



EXCLUSION SCREENING POLICY (EMPLOYEES, BOARD MEMBERS, AND CONTRACTORS)

PURPOSE

The purpose of this Policy is to establish safeguards to prevent the employment of or contracting with individuals who have been excluded from participation in any state or federal government health care program, or who have otherwise engaged in wrongful or unethical conduct. Jewish Home of Central New York, Inc., Menorah Park Group Residences, Inc., and Syracuse Jewish Family Services, Inc. (collectively, the “Organization”) are committed to identifying prospective and current employees, Board members, and contractors who are listed on government exclusion lists so as to protect the individuals served by the Organization and prevent the refunding of overpayments for services provided by excluded individuals and entities.

APPLICABILITY

This Policy applies to all Organization employees, Board members, and contractors.¹

POLICY

Federal and state laws and regulations require that health care and human services providers like the Organization that receive reimbursement, directly or indirectly, from a federally financed health care program, such as Medicaid or Medicare, do not employ excluded individuals or contract with an excluded contractor.

PROCEDURE

1. Employee Screening Process

All employment application forms shall require that applicants for employment to

¹ “Employees, contractors, and Board members” includes the Organization’s employees, Chief Executive Officer (“CEO”), senior administrators, managers, volunteers, interns, contractors, agents, subcontractors, independent contractors, corporate officers, and Board members who are affected by the Organization’s Compliance Risk Areas. “Compliance Risk Areas” are those areas of operation affected by the Organization’s Compliance Program, as set forth in Section XIII of the Organization’s Compliance Plan. For purposes of the Organization’s Compliance Program, “contractors” includes contractors, agents, subcontractors, and independent contractors who are affected by the Organization’s Compliance Risk Areas. Contractors are required to comply with the Organization’s Compliance Program to the extent that the contractor is affected by the Organization’s Compliance Risk Areas, and only within the scope of the contractor’s contracted authority and affected Compliance Risk Areas.

indicate whether they have been, or are excluded from participation in Medicare, Medicaid, or any other state or federal government health care program. Applicants will certify on these forms that the information they have provided regarding any exclusion is accurate and complete.

In addition, all candidates for employment by the Organization will be subject to pre-employment screening for exclusion from participation in Medicaid, Medicare and other government health care programs. The screening process will commence when an applicant has been identified by the appropriate program director as a final candidate whose employment is conditioned upon an exclusions check, among other pre-employment screenings. At such time, the program director will notify the Human Resources Director or their designee(s) of the applicant's name and other required information in order that the applicant's name can be checked against the U.S. Department of Health and Human Services' Office of Inspector General's ("HHS-OIG") List of Excluded Individuals/Entities ("LEIE"), the Excluded Parties List System ("EPLS"), the New York State Office of the Medicaid Inspector General's ("OMIG") Excluded Provider List (see web addresses below) or other similar lists or databases. The Human Resources Director may delegate certain screening functions to outside vendors as deemed appropriate.

No individual may be offered employment until the exclusion screening process described in this Policy has been completed. The Organization is prohibited from offering employment to any individual who is included on the LEIE, EPLS, OMIG Excluded Provider List, or other similar databases at the time of such offer.

2. Contractor and Board Member Pre-Screening Process

All prospective contractors and Board members will be subject to screening for exclusion from participation in Medicaid, Medicare and other government health care programs prior to the Organization's execution of an agreement with a contractor or the appointment of an individual to a Board member position. The Compliance Officer will develop and implement a screening process for prospective contractors and Board members. Such process will also include a monthly exclusion check for all existing contractors and Board members. The Organization shall not enter into a contractual relationship with a prospective contractor or appoint an individual to the Board of Directors until such contractor and individual has cleared the exclusion screening process.

3. Mandatory Exclusion Lists for Organization Employees, Contractors and Board Members

The Organization shall comply with federal and state exclusion regulations by conducting verifications of prospective and current employees, Board members, and contractors to ensure they are not included on any of the following Medicare/Medicaid exclusion lists and/or databases or other similar lists and databases:

- a. Excluded Parties List System ("EPLS"): The EPLS is maintained by the General Service Administration ("GSA"). The GSA website contains debarment

actions taken by various Federal agencies, including exclusion actions taken by HHS-OIG. The EPLS is available at <https://sam.gov/content/exclusions>.

- b. HHS-OIG's List of Excluded Individuals/Entities ("LEIE"): Provides information to the health care and human services industries 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. The LEIE contains only the exclusion actions taken by HHS-OIG. The LEIE is available at http://oig.hhs.gov/exclusions/exclusions_list.asp.
 - c. OMIG's Excluded Provider List: Includes providers that are determined should no longer be eligible to participate in the New York State Medicaid program due to unethical behavior or other improper conduct. The Excluded Provider List is available at www.omig.ny.gov/medicaid-fraud/medicaid-exclusions.
4. Monthly Verification Process. The Human Resources Director or their designee(s) (in the case of employees) and the Compliance Officer or their designee(s) (in the case of contractors and Board members) will ensure that verifications of the EPLS, LEIE, OMIG Excluded Provider List, and other similar lists or databases occur every thirty (30) days after the first screening to ensure that the statuses of existing employees, Board members, and contractors have not changed. In the event employees, contractors or Board members are listed on the EPLS, LEIE, OMIG Excluded Provider List or other similar lists or databases, the Organization, in the Organization's sole discretion, may follow-up with such individuals or entities to question them about the listing. The results of all monthly exclusions checks shall be shared with the Compliance Officer and other appropriate compliance personnel.
 5. Consequences of Being Listed on Exclusion Databases

Any employee who is included on the EPLS, LEIE, OMIG Excluded Provider List, or similar lists or databases will be subject to immediate termination. If any employee obtains information indicating that another employee is subject to such an exclusion, the employee who obtained such information will promptly notify the Compliance Officer, who will be responsible for investigating the matter. The contract of any contractor who is included on the EPLS, LEIE, OMIG Excluded Provider List, or other similar lists or databases will be subject to immediate termination by the Organization. The appointment of a Board member on the Organization's Board of Directors who is included on the EPLS, LEIE, OMIG Excluded Provider List, or other similar lists or databases will be subject to immediate termination consistent with the Organization's Bylaws and policies, as well as applicable laws and regulations.

Any corrective action will be conducted by the Compliance Officer in consultation with the Human Resources Director in the case of an employee; the Chair of the Board of Directors in the case of a Board member; and the Compliance Officer, in consultation with the CEO, in the case of a contractor. Corrective action will also include an

investigation as to whether any overpayments were made to the Organization as the result of the excluded individual and/or entity and whether a self-disclosure and/or repayment is required.

Adopted: May 18, 2021

Revised & Adopted: March 21, 2023; _____, 2023