

PATHWAYS CMH

POLICY TITLE: Background Checks	CATEGORY: Provider Network Management	
EFFECTIVE DATE: 06/04/2014	BOARD APPROVAL DATE: 06/04/2014	
REVIEWED DATE: 06/16/15	REVISION(S) TO POLICY STATEMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OTHER REVISION(S): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
RESPONSIBLE PARTY: Contract Manager	CEO APPROVAL: Mary Swift, CEO	

APPLIES TO:

Pathways Personnel
 Pathways Contract Providers
 Volunteers/Students/Interns
 Board Members

POLICY:

It is the policy of Pathways that background checks will be completed on all potential employees, contracted individuals, students, interns, volunteers, and board members as part of their pre-employment / appointment screening and credentialing / re-credentialing or appointment / re-appointment processes. All Pathways Personnel and Contract Providers who may transport consumers or operate agency vehicles shall also have verification of their driver's license completed.

Providers of specialty services and supports that are chosen by the consumer 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, and declared ineligible or voluntarily excluded from covered transactions by any federal department.
- Have been convicted of a felony or persons who have been convicted of a misdemeanor that have a direct relationship to the duties of the position. For example: A conviction of Medicaid fraud under \$500 would exclude a person from positions which require working with Medicaid recipients.

PURPOSE:

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

DEFINITIONS:

1. Pathways Personnel – means employees, contracted individuals, students, interns, volunteers, and board members

REFERENCES:

- 42 CFR §438.206(b)(1), §438.214, §438.610
- Balance Budget Act of 1997
- Background Check Policy
- Public Acts, 28 and 29 of 2006
- Medicaid Provider Manual
- MDCH/PIHP Master Contract: Medicaid Managed Specialty Supports and Services
- Concurrent 1915(b)/(c) Waiver Program
- NorthCare Policy and Procures
- Pathways Credentialing Policy and Procedures
- Pathways Privileging Policy
- Pathways Sanctions Policy

HISTORY:

REVISION DATE: 06/04/14

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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. Search results are to be printed and kept in the Contract file for Contract Providers. 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. If an employee has been terminated and is rehired, a new background check is to be done. If a Contract Provider has been inactivated and is reactivated, a new background check is to be done.
- B. The Officer of Inspector General's (OIG) exclusions database is searched at the time of enrollment and monthly to make certain that the provider entity and any individuals with ownership or control interest in the provider entity (direct or indirect ownership of five percent or more or a managing employee) have not been excluded from participating in federal health care programs.
- C. Ownership and controlling interest disclosures are required from fiscal agents and providers with submission of a proposal in accordance with Pathways Procurement Process, upon execution of a contract with Pathways, upon renewal or extension of a contract and within 30 days after any change in ownership.
- D. Pathways will notify MDHHS if any disclosures are made by providers with regard to the ownership or control by a person that has been convicted of a criminal offense; or, if any staff member, director, or manager of Pathways, individual with beneficial ownership of five percent or more, or an individual with an employment, consulting, or other arrangement with Pathways has been convicted of a criminal offense;
- E. The following agencies/registries have websites available to determine that potential personnel are eligible for employment/appointment and potential Contract Providers are eligible to be on Pathways Provider Directory:
 1. Department of Health & Human Services (DHS) sanctioned provider information is available on the following websites: <http://exclusions.oig.hhs.gov> and www.sam.gov
 2. National Practitioner Data Bank (NPDB) – The National Practitioner Data Bank (NPDB), or "the Data Bank," is a confidential information clearinghouse created by Congress with the primary goals of improving health care quality, protecting the public, and reducing health care fraud and abuse in the U.S. The NPDB is primarily an alert or flagging system intended to facilitate a comprehensive review of the professional credentials of health care practitioners, health care entities, providers, and suppliers; the information from the Data Bank should be used in conjunction with, not in replacement of, information from other sources. Prior to May 6, 2013, "the Data Bank" referred to two separately operated Data

Banks: the NPDB and the Healthcare Integrity and Protection Data Bank (HIPDB). While the NPDB and the HIPDB were established for different purposes, overlap existed in some reporting and querying requirements. To eliminate this duplication, Congress passed Section 6403 of the *Affordable Care Act of 2010* (ACA), Public Law 111-148. As a result of this legislation, NPDB operations were consolidated with those of the former HIPDB. Information previously collected and disclosed by the HIPDB is now collected and disclosed by the NPDB. This database can be checked at: <http://www.npdb.hrsa.gov>

3. MDCH licensing sanctions for health facilities and professionals are available at <http://michigan.gov/bhs> and <http://michigan.gov/healthlicense>
4. Michigan Department of Human Services (MDHS) licensing sanctions for Adult Foster Care and other residential settings licensed by MDHS are available at <http://michigan.gov/dhslicensing>
5. ICHAT (Internet Criminal History Access Tool) www.michigan.gov/ichat 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.)
6. Sanction Providers - www.michigan.gov/mdch (click on Providers/Medicaid/Billing and Reimbursement/List of Sanctioned Providers)
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.)
8. Pathways providers must ensure completion of a Long Term Care Background check, including finger printing, on all individuals receiving an offer of employment in a position that has regular access to consumers residing in a licensed adult foster care or specialized residential home operated by a Contract Provider or to the consumer's property, financial information, medical records, treatment information, or any other identifying information. In addition to the OIG Exclusion and ICHAT the registries in this check include:
 - a. Nurse Aide Registry <http://www.prometric.com/NurseAide/MI>
 - b. PSOR (Public Sex Offender Registry) <http://www.mipsor.state.mi.us/>
 - c. OTIS (Offender Tracking Information System) <http://www.state.mi.us/mdoc/asp/otis2.html>