

Great Rivers Behavioral Health Organization

Policy Title:	Debarred or Excluded Providers	Policy No. 6006.03
Category:	Contract Compliance	Date Adopted: 04/01/2016
		Date Procedure Revised: 08/08/2017 04/05/2018 03/08/2019
Reference:	HCA Contracts with Great Rivers Behavioral Health Revised Code of Washington 39.26.200 NCOA Accreditation Guidelines 42 CFR 438.610; 42 CFR 455.104; 42 CFR 455.106; 42 CFR 455.436; 42 CFR 1001.1901; 42 U.S. Code § 1320a-7; 45 CFR 92.35 Social Security Act (SSA) Section 1903(i)(2); Section 1128 or Section 1128A of the SSA, Executive Order 12549 Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977 (P.L. 95-142); 42 U.S.C. Section 1320a-7(b)(4), 42 U.S.C. Section a-7(b)(6), and 42 U.S.C. Section 1320a-7(b)(14); Federal Acquisition Regulations (48 CFR Ch. 1 et seq.) and the Government Debarment and Suspension (Non-Procurement), 68 FR 66534, Nove 26, 2003.; 42 C. F. R. Section 1001.1901.	

Policy:

- 1.1. Great Rivers Behavioral Health Organization (Great Rivers) shall not employ or contract with individuals, agencies, facilities or businesses excluded, debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in Federal health care or other Federal department or agency programs.
- 1.2. Great Rivers shall not knowingly have a relationship as defined below with an individual or entity who is debarred, suspended, or otherwise excluded from participating in procurement activities under the Federal Acquisition Regulations or from participating in non-procurement activities under regulations issued under Executive Order No. 12549 or under related guidelines. This includes:
 - 1.2.1. Individuals/entities with ownership or control who is an affiliate;
 - 1.2.2. Individuals with access to patients, patient information or patient belongings;
 - 1.2.3. Individuals/entities with contracts as well as individuals identified in the contracts and
 - 1.2.4. Individuals with the ability to order patient or client care tests or services.
- 1.3. Great Rivers prohibits paying with federal funds for goods and services furnished, ordered or prescribed by excluded individuals and entities.
- 1.4. Great Rivers shall not employ or contract with individuals, agencies, facilities or business on the Washington State Provider termination and exclusion lists contain individuals or entities whose participation in the Medicaid program has been terminated for cause by Health Care Authority (HCA) and Medicaid providers who have been excluded from participation per 42 CFR 1001.

Definition:

- 2.1. **Ownership or Control Interest.** An individual or entity is considered to have an ownership or control interest if they have direct or indirect ownership of 5 percent or more, or are a managing employee (e.g., a general manager, business manager, administrator, or director) who exercises operational or managerial control, or who directly or indirectly conducts day-to-day operations (SSA section 1126(b), 42 CFR 455.104(a), and 42 CFR 1001.1001(a)(1)).

Procedure:

- 3.1. Debarment certification will be included in all applicable contracts.
- 3.1.1. All Great Rivers Contracts will include a clause indicating, by signature of the contract, the Contractor, certifies that the Contractor and any Owners are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from participating in transactions (Debarred) and is not listed in the Excluded Parties List System in the System for Award Management (SAM) website. In addition, The Contractor shall immediately notify Great Rivers if, during the term of this Contract, Contractor becomes debarred. Great Rivers may immediately terminate this Contract by providing Contractor written notice if Contractor becomes Debarred during the term hereof. The Contractor also agrees to include the above requirements in all subcontracts in which it enters.
- 3.2. Prior to entering into a contractual relationship, Great Rivers will complete an exclusion screen of the following:
- 3.2.1. Contractors' and subcontractors' directors, officer, and partners.
- 3.2.2. Individuals or entities with an ownership or control interest of at least five (5) percent of the Contractor's equity.
- 3.3. Great Rivers will complete monthly exclusion screenings on:
- 3.3.1. Great Rivers staff, board, and subcontractors to ensure that they are not excluded entities.
- 3.3.2. Individuals with an employment, consulting, or other arrangement with Great Rivers for the provision of items and services that are significant and material to Great Rivers' obligations under the agreements associated to federal funds.
- 3.3.3. Newly added Contractor and subcontractor's employees, individuals and entities with an ownership or control interest for excluded individuals and entities that would benefit directly or indirectly from funds received under agreements associated to federal funds.
- 3.3.4. Newly added Contractor and subcontractor's employees, individuals and entities with an ownership or control interest that would benefit from funds received under agreements associated to federal funds.
- 3.4. Exclusions Screening. Great Rivers conducts an Exclusion Screening, which includes Office of Inspector General (OIG) exclusion check known as the List of Excluded Individuals and Entities (LEIE), General Services Administration (GSA) exclusion check known as the System for Award Management (SAM) and the Washington State Provider termination and exclusion lists for all Great Rivers staff and Governing Board members, and any person with an employment, consulting or other arrangement with the PIHP for the provision of items and services that are significant and material to the PIHP's obligations under its contract with the State.
- 3.4.1. The list of OIG excluded individuals may be found at:
https://oig.hhs.gov/exclusions/exclusions_list.asp.
- 3.4.2. The search for SAM excluded individuals may be found under data access at
<https://www.sam.gov>.

3.4.3. The search for individuals excluded by Washington State may be found at <https://www.hca.wa.gov/billers-providers/apple-health-medicaid-providers/provider-termination-and-exclusion-list>.

3.5. Great Rivers Reporting

3.5.1. Great Rivers will report to HCA when:

- 3.5.1.1. Any excluded individuals and entities discovered in the screening within 10 business days.
- 3.5.1.2. Any payments made by Great Rivers that directly or indirectly benefit excluded individuals, entities, and the recovery of such payments.
- 3.5.1.3. Any actions taken by Great Rivers to terminate relationships with its contracted employees and individuals with an ownership or control interest discovered in the screening.
- 3.5.1.4. Any Great Rivers or contractor's employees and individuals with an ownership or control interest convicted of any criminal or civil offense described in SSA section 1128 with ten (10) business days of the Contractor becoming aware of the conviction.
- 3.5.1.5. Any contractor terminated for cause within 10 business days of the effective date of termination to include full details of the reason for termination.
- 3.5.1.6. Any Great Rivers or contracted individuals and entities with an ownership or control interest. The Great Rivers must maintain a list with details of ownership and control.

3.6. HCA Notification. In addition, if HCA notifies Great Rivers that an individual or entity is excluded from participation by HCA, Great Rivers will terminate all beneficial, employment and contractual, and control relationships with the excluded individual or entity immediately.

3.7. Excluded Individual or Entity.

- 3.7.1. Great Rivers will not make any payments with federal funds for goods or services that directly or indirectly benefit any excluded individual or entity. Great Rivers and its contractors will immediately recover any payments for goods and services that benefit excluded individuals and entities that it discovers.
- 3.7.2. Great Rivers will promptly seek to terminate any employment, contractual, and control relationships with an individual or entity that it discovers and confirms is excluded.

3.8. Civil monetary penalties may be imposed against Great Rivers and its contractors if it employs or enters into a contract with an excluded individual or entity to provide goods or services to Enrollees (SSA section 1128A (a)(6) and 42 CFR 1003.102(a)2).

POLICY SIGNATURE

Edna J. Fund, Chair
Great Rivers Governing Board

03/08/2019

Date