I. Federal Exclusion

Individuals and health care providers may be excluded from Federal health care programs if they have been convicted of a crime or have been subject to formal board action. The effect of an OIG exclusion from Federal health care programs is that no Federal health care program payment may be made for any items of services (1) furnished by an excluded individual or entity, or (2) directed or prescribed by an excluded physician (42 CFR 1001.1901). This payment ban applies to all methods of Federal program reimbursement, whether payment results from itemized claims, cost reports, fee schedules or a prospective payment system. The prohibition against Federal program payment for items or services furnished by excluded individuals or entities also extends to payment for administrative and management services not directly related to patient care, but that are a necessary component of providing items and services to Federal program beneficiaries. In order to avoid potential liability, health care providers should review the OIG List of Excluded Individuals/Entities on the OIG web site (www.hhs.gov/oig) prior to hiring or contracting with individuals or entities. In addition, if they have not already done so, health care providers should periodically check the OIG web site for determining the participation/exclusion status of current employees and contractors.
II. Commonwealth of Pennsylvania Exclusion

The Medicheck List identifies providers, individuals, and other entities who are precluded from participation in the Medical Assistance (MA) Program. It is necessary for providers to examine the Medicheck list to assure that an order for a service or a prescription is not initiated by individuals who are no longer permitted to participate in the MA Program. The Medicheck website is located at www.dhs.state.pa.us/PartnersProviders/AdvocatesStakeholders/FraudAbuse. Pursuant to state law, any individual or entity included on the Medicheck list is ineligible to participate, either directly or indirectly, in the MA Program. The Department includes on the Medicheck List all federally excluded individuals/entities who practice in Pennsylvania.

III. Reinstatement

Individual providers who have reached the end of their preclusion period must file a request for reinstatement with OIG first and secondly with the Commonwealth of Pennsylvania. In most circumstances, Pennsylvania will not consider reinstatement until OIG has removed the individual provider from the excluded list.

IV. Liability for Employing or Contracting with an Excluded Individual or Entity

If a health care provider arranges or contracts (by employment or otherwise) with an individual or entity who is excluded by the OIG from program participation for the provision of items or services reimbursable under such a Federal program, the provider may be subject to liability if they render services reimbursed, directly or indirectly, by such a program. Fines of up to $10,000 for each item or service furnished by the excluded individual or entity and listed on a claim submitted for Federal program reimbursement, as well as an assessment of up to three times the amount claimed and program exclusion may be imposed. For liability to be imposed, the statute requires that the provider submitting the claims for health care items or services furnished by an excluded individual or entity “knows or should know” that the person was excluded from participation in the Federal health care programs (section 1128A(a)(6) of the Act; 42 CFR 1003.102(a)(2)). Providers and contracting entities have an affirmative duty to check the program exclusion status of individuals and entities prior to entering into employment or contractual relationships, or run the risk of liability if they fail to do so.

V. How to check if a healthcare professional is an Excluded Individual

Pennsylvania Medicaid Precluded Provider List

Go to http://www.dhs.state.pa.us/dpwassets/medichecklist/index.htm
Type in Providers last name
OR
View complete list.
Scroll down past the businesses; it then lists all individuals in alphabetical order but not by license type (all mixed together.)
Federal Medicare Excluded Provider List

Go to http://exclusions.oig.hhs.gov/
Type in Last name, First name, then search.

Attorney Referral

Those on the lists may be referred to an attorney who specializes in having licensee removed from these lists and reinstated to good standing from anywhere in Pennsylvania. PNAP staff can provide referrals upon request.

PNAP

If you require additional information or have questions, please contact Kathie Simpson, Executive Director of PNAP at 877-298-7627 or ksimpson@pnap.org

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