

MEDICAID POLICY INFORMATION SHEET

Policy Analyst: Lori Brown

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Initial

Public Comment

Final

Brief description of policy:

Bulletins MSA 14-31 and MSA 15-13 and letter L 16-34 describe Community Health Automated Medicaid Processing System (CHAMPS) enrollment requirements for Home Help agency personnel. This bulletin a) consolidates the requirements detailed in MSA 14-31, MSA 15-13 and L 16-34; b) clearly describes the agency owner's responsibility to ensure that agency personnel comply with existing CHAMPS enrollment policies; and c) delineates consequences for noncompliance (i.e., disenrollment and recoupment).

Reason for policy (problem being addressed):

The purpose of this bulletin is to improve Home Help agency compliance with CHAMPS enrollment policies by consolidating previous guidance into a bulletin devoted exclusively to this issue. This bulletin supports efforts to ensure that all agency personnel who have access to Home Help clients and/or their personal information undergo criminal background checks.

Budget implication:

- budget neutral
- will cost MDHHS \$ _____, and (select one) budgeted in current appropriation
- will save MDHHS \$ _____

Is this policy change mandated per federal requirements?

No.

Does policy have operational implications on other parts of MDHHS?

No.

Does policy have operational implications on other departments?

No.

Summary of input:

- controversial
- acceptable to most/all groups
- limited public interest/comment

Supporting Documentation:

State Plan Amendment Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Public Notice Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, please provide status:	If yes, Submission Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Pending <input type="checkbox"/> Denied	
Date: _____ Approval	Date: _____

DRAFT FOR PUBLIC COMMENT Michigan Department of Health and Human Services		
	Project Number: 1848-HH	Date: February 28, 2019

Comments Due: April 4, 2019
Proposed Effective Date: June 1, 2019
Direct Comments To: Lori Brown
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Policy Subject: Enforcement of Home Help Agency Enrollment Policies

Affected Programs: Medicaid, Healthy Michigan Plan

Distribution: Home Help Agency Providers

Summary: Bulletins MSA 14-31 and MSA 15-13, and letter L 16-34 describe Community Health Automated Medicaid Processing System (CHAMPS) enrollment requirements for Home Help agency personnel. This bulletin a) consolidates the requirements detailed in MSA 14-31 MSA 15-13 and L 16-34; b) clearly describes the agency owner's responsibility to ensure that agency personnel comply with existing CHAMPS enrollment policies; and c) delineates consequences for noncompliance (i.e., disenrollment and recoupment).

Purpose: The purpose of this bulletin is to improve Home Help agency compliance with CHAMPS enrollment policies by consolidating previous guidance into a bulletin devoted exclusively to this issue. This bulletin supports efforts to ensure that all agency personnel who have access to Home Help clients and/or their personal information undergo criminal background checks.

Cost Implications: Budget neutral

Potential Hearings & Appeal Issues: None known

State Plan Amendment Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, date submitted:	Public Notice Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Submitted date:
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Tribal Notification: Yes No - Date:

THIS SECTION COMPLETED BY RECEIVER

<input type="checkbox"/> Approved	<input type="checkbox"/> No Comments
<input type="checkbox"/> Disapproved	<input type="checkbox"/> See Comments Below
	<input type="checkbox"/> See Comments in Text

Signature:	Phone Number
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Signature Printed:

Bureau/Administration *(please print)*

Date

Comment001

Revised 6/16

Proposed Policy Draft

Michigan Department of Health and Human Services
Medical Services Administration

Distribution: Home Help Agency Providers

Issued: May 1, 2019 (Proposed)

Subject: Enforcement of Home Help Agency Enrollment Policies

Effective: June 1, 2019 (Proposed)

Programs Affected: Medicaid, Healthy Michigan Plan

The Home Help program is administered by the Michigan Department of Health and Human Services (MDHHS) and provides personal care services to Medicaid beneficiaries who need hands-on assistance with Activities of Daily Living (ADL) and assistance with Instrumental Activities of Daily Living (IADL). The owners of Home Help agencies are responsible for ensuring services rendered comply with Medicaid policy, the provider enrollment agreement, and applicable county, state and federal laws and regulations.

The purpose of this bulletin is to summarize enrollment requirements for agency employees and agency caregivers and clearly describe the agency owner's corresponding responsibilities. It consolidates the Community Health Automated Medicaid Processing System (CHAMPS) enrollment requirements outlined in bulletins MSA 14-31 and MSA 15-13, and letter L 16-34. Additional policies governing the provision of Home Help services can be found at www.michigan.gov/medicaidproviders >> Policy, Letters & Forms.

Glossary

Agency Caregiver	The direct care worker. This caregiver provides personal care services to an MDHHS Home Help client.
Agency Employee	An employee of a Home Help agency who has access to information regarding a Home Help client for the purposes of billing, answering phone calls or assisting with setting up services for a MDHHS Home Help client.
Agency Owner(s)	Possesses 5% or greater direct or indirect ownership interest of the agency and/or a person with control interest.

History of Communication to Agencies

Bulletin MSA 14-31, effective September 1, 2014, informs all Home Help providers that a criminal history screening “must be completed and passed before a provider will be allowed to provide services under a Medicaid program.” The bulletin further states that:

Program-approved provider agencies are required to assure that a criminal history screening of all individuals in their employment providing in-home services has been conducted. Such agencies are also required to provide similar screenings on the following agency personnel:

- Any individual with an ownership interest in the agency;
- Any individual providing services on behalf of the agency or individual who has direct access to a client, patient or resident or to a client’s, patient’s or resident’s property, financial information, medical records, treatment information, or any other identifying information; or
- Any person providing services to client, patient or resident for which the agency is reimbursed under Medicaid.

Bulletin MSA 15-13, effective June 1, 2015, reaffirms that “[agency] owners and all agency employees that either provide Home Help services or have access to a client’s home are subject to criminal history screenings.” It further mandates that “[agency owners] and agency personnel must register in the Community Health Automated Medicaid Processing System (CHAMPS) for MDHHS to conduct the screenings.” Finally, MSA 15-13 states that an agency “may be disenrolled if it fails to meet any of the requirements in this policy.”

Letter L 16-34, issued July 7, 2016, states the following:

Agencies must update their CHAMPS records *and* employees and contract workers must enroll in CHAMPS and associate to their agency by October 1, 2016. Agencies are responsible for ensuring that their employees or contract workers comply by the deadline. Failure to comply may result in the agency’s disenrollment from the Home Help program and recoupment of payments for services provided by an employee or contract worker who was not registered in CHAMPS at the time of service delivery (emphasis in original).

Verification of CHAMPS Enrollment

As previously communicated in bulletins MSA 14-31 and MSA 15-13 and letter L 16-34, all agency caregivers and agency employees must be enrolled in CHAMPS prior to working with Home Help clients. Pursuant to MCL 400.111b(25), agency caregivers must also be associated in CHAMPS to their employing agencies. Agency owners who provide direct personal care services to Home Help clients must also enroll in CHAMPS as atypical individual providers and associate to their agencies.

The agency owner(s) must ensure that all agency caregivers and agency employees comply with these requirements, specifically:

- The agency owner(s) must ensure that all agency caregivers are enrolled in CHAMPS and associated to the agency prior to providing Home Help services.
- The agency owner(s) must ensure that all agency employees are listed in the agency's CHAMPS enrollment in "Step 9: Provider Controlling Interest/Ownership Details" prior to accessing Home Help client information.

Agencies found to be out of compliance with this policy will be subject to disenrollment and recoupment actions as described below.

Potential Disenrollment

Pursuant to MCL 400.111e(1)(e), an agency owner's failure to ensure agency personnel compliance with CHAMPS enrollment policies may result in the agency's disenrollment from the Home Help program until compliance with all policies is achieved. If the agency is disenrolled, any authorizations for Home Help payments will be terminated.

Potential Recoupment

Agencies are subject to post-payment audits. If an audit reveals that MDHHS paid for services that do not comply with Medicaid coverage, billing and/or reimbursement policies, MCL 400.111a(7)(d) allows MDHHS to recoup the overpayment.

Pursuant to MCL 400.111b(27)(d), the agency and the employee provider are jointly and severally responsible for any overpayment MDHHS made to the agency for services rendered by the employee provider. Further, MCL 400.111a(15) allows MDHHS to make payments directly to, and collect overpayments from, the provider's employer. These provisions apply to services rendered by the agency caregiver and the agency employee. Thus, when an audit reveals that MDHHS paid for services provided by one or more agency caregivers and/or agency employees who were noncompliant with CHAMPS enrollment policy, MDHHS will recoup those overpayments from the agency.