

## OFFICE OF INSPECTOR GENERAL LIST OF EXCLUDED INDIVIDUALS AND ENTITIES

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 expanded and revised the US Department of Health and Human Services Office of Inspector General's (OIG) administrative sanction authorities by, among other things, establishing certain mandatory and discretionary exclusions for various types of misconduct. The federal government will not reimburse Medicare or Medicaid services (1) furnished by an excluded individual or entity, or (2) directed or prescribed by an excluded physician.

**To be in compliance with HIPAA, providers must check the OIG List of Excluded Individuals and Entities on the OIG website <http://www.oig.hhs.gov/fraud/exclusions.html> prior to hiring or contracting with individuals or entities.**

**NOTE:** Persons and entities who are listed on the federal OIG exclusion database must receive reinstatement through the OIG to be eligible for reimbursement through Medicare or Medicaid. More information on the exclusion database may be found at: <http://www.oig.hhs.gov/fraud/exclusions.html>.

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### FEDERAL EXCLUSION LIST

**To be in compliance with the pilot, affected providers are required to consider the following offenses along with the Wisconsin Offenses Affecting Caregiver Eligibility (Ch. HFS 12, Appendix A, WI Administrative Code) when making a fitness determination for newly hired caregivers.**

**NOTE:** Caregivers with convictions on the federal exclusion list may request a rehabilitation review through the Wisconsin Department of Health and Family Services. A copy of the application may be downloaded at: <http://dhfs.wisconsin.gov/caregiver/BkgdFormsINDEX.HTM>.

<b>SEC. 1128(A) OF THE SOCIAL SECURITY ACT EXCLUSIONS</b>
<b>Conviction Of Program-Related Crimes</b> Any individual or entity that has been convicted of a criminal offense related to the delivery of an item or service under title XVIII or under any State health care program.
<b>Conviction Relating To Patient Abuse *</b> Any individual or entity that has been convicted, under Federal or State law, of a criminal offense relating to neglect or abuse of patients in connection with the delivery of a health care item or service.
<b>Felony Conviction Relating To Health Care Fraud</b> Any individual or entity that has been convicted for an offense which occurred after April 2003, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.
<b>Felony Conviction Relating To Controlled Substance</b> Any individual or entity that has been convicted for an offense which occurred after April 2003, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.
<b>Finding Of Patient Or Resident Abuse *</b> Any substantiated finding by a State agency under section 1819(g)(1)(C) or 1919(g)(1)(C) of the Social Security Act (42 U.S.C. 1395i-3(g)(1)(C), 1396r(g)(1)(C)) or a Federal agency that a direct patient access employee has committed (A) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property.

\* Also contained in the WI Offenses Affecting Caregiver Eligibility List