

FROM: Markus P. Cicka, J.D., L.L.M. (Health Law)  
Director, Missouri Medicaid Audit and Compliance Unit

Re: Providers' Obligation to Screen Employees and Contractors for Excluded Persons

DATE: February 1, 2012

Please note that on January 16, 2009, the Centers for Medicare and Medicaid Services issued State Medicaid Director Letter #09-001.

[<https://www.cms.gov/SMDL/downloads/SMD011609.pdf>]. The letter advises States of their obligation to direct providers to screen their employees and contractors for excluded persons.

In particular, the letter provides, in part,:

**Policy Clarification: States Should Advise Medicaid Providers to Screen for Exclusions**

To further protect against payments for items and services furnished or ordered by excluded parties, States should advise all current providers and providers applying to participate in the Medicaid program to take the following steps to determine whether their employees and contractors are excluded individuals or entities:

States should advise providers of their obligation to screen all employees and contractors to determine whether any of them have been excluded. States should communicate this obligation to providers upon enrollment and reenrollment.

States should explicitly require providers to agree to comply with this obligation as a condition of enrollment.

States should inform providers that they can search the HHS-OIG website by the names of any individual or entity.

States should require providers to search the HHS-OIG website monthly to capture exclusions and reinstatements that have occurred since the last search.

States should require that providers immediately report to them any exclusion information discovered.

The Missouri Medicaid Audit and Compliance Unit considers compliance with the steps outlined above to be an integral part of a providers' provision of services to Missouri Medicaid program participants. Compliance with the steps may be subject to audit by the Missouri Medicaid Audit and Compliance Unit.