

1.09 SANCTION SCREENING

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1.09 Sanction Screening

BACKGROUND

We recognize that we are responsible for who we hire, to whom we give discretionary authority, and with whom we do business. This policy has been developed in furtherance of our ensuring that all employees are properly credentialed, licensed and without a history of misconduct or performance problems. We recognize that potentially, this type of history may affect their ability to perform their fiduciary duties and responsibilities in accordance with all applicable legal, regulatory and performance requirements.

The Department of Health and Human Services (“DHHS”) Office of Inspector General (“OIG”), in their compliance “guidances”, calls for health care organizations to develop policies addressing the non-employment or retention of sanctioned individuals.

NYDH employs health care professionals, and engages in business relationships, and require that each individual is screened on a quarterly basis. A screening process must be in place to preclude employing or engaging in business relationships with individuals and entities that have been convicted of criminal violations or have been the subject of sanctioning, debarment, exclusion, or other adverse action that could impact on their compliance with applicable laws and regulations.

PURPOSE

To ensure that all employees and others with whom we do business are properly credentialed, licensed and without a history of misconduct or performance problems.

POLICY

1. We will not employ or engage in business with anyone who is currently under sanction or exclusion by any duly authorized enforcement agency, or licensing and disciplining authority.
2. We will take all reasonable steps to verify that the information provided

by individuals on their application and entities desiring a business relationship with us is accurate and they are not under sanction by any duly authorized regulatory or enforcement agency.

PROCEDURES

1. The employment application for all new employees will include an attestation by the candidate relating to whether they have ever been convicted of a crime or sanctioned by a duly authorized regulatory or enforcement agency of government. Further, the application will provide that the candidate agree to notify management in writing within five (5) days of receiving any written or oral notice of any adverse action.
2. The following language shall appear on all credentialing applications:
 - “Have you ever been convicted of any criminal violation of law, or are you now under pending investigation or charges of violation of criminal law? If yes, explain.”
 - “Have you been the subject of any adverse action(s) by any duly authorized sanctioning or disciplinary agency for either conduct based or performance based actions? If yes, explain?”
3. The following language shall appear on all applications for employments:
 - Where you ever, or are you now, excluded from participating in any State or Federal programs such as Medicaid or Medicare?
 - Where you ever, or are you now, listed on any exclusion list of any Federal or State agencies, including but not limited to NYS Office of Medicaid Inspector General (OMIG), and/or The Health and Human Services Office of Inspector General (OIG)
4. All applications and contracts shall include a statement that accuracy of all information provided is a condition of employment or contract; and any incorrect information provided is grounds for immediate termination of employment or contract, as well as a statement that grants the right to verify all information provided in any employment application or contract agreement.
5. The credentials of professionals or entities employed by us, or with whom we establish a business relationship shall be screened against the current List of Excluded Individuals and Entities (“LEIE”) of the Health and Human Services Office of Inspector General and the NYS Office of Medicaid Inspector General (OMIG), as well as the Fraud and Abuse Computerized Information System (FACIS) prior to entering into an employment or business

relationship. This review will take place on all initial applications at the point of committee review, and then monthly thereafter against the updated monthly lists by an employee designated by the Director of Human Resources who oversees the Office of Professional Affairs.

6. All vendors, joint venture parties, or affiliates in providing ancillary medically related services will be screened for adverse governmental actions and sanctioning against the OMIG and OIG list prior to entering into an employment or business relationship and then monthly thereafter against the monthly updated list by an employee designated by the Director of Supply Chain Management.
7. Human Resources (“HR”) is responsible for carrying out this policy as it relates to the hiring of employees. The department must run all employees against the OIG and OMIG sanction list and report their findings to the NYDH Office of Corporate Compliance
8. Procurement is responsible for carrying out this policy as it relates to vendors and contractors. The department must run all employees against the OIG and OMIG sanction list and report their findings to the NYDH Office of Corporate Compliance
9. Prospective employees and vendors who have been officially reinstated into the Medicare and Medicaid programs by the OIG may be considered for employment, medical privileges or a contractual relationship upon proof of such reinstatement and a determination that there are no other impediments to such action.
10. There shall be regular monthly screening of existing employees and contractors to ensure that none have undergone sanctioning during that period.
11. The Chief Compliance Officer will conduct an annual review of the employment applications and business entities with which we enter into a business relationship to verify that this policy is enforced and provide a report of this verification to the Executive Compliance Committee and Audit and Compliance Committee of the Board, along with any recommendations for improvement in the process.