



STATE OF TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
CITIZENS PLAZA, 10TH FLOOR
400 DEADERICK STREET
NASHVILLE, TN 37243

MEMO #195

TO: Providers of Waiver Services

FROM: Debra K. Payne, DIDD Commissioner

DATE: May 6, 2014

SUBJECT: Employee and Contractor Screening

The purpose of this communication is to provide information and direction as it relates to Provider responsibilities to screen their employees and contractors against a federally maintained list of individuals and entities that have been terminated, debarred, or excluded from participation in Medicare, Medicaid, SCHIP, or any Federal health care program. The applicable clause from the Provider Agreement reads as follows:

A.5. State and Federal Compliance (d) Provider Screening (ii):

The Provider and its subcontractors shall collect the disclosure of health care-related criminal conviction information as required by 42 CFR § 455.106 and establish policies and procedures to ensure that applicable criminal convictions are reported timely to DIDD. The Provider shall screen its employees and subcontractors initially and on an ongoing monthly basis to determine whether any of them has been terminated, debarred or excluded from participation in Medicare, Medicaid, SCHIP, or any Federal health care programs (as defined in Section 1128B (f) of the Social Security Act) and not employ or contract with an individual or entity that has been excluded. The provider shall immediately report to DIDD and the Program Integrity Unit of TennCare any exclusion information that the provider discovers.

The Office of Inspector General for the U.S. Department of Health & Human Services maintains a website with the necessary information and resources for affected entities to comply with these requirement(s). The website can be found here. <http://oig.hhs.gov/exclusions/index.asp>

Providers are hereby directed to screen their employees and contractors in accordance with the instructions found on the OIG website cited above. Contractors that must be screened are those paid by the provider using Medicaid funds. Services purchased by, or for, persons supported using their personal funds are excluded from this requirement.

Providers are to report the results of the screening to DIDD no later than the 15th of every month, with the first report due Thursday, May 15, 2014. For the short term, the results are to be reported as explained on the attached document. For the long term, an automated, secure web based solution from DIDD is being developed with the goal of helping providers expedite their monthly submission. When this solution is available, the provider community will be notified; however, until such time, the short term process referenced above must be followed.

It is critical to note that a "Provider shall screen its employees and subcontractors initially and on an ongoing monthly basis..." We want to take this opportunity to remind Providers that this screening is one of the checks that must be performed before an employee is hired or a subcontract is executed. The OIG website cited above also provides useful information and resources as it relates to the ongoing monthly basis portion of this requirement.