

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: MEDICAL ASSISTANCE
PROVIDER SCREENING

ADOPTED: **NEW POLICY DRAFT 2018**

REVISED:

828.1 MEDICAL ASSISTANCE PROVIDER SCREENING	
1. Purpose	The East Stroudsburg Area School District participates in the School-Based ACCESS Program (SBAP), which is a Medical Assistance (MA) program, and is thereby required to conduct screenings to ensure that individuals and entities involved directly or indirectly with providing items and services to MA recipients and/or generating claims to bill for services have not been excluded from participation in MA programs.
2. Authority	In accordance with applicable laws, regulations and compliance program requirements, the District will make reasonable and prudent efforts to screen individuals and entities as appropriate and not to submit any claim for services ordered or rendered by an individual or entity that has been excluded from or is ineligible to participate in state or federal health care programs.
3. Delegation of Responsibility	The Assistant Superintendent for Pupil Services or designee shall be responsible for the coordination, compilation, and preparation of all information necessary to implement this policy in accordance with District administrative procedures.
4. Guidelines	<p><u>Section 1 – General Policy of Disqualification or Debarment</u></p> <p>Prohibition related to the generation of revenue – No employee, contractor, or vendor of the District shall provide, supervise the provision of, support the provision of, or prepare or submit billing statements or other documentation concerning services, material, or equipment for which the District receives funds or other valuable consideration from the Pennsylvania School-Based ACCESS Program, Medical Assistance, or any other state or federal healthcare insurance or benefits program if that employee, contractor, or vendor is disqualified or disbarred from participation or involvement in such programs by the Commonwealth or federal government.</p> <p>Prohibition related to the use of revenue – No employee, contractor, or vendor of the District shall receive any salary, fee, remuneration, disbursement, benefit, or consideration that derives in whole or in part from funds acquired through the Pennsylvania School-Based ACCESS Program, Medical Assistance, or any other state or federal healthcare insurance or benefits program if that employee, contractor, or vendor is disqualified or disbarred from participation or involvement in such programs by the Commonwealth or federal government.</p>

Section 2 - Screening

Required lists used for screening – Every employee, contractor, and vendor of the District subject to this Policy shall be screened to determine whether his/her or its name or business appears on any of the following lists:

- The List of Excluded Individuals/Entities (“LEIE”) maintained by the Office of Inspector General within the United States Department of Health and Human Services;
- The Excluded Parties List System (“EPLS”) maintained by the United States General Services Administration; and
- The Medichex List maintained by the Bureau of Program Integrity within the Pennsylvania Department of Public Welfare.

Use of the foregoing lists shall constitute the sole means by which the District shall determine disqualification or debarment under this Policy.

Frequency of screening – Screening using the lists identified in subsection a) shall occur 1) on a monthly basis for all existing employees, contractors, and vendors subject to this Policy; and 2) prior to initiation of employment or any new or renewed contractual relationship for all new, rehired, or renewed employees, contractors, and vendors subject to this Policy.

Section 3 - Required Provisions in Job Descriptions and Contracts

- a. **Job descriptions** – The written job description of any Special Education employee including, but not limited to, administrative, supervisory, professional, paraprofessional, student helper, nurse, secretarial/clerk employee, speech therapist, or social worker subject to this Policy shall include the following statement –

“The employee in this position could be required as part of his/her duties to engage in activities that can be charged to a Medical Assistance or other state or federal healthcare program. Clearance as provider under such programs by both the Commonwealth of Pennsylvania and the federal government is therefore an essential qualification for this position.”

- b. **Contracts** – Any contract between the District and a contractor or vendor subject to this Policy shall require that the contractor or vendor not be disqualified or debarred from Medical Assistance or other state or federal healthcare program participation and shall include the following statement –

“Debarment or disqualification of [contractor or vendor] as a provider or supplier of services or items under any healthcare program of the

Commonwealth of Pennsylvania or the federal government shall constitute cause for immediate termination of this agreement upon provision of written notice to [contractor or vendor] and for the immediate release of all obligations of the District hereunder.”

Section 4 - Actions Upon Notification of Disqualification or Debarment

- a. **Existing employees and contracted service providers** – Any existing employee or contracted service provider subject to this Policy whose name appears on one of the lists identified in Section 2 of this Policy (related to screening) shall be immediately removed from any duties that involve the generation or expenditure of funds or other valuable consideration from the Pennsylvania School-Based ACCESS Program, Medical Assistance, or any other state or federal healthcare insurance or benefits program. The District reserves the right to take any other lawful action concerning such employee or contracted service provider up to and including termination of employment or the contractual relationship.
- b. **Existing vendors and contractors** – The contract between the District and any existing vendor or contractor, other than a contracted service provider, subject to this Policy the name of which appears on one of the lists identified in Section 2 of this Policy (related to screening) shall be terminated immediately, consistent with the terms of such contract. Any supplies, materials, or equipment supplied by such vendor or contractor for which a charge has been or could be made to the Pennsylvania School-Based ACCESS Program, Medical Assistance, or any other state or federal healthcare insurance or benefits program shall be diverted to other purposes, used without charge to such program, or returned to the vendor or contractor as determined at the sole discretion of the District based on the terms of any applicable contract and due consideration of the needs and rights of the child or children for whom the supplies, materials, or equipment was intended.
- c. **Prospective employees, contractors, and vendors** – The District shall not submit for approval to the Board of School Directors or otherwise consummate any commitment to hire or contract with a prospective employee, contractor, or vendor subject to this Policy whose name or the name of which appears on one of the lists identified in Section 2 of this Policy (related to screening), provided however that the District may, in its sole discretion, hire an otherwise qualified employee who can be assigned to duties that do not involve the generation or expenditure of funds or other valuable consideration from the Pennsylvania School-Based ACCESS Program, Medical Assistance, or any other state or federal healthcare insurance or benefits program.
- d. **Self-disclosure to the Department of Public Welfare** – The District shall

report to the Bureau of Program Integrity within the Pennsylvania Department of Welfare the identity of any existing employee, contractor, or vendor whose name or the name of which appears on one of the lists identified in Section 2 of this Policy (related to screening).

Section 5 - Auditable Records

Required records – The District shall retain for a period of six (6) years auditable evidence of the following:

- For each screening conducted in accordance with Section 2 of this Policy (related to screening) the dates of such screenings, the categories of employees screened, the lists against which names were checked, and the name of any disqualified or disbarred individual or entity identified by such screening.
- The date and content of any disclosure to the Bureau of Program Integrity within the Pennsylvania Department of Welfare as required under Subsection 4 (d) of this Policy (related to self-disclosure).
- Attribution of revenue received from the Pennsylvania School-Based ACCESS Program, Medical Assistance, or any other state or federal healthcare insurance or benefits program to allowable expenditures that did not compensate or otherwise benefit an individual or entity whose name or the name of which appeared on one of the lists identified in Section 2 of this Policy (related to screening).
- Billing records and supporting documentation in a form required under the rules, policies, and procedures of the Pennsylvania School-Based ACCESS Program, Medical Assistance, or any other state or federal healthcare insurance or benefits program applicable at the time of such billing.

References:

42 U.S.C. Sec. 1320a-7, 1320a-71 - Exclusion of Individuals and Entities from Participation in Medicare and State Health Care Programs

Title 42, Code of Federal Regulations 42 CFR 1001.101, 1001.102, 1001.901, 1001-1901 - Medicare and State Health Care Program Integrity

Pennsylvania Department of Public Welfare, Medical Assistance Bulletin: Provider Screening of Employees and Contractors for Exclusion from Participation in Federal Health Care Programs and the Effects of Exclusion on Participation (August 15, 2011)