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





Is this a Screening?



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

Randali W. Williams, MD, FACOG



Michael L. Parson Governor

Family Care Safety Registry Background Screening and Employment Eligibility System

MO

June 01, 2019

Tracking Number:

Purchase Receipt Confirmation:

116996484027

20074718

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

Name:

Address:

ST LOUIS ST LOUIS

63121

Email:

Social Security Number: XXX-XX-

Date of Birth:

Gender:

Amount Paid:	\$14.00
Processing Fee:	\$1.25
Total Amount Charged:	\$15,25

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?

eport Page 🍸 DSS Intranet Home 🤌 P	Provider Search 🏧 eMMIS 🧃 FCSR-BSEES 💪 Google 🗾 NPPES NPI Registry
DHSS Home State Home Forms	is Log Out
	State of Missouri Department of Health and Senior Services Family Care Safety Registry 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: Search
Sogr	*Indicates a Required Field
	Messages
	Social Security Number Found

Site Information | FAQs | Related Links

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

, 2019	FCSR-BSEES Home	Registration	Good Cause Waiver	Background Screening
	SEARCH BY REGISTRATION RESULTS			
ation				
Security	Welcome to Registrat	tion Information	Is A Person Registere	d
the number ectly.	Social Security Numb	ber:	was found in the databas	
Il the FCSR This individual is registered with the Family Care Safety Registry (FCSR) or has submitted a registration pending p 6) 422-6872. FCSR. Individuals need to register only one time. This is not a background screening.				
	Martin		ent background screening	

about requesting background screenings via the Internet, click here. Employers heals 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.



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

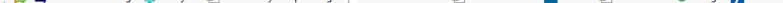
For ANY findings on the FCSR that are not from the Highway Patrol but one of the others (Child Abuse/Neglect, DHSS/EDL, DMH/EDL, etc.) a Good Cause Waiver is required.

This requirement did not change with HB 1350

- Disqualifying 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-andcommunity-based-services/fcsr-for-in-home-and-consumer-directedservices/

 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 1/2
- Initial Provider Survey Results HCBS Setting Requirements 1/2
- 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



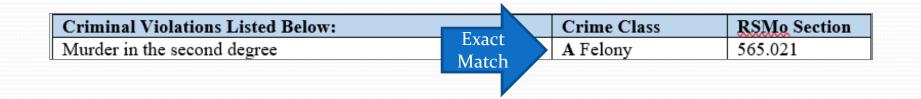
- 568.050 Endangering the welfare of a child in the second degree
- 568.060 Abuse or neglect of a child
- 568.175 Trafficking in children
- 570.025 Robbery in the second degree

• When comparing the listing of disqualifying offenses with the RAP sheet, refer to the COURT section of each cycle.

Exact Match

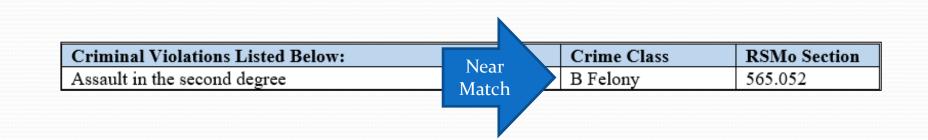
- Look at the CHARGE LITERAL
- Look at the OFFENSE TYPE
- Look at the CLASS
- Look at the STATE CODE or STATUTE CITATION

f	COURT	
1	COUNT: 001	
1	COURT:	
ł	CASE NUMBER:	
1	CHARGE LITERAL: MURDER 2ND DEGREE	
1	OFFENSE TYPE: FELONY	
	CLASS: A	
1	STATE CODE: 565.021-001Y19840999.0	
i,	STATUTE CITATION: 565021	
j	NCIC CODE: 0999	
5	COURT ACTION: GUILTY ON 12/09/1988	
į	SENTENCE CONFINEMENT 15 YEARS	
		200



• When comparing the listing of disqualifying offenses with the RAP sheet, refer to the COURT section of each cycle.

 Look at the CHARGE 	LITERAL	COURT COUNT: 001
 Look at the OFFENSE TYPE 		COURT: CASE NUMBER:
 Look at the CLASS 	class C, statute differs	CHARGE LITERAL: ASSAULT 2ND DEGREE OFFENSE TYPE: FELONY CLASS: C
 Look at the STATE CODE 		STATE CODE: <mark>565.060</mark> -001Y19841399.0 STATUTE CITATION: 565060
or STATUTE CITATION		NCIC CODE: 1399 COURT ACTION: GUILTY ON 02/03/2009



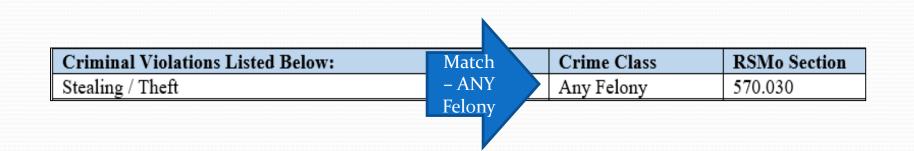
 When comparing the listing of disqualifying offenses with the RAP sheet, refer to the COURT section of each cycle.

Match

– ANY Felony

- Look at the CHARGE LITERAL
- Look at the OFFENSE TYPE
- Look at the CLASS
- Look at the STATE CODE or STATUTE CITATION

COURT		
COUNT:	001	
COURT:	INCOMENTS OF THE REAL PROPERTY AND ADDRESS OF THE PARTY O	
CASE NUMBER:	C Tage State Commission	
CHARGE LITERA	L: THEFT-\$500/MORE-LESS \$25000	
OFFENSE TYPE:	FELONY	
CLASS:	C	
STATE CODE:	570.030-009Y20022399.0	
STATUTE CITAT	ION: 570030	
NCIC CODE:	2399	
COURT ACTION:	GUILTY ON 08/11/2008	



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

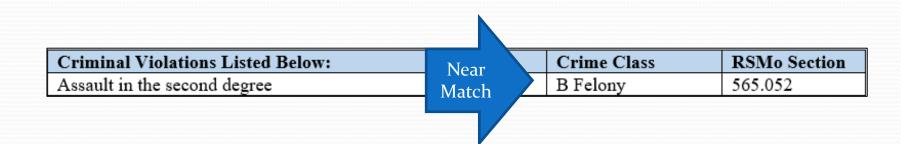
class C.

statute differs

- Name of the Person who verified the finding
- Date the verification was made

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

----- COURT ------



QUESTIONS

Questions regarding FCSR Screenings, results and Good Cause Waiver

Please contact MMAC Contracts Unit Cindy Werdehausen <u>mmac.ihscontracts@dss.mo.gov</u> 573-751-3399