



VNSNY CORPORATE POLICY AND PROCEDURE

TITLE: Sanction Checks

APPLIES TO: All VNSNY Entities

PREPARED BY: Corporate Compliance Department

APPROVED: October 21, 2011; August 12, 2014

PURPOSE

As mandated by federal and state laws, and in accordance with the VNSNY Compliance Program (the “Program”), VNSNY will conduct all required exclusion screenings on employees, Board members, referral sources, and contractors. This Policy and Procedure outlines the respective processes for ensuring that all required screening occurs, that the screenings are tracked and monitored, and that any potential exclusions are investigated and immediately acted upon.

POLICY

VNSNY is committed to using good faith, reasonable efforts to not employ, allow to serve on its Board, contract with, or otherwise accept referrals from individuals or entities that are currently excluded, debarred or suspended from, or otherwise ineligible to participate in any Federal Health Care Program or in any Federal procurement or non-procurement program.

This Policy applies to all candidates for employment with VNSNY and employees and certain volunteers; members of the Board of Directors of VNSNY and the Boards of Directors of each of the VNSNY subsidiaries and affiliates (collectively, the “VNSNY Board Members”); all physicians, practitioners, and other providers who order health care services provided by VNSNY (collectively referred to as “referral sources”); any individuals or entities in the VNSNY CHOICE networks, and all other vendors and contractors who/which do business with VNSNY (collectively referred to as “contractors”).

DEFINITIONS

1. **Ineligible Person.** An “Ineligible Person” means an individual or entity who/which is or has been excluded, debarred or suspended from, or is otherwise ineligible to participate in

any Federal health care program or any Federal procurement or non-procurement program and has not been reinstated after the period of exclusion, debarment, suspension or ineligibility.

2. Federal Health Care Program. A “Federal Health Care Program” is any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the United States Government or any State health care program, including, without limitation, Medicare, Medicaid, Tricare, and programs receiving federal or state grants.
3. Exclusion Lists. “Exclusion Lists” means the following lists, which are checked in accordance with the Procedures detailed in this document:
 - a. The United States Department of Health and Human Services, Office of Inspector General’s (“OIG”) List of Excluded Individuals/Entities (“LEIE”) (currently available on-line at: http://www.oig.hhs.gov/fraud/exclusions/exclusions_list.asp);
 - b. The General Service Administration’s (“GSA”) Excluded Parties List System (“EPLS”) (currently available on-line at: <http://www.epls.gov>);
 - c. The New York State Office of the Medicaid Inspector General’s (“OMIG”) List of Restricted, Terminated or Excluded Individuals or Entities (currently available on-line at: <http://www.omig.state.ny.us/data/content/view/72/52>);
 - d. The National Plan Provider Enumeration System (NPES) (currently available on-line at: <https://npiregistry.cms.hhs.gov/NPESRegistry/NPIRegistryHome.do>);
 - e. The Social Security Administration Death Master File (not currently available on-line);
 - f. The OIG Most Wanted Fugitives (currently available on-line at: <http://oig.hhs.gov/fraud/fugitives/index.asp>); and
 - g. The Office of Foreign Assets Control – Specially Designated Nationals (currently available on-line at: http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/fuzzy_logic.aspx).

Other sources and lists may also be checked as VNSNY deems necessary and appropriate. For example, if a potential employee’s application for employment indicates that he/she worked in any other state(s), or if a contractor has worked, or works, in any other state(s), the equivalent state-specific lists, if available, may also be checked.

4. Primary Exclusion Lists. The “Primary Exclusion Lists” include databases a.-d. of the “Exclusion Lists”.

PROCEDURES

In order to ensure compliance with the above Policy, VNSNY will, at minimum, take the following actions:

A. PROCEDURES FOR DETERMINING INELIGIBILITY

1. EMPLOYEES

a. Candidates For Employment. Each candidate for employment is required to disclose on his/her employment application whether he or she is an Ineligible Person. Any applicant who is an Ineligible Person will not be hired or otherwise become affiliated in any way with VNSNY.

b. New Employees. Before hiring any new employee and for certain volunteers, VNSNY or its designee will, at minimum, check the individual's name against the Exclusion Lists. If the individual's name appears on any of the Exclusion Lists, any offer of employment must be withdrawn and the individual may not be hired unless clear evidence is presented showing that the matters leading to appearance on the Exclusion Lists(s) have been finally resolved, making that individual no longer an Ineligible Person.

c. Monthly Checks of Current Employees. On a monthly basis, VNSNY or its designee will check the names of all current VNSNY employees and certain volunteers against each of the Exclusion Lists. If an individual's name appears on any of the Exclusion Lists, the Procedures set forth in Section B, below, will be followed.

2. REFERRAL SOURCES

a. New Referral Sources. Before accepting orders for healthcare services from any new referral source, VNSNY or its designee will, at minimum, check the individual's/entity's name against the Primary Exclusion Lists. If the individual's/entity's name appears on any of the Primary Exclusion Lists, the individual/entity may not serve as a referral source to VNSNY unless clear evidence is presented showing that the matters leading to their appearance on the Primary Exclusion Lists(s) have been finally resolved, making that individual/entity no longer an Ineligible Person.

b. Monthly Checks of Referral Sources. On a monthly basis, VNSNY or its designee will check the names of all current health care referral sources against each of the Exclusion Lists. If an individual's/entity's name appears on any of the Exclusion Lists, the Procedures set forth in Section B, below, will be followed.

3. VNSNY CHOICE NETWORK PROVIDERS AND SUPPLIERS.

a. Credentialing. At the time of credentialing, VNSNY CHOICE checks all new providers and suppliers against databases a.-d. of the Primary Exclusion Lists. If the individual's/entity's name appears on any of the Primary Exclusion Lists, the

provider or supplier will be denied credentialing and will be placed on a “HOLD payment”, which will prohibit payment from being made to the provider or supplier.

b. Monthly Network Checks. On a monthly basis, VNSNY or its designee will check the names of the entire VNSNY CHOICE network all against each of the Exclusion Lists. If an individual’s/entity’s name appears on any of the Exclusion Lists, and the provider or supplier will be placed on a “HOLD payment” which will prohibit payment from being made to the provider or supplier, the provider or supplier will receive a written termination letter, and the contract will be terminated.

4. CONTRACTORS/VENDORS

a. Monthly Checks of Current Contractors. On a monthly basis, VNSNY or its designee will check the names of all current contractors against each of the Exclusion Lists. If a contractor’s name appears on any of the Exclusion Lists, the Procedures set forth in Section B, below, will be followed.

In addition, VNSNY will require certain contractors providing health related services (e.g., LHCSAs, DME vendors, temporary staffing agencies, etc.) to (i) perform monthly checks of each of the Exclusion Lists for all of the contractor’s employees and subcontractors; (ii) maintain evidence of these monthly checks for 10 years; and (iii) make such evidence available to VNSNY promptly upon its request. If the contractor or any of its employees or subcontractors becomes an Ineligible Person at any time, the contractor will be required to immediately disclose such information to VNSNY’s VP of Compliance and Regulatory Affairs (“VP of Compliance”) or his/her designee, and the Procedures set forth in Section B, below, will be followed. If a contractor providing health related services to VNSNY becomes an Ineligible Person, then the contract shall be terminated immediately.

b. Recommended Contract Provisions. It is recommended that any agreement/contract with VNSNY include at least a representation/warranty from the contractor that he/she/it and each of his/her/its employees and contractors are not Ineligible Persons.

To the extent that a contractor provides health care services that are reimbursed by any Federal Health Care Program, directly or indirectly, the agreement/contract should contain the following:

- i. A requirement that the contractor perform monthly checks of each of the Exclusion Lists for all of its employees and subcontractors, and maintain documentation thereof for 10 years, and that the documentation will be made available to VNSNY promptly upon its request;
- ii. A requirement that the contractor immediately disclose to VNSNY’s VP of Compliance or his/her designee if the contractor or any of its employees

or subcontractors becomes an Ineligible Person at any time during the term of the agreement/contract or at any time relating to its performance of services for or on behalf of VNSNY; and

- iii. A provision that gives VNSNY the right to immediately terminate the agreement/contract in the event the contractor or any of its employees or subcontractors becomes an Ineligible Person at any time during the term of the agreement/contract or at any time relating to its performance of services for or on behalf of VNSNY.

Legal counsel drafting a contract/agreement shall have discretion in the crafting of the appropriate provision.

B. RESPONSE TO A DETERMINATION OF INELIGIBILITY

Should any of the processes set forth above result in the determination that any individual/entity is, or has been, an Ineligible Person, then the following procedures will be followed:

1. NOTIFICATION OF THE VP OF COMPLIANCE.

The VP of Compliance will be immediately notified in writing. The VP of Compliance will then promptly notify the affected VNSNY entity or entities and all other individuals and departments within VNSNY that are necessary and appropriate.

2. SUSPENSION OF BILLING OR PAYMENT.

If an ineligibility determination relates to an individual or entity for which claims for reimbursement are being submitted by or on behalf of VNSNY to a Federal Healthcare Program, any such billing or payment that is related (whether directly or indirectly) to the Ineligible Person will be immediately suspended.

3. INTERNAL INVESTIGATION AND CORRECTIVE ACTION.

The VP of Compliance will promptly undertake an appropriate investigation of the matter, consulting, as necessary, with counsel, and appropriate corrective and/or disciplinary action will be implemented promptly.

For example, such action may include, but is not necessarily limited to: suspension without pay, or termination of an individual's employment or contract; termination of a contractor's agreement; not accepting orders, prescriptions or referrals from such individual or entity; the return of monies or reimbursement improperly received, in accordance with applicable law; and/or disclosure or reporting to the appropriate government agency or agencies, in accordance with applicable law.

4. REMOVAL REQUIREMENT.

If VNSNY has actual notice that any individual/entity has become an Ineligible Person, it will, at minimum, remove that individual/entity from responsibility for, or involvement with, VNSNY's business operations related to Federal Health Care Programs. VNSNY will also remove such individual/entity from any position for which his/her/its compensation, or the items or services furnished, ordered or prescribed by such individual/entity, are paid in whole or in part, directly or indirectly, by a Federal Health Care Program or otherwise with Federal funds, at least until such time as the individual/entity is reinstated into the applicable Federal Health Care Program(s) and is no longer an Ineligible Person. Such action will be in addition to any other action deemed necessary and appropriate in connection with the investigation referenced above.

5. PROPOSED INELIGIBILITY.

If VNSNY has actual notice that an individual/entity is the subject of an action that proposes to make the individual/entity an Ineligible Person, VNSNY will take all appropriate actions to ensure that the responsibilities of such individual/entity have not and will not adversely affect either the quality of care rendered to any Federal Health Care Program beneficiary or the integrity of any claim submitted to any Federal Health Care Program. Such action will be in addition to any other action deemed necessary and appropriate in connection with the investigation referenced above.

Any individual/entity who knows or should have know of his/her Ineligible Person status is required to report that immediately to the VP of Compliance and the Human Resource Department.

6. NOTIFICATIONS TO FEDERAL OR STATE AGENCIES.

As may be required pursuant to any federal or state law, regulation, or contractual requirement, the VP of Compliance will notify the relevant federal or state agency of the Ineligible Person in accordance with any required timeframe.

C. REPORTS

At least annually, and more frequently as appropriate, the VP of Compliance will report to the Board of Directors of VNSNY or the affiliate Board of Directors and/or the appropriate Board Committee on the checks of the Exclusions Lists performed under this Policy and Procedure, whether the results of those checks revealed any Ineligible Persons, and if so, what corrective or other action(s) were or will be instituted, and the status or results thereof.

D. DOCUMENTATION

The search results page of the Exclusion Lists, or other proof that the required checks of each of the Exclusion Lists have been performed, will be maintained by the VP of Compliance or his/her designee (which may include, for example, a contractor retained to

perform all or some of the required checks on VNSNY's behalf). Such documentation will be maintained for no less than 10 years.

Records of any investigations, corrective action and/or disciplinary action taken in accordance with this Policy and Procedure will also be maintained by the VP of Compliance or his/her designee, and a copy will also be maintained in the individual's personnel file or other appropriate file. Such records will be maintained for 10 years or as otherwise required by applicable law, whichever is longer.

E. QUESTIONS/ENFORCEMENT

If you are aware of a situation that you believe may violate this Policy, you must promptly contact an immediate supervisor, the VP of Compliance, or a member of the VNSNY Compliance Department. Reports may also be submitted anonymously via the VNSNY CHOICE Compliance Hotline at 1-888-634-1558, or the VNSNY Compliance Hotline at 1-212-290-4773, or the VNSNY Online Reporting Tool: www.vnsny.ethicspoint.com. In addition, if you have any questions or concerns about this Policy, you may raise them with any of the individuals identified above or via the Compliance Hotlines.

DRAFTED: October 2011

REVIEWED: August 2014; February 2015

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POLICY OWNER: VP of Compliance and Regulatory Affairs

REFERENCES:

Federal: 42 U.S.C. § 1320a-7b; 42 CFR § 1001.1901(b); Department of Health and Human Services Office of Inspector General: "Updated Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs," Special Advisory Opinion (May 9, 2013); Department of Health and Human Services Office of Inspector General, "The Effect of Exclusion From Participation in Federal Health Care Programs," Special Bulletin (September 1999); Centers for Medicare & Medicaid Services, State Medicaid Director Letters #09-001 (January 16, 2009) and #08-003 (June 12, 2008)

State: 18 NYCRR § 515.5; New York DOH Medicaid Updates (April 2010, Vol. 26, No. 6; June 2007, Vol. 23, No. 6; June 2005, Vol. 20, No. 7)