09/02/11	SUPERSEDES: 09/02/11, 10/01/14, 06/08/19, 05/24/23	
REVISION: 5	DATE: 04/18/24	FILE NUM: CCP-7(f)
		PAGE: 2 OF 7

THE CENTER FOR DISCOVERY

SUBJECT: Exclusion and Sanction Screening Policy	MANUAL: Corporate Compliance
	SECTION: Section 7

2. An exclusion check will be performed on all applicants for employment as part of the pre-employment screening process. All names used by the applicant will be obtained and utilized as part of the exclusion screening process. If the exclusion check indicates that any individual has been excluded from federal healthcare programs, the applicant will not be offered employment.

3. An exclusion check will be performed for potential Board members and as part of the screening process. All names used by the potential Board member will be obtained and utilized when conducting the exclusion screening. 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 when conducting 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 Human Resource Department and the Board Secretary will maintain an updated list of employees, interns, and Board members in an approved format and will make the list available to the personnel responsible for exclusion screening of such parties.

6. The Corporate Compliance Officer (“CCO”) will ensure that 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 when the exclusion screening is conducted.

7. Any potential matches identified in the ongoing exclusion screening process for employees, interns, and Board members will be reviewed and resolved by the Compliance Officer. The excluded party will be immediately relieved from duty and the Compliance Officer will consult with legal counsel in the event the TCFD has been reimbursed for services from the excluded party.

8. 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 and Procedure.

9. 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

ORIGINAL DATE: 09/02/11	SUPERSEDES: 09/02/11, 10/01/14, 06/08/19, 05/24/23	
REVISION: 5	DATE: 04/18/24	FILE NUM: CCP-7(f)
		PAGE: 3 OF 7

THE CENTER FOR DISCOVERY

SUBJECT: Exclusion and Sanction Screening Policy

MANUAL: Corporate Compliance

SECTION: Section 7

exclusion, TCFD will immediately terminate the TCFD's relationship with the employee, intern, or Board member.

10. In addition to exclusion screening, the credentials of medical/healthcare and other professionals employed by TCFD 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 the TCFD. The process is applicable to all employees for which license/certification is required for their duties. The verification will be conducted as part of the hiring process and at least [annually/semi-annually/monthly] thereafter.

Applicable to Contractors:

1. TCFD personnel responsible for negotiating or securing contracts shall conduct exclusion checks prior to entering an agreement with a contractor, as defined by this Policy. An exclusion check is a search of the following sources to determine if the individual's or entity'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) available on the SAM website at <https://www.sam.gov>
 - For New York Agencies only: NYS Medicaid Fraud Database available on the NYS Office of Medicaid Inspector General (OMIG) website at <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>
 - For MMCOs only: MMCOs will be responsible for utilizing any other list or database that is required within their contract(s).
2. If the exclusion check indicates that a contractor has been excluded from federal healthcare programs, the contract will not be executed until a determination is made by the Compliance Officer as to whether the contract pertains to activities subject to the prohibition on participation by excluded entities.
3. The Business Office (or title) will maintain an up-to-date list of contractors in an approved format and will make the list available to the personnel responsible for exclusion screening of such parties.

ORIGINAL DATE:	09/02/11	SUPERSEDES:	
		09/02/11, 10/01/14, 06/08/19, 05/24/23	
REVISION: 5	DATE: 04/18/24	FILE NUM: CCP-7(f)	PAGE: 4 OF 7

THE CENTER FOR DISCOVERY

SUBJECT: Exclusion and Sanction Screening Policy	MANUAL: Corporate Compliance
	SECTION: Section 7

4. The CCO 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 Compliance Officer. If the exclusion check indicates that a contractor has been excluded from federal healthcare programs, the Compliance Officer will make a determination as to 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 CCO will consult with legal counsel if the TCFD 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 and Procedure.
8. The CCO will ensure that all contracts entered into by the TCFD 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. TCFD will ensure that 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. An exclusion check is a search of the following sources to determine if the party'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) available on the SAM website at <https://www.sam.gov>
 - For New York Agencies only: NYS Medicaid Fraud Database available on the NYS Office of Medicaid Inspector General (OMIG) website at <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>

ORIGINAL DATE: 09/02/11	SUPERSEDES: 09/02/11, 10/01/14, 06/08/19, 05/24/23	
REVISION: 5	DATE: 04/18/24	FILE NUM: CCP-7(f)
		PAGE: 5 OF 7

THE CENTER FOR DISCOVERY

SUBJECT: Exclusion and Sanction Screening Policy

MANUAL: Corporate Compliance

SECTION: Section 7

2. Any TCFD 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 CCO will ensure that an exclusion check of all physicians and practitioners who authorize, order, or prescribe healthcare goods or services provided by the TCFD is conducted at least every 30 days.
5. Any matches identified in the ongoing exclusion screening process for physicians and practitioners will be reviewed and resolved by the Compliance Officer. 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 the TCFD 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 and Procedure.

Monitoring for Compliance with Policy:

1. The COO will ensure the results of all exclusion checks are maintained for a period of at least six years.
2. The COO 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.

ORIGINAL DATE:	09/02/11	SUPERSEDES:	
		09/02/11, 10/01/14, 06/08/19, 05/24/23	
REVISION: 5	DATE: 04/18/24	FILE NUM: CCP-7(f)	PAGE: 6 OF 7

THE CENTER FOR DISCOVERY

SUBJECT: Exclusion and Sanction Screening Policy	MANUAL: Corporate Compliance
	SECTION: Section 7

3. An annual audit of employment applications, Board appointments, and contractors (as defined by this Policy) with which TCFD 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, TCFD will review this policy based on changes in the law or regulations, as TCFD's practices change, and, at minimum, on an annual basis. Additionally, this policy will be tested for effectiveness on an annual basis or more frequently as identified in accordance with TCFD's Corporate 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 notified of any updates or changes.

Tracking of the criteria above and results of this testing will be completed by the CCO, or designee. Additionally, results will be reported to the Corporate Compliance Committee and Governing Body on a regular basis.

Record Retention Statement:

TCFD will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six years.

ORIGINAL DATE: 09/02/11	SUPERSEDES: 09/02/11, 10/01/14, 06/08/19, 05/24/23	
REVISION: 5	DATE: 04/18/24	FILE NUM: CCP-7(f)
		PAGE: 7 OF 7