Title: GOVERNMENTAL EXCLUSIONS / SANCTION CHECK AND MEDICARE OPT-OUT

Policy Number: CO 1.8


Effective Date: 4/1/2012
Revised Date: 5-28-2015, 9-2-15, 3-31-16, 2-28-18
Annual Review Date: 3-26-19, 2-27-20

Policy Statement:

1. To ensure that the Paul L. Foster School of Medicine (PLFSOM) Credentialing Office verifies if a practitioner is excluded from participation in Medicare, Medicaid or other Federal health care programs by the Office of Inspector General or other Federal agency prior to granting membership to the PLFSOM Professional Staff and/or clinical privileges.

   PLFSOM is the recipient of reimbursement from several Federal health care programs (Medicare, Medicaid, etc.)

   The Federal government has the right to exclude from participation any individual or entity that has been convicted of Medicare and Medicaid program-related crimes, patient abuse crimes, health care fraud felonies or controlled substance felonies. The result of the exclusion is that any healthcare provider who receives reimbursement from a Federal health care program should not employ or contract with the excluded party.

2. It is the goal and responsibilities of the Credentialing Office to verify provider non-participation Medicare opt out in the Federal Medicare Programs when performing credentialing services on behalf of Medicare Advantage Organizations.

   In accordance with Chapter 6 of the Medicare Managed Care Manual, section 60.2, “no physician or other practitioner that has opted out of the Medicare program may accept Federal reimbursement for a period of two years”.

   It is the policy of the Texas Tech University Health Sciences Center El Paso (TTUHSC EP) (PLFSOM) that employed providers (Providers) may not opt out of any third party or managed care plan with which TTUHSC EP has signed an agreement.

Procedure:

Initial Appointment and Re-Appointment Process:

1. The Credentialing Office will verify the following databases during the initial credentialing and re-credentialing process to ensure that practitioners excluded from participation in any Federal health care
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programs by the Office of Inspector General or other Federal agencies (Medicare, Medicaid, etc.) are not
granted clinical privileges. The individual querying the data banks will note if the practitioner’s name is
listed/not listed in the databank. A printed query result, dated and initialed by the individual who
completed the query, will be filed in the applicant’s credentials file.

  https://exclusions.oig.hhs.gov/
- Office of Inspector General (OIG) – Texas Health & Human Services Commission
  https://oig.hhsc.state.tx.us/oigportal/EXCLUSIONS.aspx
- System for Award Management (SAM)
  https://www.sam.gov/portal/SAM/?portal:componentId=8e1441a6-72e4-4ab0-86a8-b0884f22dc78&interactionstate=JBPN5_rO0ABXc0ABBfanNmQnJpZGdiVmlld0lkAAAAQAATL2pzZl9mdWJidGlvbmiFmpzcAAHX19FT0ZfXw**&portal:type=action#1
- US Department of the Treasury - Office of Foreign Assets Control (OFAC)
  https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx
- Sex Offender Registry – Texas Department of Public Safety, and The US Department of
  Justice - National Sex Offender
  https://records.txdps.state.tx.us/SexOffenderRegistry
  https://www.nsopw.gov/

2. Should an individual’s name appear as excluded, the Credentialing Office will take the following
measures to ascertain correctness as follows:

- Office of Inspector General (OIG) – Texas Health & Human Services Commission
  Use the applicant’s social security number for confirmation purposes.
- System for Award Management (SAM)
  Agency contacts and phone numbers are listed to contact for confirmation
  purposes. (For individuals – social security numbers and/or birth date are required.)

Should the individual being queried actually be that listed, please notify the Credentials Committee Chair,
the Legal Department and MPIP, within two working days.

Periodic Checks

1. Monthly, Institutional Compliance Office conducts a search of the Sanction Lists against all TTUHSC
employees, vendors, and contactors, with the results reported to the respective Directors of each
area. Should a member of the PLFSOM Professional Staff be listed, notify the Credentials
Committee Chair, the Legal Department and MPIP within two working days. The following sanction
lists are queried;

- Any other government exclusion/sanction list necessary to comply with state and/or
  federal laws.
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  [https://exclusions.oig.hhs.gov/](https://exclusions.oig.hhs.gov/)
- Office of Inspector General (OIG) – Texas Health & Human Services Commission  
  [https://oig.hscs.state.tx.us/oigportal/EXCLUSIONS.aspx](https://oig.hscs.state.tx.us/oigportal/EXCLUSIONS.aspx)
- System for Award Management (SAM)  
  [https://www.sam.gov/portal/SAM/?portal:componentId=8e1441a6-72e4-4ab0-86a8-b0884f22dc78&interactionstate=JBPNS_rO0ABXc0ABBfanNmQnJpZGdIVmll0lAAAAAA QATL2pzI9mdW5jdGlvbmsLmpzcAAHX19FT0ZFxw**&portal:type=action#1](https://www.sam.gov/portal/SAM/?portal:componentId=8e1441a6-72e4-4ab0-86a8-b0884f22dc78&interactionstate=JBPNS_rO0ABXc0ABBfanNmQnJpZGdIVmll0lAAAAAA QATL2pzI9mdW5jdGlvbmsLmpzcAAHX19FT0ZFxw**&portal:type=action#1)

**Medicare Opt-Out**

**Procedure:**

At initial credentialing, TTUHSC EP will query the CMS Opt Out list no more than 180 days in advance of credentials committee vote. The initial credentialing file will contain evidence of the query. The query print-out will be kept in the applicants file with printed date and initialed by verifier.

On a monthly basis the Director of the Credentialing Department at TTUHSC EP, monitors and prints the Opting Out of Medicare (Private Contracting) & Current Opt-Out Listing ([https://www.novitas-solutions.com/webcenter/portal/MedicareH/pagebyid?contentId=00025018&_afrLoop=2265267068455012#!%40%40%3F_afrLoop%3D2265267068455012%26contentId%3D00025018%26_adf.ctrl-state%3Dfgh2rc2ko_17](https://www.novitas-solutions.com/webcenter/portal/MedicareH/pagebyid?contentId=00025018&_afrLoop=2265267068455012#!%40%40%3F_afrLoop%3D2265267068455012%26contentId%3D00025018%26_adf.ctrl-state%3Dfgh2rc2ko_17)) of its physicians and other health care practitioners through monthly review of the CMS Opt Out list. Upon written request, TTUHSC EP will provide an update report of its query of the Opt Out list.

In the event TTUHSC EP discovers that one of its Providers appears on the Opt Out list, TTUHSC EP will take the following actions:

1. TTUHSC EP will timely notify the applicable payers
2. Notify the President/Dean, TTUHSC EP.
3. Notify TTUHSC EP General Counsel’s office in order review and discuss possible administrative and/or disciplinary actions that may be taken against a Provider who has failed to maintain their provider status in payer or managed care plans.

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