

Missouri Medicaid Audit & Compliance

FCSR Screenings 101 and Good Cause Waiver



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FCSR Screenings & Good Cause Waiver

- FCSR Screenings
- Findings or “hits” on the FCSR
- Good Cause Waiver
- Disqualifying Factors

Acronyms

- FCSR – Family Care Safety Registry
- DHSS – Department of Health and Senior Services
- EDL – Employee Disqualification List
- GCW – Good Cause Waiver
- MMAC – Missouri Medicaid Audit and Compliance
- HP – Highway Patrol
- CAN – Child Abuse/Neglect

FCSR

- Must Screen all employees and attendants prior to hire (yes, even those who will work in the office)
- Screen against all aliases and SSNs they disclose on their employment application
- DHSS recommends that FCSR screenings of employees be done on an annual basis (PM-VM 17-31)
- If there is a finding on the FCSR; it is the provider's responsibility to verify whether the finding is a disqualifying factor, not MMAC's.

Information Reported in the FCSR Background Screening

- Open Missouri Criminal History Records
- Sex Offender Registry
- Child Abuse/Neglect Records
- Department of Health and Senior Services (DHSS) Employee Disqualification List
- Department of Mental Health (DMH) Employee Disqualification Registry
- Child Care License Revocations
- Foster Parent License Denials, Revocations, Suspensions

Screenings



[DHSS Home](#) | [State Home](#) | [Forms](#)

[Log In](#)



State of Missouri Department of Health and Senior Services

Family Care Safety Registry

August 23, 2019

[FCSR-BSEES Home](#)

[Registration](#)

[Good Cause Waiver](#)

For Your Information

To register online or check if a person is already registered, click Registration on the navigation bar above and select Register Online from the submenu.

Questions? Call the FCSR toll-free at (866) 422-6872.

APPLICATION MAIN

FCSR - BSEES Announcements

08/16/2019: The Family Care Safety Registry is currently experiencing a high volume of registrations, background screening requests, emails and telephone calls. The current processing time for online registrations and background screening requests is **7-9 business days**. Thank you for your patience.

07/27/2016: Do you need to check if someone has already registered with the FCSR? Click Registration on the navigation bar above and select Register Online from the submenu. Enter the Social Security number on



Welcome to the Family Care Safety Registry Background Screening and Employment Eligibility System.

Individuals may use this system to register with the Family Care Safety Registry, or to check whether or not a person is registered. Eligible employers may use this system via secure user accounts to request background screenings on current or potential employees.

You are about to gain access to a Missouri Department of Health and Senior Services application. By proceeding, you are agreeing to keep confidential all information made available to you through this application. Any unauthorized access, use and/or disclosure of information may result in loss of access privileges, an action for civil damages, and/or an action for criminal charges.

[Site Information](#) | [FAQs](#) | [Related Links](#)



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-751-6400 FAX: 573-751-6010
RELAY MISSOURI for Hearing and Speech Impaired and Voice dial: 711

Randall W. Williams, MD, FACOG
Director



Michael L. Parson
Governor

Family Care Safety Registry Background Screening and Employment Eligibility System

June 01, 2019

Tracking Number: 116996484027

Purchase Receipt Confirmation: 20074718

The following information has been submitted to the Family Care Safety Registry (FCSR) - BSEES for processing:

Name:

Address:

ST LOUIS MO 63121
ST LOUIS

Email:

Social Security Number: XXX-XX-

Date of Birth:

Gender:

Amount Paid: \$14.00

Processing Fee: \$1.25

Total Amount Charged: \$15.25

Is this a Screening?

Registration Form

- The previous slide a screen shot of a registration confirmation.
- It is NOT a screening

When you register someone; it is not the same thing as requesting a screening.

- When the FCSR receives a registration from a provider, they do not automatically run a screening.
- As a provider, it is your responsibility request a background screening.

How about this one?

Report Page [DSS Intranet Home](#) [Provider Search](#) [eMMIS](#) [FCSR-BSEES](#) [Google](#) [NPPES NPI Registry](#)

[DHSS Home](#) | [State Home](#) | [Forms](#)

[Log Out](#)



State of Missouri Department of Health and Senior Services

Family Care Safety Registry

Username: WERDEC
Agency: MISSOURI MEDICAID AUDIT AND COMPLIANCE
Database: PROD

August 29, 2019

[FCSR-BSEES Home](#)

[Registration](#)

[Good Cause Waiver](#)

[Background Screening](#)

For Your Information

Refer to Social Security card to ensure the number is entered correctly.

Questions? Call the FCSR toll-free at (866) 422-6872.



SEARCH BY REGISTRATION RESULTS

[Welcome to Registration Information](#)

[Is A Person Registered](#)

Social Security Number was found in the database.

This individual is registered with the Family Care Safety Registry (FCSR) or has submitted a registration pending processing by the FCSR. Individuals need to register only one time. **This is not a background screening.**

Eligible employers may obtain current background screening results on registered individuals, at no charge, via the Internet. To learn about requesting background screenings via the Internet, click [here](#). Employers may also request background screening results by calling the FCSR toll-free access line at (866) 422-6872 or by completing and submitting an **Employer Background Screening Request Form**.

To search for another Social Security Number:



*Indicates a Required Field

Messages

Social Security Number Found

[Site Information](#) | [FAQs](#) | [Related Links](#)

State of Missouri Department of Health and Senior Services

Family Care Safety Registry

Username: WERDEC

Agency: MISSOURI MEDICAID AUDIT AND COMPLIANCE

Database: PROD

2019

[FCSR-BSEES Home](#)

[Registration](#)

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SEARCH BY REGISTRATION RESULTS

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To search for another Social Security Number:

[Search](#)

Registration Information

- The previous slide is screenshot of a database search.
- It states quite clearly in the first paragraph
“THIS IS NOT A BACKGROUND SCREENING.”
- Having this in your file is also not adequate documentation of a background screening.

There's a Finding! Now What?



Will need a Good Cause Waiver

For ANY findings on the FCSR that are not from the Highway Patrol but one of the others (Child Abuse/Neglect, DHSS/EDL, DMH/EDL, etc.) a Good Cause Waiver is required.

This requirement did not change with HB 1350

Disqualifying Factors - GCW

- Disqualifying criminal offenses are found in 192.2495 RSMo.
- A listing has been compiled and posted on the MMAC website







<https://mmac.mo.gov/providers/provider-enrollment/home-and-community-based-services/fcsr-for-in-home-and-consumer-directed-services/>

- To determine if a criminal offense disqualifies an in-home or consumer directed services worker from employment, compare the listing with the RAP sheet.

All potential contractors must submit a proposal outlining their business practices and demonstrating an ability to serve the needs of the populations served by DHSS. Home and community based care providers must also make assurances regarding compliance with applicable federal and state laws, regulations, and orders relative to the provision of services.

NOTE: Currently enrolled In-Home Services (IHS) and Consumer-Directed Services (CDS) providers' participation agreements are valid for five (5) years. This is consistent with re-validation requirements. Most currently enrolled IHS and CDS providers have a renewal date of June 30, 2019. Providers can check the date by looking at their copies of the participation agreements.

The information provided on this site is intended as a resource for current home and community based care providers and potential contractors. You may click on any of the links listed to obtain additional information.

- **CDS Quarterly Reports-July 2019**
- **Electronic Visit Verification (EVV)** 
- **In-Home Services & Consumer Directed Services Proposal Information**
- **HCBS Provider Revalidation**
- **Application Fee Information**
- **Information Sheet: HCBS Setting Requirements** 
- **Provider Self Assessment – HCBS Setting Requirements** 
- **Initial Provider Survey Results – HCBS Setting Requirements** 
- **Provider Certification Training & Provider Update Meetings**
- **Provider Contracts Forms**
- **Reassessment Packet**
- **Adult Day Care Waiver Services**
- **Residential Care Facility / Assisted Living Facility Packet**
- **DMH Providers Reporting ISL Variance**
- **CDS Audit Guidance** 
- **FCSR for In-Home and Consumer Directed Services**
- **EVV Tool Kit** 



FCSR FOR IN-HOME AND CONSUMER DIRECTED SERVICES



Tweet



Like 0

HB1350 was enacted into law as section 192.2495 RSMo effective August 28, 2018.

Providers are responsible for ensuring aides are registered with the Family Care Safety Registry (FCSR), that screenings are done at the time of hire and before any contact with a participant, and an application for a Good Cause (GCW) has been submitted, if applicable. It is also a good business practice to check the FCSR annually. Documentation of the FCSR screening and GCW, if applicable, must be maintained by the provider for five years and be readily available when requested by MMAC. One suggested way of documenting the decision is to make a note on the screening with the date and name of the person that reviewed the information.

Under section 192.2495, not every finding (hit) requires a GCW. For example, local ordinance violations, misdemeanor DWIs, and most other misdemeanors do not require a GCW. Even if the crime is not listed below and is considered a lesser crime, the provider may choose not to hire an applicant. Most court reports list the state statute that was violated under the headings "State Code" and "Statute Citation". Comparing the state statute found on the report to the list below will help guide the provider in deciding if a GCW is required.

Per section 192.2495 RSMo, anyone who has been found guilty, plead guilty, or plead nolo contendere to any **felony** violations under the RSMo sections listed below must obtain a GCW.

Disqualifying Factors FCSR



- **568.045** Endangering the welfare of a child in the first degree
- **568.050** Endangering the welfare of a child in the second degree
- **568.060** Abuse or neglect of a child
- **568.175** Trafficking in children
- **570.025** Robbery in the second degree

Disqualifying Factors - GCW

- When comparing the listing of disqualifying offenses with the RAP sheet, refer to the COURT section of each cycle.
 - Look at the CHARGE LITERAL
 - Look at the OFFENSE TYPE
 - Look at the CLASS
 - Look at the STATE CODE or STATUTE CITATION

Exact
Match

```
----- COURT -----  
COUNT:          001  
COURT:           MISSISSIPPI CALLAHAN COUNTY COURT-FELONY  
CASE NUMBER:     [REDACTED]  
CHARGE LITERAL:  MURDER 2ND DEGREE  
OFFENSE TYPE:    FELONY  
CLASS:           A  
STATE CODE:      565.021-001Y19840999.0  
STATUTE CITATION: 565021  
NCIC CODE:       0999  
COURT ACTION:    GUILTY ON 12/09/1988  
--- SENTENCE --- CONFINEMENT 15 YEARS
```

Criminal Violations Listed Below:	Crime Class	<u>RSMo</u> Section
Murder in the second degree	A Felony	565.021

Exact
Match

Disqualifying Factors - GCW

- When comparing the listing of disqualifying offenses with the RAP sheet, refer to the COURT section of each cycle.
 - Look at the CHARGE LITERAL
 - Look at the OFFENSE TYPE
 - Look at the CLASS
 - Look at the STATE CODE or STATUTE CITATION

class C,
statute differs

----- COURT -----
COUNT: 001
COURT: [REDACTED]
CASE NUMBER: [REDACTED]
CHARGE LITERAL: ASSAULT 2ND DEGREE
OFFENSE TYPE: FELONY
CLASS: C
STATE CODE: 565.060-001Y19841399.0
STATUTE CITATION: 565060
NCIC CODE: 1399
COURT ACTION: GUILTY ON 02/03/2009

Criminal Violations Listed Below:	Crime Class	RSMo Section
Assault in the second degree	B Felony	565.052

Near
Match

Disqualifying Factors - GCW

- When comparing the listing of disqualifying offenses with the RAP sheet, refer to the COURT section of each cycle.
 - Look at the CHARGE LITERAL
 - Look at the OFFENSE TYPE
 - Look at the CLASS
 - Look at the STATE CODE or STATUTE CITATION

Match
– ANY
Felony

----- COURT -----
COUNT: 001
COURT: [REDACTED]
CASE NUMBER: [REDACTED]
CHARGE LITERAL: THEFT-\$500/MORE-LESS \$25000
OFFENSE TYPE: FELONY
CLASS: C
STATE CODE: 570.030-009Y20022399.0
STATUTE CITATION: 570030
NCIC CODE: 2399
COURT ACTION: GUILTY ON 08/11/2008

Criminal Violations Listed Below:	Match – ANY Felony	Crime Class	RSMo Section
Stealing / Theft		Any Felony	570.030

Additional Information

- The Disqualifying Factors are for findings on the Criminal History Records from the Highway Patrol.
- If findings on the FCSR are not from the Highway Patrol but on of the others (Child Abuse/Neglect, DHSS/EDL, DMH/EDL, etc.) a Good Cause Waiver is required.
- If the RAP sheet does not have a “COURT” section listed, check to see if a hearing or a plea has been made.
- If the court date is pending, a GCW application will not be accepted.

Documenting



Not a Disqualifying Factor

- Notate on the RAP sheet the following
 - Verified that the finding listed is NOT a disqualifying factor
 - Name of the Person who verified the finding
 - Date the verification was made

class C,
statute
differs

----- COURT -----
COUNT: 001
COURT: [REDACTED]
CASE NUMBER: [REDACTED]
CHARGE LITERAL: ASSAULT 2ND DEGREE
OFFENSE TYPE: FELONY
CLASS: C
STATE CODE: 565.060-001Y19841399.0
STATUTE CITATION: 565060
NCIC CODE: 1399
COURT ACTION: GUILTY ON 02/03/2009

Criminal Violations Listed Below:	Near Match	Crime Class	RSMo Section
Assault in the second degree		B Felony	565.052

QUESTIONS

Questions regarding FCSR Screenings, results
and Good Cause Waiver

Please contact MMAC Contracts Unit

Cindy Werdehausen

mmac.ihscontracts@dss.mo.gov

573-751-3399