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State/Territory: MINNESOTA

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

(a) All requirements of 42 CFR Part 1002, Subpart B are met.

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

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- Citation (b) The Medicaid agency meets the requirements of--
- §1902(p) (1) of the Act; P.L. 100-93 (sec.7) (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 §§1128, 1128A, or 1866(b)(2).
- §1902(p) (2) of the Act; P.L. 101-239; P.L. 105-33 42 CFR 438.808 (B) Any Medicaid managed care organization (as defined in §1903(m) of the Act) or an entity furnishing services under a waiver approved under §1915(b)(1) of the Act, that--
- (i) Could be excluded under §1128(b)(8) relating to owners and managing employees who have been convicted of certain crimes or received other sanctions,
- (ii) Has, directly or indirectly, a substantial contractual relationship (as defined by the Secretary) with an individual or entity that is described in §1128(b)(8)(B) of the Act, or
- (iii) Employs or contracts with any individual or entity that is excluded from participation under §1128 or 1128A for the provision of health care, utilization review, medical social work, or administrative services or employs or contracts with any entity for providing (directly or indirectly) through such an excluded individual or entity of such services.
- §1932(d)(1) 42 CFR 438.610 (2) Section 1932(d)(1) of the Act by prohibiting MCO affiliations with individuals debarred by federal agencies. A MCO may not knowingly have affiliations with individuals (as defined in 42 CFR §438.610(b)) who are suspended, or otherwise excluded from participating in procurement activities under the Federal Acquisition Regulation or from

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participating in non-procurement activities under regulations issued under Executive Order No. 12549 or under guidelines implementing such order, including an affiliate of such individuals.

If the State finds that a MCO is not in compliance, the State takes the actions in 42 CFR §438.610(c).

§1902(a)(23) of
the Act

- (3) Section 1902(a)(23) of the Act by barring or suspending from participation a Medicaid provider convicted of a felony under state or federal law when the State determines that the felony is inconsistent with the best interests of the recipients under the State plan.

§1902(a)(39) of
the Act; P.L.
100-03 (sec. 8(f))

- (4) Section 1902(a)(39) of the Act by --
- (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 §§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)(3))
and P.L.101-508

- (1) §1902(a)(41) of the Act with respect to prompt notification to CMS whenever a provider is terminated, suspended, sanctioned, or otherwise excluded from participating under this State plan (and in the case of a physician, notification to the State medical licensing board); and

§1902(a)(49) of
the Act; P.L.
100-93
(sec. 5(a)(4))

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

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