



FIRE RESCUE

ALBEMARLE COUNTY

Administrative Policy(SAP) – Operational Guideline(SOG)

Subject:	OIG’s List of Excluded Individuals and Entities
Reference Number:	SAP-DEP-053
Effective Date:	9 September 2015
Last Revision Date:	N/A

Signature of Approval:
J. Dan Eggleston, Chief

I. Purpose:

To establish a policy for checking Albemarle County Fire Rescue career and volunteer personnel as well as select County administrative staff against the U.S. Department of Health and Human Services’s (HHS) Office of Inspector General’s (OIG) List of Excluded Individuals and Entities (LEIE) and a process to follow for any individual or entity found to be listed in the LEIE.

II. Scope:

This policy applies to the Albemarle County Fire and EMS System as defined by Ordinance.

III. Definitions:

Active Volunteer Members for the purposes of this policy are all active and administrative persons listed in Albemarle County Fire Rescue’s records management system.

Office of Inspector General (OIG), as part of the U.S. Department of Health & Human Services (HHS), uses a nationwide program of audits, inspections, and investigations to identify and eliminate fraud, waste, and abuse in HHS’s programs. It has the authority to exclude individuals and entities that have engaged in fraud or abuse from participation in Medicare, Medicaid, and other Federal health care programs.

Federal Health Care Program is any plan or program that provides health benefits, whether directly, through insurance, or otherwise, and that is funded directly, in whole or in part, by the U.S. Government or a State health care program. This includes Medicare, Medicaid, TRICARE, and veterans’ programs.

List of Excluded Individuals and Entities (LEIE) is a list of all individuals and entities currently excluded from Federal health care programs and maintained by the HHS OIG.

Types of OIG Exclusions:

Mandatory: Individuals and entities convicted of the below types of criminal offenses are required by law to be excluded from participation in all Federal health care programs:

- Medicare or Medicaid fraud
- Any 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;
- Felony convictions relating to the unlawful manufacture, distribution, prescription, or dispensing of controlled substances.

Permissive: Exclusion is up to the OIG’s discretion for individuals and entities on a number of grounds, including:

- Misdemeanor convictions related to health care fraud other than in Medicare or a State health program, or 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
- Defaulting on health education loan or scholarship obligations
- Controlling a sanctioned entity as an owner, officer, or managing employee

Civil Monetary Penalty (CMP) is monetary penalty imposed on entities and/or individuals by the OIG for violations under their authority.

IV. Background:

The OIG 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. The OIG maintains a list of all currently excluded individuals and entities called the List of Excluded Individuals and Entities (LEIE) and updates it monthly. No Federal health care program payment may be made for any items or services furnished by an excluded individual or entity or at the medical direction of an excluded individual or entity.

The OIG recommends that individuals and entities involved in providing or directing services be cross checked with the LEIE database on a regular basis. Services include more than direct patient care. These services can include transportation services, such as ambulance drivers; administrative and management services, such as individuals in an executive or leadership role; as well as health information technology services and support, strategic planning, billing and accounting, staff training and human resources unless wholly unrelated to Federal health care programs.

Anyone who hires an individual or entity excluded by the OIG to provide any items or services or medical direction may be subject to civil monetary penalties (CMP) if the items or services are reimbursed with Federal health care programs. In addition, an excluded individual or entity that submits a claim for payment to a Federal health care program, or causes such a claim to be submitted, may be subject to a CMP OF \$10,000 for each claimed item or service furnished during the period that the individual or entity was excluded as well as up to three times the amount claimed for each item or service. They may also lead to criminal prosecutions or civil actions under the False Claims Act.

V. Policy:

Albemarle County cannot employ personnel or support membership of volunteers in the roles listed in section VI. B. nor can it have business relationships with entities proven to be excluded by the OIG from Federal health care programs.

VI. Procedure:

- A. On a monthly basis, Albemarle County Fire Rescue will cross check the individuals and entities listed in section VI. B. with the OIG's LEIE in one of two ways:
 1. The LEIE database will be downloaded from the OIG's website and compared to a list of individuals generated from Albemarle County Fire Rescue's records management system through an established query method. The query will compare names and dates of birth to the LEIE database.
 2. Legal names of those not included in Albemarle County Fire Rescue's records management system will be checked using the OIG's Online Searchable Database.

The cross checks will be performed around the 15th of each month. Documentation of all searches, including the date searched and findings, will be kept in Albemarle County Fire Rescue's Compliance Files.

- B. Below is the list of individuals and entities to be checked against the LEIE database:
 1. All Albemarle County Department of Fire Rescue employees.

2. All active members of volunteer agencies with an EMS License that provide EMS services that Albemarle County bills for as well as the board members of those agencies:

Albemarle County Fire Rescue
Scottsville Volunteer Rescue Squad
Earlsville Volunteer Fire Company
Western Albemarle Rescue Squad
East Rivanna Volunteer Fire Company

3. Volunteer agencies that act as first responders for County EMS Agencies that bill for EMS transports as well as the board members of those agencies including:

Scottsville Volunteer Fire Department
Seminole Trail Volunteer Fire Department
Stony Point Volunteer Fire Company
North Garden Volunteer Fire Company
Crozet Volunteer Fire Department

4. Select Albemarle County Administrative Staff:

<u>Role</u>	<u>Department</u>
Fire Rescue Information Technology Support Staff	Information Technology
Sr. Accountants involved in EMS Cost Recovery Revenues	Finance
Chief Accountant	Finance
Director of Finance	Finance
Deputy County Executive	County Executive
County Executive	County Executive

5. New Hires or New Volunteers for any of the above roles:

All prospective employees or new volunteer members in any of the above roles will be checked against the LEIE as a condition of employment or volunteer membership.

6. Entities involved in Albemarle County's EMS operations:

Assistant Operational Medical Director
Operational Medical Director
CEO or President of Current 3rd Party Billing Company
Current 3rd Party Billing Company
UVA Medical Center
Martha Jefferson Hospital
Augusta Health

C. Verification of Positive Search Results:

Should any positive search results arise during a monthly cross check of the LEIE database or for new hires/new volunteer members, the excluded party will be confirmed by birth date and Social Security Number or Employer Identification Number. In addition, the County will obtain documentation of the exclusion notice and any reinstatement notices from the OIG on the excluded party's status before taking any action.

At the discretion of the County the individual may be placed on administrative leave until he or she has completed the reinstatement process.

D. Confirmed Positive Search Results:

Once an excluded party is confirmed to be excluded by the OIG and NOT reinstated, the following will occur:

1. Albemarle County employees will be excluded from employment in the Department of Fire Rescue or any function listed in section VI. B.
2. Volunteers will be required to give up their membership until the individual can prove reinstatement.
3. New hires or new volunteers are not eligible for employment or membership while they are on the LEIE.
4. Entities, such as vendors or business associates, will cease any business relationships with Albemarle County's Fire Rescue operations or administration.