

## OIG Exclusions

- The Office of the Inspector General (OIG) has the authority to exclude both individuals and entities from participation in federally-funded healthcare programs. This includes Medicare, Medicaid, and other programs.
- Federal reimbursement, whether direct or indirect, for goods provided or services performed by excluded individuals or entities is strictly prohibited. So, even administrative services, such as billing, cannot be performed by excluded parties or entities. And goods, including items like office supplies, cannot be provided by an excluded vendor.
- There are a number of reasons why the OIG may choose to exclude a provider, including:
  - Violating fraud and abuse laws
  - Certain criminal convictions
  - Patient abuse or neglect
  - Failure to pay student loans
- Penalties for allowing services to be performed for beneficiaries of federal health care programs by excluded entities are severe. Possible penalties include:
  - Civil Monetary Penalties of \$10,000 for each item or service and \$10,000 for “each day the prohibited relationship occurs” (42 U.S.C. § 1320a-7a)
  - Treble damages
  - Program exclusion
- UNM HSC has an affirmative duty to check for excluded parties. Penalties can be enforced if an employer “knows or should have known” that it is employing or contracting with an excluded entity.
- **This means that exclusion checks must be performed before entering into any contract with a vendor or other entity and before hiring any person.**

## Other Exclusions

- General Services Administration (GSA): This is a general exclusion from contracting with the federal government in any capacity.
- Specially Designated Nationals and Blocked Persons (SDN): This type of exclusion arises out of foreign policy or terrorism concerns.

## The Exclusion Check Process

- HSC Compliance has access to Cornerstone Health Care Services’ online exclusion check system. The database includes OIG, GSA, and state Medicaid exclusion lists.
- Cornerstone allows us to search by name and date of birth for excluded individuals and entities.
- If the individual or entity cannot be cleared using Cornerstone alone, we can use the OIG or GSA lists if we have an SSN or a TIN.

If you have questions about this or other compliance issues, please email [compliance@salud.unm.edu](mailto:compliance@salud.unm.edu).