

**County Of San Diego  
Health and Human Services Agency**

**Chapter:** Compliance

**Topic:** Audits and Monitoring

**Key Words:** Contractors, exclusion, ineligible, sanction, volunteers

---

**SUBJECT: Screening for Ineligible Persons**

**NO: HHSA-M-4.2**

**PAGE:** 1 of 4

**DATE:** September 1, 2004 (Revised)

**REFERENCE:** Social Security Act § 1128  
Social Security Act § 1156  
63 FR 8987 (February 23, 1998)  
63 FR 70138 (December 18, 1998)  
65 FR 59434 (October 5, 2000)

**SUPERSEDES:** N/A

---

**PURPOSE:**

To establish a process and guidelines for performing sanction screening checks of employees, contract employees, contractors, volunteers and vendors within the County of San Diego Health and Human Services Agency ("HHSA") to ensure that they are not designated as "Ineligible Persons" by a federal or state court or agency.

**BACKGROUND:**

As a condition of participation in federal health and social services programs, Sections 1128 and 1156 of the Social Security Act prohibits the employment of, or contracting with, any individual or entity who has been excluded from participation in federal programs as a result of any offense listed in 42 USC § 1320. The United States Department of Health and Human Services, Office of Inspector General has the authority to impose civil monetary penalties against excluded individuals and entities that seek reimbursement from federal health care programs and health care providers that employ or enter into contracts with excluded individuals to provide items or services to federal program beneficiaries.

**DEFINITIONS:**

1. *Ineligible Person:* An "ineligible person" is any individual or entity who is currently excluded, suspended, debarred, or otherwise ineligible to participate in the federal health care programs, including Medicare/Medicaid programs or who has been convicted of a criminal offense related to conduct that would or could trigger an exclusion under 42 U.S.C. § 1320a-7, including criminal offenses related to the delivery of health care items or services.
2. *Contract Employee:* An employee, other than a County employee, who is funded through a contract or similar mechanism, and who is assigned to the County and whose job functions mirror those of County employees.
3. *Contractor:* An individual or entity who provides services to the County under contract.

**POLICY:**

1. HHSA shall perform on-going exclusion reviews to ensure that it does not hire or contract (including price agreements) with any individual or entity under sanction or exclusion by the federal government;

**County Of San Diego**  
**Health and Human Services Agency**

**Chapter:** Compliance

**Topic:** Audits and Monitoring

**Key Words:** Contractors, exclusion, ineligible, sanction, volunteers

---

**SUBJECT: Screening for Ineligible Persons**

**NO: HHSA-M-4.2**

**PAGE: 2 of 4**

**DATE: September 1, 2004 (Revised)**

---

2. Current employees, contractors or vendors who become designated as Ineligible Persons or who are charged with criminal conduct that could lead to exclusion from involvement in federal programs, shall be removed from responsibility for, participation in, or involvement with, HHSA operations related to federally funded programs until such time as the person or entity is reinstated into participation in federal programs.

**PROCEDURE:**

**I. HHSA Human Resources Responsibilities:**

- A. Prior to an offer of employment being extended, HHSA Human Resources shall require that candidates for employment with HHSA attest to any pending charges or convictions for violation of criminal law and/or any sanction or disciplinary action by any federal or state law enforcement, regulatory or licensing agency or licensing body, including exclusion, suspension, debarment or other ineligibility from the Medicare/Medicaid programs.
- B. Individuals or entities considered for employment by HHSA shall be checked against the current U.S. Department of Health and Human Services Office of Inspector General List of Excluded Individuals and Entities and the General Services Administration's Excluded Parties Listing System. If the individual or entity is found to be included on either list, the individual or entity will be denied employment with HHSA. A monthly report of the results of these screenings shall be provided to the Compliance Office.
- C. A monthly review of current employees and contract employees against the exclusion lists shall be performed.
  1. If an employee or contract employee becomes an Ineligible Person during the course of employment with HHSA, that employee shall be:
    - a. Removed from responsibility for, participation in, or involvement with, HHSA operations related to federal or state health care programs or other programs receiving federal support;
    - b. Removed from any position for which the person's salary or the items or services rendered, ordered, or prescribed by the person are paid in whole or part, directly or indirectly, by federal programs or otherwise with federal funds until such time as the person is reinstated into participation in federal programs;

**County Of San Diego**  
**Health and Human Services Agency**

**Chapter:** Compliance

**Topic:** Audits and Monitoring

**Key Words:** Contractors, exclusion, ineligible, sanction, volunteers

---

**SUBJECT: Screening for Ineligible Persons**

**NO: HHSA-M-4.2**

**PAGE: 3 of 4**

**DATE: September 1, 2004 (Revised)**

---

c. Human Resources shall advise the Compliance Office of any current employee or contract employee who becomes designated as an Ineligible Person.

D. Professional license checks of HHSA employees and contracted employees shall be conducted in accordance with Policy HHSA-D-28.

**II. Contracting Program Responsibilities:**

A. Prior to the award of any contract, Individuals or entities being considered to do business with HHSA shall be checked against the current U.S. Department of Health and Human Services Office of Inspector General List of Excluded Individuals and Entities and the General Services Administration's Excluded Parties Listing System. If the individual or entity is found to be included on either list, the individual or entity shall be denied a contract with HHSA. Programs/Divisions/Regions shall immediately notify the Compliance Office if any potential contract recipients are found to be on either list.

B. An annual review of current contractors against the exclusion lists shall be performed by program at the time of contract renewal/extension.

C. If a contractor or vendor becomes an Ineligible Person during the contract term, that contractor/vendor shall be:

1. Removed from responsibility for, or involvement with, HHSA operations related to federal or state health care programs, and

2. Removed from any position for which the person's salary or the items or services rendered, ordered, or prescribed by the person are paid in whole or part, directly or indirectly, by federal programs or otherwise with federal funds until such time as the person or entity is reinstated into participation in the federal programs.

D. Professional license checks of contractor staff shall be conducted in accordance with Policy HHSA-D-28.

**III. Compliance Office Responsibilities:**

A. The Compliance Office shall perform an annual review of the sanction screening process. Such review shall include an evaluation of HHSA Human Resources and Programs' performance of the sanction screening process, including any action

**County Of San Diego  
Health and Human Services Agency**

**Chapter:** Compliance

**Topic:** Audits and Monitoring

**Key Words:** Contractors, exclusion, ineligible, sanction, volunteers

---

**SUBJECT: Screening for Ineligible Persons**

**NO: HHSA-M-4.2**

**PAGE: 4 of 4**

**DATE: September 1, 2004 (Revised)**

---

taken in response to a sanctioned individual or entity, employed by, or doing business with HHSA.

- B. The Compliance Office shall maintain documentation that Agency Personnel has reviewed the results of each employees' sanction screening.

**QUESTIONS/INFORMATION:**

Contact the Compliance Office at (619) 515-4244.

**ATTACHMENTS:**

None

**SUNSET DATE:**

This policy will be reviewed for continuance by September 1, 2006.

Approved:

---

Jean M. Shepard  
Director