

Bulletin Number: MSA 19-11

Distribution: Home Help Agency Providers

Issued: May 31, 2019

Subject: Enforcement of Home Help Agency Enrollment Policies

Effective: July 1, 2019

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.

Refer to the Glossary section above to determine which agency personnel meet the definition of an agency caregiver and/or an agency employee.

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.

Manual Maintenance

Retain this bulletin until the information is incorporated into the Michigan Medicaid Provider Manual.

Questions

Any questions regarding this bulletin should be directed to Provider Inquiry, Department of Health and Human Services, P.O. Box 30731, Lansing, Michigan 48909-8231, or e-mailed to ProviderSupport@michigan.gov. When you submit an e-mail, be sure to include your name, affiliation, NPI number, and phone number so you may be contacted if necessary. Providers may phone toll-free 1-800-979-4662.

Approved

A handwritten signature in black ink that reads "Kathy Stiffler". The signature is written in a cursive style with a large initial "K".

Kathy Stiffler, Acting Director
Medical Services Administration