

LAKESHORE BEHAVIORAL HEALTH ALLIANCE
Community Mental Health Services of Muskegon County
Community Mental Health of Ottawa County
Lakeshore Coordinating Council for Substance Abuse Services

Policy
No. 20-028

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Effective: December 20, 2002
Revised: December 19, 2008

Approved by:

SUBJECT: Monitoring of Civil
and Criminal History of
Providers

John North, Executive Director

I. POLICY:

Lakeshore Behavioral Health Alliance, as the Prepaid Inpatient Health Plan (PIHP), will ensure that each Affiliate has a procedure in place by which civil and criminal history checks are done in compliance with the various federal and state statutes and regulations. It will also ensure that none of its contracted providers is an excluded entity and that no one having an ownership or controlling interest in or having a management position with a contracted provider has been excluded from participation in a federal health care program.

II. PURPOSE:

To ensure that Affiliates of the Lakeshore Behavioral Health Alliance have the ability to sanction providers for failure to comply with the Affiliate and the PIHP's standards and contract requirements.

III. APPLICATION:

The policy applies to each Affiliate and their direct or contracted providers.

IV. DEFINITIONS:

Excluded Entity: An individual, business or organization that has been excluded from participating in federal health care programs or whose name appears on either the Medicare Exclusion Database (MED) or the Office of Inspector General (OIG) List of Excluded Individuals/Entities (LEIE).

Debarment and Suspension: Ineligible from covered transactions by federal, state or county agencies.

Certification of Debarment: Statement indicating that the provider or employee is not presently suspended, debarred, proposed for debarment, declared ineligible or voluntarily from covered

transactions by any federal, state or county agencies.

Criminal Background History Check: Review of all relevant registry and database records to determine if a worker, having direct access to patients or residents, who has been convicted of a relevant crime or has been the subject of a state or federal agency substantiated finding of patient or resident neglect, abuse, or misappropriation of property. “Direct access” means regular access to a patient or resident, or to a patient’s or resident’s property, financial information, medical records, treatment information, or any other identifying information.

V. PROCEDURE:

- A. Each Affiliate must develop contract language that specifies the requirements that the providers must meet related to debarment and suspension and criminal history checks.
- B. Each Affiliate must include the process for sanctioning of the provider for failure to comply with the debarment and suspension requirements in the contract.
- C. Each Affiliate must implement a policy and/or procedure by which its employees have undergone civil and criminal history checks.
- D. Each Affiliate must implement a policy and/or procedure by which it monitors the ownership and control interests of providers for exclusion from participation in federal health care programs
- E. The PIHP Compliance Review Unit will monitor contract language to ensure that it meets federal and state regulations related to debarment and suspension and criminal history checks.
- F. Each affiliate will ensure that no individual listed on the provider’s Network application appears on either the MED or the LEIE.
- G. Requirements and Monitoring:

Provider	Requirements	Provider Documentation	Review Schedule	Monitoring Method
All Affiliates of the Lakeshore Behavioral Health Alliance	Full compliance with MDCH contract requirements as well as that of the Balanced Budget Act	Policies/Procedures Contract Language	Annual sample of routine random criminal checks and debarment and suspension certifications.	Network staff/designee review of Compliance Review Unit – affiliate contract language

VI. REFERENCES:

Michigan Department of Consumer Services Industry rules
Section 1128 of the Social Security Act
Section 1156 of the Social Security Act
Section 1892 of the Social Security Act
42 CFR Section 1001
Medicaid Chapter III
42 CFR 438.610 and 438.810
Michigan Public Acts, 27, 28 and 29, 2006

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