

CLIENT ALERT: August 13, 2010

**COMPUTER GLITCH REQUIRES RE-CHECKING
OF EXCLUDED PROVIDER LIST**

It was recently discovered that from July 15, 2010 through August 4, 2010, the search/verification function of the federal on-line searchable [List of Excluded Individuals/Entities](#) (LEIE) database was not working properly. During that period, when a user entered an SSN or EIN to verify whether an individual or entity was excluded, the reply in every case was “No match.” As a result of this computer glitch, it is possible that users may have received false negative results for individuals and entities who actually are excluded. Therefore, we highly recommend that users re-screen all individuals and entities whose SSNs or EINs were verified during the July 15-August 4th timeframe.

Federal health care programs, including Medicare and MassHealth, will refuse reimbursement for services provided by employees or contractors who have been excluded from participation in those programs. The Office of the Inspector General of the U.S. Department of Health and Human Services (“OIG”) maintains the LEIE and updates it monthly. In October 2009, the MassHealth Office of the Executive Office of Health and Human Services issued [All Provider Bulletin 196](#) recommending that all MassHealth providers screen for exclusion all employees and independent contractors, both individuals and entities, on a monthly basis. The OIG may exclude individuals and entities from federal health care program participation if such individuals and entities engaged in certain types of program-related misconduct or have been convicted of certain crimes, including patient abuse or fraudulent submission of claims.

To protect themselves, all health care providers should screen potential employees and contractors for exclusion during the hiring or contracting process. In addition, providers should develop and update internal policies and procedures concerning this obligation to ensure that the Excluded Provider List is cross-checked on a monthly basis.

Please contact Jennifer Gallop in our health law practice with any questions or for assistance in achieving compliance.