

(6) Exercises substantive control over an entity or a critical influence over the activities of the entity or some portion of thereof, whether or not employed by the entity; or

(7) Acts as an agent of the entity.

*Conviction* or *convicted* has the meaning set forth in 5 U.S.C. 8902a(a)(1)(C).

*Covered individual* means an employee, annuitant, family member, or former spouse covered by a health benefits plan described by 5 U.S.C. 8903 or 8903a or an individual eligible to be covered by such a plan under 5 U.S.C. 8905(d).

*Days* means calendar days, unless specifically indicated otherwise.

*Debarment* means a decision by OPM's debarring official to prohibit payment of FEHBP funds to a health care provider, based on 5 U.S.C. 8902a (b), (c), or (d) and this subpart.

*Debarring official* means an OPM employee authorized to issue debarments and financial sanctions under this subpart.

*FEHBP* means the Federal Employees Health Benefits Program.

*Health care services or supplies* means health care or services and supplies such as diagnosis and treatment; drugs and biologicals; supplies, appliances and equipment; and hospitals, clinics, or other institutional entities that furnish supplies and services.

*Incarceration* means imprisonment, or any type of confinement with or without supervised release, including but not limited to home detention, community confinement, house arrest, or similar arrangements.

*Limited waiver* means an approval by the debarring official of a health care provider's request to receive payments of FEHBP funds for items or services rendered in a defined geographical area, notwithstanding debarment, because the provider is the sole community provider or sole source of essential specialized services in a community.

*Mandatory debarment* means a debarment based on 5 U.S.C. 8902a(b).

*Office* or *OPM* means the United States Office of Personnel Management or the component thereof responsible for conducting the administrative sanctions program described by this subpart.

*Permissive debarment* means a debarment based on 5 U.S.C. 8902a(c) or (d).

*Provider* or *provider of health care services or supplies* means a physician, hospital, clinic, or other individual or entity that, directly or indirectly, furnishes health care services or supplies.

*Reinstatement* means a decision by OPM to terminate a health care provider's debarment and to restore his eligibility to receive payment of FEHBP funds.

*Sanction* or *administrative sanction* means any administrative action authorized by 5 U.S.C. 8902a or this subpart, including debarment, suspension, civil monetary penalties, and financial assessments.

*Should know* or *should have known* has the meaning set forth in 5 U.S.C. 8902a(a)(1)(D).

*Sole community provider* means a provider who is the only source of primary medical care within a defined service area.

*Sole source of essential specialized services in a community* means a health care provider who is the only source of specialized health care items or services in a defined service area and that items or services furnished by a non-specialist cannot be substituted without jeopardizing the health or safety of covered individuals.

*Suspending official* means an OPM employee authorized to issue suspensions under 5 U.S.C. 8902a and this subpart.

#### MANDATORY DEBARMENTS

##### **§ 890.1004 Bases for mandatory debarments.**

(a) *Debarment required.* OPM shall debar a provider who is described by any category of offense set forth in 5 U.S.C. 8902a(b).

(b) *Direct involvement with an OPM program unnecessary.* The conduct underlying the basis for a provider's mandatory debarment need not have involved an FEHBP covered individual or transaction, or any other OPM program.

##### **§ 890.1005 Time limits for OPM to initiate mandatory debarments.**

OPM shall send a provider a written notice of a proposed mandatory debarment within 6 years of the event that