

## Frequently Asked Questions concerning the Reporting Requirements for the List of Excluded Individuals and Entities

Q: I did not receive the email with the spreadsheet. Where can I get it?

A: The template can be downloaded at: [http://tn.gov/didd/provider\\_agencies/OIG/index.shtml](http://tn.gov/didd/provider_agencies/OIG/index.shtml) as LEIE Report Spreadsheet (Excel).

Q: Is this for therapy providers as well?

A: It is for all DIDD Contracted Providers

Q: What is the password for the spreadsheet?

A: Please contact your Regional Office contact to get the password to the Excel Template. They are:

West Region Providers: Monda Qualls [monda.qualls@tn.gov](mailto:monda.qualls@tn.gov) 731-421-5175

Middle Region Providers: Crissonya Phillips [crissonya.phillips@tn.gov](mailto:crissonya.phillips@tn.gov) 615-231-5092

East Region Providers: Janet Kinley [janet.kinley@tn.gov](mailto:janet.kinley@tn.gov) 423-787-6495

Q: We operate in more than one region. Can we put them all on one spreadsheet each month?

A: No, please send in a separate spreadsheet for each unique provider number.

Q: If there is no match do we enter employees name, etc.?

A: No, if no employees, contractors or contractor employees are excluded you can enter one line of No Match and that covers everyone. Separate lines are only needed for those individuals or entities that are excluded.

Q: What is expected in the column ADR ZIP 4?

A: If the web site shows displays the 4 digit Extended Zip Code it should be entered in this column.

Q: So if we are contracting out something in office we need to run the company as well in the OIG check?

A: Yes

Q: Would this also include accountants etc...? How about entities we lease from? So we run our payroll company also? What about our workman's compensation insurance co? Copier companies, postage meters, internet providers? Insurance carriers? The lawn care guys because we as the agency pay them? Pest control and landscaping? Does this mean Background Check Companies? Grocery stores such as Wal-Mart? What about CPA's doing our taxes? CPR/First Aid contractors?

A: First and foremost, DIDD is not the final authority on this question and not in a position to provide legal guidance. Please check with your internal counsel on all of these matters. It is important to understand the difference between a vendor and a contractor. If you have a "contractual relationship"

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with the entity then generally, yes, they must be checked. Contractors are typically the types of organizations where the contract must be sent to DIDD for prior approval.

If the payment to the organization or person, whether it is for a health care related service or not is directly or indirectly attributable to a Medicaid, Medicare or other Federal Health Care funding source and you have a contractual relationship with them – check them.

Again, check with your internal counsel on all questions on issues such as ‘contractual relationship’, the proper interpretation of the federal requirement and the provider’s internal book keeping structure.

Read the website - <http://oig.hhs.gov/exclusions/>.

DIDD will continue to publish information on the entire LEIE subject at: [http://www.tn.gov/didd/provider\\_agencies/OIG/index.shtml](http://www.tn.gov/didd/provider_agencies/OIG/index.shtml).

Q: We need to check the entity but not the employees doing the actual work, i.e., the guys cutting the grass?

A: You would need to check both the entities and the individuals performing the work as they are indirectly receiving Medicaid money.

Q: Do we check employees whose salary and benefits are not paid using Medicaid funds, for example, phone solicitors?

A: No.

Q: Do I run this check for my employees and myself or does our corporate office staff have to be checked too?

A: If the federal monies coming to you and your staff make it to the corporate offices then Yes. If you’re monies remain separate from them then No.

Q: Are you saying that any landlord that our individuals rent from have to be checked or just if the agency leases - for example office space?

A: If the money used to pay the rent is the personal funds of the person supported then the recipient of those funds do not have to be checked as that is not Medicaid or Medicare money. Any services paid by the person supported, from their own personal funds, would not be included. As for the office space question, please refer to the previous question.

Q: If I enter a search and get an initial match but upon doing the Verify process it is not our employee, do we list them or leave them off?

A: This is not a match so you do not need to report it.

Q: If No Match is the finding for all people and entities do we only complete 4 field on one line?

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A: Actually, it would be five fields – Column A.) Exclusion Screen Month, Column B.) Exclusion Screen Source (This will get filled in automatically), Column C.) Reason for Exclusion (It would be No Match in this case), Column R.) Date of Exclusion Check (This one was not mentioned in the webinar) and Column S.) DIDD 5 Digit Provider Number

Q: Are Board members included in the checks?

A: Board Members are not included unless paid for with Medicaid Dollars. If they are volunteer board members they would not be included.

Q: Will this presentation be made available for review at a later date?

A: Yes, it can be found at: [http://tn.gov/didd/provider\\_agencies/OIG/index.shtml](http://tn.gov/didd/provider_agencies/OIG/index.shtml) as LEIE Presentation (PowerPoint)

Q: Can you go over the subject again for emailing the report?

A: Save it as an Excel spreadsheet with the requested formatted file name like “DIDD LEIE Report Spreadsheet - #####”. (Where ##### is your Provider number.) The attach it to an email with an email subject line like “LEIE 88A66 YYYYMM”. (Where 88A66 is your provider number and YYYYMM is the Year and Month just like on the latest entry on the sheet.) Please do not include any sensitive data in the body of the email. The spreadsheet is protected with a password but the body of the email is not.

Q: How comprehensive is the requirement to check for aliases- such as maiden names, etc?

A: The OIG website goes into detail on this. If you know of previous, complex or hyphenated names – run all combinations.

Q: If you run them in groups of 5 you do not get an individual report per person.

A: If none of the five initially match you will get one page stating this. If any of the five match they will be listed and you will need to the individual Verify process separately. You will end up with a page for each person either showing them as a Match or No Match.

Q: Are we ok to keep these reports in a specific LEIE OIG file instead of filing in each person’s personnel file?

A: You can keep them however you wish just as long as you keep them in case someone asks to see them and it meets the requirements stated in the Provider Manual section, 10.13.a. Employee Records.

Q: Please define ‘directly receives or indirectly receives Medicaid dollars’.

A: DIDD is not the final authority on this subject. ‘Directly Receive’ is fairly straight forward. They get a check from the Federal Government itself. ‘Indirectly Receive’ could mean something to the effect that all Medicaid monies that the provider received (such as payments from TennCare for DIDD services)

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goes into a general checking account and payments for contracts, services and employees are made from that. In this case the contractors and employees have indirectly received Medicaid money. Please check with your internal counsel on all these questions.

Q: If the Date of Birth doesn't match are we good to exclude without running the social?

A: The Social Security number should be checked at that point because that is the only way you are going to receive a final Match or No Match screen back that you can save.

Q: Can you run the search on Last Name and then First & Middle together?

A: The web site only allows for First Name and Last Name.

Q: This is rephrasing the question on maiden names. Mary Smith is excluded. She gets married to Tom Hanks and submits an application to our agency. If I do a search on Mary Hanks, is that sufficient since I may or may not know that she was originally.

A: If you know her maiden name, run it. If you do not know her maiden name then you can't run it. Run all names that you know for the individual.

Q: I support conducting the searches but what is the ultimate goal of collecting the data and what are the plans for using the data?

A: This is a Federal requirement intended to prevent federal money from going to individual or entities who are excluded from receiving it for a variety of reasons The data collected and sent to DIDD is used for a larger report that DIDD must send to TennCare showing that all the checks are being done properly and timely.

Q: We don't have access to the names of every person who works for these companies. We don't have a list of their employees nor can we ask for their DOB and social. What do we do?

A: Anyone you sign a contract with agrees to abide by the rules and regulations required of them. Please explain the need for this requirement and ask for the information. If they refuse to cooperate it is your responsibility to understand your liability in this matter and act appropriately.

Q: Can we use an independent vendor to run the checks from the website. We currently use EPSTAFF check to run these checks for other locations?

A: Yes. But remember, if they get paid directly or indirectly with Medicaid or Medicare funds, they must also include themselves in the check. Additionally, you will need copies of everything they do in order to prove that the checks were done on a timely basis and which data sources were used to perform the check.

Q: If we have been running the reports, do you want us to include previous months on the first report?

A: Yes, just add this month's entries to the bottom.

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Q: We are running ours at the end of every month should we send that information now as we wouldn't run them again until the last week of this month?

A: The federal database is generally updated toward the end of the first week of the calendar month. It would be best to adjust your schedule and run them after the latest update but before the 15<sup>th</sup>. It is okay to run them earlier but it could potentially expose your organization to higher recoupments and potential liquidated damages if the exclusion was not found until the next month.

Q: If Family Support funds are paid to a Doctor's office or other vendor, will we need to run that vendor?

A: Family Supports are state funds, not Federal Funds so no, they do not need to be checked.

Q: Are we to run background checks on all our employees we hire on a regular basis (monthly)?

A: The requirement is to run LEIE checks on the OIG Website monthly. There is no need to run background checks after the initial hire.

Q: As a provider, we could be sanctioned \$500 per day for not checking employees on a monthly basis. Just making sure I understood Steve correctly.

A: The \$500 A Day figure is for Liquidated Damages from the Federal Government. DIDD sanctions would be separate from this.

Q: If there is no match for someone on 15th of that month but an Exclusion shows up for them on 20<sup>th</sup> and is included in the update we use the next month, are we fined for that window?

A: No. In this case you caught it the first check that could have found it – using the update the following month. You must act on this exclusion by addressing that relationship. It is possible that the monies paid to that person might be recouped but there would be no Liquidated Dames or Sanctions. You acted properly and timely.

Q: When DIDD QA surveys do we show this to them?

A: DIDD QA will validate by random sample during annual surveys. Additionally, these checks will be pulled for alleged parties in investigations.

Q: If there are no matches, do we only type "No Match" and not who we checked.

A: As long as all individuals and entities come up as No Match, yes, you can type one entry of No Match and you are done. Be sure to keep the individual checks in personnel files however.

Q: If someone shows up as Excluded, are they only if the job is Medicaid funded?

A: You may choose to keep them on but they must be moved to non-Medicaid, non-Medicare function and they must be paid and get benefits from a non-Medicaid, non-Medicare funding source. And this means that this source cannot have an Medicaid or Medicare funds intermingled in it.

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Q: Why can't we search by their social security number? We obtain that number when they are hired.

A: The Social Security Number is only used in the second step which is the Verify step after an initial hit. For security reasons that number can't be published in the downloadable files as it would expose people to identity theft.

Q: So every employee will need to go on the spreadsheet every month?

A: Only exclusions go on the spreadsheet. If there are no exclusions there will be a single entry of No Match.

Q: Ethically, I would report all exclusions I find. But some companies may just lie and not report them or even check. How do you check?

A: Evidence of this check could be asked for at any time during a normal audit by CMS, TennCare or DIDD. Additionally, it will be requested during an investigation. It would be in the company's best interest not to expose themselves to the sanctions, liquidated damages, recoupments and other potentials liabilities by not complying with this federal requirement in a timely manner.

Q: A participant using self-directed services would not need to be checked because the Medicare funds are paid to the staff that come into their home, correct?

A: Correct, the people to be checked are those receiving the funds not the person supported.

Q: So, if the name that I put in comes back with an initial match but when I do the Verify step with the Social Security Number it is not a match, do they go on the spreadsheet?

A: No, that is not a match.

Q: We just want to be sure that it is only the employee that needs to be checked and not the person receiving services through DIDD also, correct?

A: Correct, the person supported does not need to be checked.

Q: So if we don't have any that come back as a Match and we do not entering anything on the spreadsheet do we still need to email it back?

A: You are required to send a spreadsheet every month. If there are no matches, you put NO MATCH in column C and fill out Columns A R and S. If there is a match, you have to fill out all the columns. Please see the example spreadsheet which is the fourth tab of the template provided. .

Q: Just to be clear we need a separate spreadsheet page for each employee?

A: You do not need a separate spreadsheet page for each employee. You will only report those exclusions that have a match on the OIG/LEIE database or a single No Match entry for the month.

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Q: I was under the impression that we must obtain release forms from individuals to run the checks. If this is true, what if there are several individuals from whom I have not obtained releases, therefore cannot run the check?

A: While DIDD is not in a position to provide legal advice to the provider community, it is our understanding that this is a Federal Requirement and a release should not be required. However, please check with your internal counsel to confirm this understanding with respect to your own organization.

Q: If our IT department can run a search against the OIG database, what proof do we need to prove that our checks have been conducted? Are print screens with the date stamp required?

A: Print Screens with the date stamps are not required although that would suffice. If you are going to create a program to download the LEIE file updates monthly from the OIG website and run them internally against your own employee/contractor list, at a minimum you will need to create a systemic record showing each name run, what additional parameters you used (name variations), what LEIE Database version was used, when it was run and the results. Any initial matches will need to be Verified using the OIG website and cannot be run internally by the provider as the downloadable database does not have the SSN or EIN. The final results of this deeper check should be a screen shot, either electronically or as a hard copy.

Q: We currently use TIMAS to search OIG. The results list 4 to a page. Can we save this to our server for audit?

A: We are not currently familiar with parameters TIMAS uses to either do the search or record the results. You can use any system that meets the requirements as stated on the OIG website and in the previously published DIDD documentation. At this time results must be sent the Regional Offices on the Excel Template provided.

Q: When doing an initial search, if the date of birth doesn't match, do we have to continue to do the Verify step using the social security number?

A: Yes, the screen that shows the Date of Birth does not display the time the check was run, the database version it was run against or the resulting Match/No Match. If you merely stop at this screen you have not met the requirement.

Q: What if I do not have the SSN or EIN?

A: Please refer to the OIG website (<http://oig.hhs.gov/exclusions/index.asp>). The video on the Quick Tips page addresses that issue as well. The federal government has an option for you to contact someone there on how to handle this situation.

Q: So, to get a clear understanding, the checks can only be conducted between the 8th and 15th of each month in order to be in compliance?

A: No, this is not true. Although the database on the OIG website is updated generally about the 8<sup>th</sup>, you can run your check at any time as long as you get the results to us by the 15<sup>th</sup>. If you do the check prior

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to the most recent update (on or about the 8<sup>th</sup>) you are potentially exposing your organization to increased liability if that new update would have revealed exclusion that you won't catch till the next month. Please consult your internal counsel on this subject.

Q: Is a provider required to have separate accounts for donations and Medicaid money?

A: No. A provider's accounting practices are an internal matter.

Q: If we have income from more than one source and use separate accounts and pay for contracts such as landscaping and pest control out of a fund with no intermingled Federal Funds, do they need to be checked?

A: No, only people and contracts paid directly or indirectly with federal funds need to be checked.

Q: What is a contractor refuses to supply the information necessary for us to do a check on them or their employees?

A: If a contractor refuses to submit the information needed you will need to consider your agency liability and consult with your internal counsel as to your response. Ultimately you are responsible for doing this check.