



## OIG issues updated advisory- Are you hiring excluded people?

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It is more important than ever that healthcare providers ensure that no current employee or contractor has been excluded from the federal healthcare program. The **HHS Office of Inspector General** (OIG) has statutory authority to exclude people from federal healthcare programs, including Medicare. Any reimbursement claim that derives from goods or services provided by an excluded person will be denied. Moreover, if a healthcare provider employs or contracts with a person who it knows or should know is excluded by the OIG, the provider is subject to fines and treble damages.

On May 8, 2013, the OIG released an **updated advisory** on the danger of utilizing excluded persons. This release is the first update since 1999 and may signal that the OIG intends to be more aggressive about enforcement in this area. In the advisory, the OIG notes that it maintains a **List of Excluded Individuals and Entities** (LEIE), which is an online database of excluded persons. The OIG advisory recommends, "Providers should check the LEIE prior to employing or contracting with persons and periodically check the LEIE to determine the exclusion status of current employees and contactors." The OIG further notes that liability could arise from staff provided through third-party staffing agencies.

As part of normal compliance and employment processes, healthcare providers should screen employees and contractors to make sure none are excluded from participation in federal healthcare programs.