

PATHWAYS CMH

POLICY TITLE: Background Check and Exclusion Check Policy	CATEGORY: Human Resources	
EFFECTIVE DATE: June 4, 2014	BOARD APPROVAL DATE: September 6, 2017	
REVIEWED DATE: May 22, 2017	REVISION(S) TO POLICY STATEMENT: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OTHER REVISION(S): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
RESPONSIBLE PARTY: Human Resources Director	CEO APPROVAL: Mary Swift, CEO	

APPLIES TO:

Pathways Personnel

POLICY:

It is the policy of Pathways that appropriate background and exclusion checks be completed on all potential employees, students, interns, volunteers, contractors and board members as part of their screening process. All Pathways Personnel who may transport consumers or drive agency vehicles shall also have verification of their driver's license completed.

Providers of specialty services and supports that are chosen by the beneficiary and others assisting him/her during the person-centered planning process must also meet the staffing qualifications contained in the Medicaid Provider Manual and must be in good standing with the law.

Pathways will not directly nor through sub-contract agencies employ or contract with persons who are:

- presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department.
- Excluded due to a criminal conviction for program related fraud, patient abuse, licensing board actions, and default on Health Education Assistance loans.

PURPOSE:

To outline expectations for Pathways Personnel and to ensure compliance with applicable federal, state and local rules, regulations and policies regarding background and exclusion checks.

DEFINITIONS:

Pathways Personnel – means employees, contractors, students, interns, volunteers, and board members.

REFERENCES:

- 42 CFR (Balanced Budget Act of 1997), 438.206(b)(1), 438.214, 438.610
- Act 368 of 1978, Public Health Code 333.16174
- Public Acts, 28 and 29 of 2006

- Medicaid Provider Manual
- MDHHS/PIHP Master Contract: Medicaid Managed Specialty Supports and Services Concurrent 1915(b)/(c) Waiver Program
- Pathways Credentialing Policy
- Pathways Privileging Policy
- Pathways Sanction Policy
- NorthCare Background & Exclusion Check Policy

HISTORY:

Dates Reviewed: June 30, 2015; June 10, 2016; May 22, 2017

Dates Revised: June 30, 2015; June 10, 2016 (Policy)

Dates Approved: July 1, 2015; August 3, 2016; September 6, 2017

PROCEDURES:

- A. Search results are to be printed and kept in the HR Office for potential employees, students, interns, and volunteers and included in their file. Excluded Parties Checks on board members are to be printed and kept by HR Director or designee. Background checks are reviewed according to provider's policy with appropriate action taken regarding any negative reports. Applicable background checks are to be completed prior to individuals being rehired/reappointed.
- B. The Officer of Inspector General's (OIG) exclusions database is searched at the time of enrollment/hire/contract/appointment and monthly thereafter to make certain that the employee or contractor or board member has not been excluded from participating in federal health care programs.
- C. Pathways will ensure completion of a Long Term Care Background check, including finger printing, on all individuals receiving an offer of employment or contract with a licensed foster care facility who is in a position that has regular access to consumers residing in a licensed foster care or specialized residential home operated by a Pathways or to the consumer's property, financial information, medical records, treatment information, or any other identifying information.

D.

Criminal Background Checks – Checks must be completed prior to hire and every other year after the initial check. Although criminal background checks are required, it is not intended to imply that a criminal record should necessarily bar employment. The verification of these checks and a justification for the decisions that are made should be documented in the employee personnel or interview file. The decisions must be consistent with state and federal rules and regulations regarding individuals with a criminal history. Criminal background checks must be completed by an organization, service, or agency that specializes in gathering the appropriate information to review the complete history of an individual. Use of the state of Michigan Offender Tracking Information System (OTIS) or a county level service that provides information on individuals involved with the court system are not appropriate resources to use for criminal background checks.

Criminal convictions are to be disclosed by providers or personnel, with regard to those offenses as detailed in sections 1128(a) and 1128(b)(1), (2), or (3) of the Social Security Act, or that have had civil money penalties or assessments imposed under section 1128A of the Act. Pathways will notify the Michigan Department of Health and Human Services (MDHHS) Behavioral Health and Developmental Disabilities Administration (BHDDA) Division of Program Development, Consultation and Contracts within two business days of receiving the disclosure.

- E. The following agencies/registries have websites available to assist in determining that potential personnel are eligible for employment/appointment.
 - 1. OIG-LEIE (Office of Inspector General List of Excluded Individuals/Entities) – Lists only exclusion actions taken by the OIG; it is updated monthly and provides more details about persons excluded by the OIG than GSA's SAM such as the statutory basis for the exclusion action, the person's occupation at the time of the exclusion, the person's DOB, and address. NOTE: State Medicaid Director Letter (SMDL #09-001) recommends that this database be searched monthly to screen all employees and contractors. If a

screening by name produces a “hit” further validation is conducted by searching the individual/entity name with further identification such as date of birth, social security number of Federal Tax ID.

<http://exclusions.oig.hhs.gov>

Completed on: All personnel and contractors.

Frequency: Prior to hire and monthly thereafter.

2. Fingerprinting - LARA (Department of Licensing and Regulatory Affairs) <http://w3.lara.state.mi.us/free/> – The LARA registry checks the following registries:

- i. OIG LEIE, <http://exclusions.oig.hhs.gov>
- ii. MI Sanction Provider List, www.michigan.gov/mdch
- iii. MI Nurse Aide Abuse List, <http://www.prometric.com/NurseAide/MI>
- iv. PSOR (MI Public Sex Offender Registry),
<http://www.mipsor.state.mi.us>
- v. OTIS (Offender Tracking) of felony, criminal Federal/State fingerprinting. <http://www.state.mi.us/mdoc/asp/otis2.html>

LARA provides a RAP back to the employer if there is a match for arrest records and criminal conviction on arrests.

Completed on: Individuals working in a licensed care facility. NOTE: Subsequent to 10/1/2008 applicants for initial licensure or registration are required to submit fingerprints for criminal history check. Act 368 of 1978, Public Health Code 333.16174. This system is for use by providers for an initial check only; it will not allow a duplicate fingerprint check. (**)

Frequency: Prior to hiring.

3. LARA - Verify a license/registration at <http://michigan.gov/healthlicense>

Completed on: All staff who are licensed, registered.

Frequency: At minimum, prior to hire and at recertification.

4. System Award Management (SAM) – Exclusions checked are those under the old “EPLS”; SAM does include OIG’s exclusions but also includes debarment actions taken by Federal agencies (EPLS). www.sam.gov

Completed on: All staff who are licensed, certified, registered.

Frequency: At minimum, prior to hire and monthly thereafter.

5. Michigan Sanctioned Providers - http://www.michigan.gov/mdch/0,1607,7132-2945_42542_42543_42546_42551-16459--,00.html

Completed on: All staff who are licensed, certified, registered.

Frequency: At minimum, prior to hire and at recertification.

6. ICHAT (Internet Criminal History Access Tool) State of Michigan criminal background check - Need name, race, sex, birth date, social security number, and Michigan driver’s license or State ID number. (An account and approval from the State is needed for this web site.) Individuals who are fingerprinted do not need to have an ICHAT check completed UNLESS conditional employment (based on condition of a clean fingerprinting report) is offered prior to receiving the fingerprint results. www.michigan.gov/ichat

Completed on: All personnel who are NOT fingerprinted or as noted above.

Frequency: At minimum, prior to hire and every other year from the initial check.

7. HIPDB (National Health Care Integrity and Protection Databank) merged with NPDB in 2013. The National Practitioner Data Bank (NPDB) is a confidential information clearinghouse that originally collected medical malpractice payments paid on behalf of physicians, adverse actions taken by licensing agencies against health care practitioners and health care entities, adverse privileging actions, and any negative actions or findings taken against health care practitioners or entities by Quality Improvement Organizations and Private Accreditation Organizations. HIPDB was created by HIPAA to provide information on adverse licensing and certification actions, criminal convictions (health care related), civil judgments, exclusions from Federal or State health care programs, and other adjudicated actions or decisions. Although providers may choose to check the NPDB to obtain information about other types of sanctions reported in that database, the OIG recommends that providers use the OIG LEIE as the primary database for purposes of exclusion screening. <http://www.npdb.hrsa.gov>

NOTE: MDHHS policy requires a HIPDB query or, in lieu of the HIPDB query, all of the following must be verified:

- a) Minimum five-year history of professional liability claims resulting in a judgment or settlement.
- b) Disciplinary status with regulatory board or agency; and
- c) Medicare/Medicaid sanctions

If the individual practitioner undergoing credentialing is a physician, then physician profile information obtained for the American Medical Association or American Osteopathic Association may be used to satisfy the primary source requirements of (a), (b), and (c) above.

Completed on: All staff who are licensed, certified, registered.

Frequency: At minimum, prior to hire and at recredentialing.

7. State of Michigan driver's license check - Need Michigan driver's license number, or name and birth date. (An account and approval from the State is needed for this web site.)

Completed on: All staff who transport consumers or drive agency vehicles.

Frequency: At minimum, prior to transporting or using agency vehicle and every two years.

8. Michigan Department of Health and Human Services (MDHHS) licensing sanctions for Adult Foster Care and other residential settings licensed by MDHHS are available at <http://michigan.gov/dhslicensing>

Completed on: All licensed facilities.

Frequency: At minimum, prior to contract and annual review.