

OFFICE OF THE INSPECTOR GENERAL WORK PLAN 2017

The Affordable Care Act requires that the Office of the Inspector General (OIG) evaluate the National Background Check Program (NBCP) after the program has ended. In its [2017 Work Plan](#), OIG stated that it will review the processes that graduated NBCP States used for long-term care facilities and providers to conduct background checks on applicants who would have direct access to patients. The purpose of this review is to determine the outcome of the NBCP State programs and "whether the checks led to any unintended consequences."

OIG also announced that it will evaluate incidents of abuse and neglect of Medicare recipients receiving treatment in skilled nursing facilities to determine whether these incidents were correctly reported and investigated in accordance with pertinent federal and State requirements.

SENIORS SUFFER UNDER MEDICAID CARETAKER FRAUD

On November 7, 2016, [Kaiser Health News](#) reported that seniors have suffered due to fraud by Medicaid caretakers. Medicaid caretakers collected paychecks under the Personal Care Services program, a program that provides the elderly and disabled non-medical assistance at home. In its [Investigative Advisory on Medicaid Fraud and Patient Harm Involving Personal Care Services](#) report from October 3, 2016, the Office of the Inspector General (OIG) found an overwhelming amount of financial scams in its investigation. OIG has investigated over 200 cases of fraud and abuse from November 2012 through August 2016. In some cases, Medicaid recipients faked disability to hire unnecessary help and in others, caretakers stole prescription drugs from patients. However, in the most extreme cases, the patients were injured and others injured fatally.

OIG recommended that CMS establish national qualifications and screening standards for personal care assistants, including background checks. OIG also recommended that CMS require States to register all personal care assistants so they may be tracked. Alaska and Minnesota require caretaker enrollment; Alaska in particular now has 8,000 workers assigned with unique identifying numbers. This system of unique identifying numbers helped investigators uncover that Good Faith Services, a home-health care company in Alaska, billed Medicaid for \$500,000 worth of caretaker services that were never performed.

In February 2016, CMS started training States to monitor fraud, waste, and abuse in personal care services. CMS also published a bulletin with different options States could implement, such as creating a registry where consumers could search which caretakers meet State qualifications.

GRANTEE STATE HIGHLIGHTS

HAWAII

The State of HI completed user acceptance testing for the pending go-live of the Phase 1 of the HI Background Check System, planned for January 2017.

KENTUCKY

The Office of the Inspector General in the Cabinet for Health and Family Services, was awarded State grant funds to purchase additional live scan fingerprint devices for NBCP use. These devices will augment the 35 live scan machines that the Kentucky NBCP program and the Kentucky Applicant Registry and Employment Screening (KARES) web service has access to across the State. The KARES team has partnered with the Kentucky Department for Community Based Services to use the live scan machines in their regional offices since the KARES voluntary program went live in 2014. The total number of live scan machines for use by the Kentucky NBCP will now be 90, making access to fingerprinting easier for long term care applicants across the State.

PUERTO RICO

CNA completed a technical assistance site visit with PR in early December 2016, to assist with testing of live scan fingerprint integration with the PR Background Check System and discuss what is needed for Phase 1 program go-live, scheduled for January 2017.

OREGON

Oregon is continuing its goal of creating a safe environment for people in long term care, as well as other vulnerable people, by expanding its background checks to include child protective service reports. This provides a much more holistic view of a potential caregivers history by combining criminal history with both adult and child protective service reports. Additionally, a policy option package that would fund the full NBCP array of checks has now progressed successfully from the Governor to the Oregon Legislature.

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Since June 2016, eight States, District of Columbia, Delaware, California, Kansas, Kentucky Missouri, Ohio and West Virginia, have joined the original seven members in the National Forum for Background Check Programs ("the Forum).

All 15 States now belong to the National Forum for Background Check Programs and have access to its information sharing and resources. The NFBCP continues to expand and make progress on the five initiatives adopted in August 2016.

The Forum initiatives for 2017 are as follows:

- 1) Expand interstate data sharing;
- 2) Develop a searchable library to help new States;
- 3) Share technical services contract information among States;
- 4) Organize and participate in meetings and conferences, and;
- 5) Advocate for best practices in background check programs to protect vulnerable populations.

Forum members are actively working on these initiatives, and State delegates meet monthly to provide status and address other hot topics. For more information about the NFBCP, please visit the [Forum's website](#).



DNA DATABASES POTENTIALLY DECREASE FUTURE CRIME

In an op-ed published on August 16, 2016, by the [Brookings Institution](#), Dr. Jennifer L. Doleac discussed her study, in which, she examined the impact of DNA databases on criminal behavior and crime rates in the United States. Individual States control DNA databases; however, the FBI links these databases to form a nationally-searchable network called the Combined DNA Index System (CODIS).

Dr. Doleac found that DNA profiling reduces the probability of future convictions by 17 percent for violent offenders and by six percent for property offenders. She said, "these lower rates of new convictions are particularly striking given that DNA profiling should increase the probability that reoffenders get caught for any crimes they do commit. So, these are likely underestimates of the true deterrent effects of DNA profiling." Her research also indicated that broadening DNA databases to include those arrested and convicted of felonies, misdemeanors, and similar groups, would probably have large public safety benefits.

Dr. Doleac noted that the results of her study are significant as they emphasize the high capacity of technology to reduce criminal behavior, at extremely low financial cost and without filling prisons.

IOWA INVESTS IN DENTAL CARE

On December 6, 2016, [McKnight's](#) reported that Iowa has implemented a new State program called Mouth Care Matters to provide nurse aides basic training in preventative dental care for seniors. Delta Dental of Iowa Foundation gave a two-year, \$150,000 grant to Iowa Caregivers.

[Mouth Care Matters](#) is an initiative of the Lifelong Smiles Coalition. Lifelong Smiles Coalition was created to increase access to oral health care for the elderly. The program allows direct care staff to improve their oral care skills; this program addresses "one of the most overlooked areas of elder treatment in nursing homes – dental care."

More than 100 nurse aides have been trained through the program.

QUARTERLY REPORTS DUE JANUARY 30, 2017

Reports for the quarter ending December 31, 2016, are due by close of business on **January 30, 2017**. Please be sure to use the new Cost Report that includes your State's name. The report templates are available on the [NBCP BGCheckInfo](#) website. Requests for extensions should be submitted to your CMS project officer at least **two weeks** before the due date.

Reminder!
Graduating States must submit a final Quarterly Report to complete the closeout process!

NBCP RESOURCES

The newly designed [BGCheckInfo Website](#) provides access to a comprehensive collection of original resource documents written specifically for existing and anticipated NBCP States. These documents provide detailed information on a number of background check issues, including information on current standards of practice in the field of background checks. Please contact your CNA State Liaison if you have any questions about the new website or email stateliasion@cna.org.

UPCOMING MEETINGS:

CMS Quarterly Webinar, Thursday, January 26, 2017, 3:00—4:00 pm ET

(Don't miss Megan Denver's presentation: *A New Look at the Employment and Recidivism Relationship through the Lens of a Criminal Background Check*)