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CLIENT ALERT:
DPW REQUIREMENTS FOR MONTHLY EXCLUSION CHECKS

The Pennsylvania Department of Public Welfare (“DPW”) issued a bulletin on August 15, 2011 which requires all Medical Assistance (“MA”) providers to perform monthly background checks to verify the exclusion status of employees, vendors, contractors, service providers and referral sources whose functions are a necessary component of providing items and services to MA recipients, and who are involved in generating a claim to bill for services, or are paid by Medicaid (including salaries that are included on a cost report submitted to DPW). The bulletin instructs MA providers to check the Pennsylvania Medichex List maintained by DPW, the List of Excluded Individuals/Entities maintained by HHS-OIG and the Excluded Parties List System maintained by the General Services Administration. If an individual has worked in another state or states, MA providers should also check the state Medicaid exclusion databases for those states. Web addresses for those databases can be found below:

OIG Exclusion List: <http://oig.hhs.gov/exclusions/index.asp>

DPW Medichex: http://www.dpw.state.pa.us/learnaboutdpw/fraudandabuse/medichexprecludedproviderslist/S_001152

GSA List: <http://epls.arnet.gov>

Conducting exclusion checks is a significant component to an organization’s corporate compliance efforts. Federal and State law prohibit payment to a provider by the Medicare and Medicaid programs if the services in question are performed by an individual or entity on any of the exclusion lists. Many providers have been forced to return payments for otherwise medically necessary services because those services were provided by unlicensed or excluded individuals or entities. While the requirement to perform monthly checks may be administratively challenging, this is now a mandate for all MA providers which should be folded into your organization’s existing compliance policies.

If you have questions about the DPW bulletin or would like assistance in developing corporate compliance plans or exclusion check policies, please contact David Marshall, Esq. at (717) 620-2424.

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