OIG Exclusion List - Frequently Asked Questions

1. **Q: What is the LEIE?**
   The Office of Inspector General’s (OIG) List of Excluded Individuals/Entities (LEIE) database provides information to the healthcare industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid and all Federal health care programs. Individuals and entities who have been reinstated are removed from the LEIE.

2. **Q: Why am I required to perform this exclusion check?**
   As a delegated entity of Universal American, your organization is a recipient of federal funds and required under contract to adhere to all Centers for Medicare & Medicaid Services (CMS) regulations and requirements.

3. **Q: What is the frequency at which this exclusion check must be performed?**
   The CMS guidance states that the exclusion check must be performed each time the exclusion list is updated. The OIG typically updates the database on a monthly basis. The sites are generally updated in the middle of the month. The updates include all actions taken during the prior month.

4. **Q: What is the effect of exclusion?**
   No payment will be made by any Federal healthcare program for any items or services furnished, ordered, or prescribed by an excluded individual or entity. Federal healthcare programs include Medicare, Medicaid, and all other plans and programs that provide health benefits funded directly or indirectly by the United States.

5. **Q: What activities can result in an individual or entity being excluded?**
   The following acts by individuals or entities will result in mandatory exclusions: Conviction of program related crimes; Conviction relating to patient abuse; Felony conviction relating to healthcare fraud; and Felony conviction relating to controlled substance.

   The following acts by individuals or entities may result in permissive exclusions. The following is not an all inclusive listing. For a complete list of activities that could result in permissive exclusions, please refer to Section 1128A (b) of the Social Security Act.
   - License revocation or suspension
   - Fraud, kickbacks or other prohibited activities
   - Entities controlled by a sanctioned individual
   - Default on health education loan or scholarship obligation
   - Making false statements or misrepresentation of material facts
6. **Q: Where can I find the list of individuals and entities excluded?**

The List of Excluded Individuals/Entities (LEIEs) is available on the OIG Web site ([http://oig.hhs.gov/fraud/exclusions/exclusions_list.asp](http://oig.hhs.gov/fraud/exclusions/exclusions_list.asp)). Once you access the OIG Web site, your organization may sign up to receive email notifications from the OIG when the list is updated.

The OIG allows for individual searches to be performed on their Web site. Additionally, OIG also provides a downloadable LEIE database. The database format provided is compatible with Microsoft Access and Microsoft Excel. However, the downloadable database does not contain Social Security Numbers (SSNs) or Employee Identification Numbers (EINs). If your organization is using the database and identifies a potential match, further research will need to be performed utilizing the OIG Web site.

7. **Q: How will Universal American validate that this review has been performed during my annual delegation audit?**

Validation will be performed by reviewing the entity’s policies and procedures governing how the exclusion check is performed. The entity’s policies and procedures should, at a minimum, provide the following level of detail:

   a. The responsible party within the organization that performs the check.

   b. If your organization’s IT department is automating the exclusion check, documentation supporting the download of the LEIE and the manner in which the LEIE and Human Resources data is compared will be requested.

   c. Proof that the check is being performed on a monthly basis.

      i) For small organizations, print outs of search results should be retained.

      ii) For larger organizations, methods such as attestation by a senior management executive that the search has been performed, the date the search was performed and the results may be more efficient.

   d. The manner in which your organization notifies Universal American upon identifying an excluded individual or entity.

   e. The manner in which your organization addresses an instance in which an excluded individual or entity has been identified.

   f. The submission of monthly attestations from an officer in the organization that the excluded listings are verified pursuant to any contractual obligations.