

	<b>Institutional Policy</b>	
	<b>Policy Name</b>	Identifying and Managing Excluded or Convicted Persons or Entities
	<b>Effective Date</b>	09/20/2016
	<b>Approved Date</b>	09/20/2016
	<b>Next Approval Date</b>	01/21/2022
	<b>Policy Owner</b>	Shilay Mellyn
<b>Approved by:</b> Ron Berge, EVP, COO & CCO; Chris Forkner, EVP, CFO; Sara Walker, VP, HR		

## POLICY STATEMENT

National Jewish Health (“NJH”) will not knowingly employ, affiliate or contract with or otherwise enter into or continue any relationship, whether or not billing or payment are involved, with any person or entity excluded or otherwise ineligible to participate in Federal health care programs.

## SCOPE

All NJH workforce members including officer, manager, faculty, affiliates, volunteers and others working at or on behalf of NJH, whether or not they are paid by NJH

## DEFINITIONS

1. Ineligible Person – Any individual or entity that:
  - a. Is currently excluded, suspended, debarred or otherwise ineligible to participate in Federal health care programs; or
  - b. Has been convicted of a criminal offense related to the provision of health care items or services but has not yet been excluded, debarred or otherwise declared ineligible.
2. GSA List – The list maintained on the Internet in searchable format at <http://sam.gov/>.
3. OIG Sanction Report – The list maintained on the Internet in searchable format at <http://exclusions.oig.hhs.gov>.
4. Sanction Check – The website at [complianceconcepts.com](http://complianceconcepts.com) that enables NJH to verify individual or company exclusions using a batch file of multiple individuals or companies that is processed against the OIG Sanction Report and the GSA List at the same time.

## PROCEDURE

1. **Human Resources: Employees, Affiliates, Board Members, Board Committee Members, Individuals contracted to provide services within NJH**
  - a. Prior to Hiring or Entering into any other Relationship Status with an individual. The Human Resources Department will:
    - i. *Require disclosure* by candidates for employment, board membership, board committee membership or for providing service under contract of any criminal convictions, current or previous exclusion, suspension or other ineligibility for participation in federal programs or of the existence of a controlling interest in an entity that has been so excluded or suspended.
    - ii. *Query* OIG Sanction Report and GSA List for all candidates for employment, board membership, board committee membership, providing services under contract or other affiliate status, whether or not payment is involved in the relationship.
    - iii. *Notify* the Compliance Office and the Vice President of Human Resources of any matches confirmed and potential matches that cannot be ruled out.
    - iv. *Perform any additional review* indicated after consulting with the Compliance Office.
    - v. *Individuals determined to be Ineligible Persons* will no longer be eligible for employment or other relationship status.
  - b. Monthly Screening. Each month, the Human Resources Department will:
    - i. *Screen* all current employees, affiliates, and other individuals in a relationship status against the OIG Sanction Report and GSA List to verify that they have not become an Ineligible Person since the last review.
    - ii. *Notify* the Compliance Office and the Vice President of Human Resources of any matches confirmed any potential matches that cannot be ruled out.
    - iii. *Perform* any additional review indicated after consulting with the Compliance Office and Medical Staff Services, and
    - iv. *Consult* further with the Compliance Office for advice and direction on proceeding with an appropriate course of action with regard to any person who is determined to have become an Ineligible Person.
2. **Credentials Verification: Medical Staff Members**
  - a. Initial Appointment/Reappointment Screening. Medical Staff Services will:
    - i. *Require disclosure* by an applicant for appointment or reappointment to the Medical Staff that the applicant does not have any current or previous exclusion, suspension or other ineligibility for participation in federal programs.
    - ii. *Query* the OIG Sanction Report and the GSA List as part of its primary source verification process for each application for appointment or reappointment to the medical staff.
    - iii. *Notify* the Chief Compliance Officer or designee of any matches found and potential matches that cannot be ruled out.
    - iv. *Perform any additional review* indicated after consulting with the Compliance Office and, if applicable, Human Resources.
    - v. *Applicants determined to be Ineligible Persons* will no longer be eligible for appointment or reappointment to the medical staff.

- b. Monthly Screening. Each month, Medical Staff Services will:
  - i. *Screen* all current members of the Medical Staff against the OIG Sanction Report and GSA List to verify that they have not become an Ineligible Person since the last review.
  - ii. *Notify* the Compliance Office of any matches confirmed and potential matches that cannot be ruled out.
  - iii. *Perform* any additional review indicated after consulting with the Compliance Office and, if applicable, Human Resources, and
  - iv. *Consult* further with the Compliance Office for advice and direction on proceeding with an appropriate course of action with regard to any person who is determined to have become an Ineligible Person.

### 3. **Materials Management: Vendors and Contractors**

- a. Prior to completing a contract or otherwise entering into a relationship for services, equipment, supplies or other items, the Materials Management Department will:
  - i. *Require Disclosure* by the potential vendor or contractor that
    - 1. The vendor or contractor (individual or entity) has no current or previous exclusion, suspension or other ineligibility for participation in federal programs; and
    - 2. None of the vendor's or contractor's employees are now or have been excluded, suspended or otherwise ineligible for participation in federal programs.
  - ii. *Query* the OIG Sanction Report and GSA List with regard to the vendor or contractor.
  - iii. *Notify* the Compliance Office and the Vice President of Human Resources of any matches found and potential matches that cannot be ruled out.
  - iv. *Perform any additional review* indicated after consulting with the Compliance Office.
  - v. *Individuals or entities determined to be Ineligible Persons* will not be eligible to enter into a contract or other relationship to provide services, equipment, supplies or other items.
- b. Monthly Screening. Each month, the Materials Management Department will:
  - i. *Screen* any currently approved vendor or contractor screening against the OIG Sanction Report and GSA List to verify that they have not become an Ineligible Person since the last review.
  - ii. *Notify* the Compliance Office of any matches found and potential matches that cannot be ruled out.
  - iii. *Perform any additional review* indicated after consulting with the Compliance Office, and
  - iv. *Consult further* with the Compliance Office for advice and direction on proceeding with an appropriate course of action with regard to any vendor or contractor who is determined to have become an Ineligible Person.

### 4. **Documentation**

- a. Retention Period for Documentation: Each Department responsible for performing initial and monthly screening will retain the documentation described below in hard copy or

electronic storage for at least ten (10) years. Documents must be readily available on demand. Documents stored electronically must be maintained on a system drive that is routinely backed up.

- b. Documentation required for searches performed directly on the OIG Sanction Report and GSA list websites:
  - i. *Searches on a single person or entity.* Whenever a search of a single individual or entity is conducted on the GSA List or the OIG Sanction Report, the Search Results screen must be saved in electronic or paper format and maintained by the Department, whether or not the results indicate a match.
  - ii. *Batch Searches.* If the check is done by running a comparison of data containing multiple individual(s) or entities against downloadable GSA List or OIG Sanction Report data, the search results must be saved in electronic or paper format and should be maintained in the Department's master exclusion verification file.
- c. Documentation required for searches performed on SanctionCheck.com:
  - i. *Documentation required regardless of SanctionCheck.com search results:*
    - 1. The following reports must be downloaded and retained:
      - a. File Summary Report
      - b. Individual or Company Certificates
  - ii. *Searches with Potential Matches and Positive Results.* Documentation required when batch file results from SanctionCheck.com indicate a possible OIG or GSA List match:
    - 1. The Potentials report must be downloaded and retained.
    - 2. Documentation indicating the further research to confirm or rule out each Potential match must also be retained.

## 5. **Contract Management and Reports of Ineligible Persons to Third Party Contractors**

- a. Departments Required to Notify Compliance Office of certain Contract Terms: Departments/individual at NJH who are operating under an existing contract, renewing a contract or entering into a new contract that requires NJH to notify the third party of any suspension or debarment of NJH's employees, agents and/or subcontractors shall submit a copy of the contract to the Compliance Office at the contacts noted below.
- b. Reports to Third Party Contractors: When the Compliance Office receives notice from Human Resources, the Medical Staff Office or Materials Management confirming an Ineligible Person, it shall report the information to the third party in accordance with the terms of the contract.

## REFERENCES

### Compliance Office:

Executive Director, Compliance and Regulatory Affairs; x1855 or [christensena@njhealth.org](mailto:christensena@njhealth.org)  
Chief Compliance Officer, x 1601 or [berger@njhealth.org](mailto:berger@njhealth.org)

Code of Colorado Regulations 10 CCR 2505-10 8.130.35 entitled "Screening for Excluded Employees and Contractors"

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**REVIEWED BY:**

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