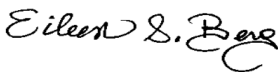
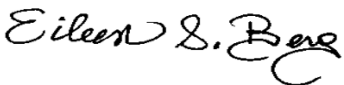


POLICY & PROCEDURE

TITLE: Exclusion and Sanction Screening

APPROVAL DATE OF CORPORATE COMPLIANCE COMMITTEE: 04/26/2024	SIGNATURE OF CORPORATE COMPLIANCE COMMITTEE CHAIR: 
APPROVAL DATE OF POLICY REVIEW COMMITTEE: 04/26/2024	EFFECTIVE/IMPLEMENTATION DATE: 04/26/2024
SIGNATURE OF POLICY REVIEW COMMITTEE CHAIR: 	

BACKGROUND, PURPOSE & RATIONALE:

Birch Family Services (herein referred to as Birch or the Corporation) is committed to conducting its business ethically and in conformance with all Federal, State and local laws, regulations, interpretations thereof, and the Corporation’s Standard /Code of Conduct and Business Ethics. This includes, but is not limited to, Social Service Law 363-D and 18 NYCRR Part 521, Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977, Public Law 95-142 and Department of Health and Human Services Office of Inspector General: Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs (5/8/2013).

Birch is committed to maintaining high quality care and service as well as integrity in its financial and business operations. Therefore, all necessary steps will be taken by Birch to ensure that it does not employ, contract with, or conduct business with an individual or entity excluded from participation in any federally funded healthcare programs, such as Medicare and Medicaid.

For purposes of this Policy, a “contractor” is defined as:

- Any independent contractor, contractor, subcontractor, or other person who, on behalf of Birch furnishes or otherwise authorizes the furnishing of Medicare, Medicaid, or other federally funded healthcare items or services, or performs billing or coding functions;
- Any independent contractor, contractor, subcontractor, or other person who provides administrative or consultative services, goods, or services that are significant and material, are related to healthcare provision, and/or are included in or are a necessary component of providing items or services of Medicare, Medicaid, or other federally funded healthcare programs; or
- Any independent contractor, subcontractor, or other person who is involved in the monitoring of healthcare provided by Birch.

POLICY STATEMENT:

1. It is the policy of Birch not to employ, contract with, or conduct business with any individual or entity excluded from participation in any federally funded healthcare programs, such as Medicare and Medicaid.

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2. It is the policy of Birch that Birch employees including the Chief Executive Officer and senior leadership, interns, volunteers, independent contractors, vendors and Board members have an affirmative responsibility to notify the Compliance Officer promptly if charged with a criminal offense related to healthcare or proposed or found to be subject to exclusion from any federal healthcare programs.
3. It is the policy of Birch to conduct exclusion (sanction) screening of all current and proposed employees including the Chief Executive Officer and senior leadership, interns, volunteers, independent contractors, vendors and Board members.
4. It is the policy of Birch to verify that contractors and vendors, as defined by this Policy, who provide and/or perform services for the Corporation have not been the subject of adverse governmental actions and/or excluded from any of the federal healthcare programs.

PROCEDURES:

1. Birch will conduct exclusion checks to verify that all employees including the Chief Executive Officer and senior leadership, interns, volunteers, independent contractors, vendors and Board members have not been excluded from any federal healthcare programs. An exclusion check is a search of the following sources to determine if the individual's name or entity appears on any of the lists:
 - U. S. Department of Health and Human Services, Office of Inspector General's (OIG) List of Excluded Individuals and Entities (LEIE) available on the website at <http://exclusions.oig.hhs.gov>
 - The System for Award Management (SAM) available on the SAM website at <https://www.sam.gov>
 - NYS Medicaid Fraud Database available on the NYS Office of Medicaid Inspector General (OMIG) website at <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>
2. An exclusion check will be performed on all applicants for employment as part of the pre-employment screening process. All names used by the applicant will be obtained by the Human Resources Department and utilized as part of the exclusion screening process. The Human Resources Department will submit all names for screening and will be the recipient of the findings of these screenings. Findings will be shared with the Compliance Officer. If the exclusion check indicates that any individual has been excluded from any federal healthcare program, the applicant will not be offered employment.
3. An exclusion check will be performed on all interns and/or volunteers as part of the screening process. All names used by the intern or volunteer will be obtained by the Human Resources Department and utilized when conducting the exclusion screening. The Human Resources Department will submit all names for screening and will be the recipient of the findings of these screenings. Findings will be shared with the Compliance Officer. If the exclusion check indicates that the intern or volunteer has been excluded from federal healthcare programs, the intern will not be offered an internship or volunteer position.

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4. An exclusion check will be performed for potential Board members as part of the screening process. All names used by the potential Board member will be obtained by the Compliance Officer and utilized when conducting the exclusion screening. The Compliance Officer will submit all names for screening and will be the recipient of the findings of these screenings. Findings will be shared with the Chief Executive Officer and Chair of the Board Governance Committee. If the exclusion check indicates that a potential Board member has been excluded from any federal healthcare programs, the Compliance Officer will inform the Chief Executive Officer and the individual will not be considered for Board affiliation.
5. An exclusion check will be performed on all potential vendors and independent contractors as part of the screening process. All names used by the potential vendor and independent contractor will be obtained and utilized when conducting the exclusion screening. The Fiscal department will submit all names for screening and will be the recipient of the findings of these screenings. Findings will be shared with the Compliance Officer. If the exclusion check indicates that the vendor or independent contractor has been excluded from any federally funded health care program, the vendor or independent contractor will not be utilized by Birch.
6. The Human Resource Department will maintain an updated list of employees, interns and volunteers, in an approved format and will make the list available to the Compliance Officer and other personnel responsible for exclusion screening of such parties. The Fiscal Department will maintain an updated list of Board members, vendors and independent contractors in an approved format and will make the list available to the Compliance Officer and other personnel responsible for exclusion screening of such parties.
7. The Compliance Officer will ensure that exclusion screening is conducted on all employees, interns, volunteers, independent contractors, vendors and Board members at least every 30 days thereafter. All names used by the parties will be utilized when the exclusion screening is conducted.
8. Any potential matches identified in the ongoing exclusion screening process for employees, interns, volunteers, independent contractors, vendors and Board members will be reviewed and resolved by the Compliance Officer in concert with the CEO and/or Human Resources. The excluded party will be immediately relieved from duty and the Compliance Officer will consult with legal counsel in the event that Birch has been reimbursed for services from the excluded party.
9. The exclusion will be reported as a violation of the Compliance Program and investigated and reported in accordance with the Reporting and Investigation of Compliance Concerns Policy and Procedure.
10. If any employee, intern, volunteer, independent contractor, vendor or Board member is charged with a criminal offense related to healthcare or is proposed or found to be subject to exclusion from any federal healthcare programs, they must be removed from direct responsibility or involvement in any federally funded healthcare program while the matter is pending. If the matter results in conviction or exclusion, Birch will immediately terminate the Corporation's relationship with the employee, intern, volunteer, independent contractor, vendor or Board member.
11. In addition to exclusion screening, the credentials of medical/healthcare, therapy, education and other professionals employed by Birch will be verified with appropriate licensing and disciplining authorities, including any adverse actions taken against the individuals that might impair their performance of duties on behalf of the Corporation. The process is applicable to all employees for which license/certification

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is required for their duties. The verification will be conducted as part of the hiring process. Human Resources will track such credentials and run reports to ensure currency minimally semi-annually thereafter.

12. The Compliance Officer will consult with legal counsel if Birch has been reimbursed for goods or services from the excluded individual or entity.

Monitoring for Compliance with Policy:

1. The Compliance Officer will ensure the results of all exclusion checks are maintained for a period of at least ten years.
2. The Compliance Officer is responsible for monitoring this Policy for compliance and reporting results quarterly to the Corporate Compliance Committee and the Board, along with any recommendations for remedial actions or improvements to the program.