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|  | Policy | | Page 1 of 4 |
| | Title: Identifying and Managing Excluded or Convicted Persons or Entities | | |
| | Department: Compliance | | |
| | Effective Date: 10/12/2020 | Approval Date: 12/26/2023 | Approved By: Compliance and Privacy Program Manager |

1. Principle / Purpose

National Jewish Health (“NJH”) will not knowingly employ, affiliate, or contract with or otherwise enter into or continue any relationship with any person or entity excluded or otherwise ineligible to participate in Federal health care programs.

2. Definitions

Ineligible Person – Any individual or entity that:

- Is currently excluded, suspended, debarred or otherwise ineligible to participate in Federal health care programs;
- Has been convicted of a criminal offense related to the provision of health care items or services but has not yet been excluded, debarred or otherwise declared ineligible.

SanctionCheck – NJH contracts with Ethico to provide SanctionCheck, a product used to verify individual or company exclusions using a batch file of multiple individuals or companies that is processed against the following exclusion lists;

- Office of Inspector General (OIG)
- System for Award Management (SAM)
- US Treasury OFAC Specialty Designated Nationals (SDN)
- US Treasury OFAC Consolidated Sanctions

SAM – System for Award Management. A list maintained to identify parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-Financial assistance and benefits. <https://sam.gov/content/exclusions>

Office of Inspector General (OIG) Sanction Report – 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). <https://exclusions.oig.hhs.gov/>.

OFAC – Office of Foreign Asset Control. <https://sanctionssearch.ofac.treas.gov/>

- Specialty Designated - SDNs can be front companies, parastatal entities, or individuals determined to be owned or controlled by, or acting for or on behalf of, targeted countries or groups.
- Consolidated Sanctions - a list of parties for which the United States Government maintains restrictions on certain exports, re-exports, or transfers of items.

3. Scope

All NJH workforce members including officers, managers, faculty, affiliates, volunteers and others working at or on behalf of NJH, whether or not they are paid by NJH.

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4. Policy

4.1. Disclosure:

All candidates for employment, board membership, board committee membership or any other relationship with which a contract for services is required must disclose:

- Criminal Convictions
- Current or previous exclusions from participation in Federal Healthcare Programs.
- Suspension or other ineligibility
- The existence of a controlling interest in an entity that has been so excluded or suspended.

4.2. Sanction Check:

Prior to hiring or entering into any other relationship status with an individual or downstream contractor, and monthly thereafter, National Jewish Health will screen:

- Employees
- Faculty
- Medical Staff Members
- Affiliates
- Board Members and Board Committee Members
- Individuals contracted to provide services within or on behalf of NJH

4.3. Procedure:

Prior to hire and monthly thereafter, National Jewish Health shall:

- Screen all potential or current employees, Faculty, Medical Staff Members, Affiliates, Board Members and Board Committee Members, downstream contractors or vendors and other individuals in a relationship status against SanctionCheck lists.
- Notify the Compliance Office of any matches found and potential matches that cannot be ruled out.
- Consult further with the Compliance Office for advice and direction on proceeding with an appropriate course of action with regard to any person or entity who is determined to have become Ineligible and,
- Perform any additional review indicated after consulting with the Compliance Office.

4.4. Ineligible Persons or Entities:

All persons or entities screened in which a match or potential match is determined and after consultation with Compliance, have been determined to be ineligible:

- Staff: Individuals determined to be Ineligible Persons will no longer be eligible for employment or other relationship status.

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- Medical Staff Members or Faculty: Applicants determined to be Ineligible Persons will no longer be eligible for appointment or reappointment to the medical staff.
- Downstream contractors, vendors, or other entities conducting business on behalf of NJH: Entities determined to be ineligible will no longer be eligible to conduct business on behalf of NJH.

4.5. Documentation

Retention Period for Documentation: Each Department responsible for performing initial and monthly screening will retain the documentation described below in hard copy or electronic storage for at least ten (10) years. Documents must be readily available on demand. Documents stored electronically must be maintained on a system drive that is routinely backed up.

- Documentation required for searches performed directly on the OIG Sanction Report and GSA list websites:
 - *Searches on a single person or entity*. Whenever a search of a single individual or entity is conducted on the GSA List or the OIG Sanction Report, the Search Results screen must be saved in electronic or paper format and maintained by the Department, whether or not the results indicate a match.
 - *Batch Searches*. If the check is done by running a comparison of data containing multiple individual(s) or entities against downloadable GSA List or OIG Sanction Report data, the search results must be saved in electronic or paper format and should be maintained in the Department's master exclusion verification file.
- Documentation required for searches performed on SanctionCheck.com:
 - *Documentation required regardless of SanctionCheck.com search results*:
 - The following reports must be downloaded and retained:
 - File Summary Report
 - Individual or Company Certificates
 - *Searches with Potential Matches and Positive Results*. Documentation required when batch file results from SanctionCheck.com indicate a possible OIG or GSA List match:
 - The Potentials report must be downloaded and retained.
 - Documentation indicating the further research to confirm or rule out each Potential match must also be retained.

4.6. Contract Management and Reports of Ineligible Persons to Third Party Contractors

- Departments Required to Notify Compliance Office of certain Contract Terms: Departments/individuals at NJH who are operating under an existing contract, renewing a contract or entering into a new contract that requires NJH to notify the third party of any

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suspension or debarment of NJH's employees, agents and/or subcontractors shall submit a copy of the contract to the Compliance Office at the contacts noted below.

- Reports to Third Party Contractors: When the Compliance Office receives notice from Human Resources, the Medical Staff Office or Materials Management confirming an Ineligible Person, it shall report the information to the third party in accordance with the terms of the contract.

5. References

Code of Colorado Regulations 10 CCR 2505-10 8.130.35 entitled "Screening for Excluded Employees and Contractors"

6. Tags or Linked Documents

Sanction Check
 Exclusion
 Debarment
 Suspension
 GSA
 Disclosure