

**BACKGROUND CHECKS
CONVICTIONS THAT EXCLUDE PROVIDERS**

Adapted from the Michigan Workforce Background Check Program Legal Guide

<u>LENGTH OF EXCLUSION</u>	<u>CRIME</u>	<u>USC or MCL Statute or Reference</u>	<u>SHORT DESCRIPTION</u>
Permanent	<ul style="list-style-type: none"> • Felonies or misdemeanors related to health care or controlled substances • Plea of “Not Guilty by Reason of Insanity” and this is included on the LIEN system • Violations of provisions of the Social Security Act that set forth requirements for skilled nursing facilities and nursing facilities. 	42 USC 1320a-7 330.1134a(1)(a) 333.20173a(1)(a) 400.734b(1)(a) 330.1134a(1)(h) 333.20173a(1)(h) 400.734a(1)(h) 330.1134a(1)(i) 333.20173a(1)(i) 400.734a(1)(i) 750.145m-r 333.7401 333.7411	<ul style="list-style-type: none"> • Convictions for program-related fraud and patient abuse, health care fraud, and felony controlled substance • Any conviction relating to neglect or abuse of a patient in connection with delivery of health care item or service • Felony conviction for health care fraud • Felony conviction related to unlawful manufacture, distribution, prescription, or dispensing of controlled substance • Manufacturing, creating, delivering or possessing w/intent to manufacture, create or deliver prescribing or administering controlled substance, prescription form or counterfeit prescription form dispensing • Order of disposition under section 16b of chapter IX of the code of criminal procedure (related to Not Guilty by Reason of Insanity Plea) • Substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency pursuant to an investigation conducted in accordance with 42 USC 1395i-3 or 1396r.

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15 years	Felony: <ul style="list-style-type: none"> • Intent to cause death or serious impairment • Results in death or serious impairment • Involves use of force or violence • Involves the threat or use of force or violence • Involves cruelty or torture • Offense committed in connection with delivery of a health care item • Criminal sexual conduct • Involving abuse or neglect • Involving the use of a firearm or dangerous weapon 	330.113a(1)(b)(i)-(vii) 333.20173a-1(1)(b)(i)-(vii) 400.734b(1)(a)(i)-(vii) 330.1134a(1)(b)(i)-(vii) 750.316, 750.81a(3), 750.81(4), 750.81c(2)&(3), 750.81d, 750.82, 750.83, 750.84, 750.86, 750.91, 750.529, 750.529a, 750.530, 750.50b(2), 750.85, 750.50(2)(b)(f), 750.145m-r, 750.520b-d, 750.136b, 750.135, 750.145d(2)(b-f), 750.110a(2)(a)	<ul style="list-style-type: none"> • Murder 1st degree • Assault and infliction of serious or aggravated injury • Assault against a family member • Felonious assault • Assaulting, battering, resisting, obstructing, opposing person performing duty • Assault w/intent to <ul style="list-style-type: none"> ○ commit murder ○ do great bodily harm ○ maim • Attempted murder • Armed robbery • Carjacking • Robbery w/violence • Killing/torturing animals • Inflicts great bodily injury or mental pain or suffering w/intent to cause cruel or extreme pain & suffering • Criminal sexual conduct 1st, 2nd, or 3rd degree • Child abuse 1st & 2nd degree • Other felony crimes against minors • Felony home invasion w/dangerous weapon

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<p>10 years</p>	<p>All other felony convictions: This includes all felonies other than the 15 year exclusion. All felony convictions disqualify an individual for at least 10 years.</p>	<p>750.131(3), 750.357, 750.357b, 750.356, 750.356a-c, 750.350, 750.362, 750.110a(3), 750.174, 750.176, 750.177, 750.178, 750.182, 750.180, 750.535(2)&(3)&(7), 750.350a, 750.448, 257.625</p>	<ul style="list-style-type: none"> • Non-sufficient funds • Felony Larceny <ul style="list-style-type: none"> ○ Person ○ Stealing a firearm of another person ○ Money goods or chattel, bank note, bank bill, bond, promissory note, due bill, etc. ○ From a motor vehicle ○ Breaking & entering a coin operated telephone ○ Retail fraud 1st degree ○ Places of abode, work, storage, conversance, worship & other places ○ By conversion ○ Home invasion 2nd degree • Embezzlement - by or of many different entities • Receiving/concealing stolen property or felony embezzlement • Receiving & concealing motor vehicle • Taking or retaining child by adoptive or natural parent • Accosting & soliciting or prostitution – 2nd or subsequent conviction • Felony DUI • All felony convictions for controlled substances before 8/21/96
<p>10 Year</p>	<p>High Misdemeanor Crimes A misdemeanor involving use of firearm or dangerous weapon w/intent to injure, use of firearm or dangerous weapon that results in a personal injury, or a misdemeanor involving use of force or violence or the threat of the use of force or violence.</p>	<p>750.81a(1)&(2), 750.81c, 750.145m-r, 750.520e, 750.50(2)(b)(f), 750.356c</p>	<ul style="list-style-type: none"> • Assault & Battery w/serious or aggravating injury w/No relationship • Assault & Battery w/relationship • Threats or assaults against employee of DHS • Misdemeanor crimes committed against “vulnerable adults”, 3rd & 4th degree • Criminal sexual conduct 4th degree; instance of sexual contact w/another person that does not involve sexual penetration • First conviction for animal cruelty • Retail fraud, 1st degree • Any conviction stating “Felony reduced to a misdemeanor.”

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5 years	Misdemeanors: <ul style="list-style-type: none"> • Involving cruelty if committed by an individual less than 16 yrs old • Home invasion • Embezzlement • Negligent homicide • Larceny • Retail fraud • Any others involving <ul style="list-style-type: none"> ○ Assault ○ Fraud ○ Theft ○ Possession or delivery of a controlled substance 	333.20173a(8) 750.49, 750.110a(4), 750.115(1), 750.174, 750.174a, 750.535(4), 750.324, 750.356a(2)(a), 750.359, 750.360a, 750.361, 750.362, 750.362a, 750.356d, 750.81, 750.131(3), 750.181	<ul style="list-style-type: none"> • Cruelty, including cruelty to animals • Breaking & entering • Embezzlement <ul style="list-style-type: none"> ○ by agent, servant, or employees, or trustee, bailee, or custodian ○ by someone in relationship of trust w/vulnerable adult ○ buying, selling, receiving, stolen property ○ property belonging to person or part owner • Negligent homicide • Larceny <ul style="list-style-type: none"> ○ Motor vehicles or trailers ○ Vacant dwellings ○ Electronic or magnetic theft detection or shielding merchandise ○ Removing journal bearings or brasses ○ By conversion ○ Rented motor vehicle, trailer or other tangible property • Retail fraud in 2nd degree (\$200-1,000), or less if previous conviction • Assault or A&B • Non-sufficient funds • Provision of false information to work in health care
3 years	Less Serious Misdemeanor: <ul style="list-style-type: none"> • Assault • Retail fraud in 3rd degree • Part 74 	333.7401, et seq. 333,7404 750.81, 750.81c(1), 769.4a, 750.356d(4), 750.16	<ul style="list-style-type: none"> • Assault (without battery) • Assault against a family • Retail fraud 3rd degree – shoplifting less than \$200 • Other misdemeanors involving creating, delivery, or possession w/intent to manufacture or deliver a controlled substance
1 year	Misdemeanor Juvenile Crimes	330.1134(1)(g)(i)-(ii) 333.20173a(1)(g)(i)-(ii) 400.734a(1)(g)(i)-(ii)	<ul style="list-style-type: none"> • Misdemeanors committed by persons under the age of 18 at time of conviction • Larceny or retail fraud in 2nd or 3rd degree if under 16 at time of conviction