

## PROCEDURE

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<b>Series:</b>	<b>Operating Procedures</b>	<b>COA: HR3.03</b> <b>CFOP: 65.13</b>
<b>Procedure Name:</b>	Personnel, Background Screening and Sanctions	
<b>Procedure Number:</b>	OP 1210	
<b>Revision Date:</b>	09/28/17, 12/4/19, 04/21/2020, 06/20/21	
<b>Review Date:</b>	12/4/19	
<b>Effective Date:</b>	06/12/17	
<b>Applicable to:</b>	Brevard Family Partnership Family of Agencies (BFP FOA)	

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**PURPOSE:** The purpose of this procedure is to establish the method by which Brevard Family Partnership (BFP) will complete required background screenings of persons who are designated BFP staff and will compare these persons to the federal List of Excluded Individuals and Entities (LEIE) and the federal System for Award Management (SAM) to identify excluded parties.

### **PROCEDURE:**

#### ***Cross Reference(s)***

Chapter 435 Florida Statutes  
Chapter 456.0635 Florida Statutes  
CBCIH Procedure CC-1206

#### ***Scope***

This operating procedure applies to all Brevard Family Partnership staff and its subcontracted agencies who are responsible for children who are enrolled in the Child Welfare Specialty Plan. If any of the responsibilities outlined in this procedure are contracted with an individual or other entity, the contracted provider must ensure compliance with this procedure, and the terms should be incorporated into the contract.

#### ***Key Terms***

**CBCIH Integration Manager**—individuals employed by CBCIH who provide consultation and technical support, related to the Child Welfare Specialty Plan, to Community Based Care Lead Agencies.

**Child Welfare Specialty Plan Enrollee**—a child who is Medicaid eligible and is enrolled in the Sunshine Health, Child Welfare Specialty Plan, or the Sunshine Health Managed Medical Assistance Plan (MMA), due to an active status in the child welfare system of care. This includes children who have an open child welfare case, those who have been adopted and are receiving maintenance adoption subsidy and those who are receiving extended foster care or independent living services.

**Community Based Care Lead Agency**—an “eligible lead community-based provider” as defined in Section 409.1671(1)(e), F.S.

Contracted Service Provider means a private agency that has entered into a contract with the department or with a Community Based Care Lead Agency to provide supervision of and services to dependent children and children who are at risk of abuse, neglect, or abandonment.

Level I Background Screening—employment history verification, statewide criminal correspondence checks through the FDLE (name-based check), and a check of the Dru Sjodin National Sex Offender Public Website; also may include local law enforcement checks.

Level II Background Screening—screening conducted via the Department of Children and Families (DCF), an AHCA-equivalent and widely accepted background screening process, which includes the Level I Background Screening as well as fingerprinting for statewide criminal history checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI). This may also include local law enforcement checks.

List of Excluded Individuals and Entities (LEIE)—the U.S. Department of Health and Human Services Office of Inspector General’s List of Excluded Individuals/Entities (LEIE) provides information to the health care industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid, and all other Federal health care programs. Individuals and entities who have been reinstated are removed from the LEIE.

Medicaid—a program authorized by Title XIX of the Social Security Act. It is a state-administered health insurance program that is jointly funded by the Federal and State governments. Medicaid is an open-ended entitlement program, with states receiving federal reimbursement for every eligible claim they submit. Medicaid, as defined in Rule 59G-1.010, F.A.C., includes eligibility based on income for most groups using Modified Adjusted Gross Income (MAGI).

System of Award Management (SAM)—the Official U.S. Government system that consolidated the capabilities of CCR/FedReg, ORCA, and EPLS.

**Standards:**

This procedure acknowledges that CBCIH, as well as BFP, who hire or contract staff, including Behavioral Health Care and Nurse Care Coordinators, to provide care coordination services as required in the Florida Managed Medical Assistance Program Services Agreement with Community Based Care Integrated Health (CBCIH) will adhere to hiring practices and background screening requirements necessary to fulfill contract requirements with Sunshine Health and CBCIH, respectively. This procedure also acknowledges that CBCIH employees and BFP are aware that personnel-related information, including background screening, employee resumes and training information may be requested by CBCIH and provided to Sunshine Health upon request.

**General Requirements:**

I. Personnel

- A. CBCIH ensures that CBCIH employees, BFP Behavioral Health Care Coordinator and Nurse Care Coordinator are properly vetted in accordance with contractual requirements. Personnel audits are conducted, at minimum, annually, to ensure that staff have met qualifications and have received the required trainings.



- a. Service Coordination: BFP staff will meet the following minimum qualifications:
  - i. Nurse Care Coordinators - Registered Nurse with current Florida nursing license with a minimum of three (3) years nursing experience, preferably in the child welfare or behavioral health care setting.
  - ii. Behavioral Health Care Coordinator - Master's degree in a health or human services field, with a minimum of three (3) years' experience with child welfare and behavioral health services. Licensed mental health or social work professional preferred.
- b. BFP may request a waiver of the staff qualifications on a case-by-case basis, utilizing the Waiver Form. All such waivers are subject to approval by CBCIH.
- B. CBCIH and BFP staff shall adhere to the CBCIH Code of Conduct and Disciplinary Standards.
- C. CBCIH utilizes a CBCIH-CBC Lead Agency CWSP Employee Training checklist to ensure that personnel requirements are met and that relevant training topics are discussed.
- D. D. CBCIH shall report potential conflicts of interest affecting the execution of the subcontract to Sunshine Health within one (1) business day of discovery. All subcontractor employee conflicts of interest shall be reviewed and documentation maintained by CBCIH for review by Sunshine Health upon request when the employee works under the contract.
- E. E. CBCIH and BFP staff are required to sign a Conflict of Interest Statement. This statement must be signed within 45 days of hire and annually thereafter. BFP staff are required to report potential conflicts of interest affecting the execution of the subcontract to CBCIH within one (1) business day of discovery.

## II. Background Screening

A. The following background screenings are performed on all employees, subcontractors, interns, or consultants after accepting an offer of employment or contract:

1. Florida Department of Law Enforcement ("FDLE")
2. Federal Bureau of Investigation (FBI)
3. Local criminal records checks through local law enforcement agencies (at minimum, current residence)
4. Employment history checks
5. Department of Motor Vehicles check
6. Independent Criminal Records check (7 years)
7. E-Verify (employment verification)
8. Drug Screening

B. Level II screening for persons with 5% or more ownership interest, persons with executive management responsibilities, and persons with the ability to exercise effective control of the organization is required and is conducted via the Department of Children and Families, an AHCA equivalent, and widely accepted background screening process. This screening includes the elements identified above in addition to:

1. Fingerprinting for statewide criminal checks through the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI)
2. Local criminal records checks through local law enforcement agencies (at minimum, current residence)
3. Level II screening for persons meeting the above criteria are conducted at least every 5 years, or if there is a break in employment for more than 90 days

C. Candidates for employment with CBCIH and/or BFP may not be hired until background screening clearance letters from the FDLE, FBI, & local criminal records have been received. CBCIH Integration Managers will verify that background screening was completed during the CBCIH orientation process and/or during quarterly monitoring visits and CBCIH will maintain the information on file to be submitted to Sunshine upon request.

### **III. Sanctions**

The Vendor Services Agreement between Sunshine Health and CBCIH requires that sanction screenings are reviewed for CBCIH staff and for CBC Lead Agency Behavioral Health Care and Nurse Care Coordinators. Sanction screening is conducted:

- Upon initial hire or contract with the individual/entity
- Monthly thereafter for the duration of the contract period

A. CBCIH conducts monthly checks of CBCIH current staff and designated CBC Lead Agency staff and will compare these persons to the federal List of Excluded Individuals and Entities (LEIE) and the federal System for Award Management (SAM) to identify excluded parties. These checks are completed utilizing both staff name and date of birth as search criterion.

B. CBCIH has retained a sanction screening service which provides automated screening against all required federal and state databases. This process has been extended to the designated CBC Lead Agencies' Care Coordinators who provide care coordination services as part of the agreement with Sunshine Health. This information is maintained by CBCIH and may be provided to Sunshine Health upon request.

C. CBCIH reviews the automated screening results monthly to assess for excluded individuals via a sanction screening clearance process, indicating if any matches were identified and providing a brief explanation of the result for documentation purposes. These results are also reviewed and verified during internal Compliance/Personnel audits.

D. The websites for each sanction screening are as follows:

- LEIE: <https://exclusions.oig.hhs.gov/>
- SAM: <https://www.sam.gov/>
- AHCA: [http://apps.ahca.myflorida.com/dm\\_web](http://apps.ahca.myflorida.com/dm_web)

### **IV. Credential Verification and Exclusions from Employment**



BFP shall complete credential/licensure verification for the designated new employees, as well as for designated existing employees, who must receive a Level II screening every 5 years. Any organization or individual who has a contractual relationship with CBCIH must attest that they meet specific experience, licensure and accreditation standards. In order to meet re-credentialing requirements, contractors are required to submit verification of any pertinent changes in the information attested to in the initial services agreement.

CBCIH shall not engage in, or continue services with, individuals or entities that are excluded from participation in federal health care programs; however, non-disqualifying criminal offenses or loss of credentials/licensure will not necessarily prevent an applicant from being employed by CBCIH.

It is the responsibility of BFP to notify CBCIH of arrest or credentialing/licensure issues which may adversely impact the operation or reputation of CBCIH.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

A handwritten signature in blue ink that reads "Philip J. ScarPELLI".

PHILIP J. SCARPELLI  
Chief Executive Officer  
Brevard Family Partnership / Family of Agencies

APPROVAL DATE: 7/1/21