

**Executive Office**

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January 26, 2012

Dear Executive Director:

**Subject: Medicaid Disqualified or Excluded Providers List**

This letter serves as the annual reminder and reiterates the July 12, 2007 letter (attached) sent to providers regarding exclusions from the Medicaid program.

- Under sections 1128 and 1156 of the Social Security Act and 18 NYCRR 515.5, providers of Medicaid services may not employ or be affiliated with excluded persons and entities. **The Centers for Medicare & Medicaid Services has specified that these provisions apply to all individuals with ownership or control interests in a provider entity, in particular Board of Director members and presidents.** Under Federal regulations at 42 CFR section 1002.3(a), providers entering into or renewing a provider agreement, must disclose to the State Medicaid Agency (Department of Health) the identify of any excluded individual with an ownership or control interest in the provider entity.
- The web-based resources available to agencies to identify disqualified providers are available on the NYS Office of the Medicaid Inspector General (OMIG) website and the U.S. Department of Health & Human Services Office of Inspector General (HHS OIG) website. Links are provided, however, are always subject to change:
  - NYS OMIG Website: <http://omig.ny.gov/data/>
  - HHS OIG Website: <http://oig.hhs.gov/about-oig/index.asp>

The NYS OMIG and the HHS OIG recommend Medicaid providers conduct monthly screenings of employees, affiliates, and ownership or control interests against the lists of disqualified providers.

*Your agency's Medicaid billings are put at risk if an excluded person serves on your agency's Board of Directors or participates in any area of your agency's service delivery. OPWDD recommends that agencies contact their own counsel for further information regarding this matter.*

Sincerely,



James Nellegar, Director  
Bureau of Compliance Management

Attachment  
cc: Provider Associations  
COLT  
COLT Plus



STATE OF NEW YORK  
OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

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July 12, 2007

Dear Executive Director:

**Subject:** Medicaid Disqualified or Excluded Providers List

This letter is written to draw your attention to important Medicaid Update articles regarding providers and practitioners who have been excluded from participating in the Medicaid program (June 2007 and June 2005). The attached articles identify the web-based resources that are available to agencies to identify disqualified providers and practitioners. The federal and New York State web sites are:

- [http://nyhealth.gov/health\\_care/medicaid/fraud/index.htm](http://nyhealth.gov/health_care/medicaid/fraud/index.htm) (New York State)
- <http://oig.hhs.gov/fraud/exclusions/listofexcluded.html> (Federal Office of the Inspector General)

*You should be aware that your agency's Medicaid billings are put at risk if an excluded staff person participates in any of your agency's service delivery.* We recommend that agencies contact their own counsel for further information regarding this matter.

Sincerely,

Lisa M. Kagan  
Associate Commissioner  
Revenue Support

KIM/LM

Attachments

cc: Provider Associations  
M. Chmura  
J. Moran  
K. Broderick  
M. Gatens

G. Lind  
C. Metevia  
K. Marlay  
D. Picker

