



## EXCLUSIONS 101

Office of Inspector General  
Office of Investigations



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## WHAT IS EXCLUSION?

**An Administrative Sanction\* that is  
Designed to Uphold the Integrity of  
Federally Funded Health Care Programs  
and Protect Beneficiaries**

**\*Remedial Rather Than Punitive**

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## WHAT IS IT *REALLY*?

### **An Excluded Individual or Entity:**

**May Not Submit Claims to Medicare, Medicaid or  
Any Federal Health Care Program (except the  
Federal Employees Health Benefits Program)**

**May Not Participate in Any Other Federal  
Program, Procurement or Non-Procurement  
(Contracts, Mortgages)**

***However, Exclusions do not Affect Personal  
Benefits***

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## EXCLUSION TYPES

### Mandatory

Based on Criminal Conviction  
Mandated by Statute – *OIG Must Exclude*

### Permissive

Based on Conviction or Administrative Action - *OIG May Exclude*

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## MANDATORY EXCLUSIONS

1128(a)(1) - Medicaid/Medicare Fraud

1128(a)(2) – Patient Abuse/Neglect

1128(a)(3) - Other Felony Health Care Fraud

1128(a)(4) - Felony Controlled Substance Offenses

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## MANDATORY EXCLUSION TERMS

Five-year Statutory Minimum  
(Maximum is Permanent Exclusion)

Minimum Term may be increased by:  
Aggravating Factors  
Additional Qualifying Convictions

Mitigating Factors may offset Aggravating Factors

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## FEDERAL OR STATE SANCTIONS - 1128(b)(5)

**Suspension, Exclusion or Other Sanction by a Federal or State Health Care Program (Including Voluntary Surrender in Lieu of Discipline)**

**Based On:**

- Professional Performance
- Professional Competence
- Financial Integrity

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## TERMS – (b)(4) and (b)(5)

**Indefinite Duration -**

- In Effect Until Eligibility to Practice is Regained from Disciplining Agency
- AND
- Reinstatement Granted by the OIG

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## DUE PROCESS

**Subject Receives Notice of Proposed Exclusion with Opportunity for Response**

**If Exclusion is Implemented, Subject Receives Notice with Appeal Rights and Reinstatement Procedure**

**(Notice of Exclusion is also sent to Board(s) and Title XIX)**

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## REINSTATEMENT

**Excluded Party Must Show Proof of Eligibility to Participate in Programs**

**Obtaining a License, Moving to Another State or Obtaining a Provider Number Does Not Constitute Reinstatement**

**Direct Written Request to:**  
Director, Exclusions Staff  
Office of Investigations  
7175 Security Boulevard  
Suite 210  
Baltimore, MD 21244

**(Application May be Made 120 Days Before Last Day of Minimum Term)**

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## WEB RESOURCES

**HHS/OIG – Fraud Prevention/Detection**  
<http://oig.hhs.gov> – Exclusions Program

**OIG Exclusions Database:**  
[www.oig.hhs.gov/fraud/exclusions.html](http://www.oig.hhs.gov/fraud/exclusions.html)

**GSA's Excluded Parties List System:**  
[www.epls.gov](http://www.epls.gov)

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## Kansas City Regional Office

**HHS/OIG/OI**  
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**Gary Holst, Special Agent in Charge**  
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