

**EPIC MANAGEMENT, L.P.
BEAVER MEDICAL GROUP, L.P.
EPIC HEALTH PLAN**

**ADMINISTRATIVE POLICY AND PROCEDURE
COMPLIANCE**

SUBJECT: Response to Notice of Ineligible Persons and Persons Subject to Exclusion	
DRAFTED BY: Sherry Miller, CCO	DATE: 8/17/2020
REVIEWED BY:	DATE:
REVISED BY:	DATE:
APPROVED BY: Compliance Committee	DATE: 8/17/2020
BOARD APPROVAL DATE: N/A	
EFFECTIVE DATE OF POLICY: 9/1/2020	

1. **PURPOSE:** This EPIC Response to Notice of Ineligible Persons and Persons Subject to Exclusion Policy sets forth EPIC's required response in the event that EPIC has actual notice that (1) a Personnel member is an Ineligible Person, or (2) a Personnel member (a) is charged with a criminal offense that falls within the scope of a Federal Exclusion Statute, or (b) is proposed for exclusion from participation in a Federal Health Care Program during the Personnel member's employment, appointment or engagement, as applicable.
2. **ATTACHMENTS:** N/A.
3. **DEFINITIONS:**
 - a. All capitalized terms used but not defined in this Policy shall have the meaning attributed to them in the EPIC Compliance Program Definitions Policy.
 - b. In addition, the following capitalized terms shall have the following meanings for purposes of this Policy:
 - i. "Federal Exclusion Statute" refers to either of the following:
 - (1) 42 U.S.C. § 1320a-7(a), which mandates exclusion for conviction of:

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- (a) any criminal offense related to the provision of health care under Medicare, Medicaid, and/or certain other state health care programs;
 - (b) any criminal offense related to patient abuse or neglect in connection with the delivery of a health care item or service;
 - (c) any felony offense related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct in connection with the delivery of a health care item or service or in connection with any governmental health care program other than Medicare, Medicaid, or certain other state health care programs; or
 - (d) any felony offense related to the unlawful manufacture, distribution, prescription or dispensing of a controlled substance.
- (2) 42 U.S.C. § 1320a-7(b)(1)-(3), which permits exclusion for conviction of:
- (a) any misdemeanor offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct (i) in connection with the delivery of a health care item or service or in connection with any governmental health care program other than Medicare, Medicaid, or certain other state health care programs, or (ii) with respect to any other federal state, or local agency program;
 - (b) interference with or obstruction of any investigation or audit related to any offense described in paragraph (i) of this definition, any offense described in subpart (a) of this paragraph (ii), or the use of Federal Health Care Program funds; or
 - (c) any misdemeanor relating to the unlawful manufacture, distribution, prescription or dispensing of a controlled substance.
- ii. “Ineligible Person” includes any individual or entity that (1) is excluded from participation in any Federal Health Care Program; or (2) has been convicted of a criminal offense that falls within the scope of 42 U.S.C. § 1320a-7(a), but has not yet been excluded.

- iii. “Subject to Exclusion” means that an individual or entity (1) has a pending criminal charge that falls within the scope of one of the Federal Exclusion Statutes, and/or (ii) has been proposed for exclusion from a Federal Health Care Program during such individual or entity’s employment, appointment, or engagement.

4. **POLICY:** It is EPIC’s policy (1) not to continue the employment, appointment or engagement of services of any Personnel member that is an Ineligible Person, and (2) to take appropriate action with respect to Personnel members Subject to Exclusion in order to protect the quality of care rendered to Federal Health Care Program beneficiaries and the financial integrity of such programs, consistent with the terms of the CIA, Federal Health Care Program requirements, and applicable law.

This Policy is intended to supplement, and not replace, any policies promulgated by other EPIC departments governing the removal of Personnel who are Ineligible Persons or Subject to Exclusion; provided, however, that nothing in such policies will limit the scope and application of this Policy.

5. **PROCEDURE:**

- a. EPIC shall take appropriate action in the event that it (i) identifies a Personnel member as an Ineligible Person through the processes set forth in the Screening for Ineligible Persons Policy, or (ii) otherwise obtains actual notice of a Personnel member’s Ineligible Person status.
 - i. Upon such actual knowledge that a Personnel member has become an Ineligible Person, EPIC shall immediately:
 - (1) remove such Personnel member from responsibility for, or involvement with, EPIC’s business operations related to any Federal Health Care Program; and
 - (2) remove such Personnel member from any position for which the Personnel member’s compensation or the items or services furnished, ordered, or prescribed by the Personnel member are paid in whole or part, directly or indirectly, by any Federal Health Care Program.
 - ii. Such removal shall remain in place until at least such time as the Personnel member is reinstated into participation in all Federal Health Care Programs.
- b. EPIC shall take appropriate action in the event it obtains actual notice that a current Personnel member is Subject to Exclusion.
 - i. Upon actual notice that a Personnel member is Subject to Exclusion, EPIC shall take all appropriate actions to ensure that the

responsibilities of such Personnel member have not and shall not adversely affect the quality of care rendered to any Federal Health Care Program beneficiary or the accuracy of any claims submitted to any Federal Health Care Program.

- ii. A Personnel member Subject to Exclusion may be eligible for re-hire, re-appointment or re-engagement upon receipt of documentation from the HHS-OIG that such individual is no longer Subject to Exclusion.
- c. Upon receiving actual notice that a Personnel member is an Ineligible Person or Subject to Exclusion, the Corporate Compliance Officer (their designee) shall (a) notify the managers of the relevant EPIC departments (including the Human Resources Department, the Credentialing Department, and the BMG Medical Administration Department) of the status of the relevant Personnel member, and (b) coordinate and oversee the actions by the relevant EPIC departments to ensure proper implementation of this Policy, consistent with the CIA, Federal Health Care Program requirements, and applicable law.
 - i. The Corporate Compliance Officer (or their designee) shall take steps, in consultation with Health Care Counsel, to implement appropriate corrective action, including (if applicable) any repayment of Overpayments consistent with the EPIC Policy on the Review of Potential Federal Health Care Program Overpayments.