

Policy Title: Exclusion Screening for Prospective & Current THN Related Individuals			
Department Responsible: THN Compliance & Integrity	Policy Number: SCR-001	THN's Effective Date: January 1, 2022	Next Review/Revision Date: September 30, 2024
Title of Person Responsible: Director of Compliance & Privacy	THN Approval Council: THN Compliance and Privacy Committee	Date Approved: June 9, 2023	Date Approved by THN Board of Managers: August 15, 2023

I. **Purpose.** The purpose of SCR-001 is to provide reasonable steps to appropriately address pending charges against THN Related Individuals, and procedures to ensure that THN's practices are consistent with its stated policy.

II. **Policy.**

- A. THN will conduct (or arrange for others to conduct) relevant screening of all prospective THN Related Individuals. Subject to legal restraints, THN will not contract with or employ any person who: (1) is currently excluded, suspended, debarred, or otherwise has become ineligible to participate in a federal health care program or in a Federal procurement or non-procurement program; (2) has been charged with, or convicted of, a criminal offense related to the provision of health care items or services or health care fraud (including any criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a)), but has not yet been excluded, debarred, suspended, or otherwise declared ineligible for participation in a federal health care program; or (3) who has a conflict of interest with THN. In addition, THN will not contract with or employ individuals who do not have current professional licenses, registration, certifications, or degrees, or other academic credentials identified by THN as necessary to perform the relevant duties and responsibilities.
- B. THN will conduct (or arrange for others to conduct) relevant screening of current THN Related Individuals. Upon receiving notice that a THN Related Individual:
 - 1. Is currently excluded, suspended, debarred, or otherwise has become ineligible to participate in a federal health care program or in a federal procurement or non-procurement program; or
 - 2. Has been convicted of a criminal offense related to the provision of health care items or services or to health care fraud (including any criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a)), but has not yet been excluded, debarred, suspended, or



otherwise declared ineligible for participation in a federal health care program.

- C. THN may, subject to legal and/or contractual constraints, terminate the individual or entity's employment/engagement/participation with THN, but shall, at a minimum, remove such person or entity from (1) any responsibility for, or involvement with, THN's business operations related to federal health care programs, and (2) any position for which the individual's compensation is, or the items or services furnished, ordered or prescribed by such individuals are, paid in whole or in part, directly or indirectly, by federal health care programs or otherwise with federal funds. THN may, subject to legal and contractual constraints, terminate an individual's employment/engagement/participation with THN upon learning that the individual does not have current professional licenses, registration, certifications or degrees, or other academic credentials identified by THN as necessary to perform relevant duties and responsibilities.
- D. THN shall ensure that it appropriately addresses situations in which a current THN Related Individual is charged with a criminal offense in a manner that is consistent with its Compliance Program Policies and Procedures, and applicable laws and regulations.

III. Procedure.

A. Screening of Prospective Individuals.

- 1. Upon hire and on a monthly basis the THN Compliance Specialist, using the Sanction Check application, will check all current THN employees, Board of Managers, Participants, and contracted vendors to ensure that no prohibited individuals or entities are providing services to THN.
- 2. Before appointment, hiring, or contracting, THN shall require that the prospective THN Related Individual disclose, in writing, as applicable, whether he or she:
 - i. Has been, at any time, debarred, excluded, suspended, or otherwise deemed ineligible for participation in a federal health care program or in a federal procurement or non-procurement program;
 - ii. Has been convicted of committing any criminal offense, including any criminal offense relating to the provision of health care items or services or of health care fraud that falls within the ambit of 42 U.S.C. § 1320a-7(a) or that relates to federal procurement or non-procurement programs;
 - iii. Is the subject of or otherwise part of any ongoing federal or state investigation;
 - iv. Has any charges pending against him or her for violating any criminal law;
 - v. Lacks a current professional license, registration, or certificate, as required for the job position, or is not in good standing with,



or has/had an adverse action (as defined in CPE-001) taken by any authorities granting such license, registration, or certification, as applicable; or

vi. Has not earned the degrees or other academic credentials represented to THN in his or her employment application or contract.

3. If the prospective THN Related Individual discloses a matter set forth above, the prospective individual shall provide complete information with respect to the charge(s), conviction(s), prohibitions(s), notice(s), investigation(s), or other matters at issue.

B. Screening by Contractors/Vendors.

1. THN shall require, by contract, that Contractors/Vendors certify, in writing, that they have properly reviewed and screened all personnel who have been assigned to work on an THN engagement prior to actual placement and have determined, as appropriate (based, in part, on disclosures by the individuals themselves), that the Contractor/Vendor and such individuals have:

- i. Not been excluded, debarred, suspended, or otherwise made ineligible to participate in a federal health care program or in a federal procurement or non-procurement program;
- ii. Not been convicted of a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a);
- iii. Not been charged with a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a) or 1320a-7(b)(1)-(3);
- iv. Not been proposed for exclusion from participation in a federal health care program or in a federal procurement or non-procurement program; and
- v. Not named on the HHS-OIG or GSA exclusion lists.

2. THN shall obtain and maintain sufficient documentation to evidence the Contractor/Vendor's completion of the screening obligations set forth in this Policy.

C. **Hiring.** THN shall not knowingly (1) appoint an officer or director, (2) employ an individual, (3) contract with a Contractor, or (4) utilize an employee of a Contractor that:

- 1. Is currently debarred, excluded, suspended, or otherwise deemed ineligible for participation in a federal health care program or in a federal procurement or non-procurement program;
- 2. Has been convicted of a criminal offense related to the provision of health care items or services or to health care fraud (including a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a));
- 3. Has been charged with committing a criminal offense related to the provision of health care items or services or health care fraud (including a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a));

4. Does not have a current professional license, registration, or certification, and/or is not in good standing with, and/or has had an adverse action taken by, the relevant State authorities that grant such license, registration, or certification, if such professional license, registration, or certificate is required by THN to perform related duties and responsibilities; or
5. Has not earned the degrees or other academic credentials identified by THN as required for the position.

D. Screening of Current Individuals:

1. Upon hire and monthly thereafter, the THN Compliance Specialist, using the Sanction Check application, will check all current THN employees, Board of Managers, Participants, and contracted vendors to ensure that no prohibited individuals or entities are providing services to THN.
 - a. THN shall require all THN Related Individuals to disclose immediately to THN's Compliance Officer:
 - i. Any debarment, exclusion, suspension, or other event that makes the individual ineligible to participate in a federal health care program or in a federal procurement or non-procurement program; or
 - ii. Any conviction of a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a).

E. Screening by Current Contactors/Vendors:

1. THN shall, by contract, require Contractors/Vendors to screen their personnel annually against the HHS-OIG and the GSA exclusion lists and certify periodically (but no less than annually) that they and their personnel working on an THN engagement have not been:
 - a. Debarred, excluded, suspended, or otherwise made ineligible for participation in Federal health care programs or other federal procurement or non-procurement programs; or
 - b. Convicted of a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a).
4. Contractors/Vendors shall, by contract, be required to notify THN immediately if they, or their personnel working on an THN engagement, are:
 - a. Debarred, excluded, suspended, or otherwise made ineligible to participate in the Federal health care program or in Federal procurement or non-procurement programs; or
 - b. Convicted of a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a).

F. Action Pending Resolution of Charges:

1. If THN learns that: (1) a current THN Related Individual has been charged with a criminal offense related to the provision of health care items or services or health care fraud (including any criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a)); or (2)

a federal agency has issued a notice proposing to debar, exclude, or otherwise deem the THN Related Individual ineligible to participate in a federal health care program or a federal procurement or non-procurement program, then, pending resolution of the charges or proposed sanction:

- a. If the individual is in a position of responsibility for, or involvement with, THN's business operations related to federal health care programs, then the individual shall be removed from such responsibilities.

At THN's discretion, and if deemed warranted, further actions may be taken, up to and including termination of employment, ACO participation, or any contact with THN pursuant to any applicable contract requirements.

- b. In any such case, THN will take reasonable steps to ensure that the responsibilities of the individual or entity have not and shall not adversely affect the quality of services offered by THN.
 - c. If an THN Related Individual is not in a position that involves direct responsibility for, or involvement with, THN's business operations related to federal health care programs, then the individual or Contractor shall not be appointed to such a position unless and until such pending allegations are resolved in the individual's favor.
2. If THN learns that a state agency or authority has proposed to take an adverse action against a required professional license, certification, or registration of an THN Related Individual then, pending resolution of the Adverse Action, THN shall take all necessary steps as required by applicable law or regulation, and may remove the person from his or her current position, as deemed appropriate.

IV. **Termination or Other Corrective Action.**

- A. Subject to legal constraints and absent extenuating circumstances, THN shall not knowingly retain any THN Related Individual that:
 1. Is currently debarred, excluded, suspended, or has otherwise been deemed ineligible for participation in a federal health care program or a federal procurement or non-procurement program; or
 2. Has been convicted of committing a criminal offense related to the provision of health care items or services or of health care fraud (including a criminal offense that falls within the ambit of 42 U.S.C. § 1320a-7(a)) but has not been excluded, debarred, suspended or otherwise been made ineligible for a federal health care program.
- B. Notwithstanding the foregoing, THN may decide to retain such an individual if the circumstances warrant such determination, as decided by



the Board of Managers in consultation with THN’s Compliance Officer and the General Counsel.

C. If such a determination is made, the individual shall be immediately removed from (1) any responsibility for, or involvement with, THN’s business operations related to federal health care programs, and (2) any position for which the individual's compensation is, or the items or services furnished, ordered, or prescribed by such individual are, paid in whole or in part, directly or indirectly, by federal health care programs or otherwise with federal funds.

a. Subject to legal and contractual restraints, THN also may terminate employment/engagement/participation of, or modify the job duties of, a person or entity that:

- i. Does not have a current professional license, registration, or certification as applicable, and/or is not in good standing with, and/or has had Adverse Action taken by, the relevant State authorities that grant such license, registration, or certification, as applicable, if such a qualification is required by THN to perform THN-related duties or responsibilities; or
- ii. Has not earned the degree or other academic credentials identified by THN as required for the position.

V. **Reporting.** THN shall notify CMS within 15 days after becoming aware that any Participant or Preferred Provider is under investigation or has been sanctioned by the government or any licensing authority (including, without limitation, the imposition of program exclusion, debarment, civil monetary penalties, corrective action plans, and revocation of Medicare billing privileges).

VI. **Documentation.** THN shall document compliance with SCR-001 and shall maintain such documentation in accordance with THN’s document retention policies but, in no case, for a period of less than ten years.

Date	Reviewed	Revised	Notes
January 1, 2022			Originally Published
August 2022	X		No changes
May 2023		X	Converted to REACH