



Standard Operating Policies – SOP # 13

Prohibition on Employment and Association with Sanctioned Individuals and Entities

Title:	Prohibition on Employment and Association with Sanctioned Individuals and Entities	Effective Date:	06/01/2021
Author:	Chief Compliance Officer	Last Review Date:	12/01/2021
Location:	All Locations	Last Revision Date:	12/01/2021
Functional Area:	ADMINISTRATION		

POLICY

1. Non-Employment and Non-Association of Sanctioned Individuals and Entities

- a. No individual or entity that has been convicted of a criminal offense related to health care fraud or the regulations governing the health care industry or who is listed by a Federal or state agency as debarred, excluded or otherwise ineligible for participation in Medicare or Medicaid shall be employed by or contracted to Liberty to perform work for any Liberty client that prohibits such employment or contracting. No individual or entity who is charged with criminal offenses related to health care or proposed for exclusion or debarment shall have direct responsibility for or involvement in any Medicare or Medicaid program in which Liberty participates that prohibits such responsibility or involvement.
- b. With respect to its obligations under any contract that Liberty has entered into, Liberty shall not knowingly form a contract with, purchase from, or enter into any substantial business relationship with, for the purpose of fulfilling its obligations under such contract, any individual or entity charged with a criminal offense involving government business, listed by a federal agency as debarred, proposed for debarment or suspended, otherwise excluded from federal program participation or listed as a known terrorist or blocked individual. Liberty, including its affiliates, will not knowingly contract with a provider that has been so convicted, debarred or excluded from participation.
- c. In order to carry out the provisions of this section 1 with respect to its contractual obligations, Liberty shall make reasonable inquiry into the status of any current or potential Liberty Workforce member or business partner for such Workforce member or business partner that would be providing services in support of such contract. Liberty's obligations do not extend to Workforce members and business partners that do not provide services to such contract. Such inquiry shall include, at a minimum, a review of the following sources and time frames:
 - Social Security Number (SSN) trace verification (including disclosure of all other names by which the individual has been known and a check for validity, a suspicious issuance date or a deceased person result)(**pre-engagement**);
 - System for Award Management (SAM) database for debarment from federal programs (**pre-engagement & monthly thereafter**);
 - Office of Inspector General (OIG) database for exclusions from Department of Health & Human Services (HHS) programs (LEIE) (**pre-engagement & monthly thereafter**);
 - Applicable State exclusion lists (**pre-engagement & monthly thereafter**);
 - Office of Foreign Assets Control Specially Designated Nationals (SDN) exclusions list (**pre-engagement & monthly thereafter**);

- The US Department of Justice National Sex Offender Public Website (NSOPW) (**pre-engagement and annually**);
- Felony and misdemeanor convictions at any time that are filed at federal, state, and county government levels using the individual’s home, school and work addresses for the previous seven year period of developed addresses, including participation in court-ordered programs, deferred adjudication, probation and parole (**pre-engagement and annually**); and
- The following investigations, as applicable:

<i>In the event the services require:</i>	<i>the background investigation must include:</i>
Driving a resident/patient/client on behalf of Client	Motor Vehicle history in state of current licensure, state of residence, and state of assignment, if different.
Licensed health professional	Search for disciplinary actions against licenses plus review of Educational degrees, licenses, or professional certifications required for the position. Verifications of such degrees / licenses / certifications. Liberty will monitor active status of licenses and certifications, as required by regulations or contract.
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- d. In order to ensure compliance with the False Claims Act, the USA Patriot Act and all applicable terms of the Medicare and Medicaid programs, Liberty shall terminate any agreement or other arrangement if it determines that the other party to the arrangement is either barred from participation in the Medicare or Medicaid programs or is included in the various federal government lists of known terrorists or other blocked individuals.

PROCEDURE

1. In order to carry out the provisions of this policy, Liberty shall make reasonable inquiry into the status of any current or potential Workforce member as required by any client contract. Such inquiry shall include, at a minimum, all of the sources and at the times frames as listed above. Liberty conducts background checks on all individuals offered work in a position responsible for or involving Medicare and Medicaid programs.
2. Liberty’s Legal and Credentialing Departments may receive and review the results of the inquiries. The details of which persons and entities which are subject to this policy and who are subject to inquiry shall be provided to the Credentialing Department.
3. As required by client contracts, the employment agreements and subcontracts shall require that each provider or subcontractor shall provide prompt notice of any sanctions or exclusions from participation in the Medicare, Medicaid, or other similar government funded programs. Those Legal and Credentialing Departments may also receive and review periodic lists of providers excluded from State government programs from the various State government agencies with which it contracts. These Departments work closely with other Liberty Departments to ensure that providers excluded from participating in Federal or state government funded programs do not provide services for Liberty.

Approved By: _____

Revision History

Version	Date	Author	Summary of Changes
#1	06/01/2021	John Beck	Initial ISF release – refactor and update of previous security policies into distinct documents
#2	12/01/2021	John Beck	Annual review, and to make policy more directed to as required by client contracts. Added inactivity lock requirement