



The Institutes of Applied Human Dynamics, Inc.
Embracing Families, Enriching Lives

Medicaid Exclusion Lists Background Check Policy and Procedure	Policy Manual: <i>Human Resources and Compliance</i>
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PURPOSE:

IAHD is required to perform monthly checks of all employees, board members and vendors against the Medicaid Exclusion Lists, in accordance with 18 NYCRR 521 Fraud Waste and Abuse Prevention Regulation adopted by the NYS Office of Medicaid Inspector General (OMIG)

APPLICABILITY:

This policy applies to the following:

- All IAHD employees
- All members of the IAHD Board of Directors
- All vendors or contractors utilized by IAHD
- All consultants contract directly with IAHD

POLICY:

IAHD is committed to ensuring compliance with all federal, state and local statutes and regulations. In accordance with Part 521, IAHD performs a check of all employees and members of the IAHD Board of Directors against the Federal and New York State Medicaid Exclusion lists, on a monthly basis. The purpose of these checks is to ensure that no employee and/or board member is exempt from working for or with a Medicaid funded provider. IAHD also performs this monthly check for all contractors, consultants and vendors, (collectively referred to as “vendors”).

For the purposes of this policy, “**vendor(s)**” is defined as any person or entity where there is a direct relationship, contract or agreement with IAHD. This check is conducted to ensure these entities are not precluded from receiving payments from Medicaid funded providers.

If any employee or board member is placed on the NYS or Federal Medicaid Exclusion Lists, they will be terminated immediately. If a “vendor” is placed on either of these lists, IAHD must terminate any contracts or agreements with the “vendor” and have no further transactions.

PROCEDURE:

- 1) The following is the procedure followed when a person is onboarded with IAHD for employment or elected to become a member of the IAHD Board of Directors
 - a. During the onboarding process, the prospective employee or board member's name will be checked against the NYS and Federal Medicaid Exclusion Lists (hereinafter referred to as the "Lists") by the IAHD Human Resources Department (HR).
 - b. If the person's name appears on the exclusion list, they will not be able to continue with the onboarding process or serve as a member of the Board.

- 2) The following is the procedure followed monthly by the Quality Enhancement Department (QE) for all employees and board members:
 - a. Employees**
 1. On or by the 10th of each month, HR will forward a roster of all IAHD employees, including those recently onboarded.
 2. The Corporate Compliance Manager (CCM) will forward this list to a third-party vendor (hereinafter referred to as TPV), hired by IAHD, to compare all employees against the "Lists"
 3. On or about the 20th of each month, a report is received from the TPV reflecting potentially any employees who may be on the "Lists"
 4. The CCM will compare the results of the report with the names provided by HR. If there is a similar name (ex: John Smith) which appears on the list, indicating a potential match, the CCM will look at further identifying information of the IAHD employee to ensure the name on the list is not a match. This could include birth dates, Social Security Numbers, or other information provided by HR.
 5. The results of the review of report and any reconciliation where potential matches were found, is then sent to the TPV to reconcile with their internal database to prevent further incorrect matches.
 6. If it is determined that the employee employed by IAHD has been placed on either of the "Lists," this is grounds for immediate termination.
 - b. Board of Directors**
 1. On or around August 1st of each year, the Executive Office will forward a roster of all IAHD Board Members (collectively referred to as "members").
 2. The CCM will forward this list to the TPV to compare all members against the "Lists."
 3. On or about the 1st of each month, a report is received from the TPV reflecting potentially any members who may be on the "Lists."

4. If there is a similar name (ex: John Smith) which appears on the list, indicating a potential match, the CCM will look at further identifying information of the member to ensure the name on the list is not a match. This could include birth dates, Social Security Numbers, or other information provided by the Executive Office.
5. The results of the review of report and any reconciliation where potential matches were found, is then sent to the TPV to reconcile with their internal database to prevent further incorrect matches.
6. If it is determined that the member has been placed on either of the "Lists," this is grounds immediate removal from the IAHD Board of Directors.

3) The following procedure will be followed for all "vendors", with few exceptions:

a. Pre-Contract Screening

1. Prior to signing a contract or entering into an agreement with any "vendors", the name of the "vendor" must be checked against the "Lists" to ensure they can receive payment of Medicaid funded provider.
2. The "vendor" (either an individual person and/or the name of the entity where applicable) should be sent to the CCM by the Accounts Payable Department (APD), with a copy of the "New Vendor" form. The form should have complete name and address information for the vendor.
3. Within 5 business days of receipt of the request, the CCM will return the signed vendor form to APD if no matches. The CCM inform, if there are any matches for the "vendor". If there are no matches, no further action needs to be taken.
4. If the name of the "vendor" appears as a potential match, the CCM will compare the information on the "New Vendor" form to determine if it is a positive match.
5. If it is determined that the "vendor" appears on any of the "Lists", after reviewing further information, IAHD may not enter into any contract or agreement with the "vendor" or have any further dealings with them.

b. Routine Review

1. At the beginning of each quarter, APD will forward a list of all "vendors" utilized by IAHD.
2. The CCM will forward this list to the TPV to compare the against the "Lists."
3. On or about the 20th of each month, a report is received from the TPV reflecting potentially any "vendors" on the "Lists."
4. The CCM will compare the results of the reports run by the TPV with the information provided by APD.

5. If there is a similar name (ex: ACME cleaners or John Smith) which appears on the list, indicating a potential match, the CCM will look at further identifying information of the “vendor” to ensure the name on the list is not a match. This will include any information on the “New Vendor” list completed at the time of initial contract or other information provided by APD.
6. The results of the review of report and any reconciliation where potential matches were found, is then sent to the TPV to reconcile with their internal database to prevent further incorrect matches.
7. If a Vendor does appear on any of the “Lists,” this is grounds for immediate termination of the contract or agreement.

References: 18 NYCRR 521 Fraud Waste and Abuse Prevention Regulation

Effective Dates:

June 12, 2023: Policy drafted and sent to Cabinet for review and discussion

June 20, 2023: Policy adopted by Cabinet

June 27, 2023: Revised to update process for pre-contract screening for vendors