

## NORTHCARE NETWORK

<b>POLICY TITLE:</b> Background and Exclusion Check Policy	<b>CATEGORY:</b> Compliance	
<b>EFFECTIVE DATE:</b> 6/26/02	<b>BOARD APPROVAL DATE:</b> 3/21/13	
<b>REVIEWED DATE:</b> 6/10/22	<b>REVISION(S) TO POLICY STATEMENT:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> QI/Compliance Officer	<b>CEO APPROVAL DATE:</b> 7/12/22 Dr. Tim Kangas, CEO	

### **APPLIES TO**

NorthCare Network Personnel  
Network Providers

### **POLICY**

It is the policy of NorthCare Network that appropriate background and exclusion checks be completed on all potential employees, students, interns, volunteers, contractors, sub-contractors, and their employees and board members as part of their screening process. All NorthCare Network Personnel and Network Providers 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 through a self-directed arrangement must also meet the staffing qualifications contained in the Medicaid Provider Manual and must be in good standing with the law.

NorthCare Network will not directly nor through contracts or 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 NorthCare Network Personnel and Network Providers and to ensure compliance with applicable federal, state and local rules, regulations and policies regarding background and exclusion checks.

### **DEFINITIONS**

- 1) ***NorthCare Network 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

- MCL 400.734b
- Medicaid Provider Manual
- MDHHS/PIHP Master Contract
- NorthCare Network Credentialing
- NorthCare Network Privileging Policy
- NorthCare Network Sanction Policy
- NorthCare Disclosure of Ownership, Control, Criminal Convictions Policy
- 1/22/16 memo from Jeff Wieferich, MDHHS Director of Division of Quality Management and Planning (\*\*)

## **HISTORY**

REVISION DATE: 12/10/10, 3/13/13, 1/6/14, 5/28/14, 4/7/15, 12/11/15, 4/12/16, 7/6/16, 5/24/17, 11/20/17, 1/21/20, 11/18/20, 8/26/2, 6/10/22

REVIEW DATE: 3/8/05, 1/24/07, 7/3/08, 1/13/11, 3/13/13, 10/18/13, 1/6/14, 5/28/14, 5/5/15, 12/11/15, 4/12/16, 7/6/16, 5/24/17, 11/20/17, 9/26/18, 1/21/20, 11/18/20, 8/26/21, 6/10/22

CEO APPROVAL DATE: 3/13/13, 10/18/13, 1/6/14, 5/28/14, 5/5/15, 1/11/16, 5/16/16, 7/6/16, 6/6/17, 12/11/17, 10/2/18, 2/4/20, 12/1/20, 10/5/21, 7/12/22

BOARD APPROVAL DATE: 6/26/02, 3/26/03, 8/27/03, 10/6/04, 8/6/08, 12/5/12, 3/21/13

## **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 personnel file. Excluded Parties Checks on board members are to be printed and kept by HR Coordinator. Initial excluded parties checks on organizations are kept in the contract file and monthly thereafter in the Network Management file. Background checks are reviewed according to provider's policy with appropriate action taken regarding any negative reports. .
- B. The Officer of Inspector General's (OIG) exclusions database is searched prior to enrollment/hire/contract/appointment and monthly thereafter to make certain that the personnel/organization has not been excluded from participating in federal health care programs.
- C. NorthCare Network providers must 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 Network Provider 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 (if not fingerprinted). 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. NorthCare Network 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 or 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](http://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. [Offender Search \(michigan.gov\)](http://www.michigan.gov)

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 recredentialing.
  
4. MCBAP (Michigan Certification Board for Addiction Professionals) – Verify a certification or development plan at [www.mcbap.com](http://www.mcbap.com).  
**Completed on:** All staff requiring MCBAP certification  
**Frequency:** At minimum, prior to hire and at recredentialing
  
5. 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)  
<https://www.sam.gov/portal/SAM/#1>  
**Completed on:** At minimum All personnel, contractors, and vendors when a purchase of \$5,000 or more is made., prior to hire and monthly thereafter.  
**Frequency:** At minimum, prior to hire and at recredentialing.
  
6. Michigan Sanctioned Providers - [www.michigan.gov/medicaidproviders](http://www.michigan.gov/medicaidproviders)  
**Completed on:** All staff who are licensed, certified, registered.  
**Frequency:** At minimum, prior to hire and at recredentialing.
  
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](http://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 finding 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.

8. 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.

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

**Completed on:** All licensed facilities.

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