

# What Is the LEIE and What Does it Mean to Your Practice?

---

By: Julie Sheppard, BSN, JD, CHC

The Office of Inspector General's (OIG) List of Excluded Individuals and Entities (LEIE) is a database that is updated monthly. Healthcare providers have a duty to screen prospective and current employees against the LEIE.

## **T** **The Rule**

Sections 1128 and 1156 of the Social Security Act provide authority to the OIG to exclude individuals and entities from federal health care programs like Medicare and Medicaid. Individuals may be excluded for reasons that fall into one of two categories: permissive or mandatory. However, exclusions are applied broadly in both categories. Excluded individuals are prohibited from furnishing all types of services including administrative and management services.

The Patient Protection and Affordable Care Act of 2010 along with other statutory amendments have strengthened and expanded the OIG's authority to exclude individuals and entities from the federal health care programs.

On May 8, 2013, the OIG issued an updated special advisory bulletin on the effect of exclusion from federal health care programs. The publication of the original Bulletin in 1999 coincided with the beginning of significant and ongoing OIG initiatives to ensure compliance with and enforcement of exclusions.


## **The Screening**

Providers need to routinely check the LEIE to ensure that new hires and current employees are not on the excluded list. Providers have an obligation to screen current and potential employees against the OIG's LEIE, and a monthly screening is the best way to minimize potential overpayment and CMP liability.

Screening is a relatively simple process that involves entering an individual's name and completing a search on

the OIG Web site <http://exclusions.oig.hhs.gov>. In the event that a provider determines they have employed an individual on the list, they must disclose to the government that they have employed an excluded person. The OIG's Self-Disclosure Protocol (SDP) may be followed to disclose and resolve the potential of liability.

## **The Liability**

Providers that employ an individual that the provider knows or should know is excluded may be subject to Civil Monetary Penalties (CMPs) of up to \$10,000 for each claimed item or service furnished to a federal health care program. An assessment of up to three times the amount claimed for each item or service may be applied. Additionally, a provider may face exclusion from participating in federal health care programs. More information is available online at <http://oig.hhs.gov/exclusions/background.asp> 

---

**Julie Sheppard, BSN, JD, CHC**, is President and Founder of First Healthcare Compliance. Ms. Sheppard is an Adjunct Professor at Widener University School of Law, where she serves as the course instructor for Healthcare Compliance & Ethics. A nurse, an attorney, certified in Healthcare Compliance by the Compliance Certification Board, and a physician's spouse, Julie intersected her professional understanding of compliance issues with her personal motivations when establishing First Healthcare Compliance. First Healthcare Compliance (<http://1stfcc.com/>) addresses the challenges created by the recent compliance mandates of the Affordable Care Act (ACA) for healthcare providers, specifically those applying to physician practices, by developing a timely, comprehensive, and practical solution to meet the ongoing compliance needs of physician practices.

subscribe today



## PROVIDING LOW-COST EDUCATIONAL RESOURCES FOR MEDICAL OFFICE PROFESSIONALS

Includes free monthly  
webinars and CEU packages

**ONLY \$55.00**  
PER YEAR

12 MONTH SUBSCRIPTION - CEU & WEBINARS INCLUDED

### Payment Options

Check enclosed

VISA  
Mastercard  
AMEX  
Discover

Card No

Expiry Date

Cardholders Name

Signature

Name

Job Title

Company

Address

Phone

Fax

Email

Mail this to:

Billing-Coding, Inc - P.O. Box 80669 Simpsonville, SC  
29680

Fax: 888 573 7210

PLEASE CONTACT US ON 877 700 3002 OR VISIT [WWW.BILLING-CODING.COM/SUBSCRIBE](http://WWW.BILLING-CODING.COM/SUBSCRIBE)