

## Sanction Worksheet

Federal Authority		State Authority
OIG-1128 a)(1) 1320a-7(a)(1)	Conviction of program-related crimes: 5 years	<p><b>79.2(2) Grounds for sanctions.</b></p> <p><input type="checkbox"/> a. Presenting or causing to be presented for payment any false, intentionally misleading, or fraudulent claim for services or merchandise.</p> <p><input type="checkbox"/> b. Submitting or causing to be submitted false, intentionally misleading, or fraudulent information for the purpose of obtaining greater compensation than that to which the person is legally entitled, including charges in excess of usual and customary charges.</p> <p><input type="checkbox"/> c. Submitting or causing to be submitted false, intentionally misleading, or fraudulent information for the purpose of meeting prior authorization or level of care requirements.</p> <p><input type="checkbox"/> d. Upon lawful demand, failing to disclose or make available to the department, the department's authorized agent, any law enforcement or peace officer, any agent of the department of inspections and appeals' Medicaid fraud control unit, any agent of the auditor of state, the Iowa department of justice, any false claims investigator as defined under Iowa Code chapter 685, or any other duly authorized federal or state agent or agency records of services provided to medical assistance members or records of payments made for those services.</p> <p><input type="checkbox"/> e. Failing to provide or maintain quality services, or a requisite assurance of a framework of quality services to medical assistance recipients within accepted medical community standards as adjudged by professional peers if applicable. For purposes of this subrule, "quality services" means services provided in accordance with the applicable rules and regulations governing the services.</p> <p><input type="checkbox"/> f. Engaging in a course of conduct or performing an act which is in violation of any federal, state, or local statute, rule, regulation, or ordinance, or an applicable contractual provision, that relates to, or arises out of, any publicly or privately funded health care program, including but not limited to any state medical assistance program.</p> <p><input type="checkbox"/> g. Submitting a false, intentionally misleading, or fraudulent certification or statement, whether the certification or statement is explicit or implied, to the department or the department's representative or to any other publicly or privately funded health care program.</p> <p><input type="checkbox"/> h. Overutilization of the medical assistance program by inducing, furnishing or otherwise causing a member to receive services or merchandise not required or requested.</p> <p><input type="checkbox"/> i. Violating any provision of Iowa Code chapter 249A, or any rule promulgated pursuant thereto, or violating any federal or state false claims Act, including but not limited to Iowa Code chapter 685.</p> <p><input type="checkbox"/> j. Submitting or causing to be submitted false, intentionally misleading, or fraudulent information in an application for provider status under the medical assistance program or any quality review or other submission required to maintain good standing in the program.</p> <p><input type="checkbox"/> k. Violating any law, regulation, or code of ethics governing the conduct of an occupation, profession, or other regulated business activity, when the violation relates to, or arises out of, the delivery of services under the state medical assistance program.</p> <p><input type="checkbox"/> l. Breaching any settlement or similar agreement with the department, or failing to abide by the terms of any agreement with any other entity relating to, or arising out of, the state medical assistance program.</p> <p><input type="checkbox"/> m. Failing to meet standards required by state or federal law for participation, including but not limited to licensure.</p> <p><input type="checkbox"/> n. Exclusion from Medicare or any other state or federally funded medical assistance program.</p> <p><input type="checkbox"/> o. Except as authorized by law, charging a person for covered services over and above what the department paid or would pay or soliciting, offering, or receiving a kickback, bribe, or rebate, or accepting or rebating a fee or a charge for medical assistance or patient referral, or a portion thereof. This ground does not include the collection of a copayment or deductible if otherwise allowed by law.</p> <p><input type="checkbox"/> p. Failing to correct a deficiency in provider operations after receiving notice of the deficiency from the department or other federal or state agency.</p> <p><input type="checkbox"/> q. Formal reprimand or censure by an association of the provider's peers or similar entity related to professional conduct.</p> <p><input type="checkbox"/> r. Suspension or termination for cause from participation in another program, including but not limited to workers' compensation or any publicly or privately funded health care program.</p> <p><input type="checkbox"/> s. Indictment or other institution of criminal charges for, or plea of guilty or nolo contendere to, or conviction of, any crime punishable by a term of imprisonment greater than one year, any crime of violence, any controlled substance offense, or any crime involving an allegation of dishonesty or negligent practice resulting in death or injury to a provider's patient.</p> <p><input type="checkbox"/> t. Violation of a condition of probation, suspension of payments, or other sanction.</p> <p><input type="checkbox"/> u. Loss, restriction, or lack of hospital privileges for cause.</p> <p><input type="checkbox"/> v. Negligent, reckless, or intentional endangerment of the health, welfare, or safety of a person.</p> <p><input type="checkbox"/> w. Billing for services provided by an excluded, nonenrolled, terminated, suspended, or otherwise ineligible provider or person.</p> <p><input type="checkbox"/> x. Failing to submit a self-assessment, corrective action plan, or other requirement for continued participation in the medical assistance program, or failing to repay an overpayment of medical assistance funds, in a timely manner, as set forth in a rule or other order.</p> <p><input type="checkbox"/> y. Attempting, aiding or abetting, conspiring, or knowingly advising or encouraging another person in the commission of one or more of the grounds specified herein.</p>
OIG-1128(a)(2) 1320a-7(a)(2)	Conviction relating to patient abuse or neglect: 5 Years	
1128(a)(3) 1320a-7(a)(3)	Felony conviction relating to health care fraud: 5 years	
1128(a)(4) 1320a-7(a)(4)	Felony conviction relating to controlled substance: 5 years	
1128(c)(3)(G)(i) 1320a-7(c)(3)(G)(i)	Conviction of two mandatory exclusion offenses: 10 years	
1128(c)(3)(G)(ii) 1320a-7(c)(3)(G)(ii)	Conviction on 3 or more occasions of mandatory exclusion offenses. <b>Permanent Exclusion</b>	
<b>Iowa Code §§902.9 (felonies), 903.1 (misdemeanors) Publication 2015</b>		
<p><b>Class "A" felonies.</b> The most serious offenses under Iowa law and are punishable only by a mandatory life sentence, without possibility for parole or probation.</p> <p><b>Class "B" Felonies.</b> Punishable by confinement for no more than 25 years.</p> <p><b>Class "C" Felonies.</b> Punishable by confinement for no more than 10 years and a fine of at least \$1,000 but not more than \$10,000.</p> <p><b>Class "D" felonies.</b> Punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500.</p> <p><b>Other Felony Penalties.</b> A person convicted of manufacturing or possession with the intent to deliver methamphetamine or amphetamine to a minor commits a felony that is punishable by confinement for no more than 99 years.</p> <p><b>Aggravated Misdemeanors.</b> The penalty for an aggravated misdemeanor is imprisonment not to exceed two years in a facility operated by the Department of Corrections and a fine of not less than \$625 but not more than \$6,250.30 However, the court may impose a sentence of confinement for a determinate term of one year or less to be served in the county jail.</p> <p><b>Serious Misdemeanors.</b> The penalty for a serious misdemeanor is a fine of not less than \$315 but not more than \$1,875. Imprisonment for up to one year in the county jail may also be ordered.</p> <p><b>Simple Misdemeanors.</b> The penalty for a simple misdemeanor is a fine of at least \$65 but not more than \$625. Imprisonment for up to 30 days in the county jail may be ordered in addition to or in lieu of the fine.33</p>		