



County of San Bernardino Department of Behavioral Health

INFORMATION NOTICE 10-14

Date 11/15/10

To Department of Behavioral Health
Contract Agencies
Fee-For-Service Providers

From Allan Rawland, Director 

Subject Sanctions for Certification of Excluded, Suspended or Ineligible Providers

Introduction The United States Department of Health and Human Services, Office of Inspector General (OIG) has the authority to exclude providers from participation in any Federal health care program. In addition, the Department of Health Care Services (DHCS) has the authority to impose administrative sanctions to a Mental Health Plan (MHP) and its providers and contractors who are paid with Medi-Cal funds.

Background Under Congressional mandate, the OIG established a program to exclude individuals and entities, who have been convicted of program-related fraud and patient abuse, subjected to licensing board actions and defaulted on Health Education Assistance Loans, from participation in Federal health care programs including Medicare, Medi-Cal and all other plans and programs that provide health benefits funded directly or indirectly by the United States.

In accordance with State law, DHCS has the authority to impose administrative sanctions on Medi-Cal providers, including MHPs and its providers and contractors since DHCS is responsible for oversight related to Medi-Cal Specialty Mental Health services. Administrative sanctions typically taken include but are not limited to the following:

- Withhold - DHCS may withhold payment for any goods or services, or any portion thereof, from any Medi-Cal program provider upon receipt of reliable evidence of fraud or willful misrepresentation by a provider.
- Temporary Suspension – Upon discovery that a provider is under investigation by DHCS or any state, local, or federal government law enforcement agency for fraud and abuse, that provider shall be subject to temporary suspension from the Medi-Cal program, which shall include temporary deactivation of all provider numbers used by the provider to obtain reimbursement from the Medi-Cal program.

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**DMH Letter
10-05**

The Department of Mental Health (DMH) issued [DMH Letter 10-05](#) requiring the following of MHPs:

- Ensure its providers and contractors are not on the OIG List of Excluded Individuals/Entities (LEIE) or on the DHCS Medi-Cal Suspended and Ineligible Provider List.
- Shall not certify any individual or organizational provider as a Medi-Cal provider, or otherwise pay any provider with Medi-Cal funds if the individual or entity is on the OIG LEIE or DHCS Medi-Cal Suspended and Ineligible Provider List.
- Provide notice to its providers and contractors regarding the authority of DHCS to impose administrative sanctions within three months of the notice dated September 3, 2010.

This Information Notice serves as the required notice.

Compliance

In order to comply with the state and federal exclusion, suspended or ineligible lists, DBH has the following practices established:

- Contract language requiring providers and contractors to check the exclusion, suspended or ineligible lists for OIG, DHCS and the General Services Administration Excluded Parties List System (EPLS) upon being approved a contract and at minimum annual checks thereafter with an attestation stating no employees are on the lists to be submitted to DBH Office of Compliance
 - Initial checks for the primary executive(s) and any parties with 5% or more interest of a contract agency
 - Initial and annual checks for Fee-For-Service providers
 - Biennial checks for existing DBH employees, volunteers and interns on all three (3) exclusion lists
 - Initial checks for new employees, volunteers and interns on all three (3) exclusion lists
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Reference

California Department of Health Care Services Medi-Cal. Suspended and Ineligible Provider List, Retrieved November 12, 2010 from http://files.medi-cal.ca.gov/pubsdoco/manual/man_query.asp?wSearch=%28%23filename+%2A%5F%2Az03%2A%2E%2A%29&wFLogo=Suspended+and+Ineligible+Provider+List&wFLogoH=32&wFLogoW=418&wAlt=Suspended+and+Ineligible+Provider+List&wPath=pubsdoco%2Fpublications%2Fmasters%2DMTP%2FzOnlineOnly%2Fsusp100%2D49%5Fz03%2F&prevP
Department of Mental Health, Letter No. 10-05, dated September 3, 2010
General Services Administration. Excluded Parties List System, Retrieved November 12, 2010 from <https://www.epls.gov/>

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Reference (continued)	Social Security Act, Section 1128B(f)(1) Title 42 of the United States Code, Section 1320a-7 U.S. Department of Health and Human Services, Office of Inspector General. Exclusions Program, List of Excluded Individuals/Entities, Retrieved November 12, 2010 from http://oig.hhs.gov/fraud/exclusions.asp Welfare and Institutions Code, Sections 14043.36 and 14107.11
Related Policy	DBH Standard Practice Manual, COM0933 Ineligible Persons Policy
Questions	Questions regarding this information notice may be directed to the DBH Office of Compliance by calling (909) 382-3083 or emailing Compliance_Questions@dbh.sbcounty.gov
