

## PROVIDERS NOW REQUIRED TO SCREEN FOR EXCLUDED EMPLOYEES AND CONTRACTORS ON A MONTHLY BASIS

The New York State Office of the Medicaid Inspector General (“OMIG”) announced as a “reminder” in its April 2010 Medicaid Update that providers have an obligation to screen employees, prospective employees and contractors, both individuals and entities, to determine if they have been excluded or terminated from participation in federal health care programs or New York’s Medicaid program. Specifically, this “reminder” notes that all employees, vendors and referral sources should be checked upon hire (if applicable) and then on a monthly basis, at a minimum, thereafter against the following:

- OMIG’s disqualified individuals list (at <http://www.omig.state.ny.us/data/content/view/72/52/>);
- The federal Department of Health and Human Services Office of Inspector General’s (“OIG”) list of excluded individuals and entities (at <http://oig.hhs.gov/fraud/exclusions.asp>); and
- The General Services Administration’s list of parties excluded from federal programs (at <https://www.epls.gov/>).

For the monthly rescreening, OMIG has a “Short List” that is updated with a daily list of providers who have been added to the complete list within the previous 30 days so as to make the monthly screening of the OMIG’s list of disqualified individuals easier for providers.

This “reminder” was prompted by the issuance of a State Medicaid Director Letter by the Centers for Medicare and Medicaid Services, dated January 16, 2009, which noted that “[s]tates should require providers to search the HHS-OIG website monthly capture exclusions and reinstatements that have occurred since the last search.” While this monthly screening requirement is not codified in any law or regulation, the publication of such requirement in the Medicaid Update serves as OMIG’s guidance to the industry, and therefore all Medicaid providers are expected to comply.

To the extent you have any policies that provide for annual screenings of these exclusion lists and/or verifications or searches of licensure, registration, and disciplinary action against employees, agents and/or contractors, these policies should be revised to incorporate this new monthly screening requirement.

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If you have any questions, or need assistance in revising your existing policies,  
please contact the GW attorney with whom you regularly consult.

New York (516) 393-2200  
New Jersey (201) 883-1030  
Connecticut (203) 316-0483

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