

SWMBH Operating Policy 10.13

Subject: Ownership & Control and Criminal Conviction Disclosure Requirements		Accountability: Compliance	Effective Date: 02/25/2013	Pages: 2
REQUIRED BY: BBA Section _____ PIHP Contract Section <u>34.0, 34.1, and 34.2</u> NCQA/URAC Standard _____ Other <u>42 CFR §438.610, §455.104-106</u>			Last Reviewed Date: 7/31/17	Past Reviewed Dates: 6/17/14 5/4/16 5/17/17
LINE OF BUSINESS: <input checked="" type="checkbox"/> Specialty Waiver (B/C) <input checked="" type="checkbox"/> 1115 Waiver <input checked="" type="checkbox"/> Healthy Michigan <input checked="" type="checkbox"/> SUD Medicaid <input type="checkbox"/> SUD Block Grant <input checked="" type="checkbox"/> MI Health Link <input type="checkbox"/> OTHER: _____	APPLICATION: <input checked="" type="checkbox"/> SWMBH Staff and Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH / DD providers <input type="checkbox"/> Other:	Last Revised Date: 7/31/17	Past Revised Dates:	
Approved: <u>Mila C. Sodel</u> Date: <u>10-16-17</u>			Required Reviewer: Chief Compliance & Privacy Officer	

I. Purpose

Southwest Michigan Behavioral Health (SWMBH) and its Provider Network shall comply with Federal and State regulations concerning:

- (1) Relationships with individuals, or an affiliate of an individual, who is debarred, suspended, or otherwise excluded from participation in any federal health care program as specified in 42 CFR §438.610;
- (2) Obtaining, maintaining, disclosing, and furnishing information about ownership and control interests, business transactions, and criminal convictions as specified in 42 CFR 455.104-106; and
- (3) Contracts, agreements, purchase orders, or leases to obtain space, supplies, equipment or services provided under the Medicaid Agreement.

II. Policy

SWMBH and its provider network shall comply with federal regulations to obtain, maintain, disclose, and furnish required information about ownership, control interests, business transactions, and criminal convictions as specified in 42 CFR §455. In addition, SMWBH and its provider network shall ensure that all contracts, agreements, purchase orders, and leases to obtain space, supplies, equipment or services provided with Medicare or Medicaid funds require compliance with 42 CFR §455.104-106. SWMBH will notify the Michigan Department of Health and Human Services (MDHHS) Behavioral Health and Developmental Disabilities Administration (BHDDA) Division of Program Development, Consultation and Contracts when disclosures are made by providers with regard to any offenses detailed in sections 1128(a) and 1128(b) (1), (2) or (3) of the Social Security Act, or that have had civil money penalties or assessments imposed under section 1128A of the Act.

III. Standards and Guidelines

- A. SWMBH Operating Procedure 10.13 shall address the following:
 - i. disclosure statement requirements;

SWMBH Operating Policy 10.13

- ii. when disclosures are to be obtained;
- iii. monitoring provider networks;
- iv. reporting with regard to criminal offense; and
- v. penalties for failing to comply.

IV. Definitions

- A. Disclosing Entity means a Medicaid provider (other than an individual practitioner or group of practitioners), or a fiscal agent.

V. References

- A. 42 CFR §1001.1001
- B. 42 CFR §438.610
- C. 42 CFR §455.101 (all definitions)
- D. 42 CFR §455.104-106
- E. MDHHS-PIHP FY18 Contract Sections 34.0, 34.1, and 34.2

VI. Attachments

- A. SWMBH Operating Procedure 10.13