



## 2014 SECOND QUARTER OIG ENFORCEMENT ACTIONS AGAINST ORGANIZATIONS THAT HIRE EXCLUDED INDIVIDUALS.

*By Jillian Bower, MPA*

The Department of Health and Human Services Office of Inspector General (OIG) reported during the second quarter of 2014, two enforcement cases that involved healthcare organizations who hired excluded individuals. Below is a synopsis of those enforcement cases.

- On April 24, Immediate Homecare, Inc. d/b/a Immediate Homecare and Hospice in Pennsylvania agreed to pay \$78,160.59 for allegedly violating the Civil Monetary Penalties Law for employing an individual that they knew or should have known was excluded from participation in Federal healthcare programs.
- On May 29, Rayburn Health Care & Rehabilitation in Texas agreed to pay \$110,712.60 for employing an individual who was excluded from participation in Federal healthcare programs. The OIG discovered that the excluded individual was employed by Rayburn Health Care & Rehabilitation when the excluded individual applied for reinstatement. On her reinstatement application the individual reported that she is employed as a nurse with Rayburn Health Care & Rehabilitation. During her two years of employment, the excluded individual provided items or services reimbursed by Federal healthcare programs.

In the above cases, improperly hiring a single individual cost these organizations thousands of dollars. Specifically in the case of Rayburn Health Care & Rehabilitation, they wrongfully employed an excluded individual for two years, which cost them \$110,712.60. Whether you conduct sanction checks in-house or outsource sanction checks to a vendor, the cost of the work is far less than the price ultimately paid by Rayburn Health Care & Rehabilitation. Furthermore, it wrongfully placed patients under the care of individuals determined by the OIG as ineligible to participate in healthcare programs. The OIG continues to crack down on providers who are improperly hiring individuals without conducting screenings against the List of Excluded Individuals and Entities. The OIG's continued enforcement of screening requirements highlight their position of protecting federal healthcare programs' beneficiaries and ensuring that excluded individuals do not fraudulently participate during their period of exclusion.

Screening for program exclusions should be viewed by your organization, and especially by executive management, the compliance officer and the Board of Directors, as a necessary part of doing business in the healthcare industry. Individuals and businesses can be excluded for a [number of reasons](#), i.e., offenses related to the delivery of care; patient abuse or neglect; fraud, theft and other financial misconduct; and felony convictions related to controlled substances. Therefore, to protect your business, and especially the welfare of your patients and employees, sanction screening is a necessary part of the business.

---

Jillian Bower, MPA is Vice President of the [Compliance Resource Center \(CRC\)](#) that provides [Sanction Screening Services \(S<sup>3</sup>\)](#), which includes automated sanction screening tools and also provides full outsourcing of sanction screening. For more information, she can be contacted at [jbower@complianceresource.com](mailto:jbower@complianceresource.com) or call her directly at (703) 683-9600 x 405.