




Section: Compliance	Policy Name: Ownership, Control and Criminal Conviction Disclosure Requirements	Policy Number: 10.13
Owner: Chief Compliance Officer	Reviewed By: Mila C. Todd	Total Pages: 3
Required By: <input checked="" type="checkbox"/> BBA <input checked="" type="checkbox"/> MDHHS <input type="checkbox"/> NCQA <input checked="" type="checkbox"/> Other (please specify): 42 CFR §438.610, §455.104-106	Final Approval By:  <u>Mila Todd (Mar 31, 2023 05:13 EDT)</u>	Date Approved: Mar 31, 2023
Application: <input checked="" type="checkbox"/> SWMBH Staff/Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH/IDD Providers <input checked="" type="checkbox"/> Other (please specify): <u>MHL Providers</u>	Line of Business: <input checked="" type="checkbox"/> Medicaid <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> Healthy Michigan <hr/> <input type="checkbox"/> SUD Block Grant <input checked="" type="checkbox"/> SUD Medicaid <input checked="" type="checkbox"/> MI Health Link	Effective Date: 02/25/2013

Policy: Southwest Michigan Behavioral Health (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.

- Purpose:** The purpose of this Policy is to ensure SWMBH and its Provider Network 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.

Scope: SWMBH Program Integrity & Compliance and SWMBH Provider Network Management departments; Participant CMHSPs and contracted and subcontracted provider networks.

Responsibilities:

SWMBH's Program Integrity & Compliance and Provider Network Management departments will have systems in place to collect the required disclosure information.

Participant CMHSPs will have systems in place to collect the required disclosure information from their provider network, and provide disclosures for their entity.

Contracted and subcontracted providers will provide the required disclosures as requested by a Participant CMHSPs and/or SWMBH.

Definitions:

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

Standards and Guidelines:

- A. SWMBH Operating Procedure 10.13 shall address the following:
 1. disclosure statement requirements;
 2. when disclosures are to be obtained;
 3. monitoring provider networks;
 4. reporting with regard to criminal offense; and
 5. penalties for failing to comply.

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

Attachments:

- A. SWMBH Operating Procedure 10.13



Revision History

Revision #	Revision Date	Revision Location	Revision Summary	Revisor
01	7/01/2020	N/A	Moved to new template	Mila C. Todd
02	03/23/2023	N/A	Annual Review	Mila C. Todd

10.13 Ownership, Control, and Criminal Conviction Disclosure Requirements

Final Audit Report

2023-03-31

Created:	2023-03-30
By:	Megan O'Dea (megan.odea@swmbh.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAJ64Z6cnpSLXGRFRw5pDSBf8e6DOsdJcP

"10.13 Ownership, Control, and Criminal Conviction Disclosure Requirements" History

-  Document created by Megan O'Dea (megan.odea@swmbh.org)
2023-03-30 - 6:00:17 PM GMT
-  Document emailed to Mila Todd (mila.todd@swmbh.org) for signature
2023-03-30 - 6:00:34 PM GMT
-  Email viewed by Mila Todd (mila.todd@swmbh.org)
2023-03-31 - 9:12:56 AM GMT
-  Document e-signed by Mila Todd (mila.todd@swmbh.org)
Signature Date: 2023-03-31 - 9:13:00 AM GMT - Time Source: server
-  Agreement completed.
2023-03-31 - 9:13:00 AM GMT

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