

## Explanation and Disclaimer for Sanctioned, Terminated or Excluded Individuals or Entities

### Explanation:

Effective July 1, 2009, the agency is required to post on its website a current list of each Medicaid provider who has been terminated for cause from the Medicaid program, including those providers sanctioned under statutory authority of §409.913, F.S. [See SB 1986]. In addition, the agency is also required to post on the respective lists, the names of certain provider affiliates that are terminated for cause and/or sanctioned. [See §409.913(37), F.S., effective July 1, 2009].

For your convenience, the amended statutory provision, in its entirety, states:

*The agency shall post on its website a current list of each Medicaid provider, including any principal, officer, director, agent, managing employee, or affiliated person of the provider, or any partner or shareholder having an ownership interest in the provider equal to 5 percent or greater, who has been **terminated for cause from the Medicaid program or sanctioned under this section**. The list must be searchable by a variety of search parameters and provide for the creation of formatted lists that may be printed or imported into other applications, including spreadsheets. The agency shall update the list at least monthly. [§409.913(37), F.S.] (emphasis added)*

Accordingly, this website contains a list of individuals or entities, as described above, which have been sanctioned, terminated or excluded from participation in the Medicaid program. Additional explanations of the Lists are provided below.

The **Sanctioned List** contains the name, address and license number of persons, providers or entities sanctioned by the agency. In some circumstances, the agency has discretion to, and in others must, impose a sanction against a person, provider or entity, for failure to comply with Medicaid laws, rules or policies. Sanctions may vary significantly, depending on the nature and seriousness of the violation. By way of example, sanctions may include, but are not limited to, corrective actions such as education or self-audits, monetary penalties (i.e., fines), suspensions and terminations. [See 59G-9.070, F.A.C., *Administrative Sanctions on Providers, Entities and Persons* and §409.913, F.S.].

The **Terminated List** contains the name, address and license number of persons, providers or entities which are terminated for cause from participation in the Medicaid program. Such terminations are imposed by the agency under its statutory and/or regulatory authority, and are commonly referred to, and known as, “for cause” or “with cause” terminations. [See 59G-9.070, F.A.C., *Administrative Sanctions on Providers, Entities and Persons* and §409.913, F.S.]. However, not every termination by the agency involves a finding of wrongdoing. For example, institutional and non-institutional providers retain the right under their Medicaid Provider Agreements to voluntarily terminate their participation in the Medicaid program. Similarly, the agency retains the contractual right to exercise a termination of a provider’s participation, at will. As provided by statute, provider agreements shall be a voluntary contract between the agency and the provider, shall be effective for a stipulated period of time, shall be terminable by either party after reasonable notice, and shall be renewable by mutual agreement.[See §409.907, F.S., effective July 1, 2009]. Such voluntary terminations are commonly known, and referred to, as “without cause,” and are generally not associated with any agency, judicial or administration action involving a finding of wrongdoing. There should be no negative connotations associated with terminations of providers “without cause.” While the Terminated and Excluded Lists contain those

persons, providers and entities that have been terminated “for cause,” **the list does not contain the names of individuals or entities that have been terminated “without cause.”**

The **Excluded Providers link** takes you to the U.S. Department of Health & Human Services Office of Inspector General website where you can search their database of excluded providers. Those excluded providers are individuals and entities that cannot participate in any federal or state funded health care program. Because exclusion from participation in a federal health care program will also result in an exclusion from participation in the Medicaid program, this link is provided separately.

It is particularly important to know whether a person or entity is excluded by the HHS-OIG. An HHS-OIG exclusion has the effect of prohibiting Federal health care programs **(including Medicaid and SCHIP programs)** from paying for any items or services furnished, ordered, or prescribed by excluded individuals or entities. [See §1128B(f) of the Social Security Act (the Act); 42 U.S.C. 1320a-7; 42 CFR §1001.1901 and <http://oig.hhs.gov/fraud/exclusions.asp> ]. The only exception is when the OIG has waived the exclusion of an individual or entity. No State may waive such an exclusion, in whole or in part. [See 42 CFR §1001.1801].

Use of these three lists will help providers to avoid denial of claims and will help the agency ensure that claims for medical care, services and/or supplies are ordered or prescribed by individuals permitted to order or prescribe under the Medicaid program.

**Disclaimer:**

The Agency for Health Care Administration has attempted to ensure that all of the information contained in these listings is accurate, to the extent reasonably possible. However, the agency makes no warranty or guarantee either express or implied concerning the accuracy of the content of the website. No posted information or materials provided are intended to constitute legal or medical advice.

If you would like additional information about a sanctioned, terminated or excluded provider, person or entity appearing on these lists, please make a Public Records Request. Please direct all requests for public records to: Agency for Health Care Administration, Public Records Coordinator, 2727 Mahan Drive, Ft. Knox #3, Mail Stop 2, Tallahassee, Florida 32308-5403; 850-414-6044; 850-921-9041(Fax); [PublicRecordsReq@ahca.myflorida.com](mailto:PublicRecordsReq@ahca.myflorida.com)