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I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates; (2) any other entity or organization in which Tenet Healthcare Corporation or affiliate owns a direct or indirect equity interest of 50% or more; and (3) any hospital or healthcare facility in which Tenet Healthcare Corporation or an affiliate either manages or controls the day- to-day operations of the facility (a “Tenet Facility”) (collectively “Tenet”).

II. PURPOSE:

To ensure that all Screened Persons are not Ineligible Persons.

III. DEFINITIONS:



A. **“Screened Person”** means all officers, directors, shareholders who own 5% or greater of Tenet’s outstanding shares, prospective and current employees, contractors, agents, practicing medical staff (credentialed, consulting or referring), allied health professionals, students, or volunteers of Tenet.

B. **“Ineligible Person”** means an individual or entity (a) currently excluded, suspended, debarred, or otherwise ineligible to participate in Federally funded health care programs or in federal procurement or non-procurement programs or (b) that has been convicted of a criminal offense that falls within the ambit of 42 USC § 1320a-7(a) (see References, below) but has not yet been excluded, debarred, suspended, or otherwise declared ineligible.

Ineligible Persons may include nurses, credentialed physicians or allied health practitioners, coders, other staff (whether employed, contract or temporary), or vendors. Examples of some types of Ineligible Persons and prohibited payments are attached.

C. **“Federally funded health care programs”** means Medicare, Medicaid/MediCal, managed Medicare/Medicaid/MediCal, TriCare/VA/ CHAMPUS, SCHIP, Federal Employees Health Benefit Plan, Indian Health Services, Health Services for Peace Corp Volunteers, Railroad Retirement Benefits, Black Lung Program and Services Provided to Federal Prisoners.

D. **“Exclusion Lists”** means Office of Inspector General (OIG) List of Excluded Individuals/Entities (LEIE), the General Services Administration (GSA) Excluded

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Parties List System (EPLS), any applicable state healthcare exclusion list, and, as applicable, the National Practitioner Databank (NPDB).

- E. **“Potential Compliance Issue”** means a potential Reportable Event as defined in the CIA, other suspected violations of Tenet’s Code of Conduct, Tenet’s policies and procedures, and applicable laws and regulations relating to federal and state health care programs including but not limited to the Anti-kickback statute and Stark law, believed by the individual to be a potential violation of criminal, civil, or administrative law.

A Potential Compliance Issue may be the result of an isolated event or a series of occurrences. Potential Compliance Issues are handled under policy COMP-RCC 4.21 Internal Reporting of Potential Compliance Issues.

IV. POLICY:



- A. Tenet prohibits the employment of, execution of contracts with, provision of items or services at the direction or prescription of, or use of services provided by Ineligible Persons. Tenet shall ensure that (i) the medical staff member does not furnish, order or prescribe any items or services payable in whole or in part by any Federally funded health care program; and (ii) the medical staff member is not “on call” at any Tenet Facility.
- B. Tenet shall ensure that all Screened Persons are screened against the Exclusion Lists prior to engaging their services as part of the hiring, credentialing or contracting process. All Screened Persons shall be screened against the LEIE, EPLS and any applicable state healthcare exclusion list on a monthly basis. The NPDB shall also be queried bi-annually for licensed physicians or allied healthcare practitioners. (Note: additional screenings are also conducted, when appropriate, in accordance with Human Resources Policy 216 Pre-Employment Background Screening.)
- C. In certain cases, (such as students or a contracted entity), Tenet may accept an affidavit or representations and warranties from an entity affirming that the entity has performed its own screening for status as an Ineligible Person against the Exclusion Lists and neither the entity, nor any individuals who are Screened Persons are ineligible. Such affirmation or representations and warranties must include a requirement that the entity will notify Tenet of any changes in the exclusion or ineligibility status of any Screened Persons.

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- D. Tenet requires all Screened Persons to disclose whether they are an Ineligible Person. All Screened Persons shall disclose if he/she/it is an Ineligible Person at the time of the initial hiring, credentialing, or contracting process, or at any point in the future.
- E. If Tenet has actual notice that an employed or contracted Screened Person has become an Ineligible Person, Tenet will remove (e.g., terminate employment or contract with Ineligible Person) such Screened Person from responsibility for, or involvement in, the business operations related to any Federally funded health care programs or provision of items or services, directly or indirectly, to Federally funded health care program beneficiaries and shall remove such person from any position for which the Ineligible Person’s compensation, or the items or services furnished, ordered, or prescribed by the Ineligible Person, are paid in whole or part, directly or indirectly, by Federally funded health care programs or otherwise with Federal funds.
- F. If Tenet has actual notice that a Screened person who is a member of the credentialed medical staff or allied health practitioner of one of its hospitals or other facilities has become an Ineligible Person, Tenet shall refer that physician or other practitioner for review pursuant to the facility’s Medical Staff Bylaws. Tenet shall ensure that it does not submit claims for any services provided, ordered or referred by such Ineligible Person.
- G. Tenet has a responsibility to refrain from billing Federally funded health care programs for items or services furnished, ordered or prescribed by an Ineligible Person. Tenet understands that items or services furnished, ordered or prescribed by an Ineligible Person are not payable by Federally funded health care programs.



IV. PROCEDURE:

- A. Tenet shall ensure that all Screened Persons are screened against the Exclusion Lists prior to engaging their services and, as part of the hiring, credentialing, or contracting process, and on a monthly basis. Documentation of initial screening results indicating that the Screened Person is not an Ineligible Person must be maintained in each employee or physician’s credentialing file, or in the contract file.
- B. Monthly screenings of employees, credentialed physicians and allied health practitioners, contracted staff and entities, temporary staff, vendors, shareholders and corporate officers and directors shall be coordinated at the corporate level through Background Screening Services and the corporate Compliance

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Department. Periodic rescreening's of other categories of individuals or entities should be discussed and coordinated with the corporate Compliance Department.

- C. The hospital Medical Staff Department will query the National Practitioner Databank (NPDB) for credentialed and privileged medical staff members as part of the initial credentialing and re-credentialing processes.
- D. In consultation with the Compliance Department, facilities shall develop a process for ensuring that non-credentialed physicians are screened against the Exclusion Lists prior to accepting a prescription or referral for items or services to be provided by the facility and that no prescriptions or referrals are accepted from excluded physicians.
- E. All Screened Persons are required to disclose immediately to his or her supervisor, Facility Compliance Officer, Tenet Facility CEO, or other individual as designated in the relevant contract, any debarment, exclusion, suspension, or other event that makes that person or entity an Ineligible Person. Failure to do so may result in disciplinary action up to and including suspension or termination, termination of the contract, or other actions as authorized by other Tenet policies or Medical Staff Bylaws.
- F. If Tenet has actual notice that a Screened Person has become an Ineligible Person, Tenet shall remove such Screened Person from responsibility for, or involvement in, the provision of services or business operations related to any Federally funded health care programs and shall remove such Screened Person from any position for which the Screened Person's compensation or the items or services furnished, ordered, or prescribed by the Screened Person are paid in whole or part, directly or indirectly, by Federally funded health care programs or otherwise with Federal funds, at least until such time as the Screened Person is reinstated into participation in the Federally funded health care programs.
- G. If Tenet has actual notice that a Screened Person is charged with a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a) or 42 U.S. §§ 1320a-7(b)(1)-(3) (see References, below), or is proposed for exclusion during his, her or its employment or contract term or, in the case of a physician, during the term of the physician's medical staff privileges, Tenet shall take all appropriate actions to ensure that the responsibilities of that Screened Person have not and shall not adversely affect the quality of care rendered to any beneficiary, patient, or resident, or the accuracy of any claims submitted retrospective or prospectively to any Federally funded health care program. This may include suspension,

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termination, termination of the contract, or other actions as authorized by other Tenet policies or Medical Staff Bylaws.

- H. If the Screened Person denies any material findings contained in the background investigation results, further investigation shall be initiated. The subject of the investigation may provide documentation indicating that he/she/it is not excluded or that reinstatement has been granted. The subject may also submit a sworn affidavit that he/she/it is not the Ineligible Person that appears on the Exclusion Lists. The Human Resources Department, Medical Staff Office, or other responsible department shall forward the documentation to the Background Screening Services and corporate Compliance Department. Copies of the documentation must be provided to the Facility Compliance Officer and/or other designee of the Compliance Department for evaluation and input. After the additional investigation is complete, a response will be provided to the individual within a reasonable period of time.
- I. The Facility Compliance Officer and/or the corporate Compliance Department must be notified immediately that a Screened Person has become an Ineligible Person either by the individual's supervisor or screening department (e.g., Human Resources or Medical Staff Office) or designated contact within Tenet. Any Potential Compliance Issues associated with the Ineligible Person must be immediately reported to the Facility Compliance Officer and Chief Compliance Officer or designee, as per COMP-RCC Policy 4.21 Internal Reporting of Potential Compliance Issues. The Facility Compliance Officer shall coordinate with the Chief Compliance Officer or designee to develop a corrective action plan, including any cost reporting or refunding obligations.
- Guidance may also be provided by other departments including, but not be limited to, Human Resources, Law, and Government Programs. The Chief Compliance Officer shall be responsible for making appropriate notifications to the OIG of any Reportable Events (as defined by the CIA) relating to Ineligible Persons.
- J. Documentation of the monthly screenings shall be maintained by the Background Screening Services and Compliance Departments.
- K. All documents related to screening processes under this policy shall be maintained in the appropriate files by the facility or corporate office as appropriate for a minimum of 10 years after the expiration or termination of employment, contract, or privileges, or 10 years after expiration of the CIA,

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whichever is later. All such documents are subject to audit by Audit Services or the corporate Compliance Department.

L. Enforcement

All employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law.

V. REFERENCES:

-42 U.S.C. § 1320a-7(a) – mandates exclusion for conviction of healthcare program-related crimes, conviction relating to patient abuse or neglect, felony conviction relating to healthcare fraud, or felony conviction relating to controlled substances

-42 U.S.C. §§ 1320a-7(b)(1) -(3) – permits exclusion for misdemeanor conviction relating to healthcare fraud, conviction relating to fraud in non-healthcare programs, conviction relation to obstruction of an investigation, or misdemeanor conviction relating to controlled substances.



-OIG Compliance Program Guidance For Hospitals, 63 FR 8987, at p. 8996 (February 23, 1998), <http://oig.hhs.gov/authorities/docs/cpghosp.pdf>

-OIG Supplemental Compliance Program Guidance For Hospitals, 70 FR 4858, at 4876 (January 31, 2005), <http://oig.hhs.gov/fraud/docs/complianceguidance/012705HospSupplementalGuidance.pdf>

-OIG Special Advisory Bulletin On The Effect Of Exclusion From Participation In Federal Health Care Programs, 64 FR 52791 (September 30, 1999), <http://oig.hhs.gov/fraud/docs/alertsandbulletins/effected.htm>

-42 CFR § 420.203

-42 CFR Part 1001

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-Joint Commission on Accreditation of Healthcare Organizations (2004) HR 1.20 and MS 4.20.

-OIG Exclusion Program website, <http://oig.hhs.gov/fraud/exclusions.html>

-GSA Excluded Parties List System website, <http://www.epls.gov/>

-Corporate Integrity Agreement between The Office of Inspector General of the Department of Health and Human Services and Tenet Healthcare Corporation, signed September 27, 2006, section III.F.

VI. ATTACHMENTS:

-COMP-RCC 4.22A, Examples of Ineligible Persons and Prohibited Transactions