

**Bulletin Number:** MSA 06-35

**Distribution:** Psychiatric Hospitals and Units, ICF/MRs, Nursing Facilities, County Medical Care Facilities, Hospices, Hospitals with Swing Beds, Home Health Agencies

**Issued:** June 1, 2006

**Subject:** Criminal History Background Check

**Effective:** As Indicated

**Programs Affected:** Medicaid, Children's Special Health Care Services

Pursuant to the passage of Public Acts 26, 27, 28 and 29 of 2006, new criminal background check requirements were adopted by the State of Michigan effective April 1, 2006. The new laws require that background checks be performed for all new employees hired by the following Medicaid-enrolled long-term care providers:

- Psychiatric hospitals and units
- ICF/MRs
- Nursing facilities
- County medical care facilities
- Hospices
- Hospitals with swing beds
- Home health agencies

With the enactment of the background check laws, health facilities or agencies shall not employ, independently contract with, or grant clinical privileges to an individual who has regular direct access to or provides direct services to patients or residents until the health facility or agency conducts a criminal history background check. Direct access means access to a patient or resident or to a patient's or resident's property, financial information, medical records, treatment information, or any other identifying information.

Current employees, those under independent contract, and those granted clinical privileges prior to the effective date of the laws are exempt from the background check requirement. However, a set of fingerprints for each previously employed individual must be provided to the Michigan State Police within 24 months of the effective date of the Acts. This process will not begin until August 2006. The Michigan Department of Community Health will communicate to all affected facilities and agencies a plan of implementation prior to the effective date.

Additional information, including the enacting legislation and a tutorial on initiating the background check process, is available at the following Michigan Long Term Care Partnership website: [www.miltcpartnership.org](http://www.miltcpartnership.org).

### **Manual Maintenance**

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

**Questions**

Any questions regarding this bulletin should be directed to Provider Inquiry, Department of Community Health, P.O. Box 30731, Lansing, Michigan 48909-8231, or e-mail at [ProviderSupport@michigan.gov](mailto:ProviderSupport@michigan.gov). When you submit an e-mail, be sure to include your name, affiliation, and phone number so you may be contacted if necessary. Providers may phone toll-free 1-800-292-2550.

**Approved**

A handwritten signature in black ink that reads "Susan Moran". The signature is written in a cursive style with a large, sweeping initial "S".

Susan Moran, Acting Deputy Director  
Medical Services Administration