



Credentialing - Mandatory Exclusion Fact Sheet

Background on Mandatory Exclusions -1128 of SSA

The Office of the Inspector General (OIG) has the authority to exclude individuals and entities from Federally funded health care programs pursuant to section 1128 of the Social Security Act (Act) (and from Medicare and State health care programs under section 1156 of the Act) and maintains a list of all currently excluded individuals and entities - called the *List of Excluded Individuals/Entities (LEIE)*. Anyone who hires an individual or entity on the LEIE may be subject to civil monetary penalties (CMP). The Orange County Mental Health Plan (MHP) and Drug Medi-Cal Organized Delivery System (DMC-ODS) are both considered Federal Health Care programs.

Who is excluded from participation?

- Individuals or entities who are debarred, suspended or excluded from participation in participation in Federal procurement or non-procurement activities
- Individuals or entities affiliated with excluded entities or individuals
- Directors, officers, partners, subcontractors, persons with more than 5% ownership on the Managed Care Organization (MCO), or those that create conflicts of interest
- Excluded individuals pursuant to Section 1128 of the Social Security Act

Are there mandatory Exclusions?

Yes. The law requires certain providers to be excluded.

Why are mandatory exclusions important?

- Managed Care Organizations (MCOs), Prepaid Inpatient Health Plans (PIHPs,) and (Prepaid Ambulatory Health Plans (PAHPs) may not employ or contract with providers excluded from participation in Federal health care programs under either section 1128 or section 1128A of the Social Security Act.

What are the mandatory exclusions?

1. Individuals convicted of a criminal offense related to State health care services
2. Individuals convicted of patient abuse
3. Felony conviction related to healthcare fraud
4. Felony conviction for a criminal offense relating to unlawful manufacture, distribution, prescription, or dispensing of a controlled substance

If I am on the mandatory exclusion list, am I excluded for life?

- Not always. After 10 years post felony conviction, an excluded individual may apply to have his/her name removed from the exclusion list if there is only one offense. However, if there is more than one felony conviction for the items listed above, the exclusion is for life and cannot be revoked.

What should I do if I want to have my exclusion terminated?

- To apply for reinstatement, an excluded individual or entity must send a written request which contains the individual's or entity's full name (if excluded under a different name, please also include that name), date of birth for an individual, mailing address and telephone number, to the OIG at the address or fax number below.

HHS, OIG, OI
Attn: Exclusions
P.O. Box 23871
Washington, DC 20026
Fax: (202) 691-2298



How long does it take?

- Reinstatement can take 90-120 days.

When should I begin applying for reinstatement?

- An individual or entity with a defined period of exclusion (e.g., 5 years, 10 years, etc.) may begin the process of reinstatement 90 days before the end of the period specified in the exclusion notice letter. Requests received earlier than 90 days before the end of the period of exclusion will not be considered.

How can I obtain more information regarding exclusions?

- Visit the OIG's website <https://oig.hhs.gov/exclusions/index.asp>

Is there anything else I can do if I think I might be on excluded?

- If you were convicted of a felony offense that is now considered a misdemeanor due to changes in the law, you could contact the court to inquire about a process to change the type of the offense for your conviction.

What should I do if I cannot terminate my exclusion?

- Contact your organization's HR and management to discuss your options. The Orange County MHP and the DMC-ODS are both considered Federal Health Care programs and may not permit excluded individuals to deliver Medi-Cal or Medicare covered services.

This fact sheet is provided for informational purposes only and was compiled by the Orange County, Health Care (HCA) Agency, Authority and Quality Improvement Services (AQIS) department. Contact the Office of Inspector General for additional information about this requirement or how to request reinstatement.