

LETTER FROM OIG TO NURSE WHO VOLUNTARILY RELINQUISHED LICENSE



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of Inspector General

Office of Investigations

Atlanta Regional Office

61 Forsyth Street, S.W., Ste 5T18

Atlanta, GA 30303-8909

MAR 04 2008

Dear

RE: OI File #

The Department of Health and Human Services is considering excluding you from participation in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act (Act). This action is based on the fact that your license to practice as a practical nurse in the State of Florida was revoked, suspended, or otherwise lost, or because your license was surrendered while a formal disciplinary proceeding was pending before the Board of Nursing for reasons bearing on your professional competence, professional performance, or financial integrity. Section 1128(b)(4) of the Act (42 U.S.C. 1320a-7(b)(4)) authorizes the imposition of this exclusion, which will be in addition to any sanction an individual Federal or State agency may impose under its own authority.

The scope of an exclusion is broad and, if implemented, would have a significant effect on your ability to work in the health care field. If this exclusion is imposed, it would significantly limit your ability to work in the health care field in the United States. No payment would be made by any Federal health care program (such as Medicare, Medicaid, Veterans Administration, TRICARE, etc.) for any items or services you furnish, order, or prescribe in any capacity. For example, you would be prohibited from submitting or causing claims to be submitted to any Federal health care programs for any items or services you provide in any capacity, and you would be prohibited from being employed in any capacity to provide any items or services which are billed to a Federal health care program. Such items or services could include administrative, clerical, and other activities that do not directly involve patient care or the provision of any health care related services. Generally speaking, you could not be employed by a hospital, nursing home or other institutional provider that participates in Federal health care programs.

The exclusion we are considering imposing would have national effect and would apply to all Federal procurement and non-procurement programs and activities. As such, it could make you ineligible for Federally insured loans, research grants, and other programs administered by other Federal agencies. This is because Federal agencies are required by law not to contract with a person who is excluded or debarred by another Federal agency. (See Section 2455 of the Federal Acquisition Streamlining Act of 1994, P.L. 103-355.) Exceptions to the government-wide effect of an exclusion are only available under very unusual circumstances. You should be aware, however, that an exclusion would not affect your rights or the rights of your family members to collect benefits to which you or they may be entitled as a beneficiary under any Federal program such as Medicare, Medicaid, and Social Security.

You will find more information regarding exclusions on the Office of Inspector General's (OIG) website, including Frequently Asked Questions and the Special Advisory Bulletin about the Effect of Exclusion. To access this site, go to <http://oig.hhs.gov> click on EXCLUSIONS DATABASE, and then choose the item you would like to access.

If we decide to exclude you, you will have appeal rights which will be specified in writing. If you do not appeal or if your exclusion is upheld on appeal, you would remain excluded until you regain your practical nurse license in the State of Florida.

If you never regain your license, your exclusion would remain in effect. Even if you move to another State and have or are granted a license in that State, your ability to work in the health care field would still be limited because of your exclusion. The exclusion would remain in effect even if you change your profession, occupation, or specialty. Reinstatement by the OIG would not be possible until you have regained your practical nurse license in the State of Florida, where you originally lost it.

The exclusion would be in addition to any sanction an individual State or other Federal agency may impose under its own authority. You may be eligible for a waiver of your exclusion from a Federal or State health care program if the person directly responsible for administering the Federal or State health care program can demonstrate to the OIG that a waiver would be in the public's best interest.

Therefore, it is extremely important that you provide us with any information which you want the OIG to consider prior to making a determination on whether or not to exclude you. You have 30 days from the date of this letter to submit any information and supporting documentation you want the OIG to consider before it makes a final determination regarding your exclusion. Please send documentation to support your response to this office at the above address. If you do not submit documentation within 30 days, the OIG will make its decision based on currently available information. Once the OIG has made its determination, the OIG will send you a letter notifying you of its decision and, if an exclusion is imposed, of the effective date and length of the exclusion, as well as your appeal rights.

Sincerely,



Mark A. Creamer
Assistant Special Agent in Charge