



# Monterey County Behavioral Health Policy and Procedure

<b>Policy Number</b>	142
<b>Policy Title</b>	Excluded Providers
<b>References</b>	Code of Federal Regulations, Sections 438.214, 438.610, 455.436 Social Security Act, Sections 1128 and 1128(a) California Department of Mental Health Letter No. 10-05
<b>Form</b>	
<b>Effective</b>	January 8, 2014 <b>Revised:</b> February 26, 2015 <b>Revised:</b> November 23, 2021

## Policy

It is the policy of Monterey County Behavioral Health (MCBH) and its contract partners to verify that its staff and contractors are *not* on the following lists:

1. United States (US) Social Security Administration (SSA) Death Master File (Death Master File)
2. US Department of Health & Human Services (DHHS) Office of Inspector General (OIG) List of Excluded Individuals/Entities (LEIE);
3. US System for Award Management (SAM; replacement for the US Excluded Parties List System or EPLS)
4. The State of California (CA) MediCal List of Suspended or Ineligible Providers (S&I List).

MCBH will also verify the provider's registration with the National Plan and Provider Enumeration System (NPPES) and provide them with support in obtaining their NPPES registration, if necessary.

This verification will occur at the beginning of employment or a new contract and during reasonably regular intervals afterwards.

### New Employees or Contract Providers

Upon hiring or commencement of a contract and before provision of services to clients, MCBH will verify that the provider is not on four lists above. If the provider is on these lists, the provider will not be allowed to provide services to clients and bill for these services. Instead, the provider will be referred back to MCBH Administration, Monterey County Health Department Human Resources, and/or to the provider's contract monitor along with the finding that they are on these lists.

### Current Employees and/or Contract Providers

MCBH will also check on a monthly basis that all of its current providers, both direct employees and contractors, are not on the LEIE, SAM/EPLS, and/or S&I. If a current provider is found to be on any of these three lists, the provider will immediately cease MediCal and Medicare billing. Any

32 billing submitted by the provider after they have been entered into any of these lists will be

33 disallowed by MCBH. If the billing has been submitted to MediCal and/or MediCare and have been  
34 paid, MCBH will pay back the amount of the billing to MediCal and/or MediCare.

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36 The provider's continued provision of services to clients will be assessed on a case-by-case basis  
37 depending upon the clinical needs of individual clients. If it is determined by MCBH that a provider  
38 is to stop providing services to clients, the stoppage of services by the provider will be done in the  
39 soonest period of time that the clients' services can be transferred to another provider without any  
40 unsafe or adverse effect on the clients' health and well-being. If necessary, the provider will be  
41 referred back to MCBH Administration, Monterey County Health Department Human Resources,  
42 and/or to the provider's contract monitor along with the finding that they are on these three lists

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44 Federal Financial Participation is not available for any amount furnished to an excluded  
45 individual or entity, or at the direction of a physician during the period of exclusion when the  
46 person providing the service knew or had reason to know of the exclusion, or to an individual or  
47 entity when DHCS failed to suspend payments during an investigation of a credible allegation of  
48 fraud. (42 U.S.C. § 1396b(i)(2); MHP Contract, Ex. A, Att. 3, section 3.A.)