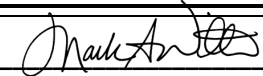


<b>POLICY/PROCEDURE TITLE:</b> Provider Background Check  <b>POLICY/PROCEDURE #:</b> 702  <b>Section:</b> Provider Network  <b>Developed and maintained by:</b> Accountant  <b>Scope:</b> <input checked="" type="checkbox"/> ACCMHS Staff <input type="checkbox"/> MH/IDD, <input type="checkbox"/> Housing, <input type="checkbox"/> SUD, <input type="checkbox"/> Integrated Health, <input checked="" type="checkbox"/> ACCMHS Contract Providers <input type="checkbox"/> Other _____	<b>Approved By:</b> <u></u> (Executive Director)	
	<b>Approved By:</b> _____ (Medical Director; as applicable)	
	<b>DATES</b>	
	<b>First Effective</b>	12/2001
<b>Revised</b>	10/2020	
<b>Supersedes</b>	12/2019	

**POLICY:**

Allegan County Community Mental Health Services (ACCMHS) will require all Providers to adopt, maintain and follow a policy for the completion of background checks. Providers will take precautions to protect Individuals served by ACCMHS (Individuals) receiving and using their services. Background checks shall include criminal, recipient rights, corporate compliance, driving record, Sex Offenders Registry, MA/MC Exclusion, reference checks, License/Certification Checks (when applicable)

**PROCEDURES:**

Prior to contracting with a Provider, the Allegan County Community Mental Health (ACCMHS) Finance department shall require all providers who employ staff to provide evidence of policies for the completion of required background checks named above as part of the provider credentialing process. Said policies and procedures shall meet personnel selection criteria required by law, and other universal requirements for all staff that deliver services to individuals served by ACCMHS. ACCMHS shall verify background checks are completed and maintained by Providers during quality monitoring reviews.

**I) Criminal Background Checks**

Providers shall complete and maintain criminal background checks for all employees, potential employees and contracted staff (independent contractors) that provide direct services to Individuals, have access to Individuals’ records or money of Individuals. Criminal background checks must be completed at the time of hire or contracting, and annually thereafter. Minimally, a criminal background check will be completed for records in the State of Michigan. If a potential employee or contractor has lived outside of Michigan within the last 3 years, a national background check shall be conducted by the provider. (Adult Foster Care Providers initial criminal background checks shall be in accordance with State of Michigan licensing requirements. Due to reporting procedures, ongoing checks may not be necessary.)

**A) Determination of Outcome of Criminal Background**

The information obtained from criminal background checks will be used to evaluate a person’s qualifications to provide approved services for Individuals. If a conviction appears on the criminal background check, it may mean that the prospective or current staff member is precluded from performing the essential functions of the services purchased by ACCMHS. The following precludes the provider staff from providing services to individuals served by ACCMHS:

- 1) Felonies

- (a) Medicaid/Medicare (MA/MC) fraud
  - (b) Convicted of any of the following felonies, attempt or conspiracy to commit the following felonies – unless 15 years have lapsed since all the terms and conditions of sentencing, parole and probation are completed:
    - Intent to cause death or serious impairment of a body function or results in death or serious impairment of body function, involves use of force or violence or involves threat of the use of force or violence
    - Cruelty or torture
    - Felonies under MCL 750.145m to 750.145r (definitions of adult foster care and vulnerable adults)
    - Criminal sexual conduct
    - Use of a firearm or dangerous weapon
    - Diversion or adulteration of a prescription drug or other medications
  - (c) A felony, attempt or conspiracy to commit a felony other than MA/MC fraud or a felony listed above – unless 10 years have lapsed since the all terms and conditions of sentencing, parole and probation are completed
- 2) Misdemeanors
- (a) MA/MC fraud
  - (b) Convicted of any misdemeanors involving the following – unless 10 years have lapsed since all the terms and conditions of sentencing, parole and probation are completed:
    - Use of a firearm or dangerous weapon with the intent to injure, the use of a firearm or dangerous weapon that results in a personal injury or a misdemeanor involving the use of force or violence or the threat of the use of force or violence.
    - Misdemeanors under MCL 750.145m to 750.145r (definitions of adult foster care and vulnerable adults)
    - Criminal sexual conduct
    - Cruelty or torture
    - Abuse or neglect
  - (c) Convicted of any misdemeanors involving the following – unless 5 years have lapsed since all the terms and conditions of sentencing, parole and probation are completed:
    - Cruelty if committed by an individual who is less than 16 years old
    - Home invasion
    - Embezzlement
    - Negligent homicide or a violation of MCL 257.601d of Michigan vehicle code
    - Larceny if committed over age of 16
    - Retail fraud in second degree if committed over age of 16
    - Assault, fraud, theft or possession or delivery of a controlled substance if committed over the age of 16
  - (d) Convicted of any misdemeanors involving the following – if committed within the last 3 years:
    - Assault if there was no use of a firearm or dangerous weapon and no intent to commit murder or inflict great bodily injury
    - Retail fraud in third degree if committed over age of 16
    - Misdemeanors under MCL 333.7401 to 333.7461 (drugs)

- Larceny or retail fraud in second or third degree
- (e) Convicted of any misdemeanors involving the following – if committed within the year immediately preceding application for employment or independent contract:
  - Misdemeanors under MCL 333.7401 to 333.7461 (drugs) if conviction before age of 18
  - Larceny or retail fraud in second or third degree if conviction before age 16
- (f) Is the subject of an order or disposition under the code of criminal procedure that determined “not guilty by reason of insanity”?
- (g) Had substantiated finding of neglect, abuse or misappropriation of property by a state or federal agency in a nursing facility or skilled nursing facility.

## II) Recipient Rights Background Check

- A) Providers shall complete and maintain recipient rights checks for all employees, potential employees and contracted staff (independent contractors) that provide direct services to Individuals. This is done through the ACCMHS Recipient Rights Registry (or equivalency). Recipient Rights checks must be completed at the time of hire or contracting, and annually thereafter.
- B) Rights checks done through ACCMHS are completed by submitting a completed Provider Credentialing Release Form to the ACCMHS Human Resource Department. Results will be returned to provider organizations. Providers are responsible for the maintenance of the record.
- C) Determination of Outcome of Recipient Rights Background
  - 1) Individuals with substantiated Abuse I, Abuse II – Exploitation or Neglect I violations may not provide services to Individuals served by ACCMHS without a formal review of circumstances and timeframe of the violation, and without the written consent of the ACCMHS Executive Director.
  - 2) If an employee of provider agency starts services with a consumer of ACCMHS prior to credentialing and it is found that the employee has a record with Recipient Rights that prohibits employee from working with an ACCMHS consumer, claims submitted will not be paid.

## III) Corporate Compliance Background Check

- A) Providers shall complete and maintain corporate compliance checks for all employees, potential employees and contracted staff (independent contractors) that provide direct services to Individuals, have access to Individuals’ records or money and/or are responsible for billing services through the ACCMHS Corporate Compliance Registry. Corporate Compliance checks must be completed at the time of hire or contracting.
- B) Corporate Compliance checks are completed by submitting a completed Provider Credentialing Release Form to the ACCMHS Human Resources Department. Results will be returned to the provider organization for maintenance of the record.
  - 1) Determination of Outcome of Corporate Compliance Background. Individuals with a substantiated Corporate Compliance investigation will be reviewed by a member of the ACCMHS Corporate Compliance Team for approval. Dependent on the circumstances and length of time since the investigation, a referral may be made to the ACCMHS Executive Director for his/her final approval or denial for that provider staff to provide services to Individuals served by ACCMHS.

- 2) If an employee of provider agency starts services with a consumer of ACCMHS prior to credentialing and it is found that the employee has a record with Corporate Compliance that prohibits employee from working with an ACCMHS consumer, claims submitted will not be paid.

#### **IV) Driving Background Check**

- A) Providers shall complete and maintain driving background checks for all employees, potential employees and contracted staff (independent contractors) that may transport Individuals served by ACCMHS. Checks must be completed at the time of hire or contracting and annually thereafter.
- B) Determination of Outcome of Driving Background. The information obtained from driving background checks will be used to evaluate an individual provider's qualifications to provide approved transportation for Individuals. If certain offenses appear on the driving background check, it may mean that the prospective or current provider is precluded from transporting Individuals served by ACCMHS.
  - 1) One or more of the following offenses in the past three years precludes one from providing transportation:
    - (a) Any alcohol or drug related violation including driving or operating under the influence, driving with an open container, minor in possession of alcohol or any drug crime
    - (b) Reckless driving
    - (c) Careless driving
    - (d) Speed contest
    - (e) Hit and run
    - (f) Permitting an unlicensed person to drive
    - (g) Aggravated assault with a motor vehicle
    - (h) Driving while license is suspended or revoked
    - (i) Operating a motor vehicle for the commission of a felony
    - (j) Fleeing or evading police or roadblock or resisting arrest
    - (k) Manslaughter or negligent homicide using a motor vehicle
    - (l) Failure to report an accident
    - (m) Illegal passing of a school bus
  - 2) Three or more of the following offenses in the past three years precludes one from providing transportation:
    - (a) Suspended for moving violations
    - (b) Speeding
    - (c) Improper lane change
    - (d) Failure to obey traffic signal or sign
    - (e) Failure to yield
    - (f) At fault accidents

#### **V) Sex Offenders Registry**

- A) Providers shall complete and maintain sex offenders registry checks for all employees, potential employees and contracted staff (independent contractors) that provide direct services to or have contact with Individuals through the Michigan Sex Offenders Registry

(<http://www.mipsor.state.mi.us/>). Sex offenders registry checks must be completed at the time of hire or contracting.

- B) Determination of Outcome of Sex Offenders Registry Background  
Any individual who is registered with the Michigan Public Sex Offenders Registry (or equivalent) is precluded from providing services to clients of ACCMHS.

### VI) Medicaid/Medicare Exclusion Background Check

- A) Providers must assure that the provider entity, and any individuals with ownership (direct or indirect of five percent or more) or control interests (board of directors), employees or subcontractors, have not been excluded from participating in federal healthcare programs.
- B) All Providers shall complete and maintain Medicaid/Medicare Exclusion background checks by conducting an examination of Federal and State databases of excluded parties and litigation checks. Such examination must take place at the time of hiring by contract with and/or joining the Board of Directors of Provider and at least monthly thereafter.
- C) ACCMHS requires that provider applicants and current providers disclose ownership and control information at the time of provider enrollment and re-enrollment in the ACCMHS provider network, or whenever a change takes place. Providers are responsible for notifying ACCMHS when any change in ownership, control interests or management occur within organization.
- D) Determination of Outcome of Medicaid/Medicare Exclusion Background  
Providers presently excluded from participation in Medicare/Medicaid or any other Federal health care program may not provide services to ACCMHS without a formal review of circumstances and timeframe of the violation, and without the written consent of ACCMHS Executive Director. ACCMHS Provider Network Manager must be notified of exclusion immediately in writing.

### ATTACHMENT

702.1 Provider Credentialing Release Form