

State/Territory: California

Citation

42 CFR 1002.203

AT-79-54

48 FR 3742

51 FR 34772

4.30 Exclusion of Providers and Suspension of Practitioners and Other Individuals

Attachment 4.30 describes sanctions for psychiatric hospitals.  
(a) All requirements of 42 CFR Part 1002, Subpart B are met.

The agency, under the authority of State law, imposes broader sanctions.

State law in California requires a broader application of sanction than those required by 42 CFR Part 1002 Subpart B in the following areas.

Section 1002.211 states that the Medicaid suspension must be as long as required under the federal action, but that the State may suspend for a longer period under its authority. California generally suspends a provider who has been suspended from Medicare for the same length of time as the federal action. However, for federal actions that result in automatic suspensions based on conviction of program related crimes California suspends the provider of service for a longer period.

Section 1002.232 states that the provider may petition for reinstatement anytime after the date in the notice. California Welfare and Institutions Code, Section 14123 permits providers to submit a petition for reinstatement when the established time of the suspension has run out or, in the case of indefinite suspensions, the petition may be submitted no sooner than one year after the date of the decision. The one year limitation applies to all petitions submitted where the original petition was denied.

TN No. 94-014

Supersedes

TN No. 88-16

Approval Date MAR 30 1995

Effective Date 7-1-94

Revision: HCFA-AT-87-14 (BERC)  
OCTOBER 1987

OMB No.: 0938-0193

State/Territory: California

Citation

(b) The Medicaid agency meets the requirements of –

1902(p) of the Act

(1) Section 1902(p) of the Act by excluding from participation

(A) At the State's discretion, any individual or entity for any reason for which the Secretary could exclude the individual or entity from participation in a program under title XVIII in accordance with sections 1128, 1128A, or 1866(b)(2).

42 CFR 438.808

(B) An MCO (as defined in section 1903(m) of the Act), or an entity furnishing services under a waiver approved under section 1915(b)(1) of the Act, that

(i) Could be excluded under section 1128(b)(8) relating to owners and managing employees who have been convicted of certain crimes or received other sanctions, or

(ii) Has, directly or indirectly, a substantial contractual relationship (as defined by the Secretary) with an individual or entity that is described in section 1128(b)(8)(B) of the Act.

1932(d)(1)  
42 CFR 438.610

(2) An MCO, PIHP, PAHP, or PCCM may not have prohibited affiliations with individuals (as defined in 42 CFR 438,610(b)) suspended, or otherwise excluded from participating in procurement activities under the Federal Acquisition Regulation or from participating in non-procurement activities under regulations issued under Executive Order No.12549 or under guidelines implementing Executive Order No. 12549. If the State finds that an MCO, PCCM, PIPH, or PIHP is not in compliance the State will comply with the requirements of 42 CFR 438.610(c)

TN # 03-037  
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OMB No.: 0938-0193  
4.30 Continued

State/Territory: California

Citation

1902(a)(39) of the Act (2) Section 1902(a)(39) of the Act by--

P.L. 100-93  
(sec. 8(F))

(A) Excluding an individual or entity from participation for the period specified by the Secretary, when required by the Secretary to do so in accordance with sections 1128 or 1128A of the Act; and

(B) Providing that no payment will be made with respect to any item or service furnished by an individual or entity during this period.

(c) The Medicaid agency meets the requirements of--

1902(a)(41)  
of the Act  
P.L. 96-272,  
(sec. 308(c))

(1) Section 1902(a)(41) of the Act with respect to prompt notification to HCFA whenever a provider is terminated, suspended, sanctioned, or otherwise excluded from participating under this State plan; and

1902(a)(49) of the Act  
L. 100-93  
ec. 5(a)(4))

(2) Section 1902(a)(49) of the Act with respect to providing information and access to information regarding sanctions taken against health care practitioners and providers by State licensing authorities in accordance with section 1921 of the Act.

No. 88-16  
ersedes  
TN No. \_\_\_\_\_

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