



LONG TERM CARE & SENIOR LIVING BLOG

Fraud & Abuse Alert: OIG targets Excluded Employees

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The OIG has demonstrated an increased focus on investigating employers to determine whether any employees are excluded from participating in Federal health care programs. When the OIG investigations reveal excluded employees, who allegedly provided items and services to Federal health care programs beneficiaries resulting in payments to the employers, the OIG has sought and obtained settlements to resolve those allegations.

Of note, recently the OIG announced settlements with two skilled nursing facilities for violating the Civil Monetary Penalties Law after receiving payments for services provided by employees that were excluded from participating in any Federal health care programs.

On June 8, 2015, Meridian Williamsburg Acquisition Partners, LP d/b/a Williamsburg Village Healthcare Campus (Williamsburg) entered into a settlement agreement with the Office of Inspector General (OIG) for the U.S. Department of Health and Human Services. Williamsburg agreed to pay \$77,772.08 to settle allegations that it employed an individual who was excluded from participating in any Federal health care programs. In that matter, the OIG's investigation identified a certified nurse aide, who provided items and services to Williamsburg's patients, as an excluded individual.

On June 1, 2015, P & S Healthcare Management, LLC the former general partner of Woodland Springs Healthcare, LP (Woodland Springs) and P & S Healthcare, LP (P & S) agreed to pay \$100,000 for allegedly violating the Civil Monetary Penalties Law (CMPL). OIG alleged that Woodland Springs employed an individual who was excluded from participating in any Federal health care programs. In that matter, the OIG's investigation revealed two individual employees who were excluded from participating in any Federal health care programs, who were providing items and services to Federal health care programs beneficiaries.

These settlements demonstrate the need for employers receiving payments in any Federal health care programs to screen individuals on the OIG and GSA excluded employee lists before and periodically after hiring such individuals to provide items or services to Federal health care programs beneficiaries. On May 9, 2013, a Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs was issued to provide guidance for providers participating in Federal health care programs. Here's a link to that Bulletin: [Updated Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs](#).

As demonstrated by these recent settlements, employing excluded employees to provide items and services to Federal health care programs beneficiaries can be costly. A reminder to our clients of the need to screen employees can save them money as well as avoid an OIG investigation. Please let us know if you have any questions, we are happy to help.

By Denise Bloch

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