Region 9 AAA	Local Policy #	V-3
Policy Name:	**Provider Qualifications Policy**	
Original Policy Date:	March 2024	
Review Date:		
Revise Date:	July 2024, September 2025	

Policy:

Providers must meet all qualification requirements and assist in maintaining the health, safety and welfare of participants receiving services administered and funded by NEMCSA – Region 9 Area Agency on Aging (AAA). All long-term service and support (LTTS) providers must be qualified and eligible to participate in state or federally funded programs in accordance with compliance requirements set forth by the Michigan Department of Health and Human Services (MDHHS), Bureau of Aging, Community Living, and Supports (ACLS Bureau), the AAA, and other federal or state laws as applicable. LTSS providers are paid and unpaid people and organizations that provide long-term services and supports. LTTS providers include providers of home-based services.

Providers are required to conduct a reasonable and prudent background investigation to determine whether prospective employees and prospective non-employee subcontractors or agents were ever criminally convicted, suspended, debarred, or excluded from participation in a federal program. Providers must also conduct periodic reviews of current employees and/or subcontractors and agents to determine whether any have been suspended or debarred or are under criminal investigation or indictment. If an employee or non-employee agent or subcontractor is found to be ineligible, the provider must have a written policy requiring the removal of the employee from direct responsibility for, or involvement with, the Medicaid program, or for the termination of the subcontract, as appropriate.

Service providers are required to conduct a criminal history review on all new employees, employees, subcontractors, subcontractor employees, or volunteers who have in-person participant contact, in-home participant contact, access to a participant's personal property, or access to confidential participant information. Providers shall have completed reference and criminal history checks before authorizing an employee or volunteer to furnish services in a participant's residence. Administrative provider monitoring reviews are conducted annually by the AAA to verify that mandatory criminal history checks are being performed in compliance with the operating standards and the Michigan Public Act 28 of 2021.

Providers ensure all staff and volunteers have the qualifications to provide services to our participants. Qualifications refers to the type and amount of experience and/or education the staff member or volunteer must have before providing services. Additional factors to determining qualification include background check, certifications, job history, and relevant training.

A disqualifying incident is determined in accordance with the Michigan Public Act 28 of 2021 and other state or federal laws. Information obtained from a criminal background check shall

only be used to determine suitability for vendor pool eligibility, employment, or volunteer opportunities. The information must not be used in violation of applicable federal or state equal employment opportunity law or regulation.

This policy pertains to NEMCSA and their contracted providers.

Purpose:

To promote participant safety and welfare in the home, qualifications are set for LTSS providers, including those who provide self-directed services.

Hiring Procedures:

1. Providers require an application for employment that includes relevant job history and skills.

2. Providers are required to conduct reference checks on all employees and volunteers prior to their start date.

3. Providers are required to verify proof of licensure for all professionally licensed employees and volunteers prior to their start date and ongoing thereafter to ensure active licensure. In addition, they must:

    a. Maintain a copy of the current professional license and verification for each license check of professionally licensed member in a confidential and controlled access file.

    b. Maintain a log of all professional licensure checks, including a list of individuals subject to this section, type of licensure, license number, expiration date, the date of the most recently completed license verification check, and the source of the licensure check.

Criminal History and Registry Background Check Procedures:

1. Providers must conduct criminal history and registry background checks on all owners, managing employees, employees, and volunteers. These checks must include, at a minimum, the following components (or their equivalent):
    a. Michigan State Criminal History Background Check – Conducted through the Internet Criminal History Access Tool (ICHAT): https://apps.michigan.gov/
    b. Michigan Sex Offender Registry Check – Conducted through the Michigan Sex Offender Registry: https://mspsor.com/
    c. National sex offender registry check - https://www.nsopw.gov/
    d. Office of the Inspector General List of Excluded Members/Entities (LEIE) - https://exclusions.oig.hhs.gov/
    e. Michigan List of Sanctioned Providers - https://www.michigan.gov/en/mdhhs/doing-business/providers/providers/billingreimbursement/list-of-sanctioned-providers

f. System of Award Management (SAM) – contracted entities or contracted individuals only - https://sam.gov/

For providers or employees residing outside Michigan, equivalent state criminal history and sex offender registry checks must also be conducted in their state(s) of residency, in addition to the Michigan checks, to ensure full compliance.

2. Providers must conduct the ICHAT (and equivalent state of residency criminal history check, as applicable), state and national sex offender registry check, or the equivalent of these, to obtain criminal history background check information within 90 calendar days prior to hire then every three years, at minimum, thereafter. A criminal background check for each employee and volunteer must be completed no later than 30 days after every third anniversary from the date of his or her last background check.

3. Providers are required to conduct a criminal history and registry background check in accordance with the Michigan Public Act 28 of 2021 law. The law defines the following requirements:
    a. Types of criminal background checks that must be conducted.
    b. Those subject to a background check: new employee, employee, subcontractor, subcontractor employee, or volunteer who has in-person participant contact, in-home participant contact, access to a participant's personal property, or access to confidential participant information.
    c. Mandatory exclusions as well as time-limited exclusions for criminal convictions.
    d. Frequency of initial and subsequent criminal background checks.

    If found ineligible, meaning one or more of the mandatory or time-limited exclusions for criminal convictions apply, the vendor, provider, employee, or volunteer must not be permitted to work directly with a client or have access to a client's personal property or confidential client information. An arrest record alone does not disqualify an individual from employment or volunteering as a service provider.

4. Providers must conduct OIG screenings including the LEIE, MI List of Sanctioned Providers, and SAM as applicable, or the equivalent of these, to obtain additional criminal history background information within 90 calendar days prior to hire then annually, at minimum, thereafter. In addition, providers should reference the monthly list of sanctioned providers found on the MDHHS website to ensure continued compliance.

    If an employee, non-employee agent or subcontractor is found to be ineligible, the employee must be removed from direct responsibility for, or involvement with, the AAA programs. Subcontracts will be terminated, as appropriate, for providers/vendors found to be ineligible.

5. Providers are required to maintain a copy of the results of each criminal background check and OIG screenings conducted for paid and volunteer staff in a confidential and controlled access file.

6. Providers are required to maintain a log of all criminal history and registry background checks, including a list of individuals subject to this section, the date of the most recently completed criminal background check, and the source of the criminal background check.

Minimum Staff Qualifications based on Service Type

1. Adult Day Health Programs
    a. Must employ a full-time program director with a minimum of a bachelor's degree in a health or human services field or be a qualified health professional.
    b. Must continually provide support staff at a ratio of no less than one staff person for every 10 participants.
    c. May only provide health support services under the supervision of a registered nurse (RN).
    d. Staff must have basic first-aid training as well as other training.
    e. A First Aid and Cardiopulmonary Resuscitation (CPR) trained staff person must always be present when participants are at the program site.

2. Chore Services
    a. Chore service providers must have relevant experience or training and skills for the services being provided.
    b. Only properly licensed suppliers may provide pest control services.

3. Community Health Worker (CHW)
    a. CHW Providers may be unlicensed but must be trained in the duties of the job.

4. Community Living Supports, Residential Services:
    a. CLS providers must have relevant experience or training and skills for the services being provided.
    b. Individuals providing CLS must be at least 18 years old, and able to communicate effectively both orally and in writing and follow instructions.
    c. CLS providers must be supervised by a RN licensed to practice nursing in Michigan if participants are receiving:
        i. Assisting, reminding, cueing, observing, guiding and/or training in: Activities of Daily Living (ADL) such as bathing, eating, dressing, personal hygiene, toileting, transferring, etc.
        ii. Assisting, reminding, cueing, observing, guiding and/or training in: Non-medical care (not requiring nurse or physician intervention)
        iii. Assisting, reminding, cueing, observing, guiding and/or training in: Training and assistance on activities that promote community participation such as using public transportation, using libraries, or volunteer work.
        iv. Reminding, cueing, observing, or monitoring of medication administration.
        v. Dementia care including, but not limited to, redirection, reminding, modeling, socialization activities, and activities that assist the participant as identified in the individual's PCSP.
        vi. Staff assistance with preserving the health and safety of the participant in order that he/she may reside and be supported in the most integrated independent community setting.

vii. Observing and reporting any change in the participant's condition and the home environment to the supports coordinator.

d. For licensed residential settings, like assisted living, Adult Foster Care, or Homes for the Aged, persons employed as facility owners or managers qualify to provide this supervision.
e. When the CLS services provided to the participant include transportation, transportation providers must be:
    i. Physically capable and willing to assist people requiring help to and from and to get in and out of vehicles. The provider must offer such assistance unless expressly prohibited by either a labor contract or insurance policy.
    ii. Trained to cope with medical emergencies unless expressly prohibited by a labor contract or insurance policy.
f. MDHHS strongly recommends each worker delivering CLS services complete a certified nursing assistant (CNA) training course, first aid, and CPR training.
g. Members of a participant's family may provide CLS to the participant,
    i. Except for the participant's spouse.
    ii. Family members who provide CLS must meet the same standards as providers who are not related to the participant.
h. When CLS services are provided to the participant under a self-determination arrangement, the individual furnishing CLS must also be trained in cardiopulmonary resuscitation. This training may be waived when the provider is furnishing services to a participant who has a "Do Not Resuscitate" order.

5. Community Transportation
    a. All paid drivers for transportation providers supported entirely or in part by MI Choice funds must be physically capable and willing to assist persons requiring help to and from and to get in and out of vehicles. The provider must offer such assistance unless expressly prohibited by either a labor contract or insurance policy.
    b. The provider must train all paid drivers for transportation programs supported entirely or in part by MI Choice funds to cope with medical emergencies, unless expressly prohibited by a labor contract or insurance policy.

6. Counseling – Persons providing counseling services must:
    a. Have a master's degree or higher in social work, psychology, psychiatric nursing, or counseling, or
    b. Have a bachelor's degree in one of the above areas and be under the supervision of a mental health professional with a master's degree or higher, AND
    c. Be licensed in the State of Michigan.

7. Environmental Accessibility Adaptations
    a. Must be a licensed builder or contractor.

8. Fiscal Intermediary (FI) – The FI must:
    a. Be bonded and insured.
    b. Demonstrate competence in FI functions and responsibilities.
    c. Must not be a provider of another covered service to the participant, family, or guardian.

9. Home Delivered Meals
    a. The regional dietitian must approve all liquid meals products used by the provider.
    b. Staff and volunteers must be trained on person-centered planning and procedures to follow in the event of severe weather or natural disasters and the county emergency plan.

10. Nursing Services
    a. All providers furnishing this service must be licensed as either a Registered Nurse (RN) or a Licensed Practical Nurse (LPN) in the State of Michigan.
    b. Services provided by an LPN must be under the direct supervision of an RN.

11. Personal Emergency Response System (PERS)
    a. The response center must maintain the monitoring capacity to respond to all incoming emergency signals 24 hours per day, 365 days per year.
    b. The response center will provide accommodations for persons with limited English proficiency.
    c. Responders must be provided with written instructions and training, as appropriate.

12. Private Duty Nursing/Respiratory Care
    a. Respiratory Care may be provided by a licensed nurse or licensed respiratory therapist to a participant who is ventilator dependent.
    b. Providers must be licensed by the State of Michigan.

13. Respite
    a. Respite care workers must have the skills and training necessary to meet the needs and condition of the participant receiving respite services.
    b. Service providers must employ a professionally qualified supervisor that is available to staff during their shift while providing respite care.
    c. Out-of-home respite service providers must be either a Medicaid-certified hospital or a licensed group home as defined in Michigan law, which includes AFC homes and Homes for the Aged.
    d. Properly licensed nursing facilities may be providers of out-of-home respite services.
    e. Members of a participant's family who are not the participant's regular caregiver may provide respite for the regular caregiver,
        i. Except for the participant's spouse.
        ii. Family members who provide respite services must meet the same standards as providers who are unrelated to the individual.

14. Supports Coordination – The supports coordinator:
    a. Must have a valid Michigan license as a Registered Nurse (RN) or Social Worker (SW).
    b. Be trained and knowledgeable about the program requirements for MI Choice as well as other available community resources.
    c. The Supports Coordination team consists of a RN and SW.

15. Training
    a. Direct service providers must possess credentials required by Michigan laws or federal regulations, including:
        i. MCL 333.17801…333.17831 (physical therapist),
        ii. MCL 333.18301…333.18311 (occupational therapist),
        iii. MCL 333.18501…333.18518 (social worker), and/or
        iv. MCL 333.17201…333.17242 (nursing)