



Iowa Department of Human Services

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INFORMATIONAL LETTER NO.1235

DATE: April 19, 2013

TO: Iowa Medicaid Providers Excluding Individual Consumer Directed Attendant Care (CDAC)

ISSUED BY: Iowa Department of Human Services, Iowa Medicaid Enterprise (IME)

RE: Exclusion from Participation in Federal Health Care Programs

*****Reminder for all Medicaid Providers*****

There are federal rules and enforcement provisions related to providers who are excluded from participation in the Medicaid program. These rules and the penalties are associated with either being or employing excluded individuals as described in the Department of Health and Human Services Office of Inspector General (HHS-OIG) document: Special Advisory Bulletin: *The Effect of Exclusion From Participation in Federal Health Care Programs*. This is available at <http://oig.hhs.gov/fraud/docs/alertsandbulletins/effected.htm>. Additional guidance from CMS was communicated on January 16, 2009, in a State Medicaid Director Letter (SMDL #09-001) <http://www.cms.hhs.gov/SMDL/downloads/SMD011609.pdf>.

The penalty of non-compliance is described in the HHS-OIG bulletin. This memorandum serves as an annual reminder to all Iowa Medicaid providers of these rules and that all Medicaid providers must be in full compliance.

Providers and contracting entities are required to check the program exclusion status of individuals and entities prior to entering into employment or contractual relationships. To determine whether an individual or entity is excluded search the HHS-OIG website at: <http://exclusions.oig.hhs.gov/>. An excluded individual or an entity employing or contracting with an excluded individual or entity that submits a claim for reimbursement to a federal health care program, or causes such a claim to be submitted, may be subject to civil money penalties and other damages for each item or service furnished during the period that the person or entity was excluded (section 1128A(a)(1)(D) of the Social Security Act).

Providers should search the HHS-OIG website monthly to capture exclusions and reinstatements that have occurred since the last search. Claims paid by the Medicaid program for services rendered by an excluded individual or entity are subject to repayment. Providers may also be subject to penalties by the OIG. Providers can search the HHS-OIG website by the name of any individual or entity. An additional listing of parties excluded from any federal payment is the System for Award Management (SAM) at <https://www.sam.gov>. It is recommended that this listing be checked as well.

It is strongly recommended that when executing these searches, providers only enter the last name so that all possible exclusion candidates will be returned for review. There have been instances when a provider has either entered a formal or informal first name, only to discover the individual was excluded under their other name. An example is shown below:

Formal name is: William Doe

Informal name is: Bill, Billy, Will, Willy, Liam

Providers must gather and check all current and former names of their employees when searching the List of Excluded Individual/Entities (LEIE) and the System for Award Management (SAM).

In order to enroll, and as a condition of re-enrollment in the Iowa Medicaid program, providers must accept the Iowa Medicaid Provider Agreement (470-2965), which includes a requirement to report any exclusion information to Iowa Medicaid within five days of knowledge of any findings.

The IME appreciates your partnership as we work together to serve the needs of the Iowa Medicaid members and protect the integrity of the Iowa Medicaid program. If you have any questions, please contact the IME Provider Services Unit at 1-800-338-7909, locally in Des Moines at 515-256-4609 or by email at imeproviderservices@dhs.state.ia.us.