

COPPER COUNTRY MENTAL HEALTH SERVICES BOARD

POLICY AND PROCEDURE

DATE: January 27, 2021 Background Checks P12

RESCINDS: October 28, 2020

CATEGORY: Personnel

SUBJECT: Background Checks

POLICY: It is the policy of Copper Country Mental Health Services Board (CCMHS) to employ, contract with, or enter into a relationship with only those individuals or providers that are in good standing with the law and that meet all requirements set by federal and state guidelines and by accrediting authorities. In addition, CCMHS will comply with the MDHHS/PIHP (Master Contract) Part II, Section 5.3(a), which requires certain checks to identify excluded and sanctioned parties relating to health care and procurement issues. Independent contractors in bordering states are held to the same standards and procedures for background checks and must meet all applicable licensing and certification requirements of their state.

PURPOSE: The purpose of this policy is to establish a uniform procedure for conducting background checks for all the Board of Directors, employees and independent contractors who are employed by or contract with CCMHS as well as interns and volunteers who may, from time to time, be affiliated with CCMHS.

DEFINITIONS:

INDEPENDENT CONTRACTORS: Practitioners who are not operating as part of another organizational provider and comply with all federal, state and local laws regarding business permits and licenses of any kind that may be required to carry out the said business and tasks to be performed under said contract.

INTERNS: Students or recent graduates undergoing supervised practical training.

VOLUNTEERS: persons who enter into transactions without being under any legal obligation to do so and without being promised any remuneration for services.

PROCEDURE:

- I. Background checks for potential and current Board of Directors, employees, independent contractors, interns, volunteers will be as follows if applicable:
  - A. State of Michigan - Secretary of State - to verify valid Michigan's driver's license (prior to hire and annually)
  - B. State of Michigan - ICHAT (Internet Criminal History Access Tool) [www.michigan.gov/ichat](http://www.michigan.gov/ichat) - Michigan State Police review of pertinent criminal background investigation (prior to hire and annually).
  - C. Michigan Public Sex Offender Registry (PSOR)- [www.mipsor.state.mi.us](http://www.mipsor.state.mi.us) - to verify that the person is not on the registered sex offender website in Michigan
  - D. Offender Tracking Information System (OTIS) - [www.state.mi.us/mdoc/asp/otis2.html](http://www.state.mi.us/mdoc/asp/otis2.html) - to verify that the person is not registered on the criminal offender tracking system in Michigan
  - E. National Sex Offender Public Website - [www.nsopw.gov](http://www.nsopw.gov) - to verify that the person is not on the national registered sex offender website
  - F. United States Government - Excluded Parties List - [www.sam.gov](http://www.sam.gov) to verify that the person is not excluded from receiving Federal contracts or certain subcontracts and from certain types of Federal financial and non-financial assistance and benefits (prior to hire, monthly and with on-going updates)
  - G. US Department of Health and Human Services - [www.oig.hhs.gov/fraud/exclusions.html](http://www.oig.hhs.gov/fraud/exclusions.html) - to verify that the person is not excluded from participating in Federally-funded health care programs for program-related fraud and patient abuse, licensing board actions and default on Health Education Assistance Loans (prior to hire, monthly and on-going updates)
  - H. State of Michigan Sanctioned Providers List - Department of Health and Human Services- [www.michigan.gov/mdhhs](http://www.michigan.gov/mdhhs) to verify that the person is not included on Sanctioned Providers List (prior to hire, monthly and on-going updates)
  - I. Nurse Aide Registry -<https://registry.prometric.com/registry/publicMI> to verify that the person is not "flagged" on the Michigan Nurse Aide Registry (prior to hire)

- J. State of Michigan - Department of Licensing & Regulatory Affairs - [www.michigan.gov/lara](http://www.michigan.gov/lara) - to review current disciplinary action reports for the Bureau of Health Care Services.
  - K. State of Michigan - Department of Health and Human Services - [www.michigan.gov/mdhhs](http://www.michigan.gov/mdhhs) - to review current disciplinary action reports for the Bureau of Health Care Services.
  - L. State of Michigan - Department of Health and Human Services - [michigan.gov/healthlicense](http://michigan.gov/healthlicense) - to verify professional license for applicable employees (prior to hire and upon renewal of license)
    - 1. Original must be copied by the Human Resources Department and maintained in the personnel file.
  - M. Long Term Care Background Check - A state and federal fingerprint-based criminal history check which includes verification through available registries (above) that no disqualifying information appears, as well as fingerprinting, for any person who receives an offer of employment in a position that has regular access to a person residing in a licensed adult foster care home operated by CCMHS, or to the person's property, financial information, medical records, treatment information, or any other identifying information.
  - N. The National Practitioner Databank/Healthcare Integrity and Protection Databank query - [www.npdb-hipdb.com](http://www.npdb-hipdb.com), or all of the following must be verified:
    - 1. Minimum five-year history of professional liability claims resulting in a judgment or settlement;
    - 2. Disciplinary status with regulatory board or agency;
    - 3. Medicaid/Medicaid sanctions.
  - O. As applicable, the Central Registry of the Michigan Department of Health and Human Services - to request a Child Abuse / Neglect Central Registry Check.
- II. Criminal background checks are completed prior to hire on all employees; however, employment is conditional on the receipt of the AFC fingerprint response for applicable employees. Information that would prevent a potential employee from performing the functions of the position within federal, state or accrediting authority guidelines will be reviewed by the Human Resources Director and supervisor and the potential employee will not be offered employment.

- III. Providers of clinical services must be fully qualified and in good-standing. The Credentialing Program establishes guidelines for prospective providers to follow to meet Agency standards. The credentialing process must be completed prior to offer of employment.
- IV. The Human Resources Department will search the following "excluded parties" databases at least monthly to ensure that they do not contain the names of the Director, Board Members, or management employees of CCMHS or providers contracting with CCMHS.
- System for Award Management - <https://www.sam.gov> - to verify that the person is not excluded according to the official U.S. Government system that consolidated capabilities of several records databases
  - US Department of Health and Human Services - <http://exclusions.oig.hhs.gov> - to verify that the person is not excluded from participating in federally-funded health care programs because of program-related fraud or patient abuse, licensing board actions or default on Health Education Assistance Loans
  - State of Michigan Sanctioned Providers List - Department of Community Health - [www.michigan.gov/medicaid](http://www.michigan.gov/medicaid) providers - to verify that the person is not included on the Sanctioned Providers List.
- V. CCMHS must search the exclusions databases monthly in order to capture exclusions and reinstatements that have occurred since the last search.
- VI. If any of the above background and/or credential checks produces information that would invalidate a current employee from performing the functions of his/her position within federal, state or accrediting authority guidelines, this information will be reviewed by the supervisor and Human Resources Director. A recommendation will be made to the Executive Director as to possible sanctions needed, which may include termination of employment.
- VII. CCMHS cannot 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;
  - Have been convicted of a felony;

- Have a criminal conviction for program related fraud, patient abuse, licensing board actions or default on a Health Education Assistance loans.

VIII. Individuals who appear on any of the "excluded parties" lists cannot have an employment, consulting, or other arrangement with CCMHS for the provision of items or services that are significant and material to CCMHS's obligations under its contract with the State. Further, certain criminal offenses which may exclude CCMHS from participation in the Medicare or State Health Care Programs must be reported to the NorthCare Network promptly. These offenses are described in 42 CFR 1001.1001(a) (1) and Section 1128(a) and (b) of the Social Security Act.

VIV. CCMHS must notify the NorthCare Network (who in turn must notify the Michigan Department of Health and Human Services) immediately if search results indicate that any individuals with ownership or control interests (i.e., the Director, Board Members, and management employees) in CCMHS are on any of the exclusions databases.

CROSS REFERENCE:

CCMHS Policy - Credentialing Program

CCMHS Policy - Employment - Selection Process