

## **Appendix B**

The Office of the Inspector General, U.S. Department of Health and Human Services has the authority to exclude individuals and entities from federally funded health care programs pursuant to sections 1128 and 1156 of the Social Security Act, and maintains a list of all currently excluded individuals and entities called the List of Excluded Individuals and Entities (LEIE). Anyone who hires an individual or entity on the LEIE may be subject to civil monetary penalties (CMP).

Convictions include the following types of criminal offenses:

### **Mandatory exclusions:**

OIG is required by law to exclude from participation in all federal health care programs individuals and entities convicted of the following types of criminal offenses:

- Medicare or Medicaid fraud, as well as any other offenses related to the delivery of items or services under Medicare, Medicaid, SCHIP, or other state health care programs;
- patient abuse or neglect;
- felony convictions for other health care-related fraud, theft, or other financial misconduct; and
- felony convictions relating to unlawful manufacture, distribution, prescription, or dispensing of controlled substances.

### **Permissive exclusions:**

OIG has discretion to exclude individuals and entities on a number of grounds, including:

- misdemeanor convictions related to health care fraud other than Medicare or a state health program, fraud in a program (other than a health care program) funded by any federal, state or local government agency;
- misdemeanor convictions relating to the unlawful manufacture, distribution, prescription, or dispensing of controlled substances;
- suspension, revocation, or surrender of a license to provide health care for reasons bearing on professional competence, professional performance, or financial integrity;
- provision of unnecessary or substandard services;
- submission of false or fraudulent claims to a federal health care program;
- engaging in unlawful kickback arrangements; and
- defaulting on health education loan or scholarship obligations; and
- controlling a sanctioned entity such as an owner, officer, or managing employee.