

POLICIES AND PROCEDURE MANUAL

Chapter:	Provider Network Management		
Title:	Background Checks		
Policy: <input type="checkbox"/> Procedure: <input checked="" type="checkbox"/> Page: 1 of 4	Review Cycle: Biennial Author: Provider Network Mgmt. Committee; Deputy Director	Adopted Date: 04.2015 Review Date: 09.10.2024	Related Policies: Provider Network Management Provider Network Credentialing and Re-Credentialing Disclosure of Ownership, Control, and Criminal Conviction Compliance: Disqualified Providers

Purpose

The purpose of the procedure is to assure that access to and services performed for consumers are provided by individuals who are permitted by law to perform the services and that background checks are conducted in accordance with federal and state law.

Procedure

Community Mental Health Service Programs (CMHSP Participant) and Substance Use Disorder Service Providers (SUDSPs) must have documented procedures for assigned responsibility and processes for conducting background checks for each new employee, subcontractor, subcontractor employee, or volunteer (including students and interns). Review shall include:

- Criminal background checks (CBC) for all individuals who are expected to have direct contact with consumers;
- Central registry checks for staff members working with children
- Federal Medicare/Medicaid exclusion/sanction sources; and
- Federal and State Sex Offender Databases

Criminal Background

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 background searches must reveal information substantially similar to the information found on an Internet History Access Tool (ICHAT) check for each new employee, subcontractor, subcontractor employee, or volunteer.

ICHAT: <https://apps.michigan.gov/>

MSHN and its provider network shall not employ, contract with, authorize services for, reimburse services for, or seek reimbursement for services delivered, prescribed or ordered by an individual that is excluded from a federal and state healthcare program as outlined in the MSHN Disqualified Providers Policy.

For CMHSPs:

Criminal background checks shall be conducted prior to any consumer contact, generally no later than the first few days of hire, prior to consumer contact. CBC shall be repeated at a frequency defined in CMHSP Participant policy for all persons who have direct contact with consumers, but at minimum biennially.

For SUDSP provider network:

CBC must be conducted as a condition of employment. An offer of employment may be made contingent on a CBC and should expressly note that there is to be no consumer contact until all criminal background checks are complete. At minimum, CBC must be repeated biennially for persons working in a direct care capacity in primary substance use disorder services.

State of Michigan Central Registry [Michigan Department of Health and Human Services (MDHHS)]

MDHHS Central Registry checks must be conducted for each new employee, subcontractor employee, or volunteer (including students and interns) working directly with children.

Central Registry: https://www.michigan.gov/mdhhs/0,5885,7-339-73971_7119_50648_48330-180331--,00.html

Federal and State Medicare/Medicaid Exclusion/Sanction

Prior to employment (direct hire, contracted, or consulting arrangement), at the time of organizational provider enrollment or re-enrollment in the PIHP/CMHSP provider network, the PIHP/CMHSP Participant must search the Office of Inspector General's (OIG) exclusions and United States General Services Administration (GSA) databases to ensure that the prospective employee/contractor, provider entity, and any individuals with ownership or control interests 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.

Because these search activities must include determining whether any individuals with ownership or control interests in a provider entity appear on the OIG's exclusions database, the PIHP/CMHSP Participant must mandate provider entity disclosure of ownership and control information at the time of provider application, re-application, or whenever a change in provider entity ownership or control takes place. For purposes of this policy, job functions, in addition to applicable provider entities, include the following: Officers, Directors, Contracts & Properties Manager, Contract Management Assistant, Administrative Accounting Supervisor, and Accounting/Purchasing Assistant. This verification process shall also occur at the time of re-credentialing or contract renewal at least biennially. *Refer to MSHN Policy: Disclosure of Ownership, Control, and Criminal Conviction.*

The PIHP/CMHSP Participant/SUDSP shall search the OIG exclusions and sanctions databases monthly to capture exclusions and reinstatements that have occurred since the last search, or at any time providers submit new disclosure information. CMHSP Participant/SUDSP shall notify MSHN of any exclusion/sanction findings for existing individual or organizational providers. The PIHP shall immediately notify the Michigan Department of Health and Human Services (MDHHS) Behavioral and Physical Health and Aging Services (BPHASA) Division of Program Development, Consultation and Contracts and the MDHHS-OIG (using the approved OIG form and process) immediately if search results indicate that any of their network's provider entities, or individuals or entities with ownership or control interests in a provider entity are on the OIG exclusions database. The PIHP/CMHSP will provide notification to MDHHS-OIG if it has taken any administrative action that limits the provider's participating in the Medicaid program.

The United States Office of Inspector General (OIG): <http://exclusions.oig.hhs.gov>

The United States General Services Administration (GSA): www.sam.gov

The MDHHS sanctioned list is at: <https://www.michigan.gov/mdhhs/doing-business/providers/providers/billingreimbursement/list-of-sanctioned-providers>

Federal and State Sex Offender Registry

Sex offender registry checks must be conducted for each new employee, subcontractor employee, or volunteer (including students and interns).

Michigan Public Sex Offender Registry: <https://mspsor.com/>

National Sex Offender Registry: <http://www.nsopw.gov>

Notification

Each new employee, subcontractor employee, or volunteer (including students and interns) working directly with consumers, or who has access to enrollee information must notify the CMHSP and SUDSP in writing of criminal convictions (felony or misdemeanor) pending felony charges or placement on the Central Registry as a perpetrator at hire or within ten (10) days of the event after hiring.

CMHSP Participants and SUDSPs shall have a process to notify MSHN of any convictions that disqualify the provider from state or federal public health care programs identified through routine CBC of employees or staff of subcontractors. Notice shall include the nature of the conviction and relevant employment action taken. Should a CMHSP Participant, SUDSP or direct service contract provider receive a CBC with a negative outcome and wish to proceed with hiring the candidate, the hiring party must document, in writing, their rationale for waiving the CBC findings and confirmation that the criminal history was reviewed to ensure the provider was not disqualified from providing services within a federal and/or state healthcare program. In instances where a Financial Management Service (FMS) is used for self-determination arrangements, the consumer/family is the employer of record. If the FMS is providing a service to two or more persons using the same staff, the CBC must be completed for each new employment situation unless the CBC was completed on the same date for each employment situation.

Record Retention

All criminal background check documentation must be retained in accordance with the MSHN Record Retention Policy. Records may be retained electronically.

Applies to:

- All Mid-State Health Network Staff Selected
- MSHN Staff, as follows:
 - MSHN CMHSP Participants Policy Only Policy and Procedure
 - Other: Sub-contract Providers

Definitions:

BPHASA: Behavioral and Physical Health and Aging Services

CBC: Criminal Background Checks

CMHSP: Community Mental Health Services Program

Direct Access: Access to a consumer or a consumer's property, financial information, medical records, treatment information, or any other identifying information.

FMS: Financial Management Service for Self-Determination arrangements.

GSA: General Services Administration

ICHAT: Internet History Access Tool

LARA: Michigan Department of Licensing and Regulatory Affairs

MDHHS: Michigan Department of Health and Human Services

MSHN: Mid-State Health Network

OIG: Officer of Inspector General

OTIS: Offender Tracking Information System

Provider: Organizations and individuals contracted or direct employed, providing any services to eligible individuals under MSHN contract.

SUDSP: Substance Used Disorder Service Provider

References/Legal Authority:

- MDHHS: Policy Credentialing & Re-credentialing Processes
- MDHHS SUD Credentialing and Qualifications Policy

- MDHHS Medicaid Provider Manual
- MDHHS Contract
- [MCL 333.20173a](#), [MCL 330.1134a](#), [MCL 400.734b](#),
- 42 USC 1320a-7: Exclusion of certain individuals and entities from participation in Medicare and State health care programs

Change Log

Date of Change	Description of Change	Responsible Party
04.09.2015	New	PNMC
05.2016	Annual Review	PNMC
09.28.2016	Annual Review	PNMC
08.2017	Annual Review	Director of Provider Network Management Systems
09.2018	Annual Review	Director of Provider Network Management Systems
09.2019	Annual Review – removed PSV to new credentialing procedures	Director of Provider Network Management Systems
11.2021	Biennial Review – removed attachment references to MDHHS contract	Contract Manager
05.2023	Revised based on MDHHS contract language updates	Compliance Administrator/Deputy Director
12.2023	Biennial Review Update	PNMC, Contract Specialist
05.2024	Updated to include OIG feedback	Chief Compliance and Quality Officer/Compliance Administrator