

### CMS ANNOUNCEMENTS



TRIBUTE TO  
**JAN TARANTINO**

Jan Tarantino passed away Friday, March 9, 2018. Jan was the Deputy Director of the Quality, Safety & Oversight Group (former Survey and Certification Group) in the Center for Clinical Standards and Quality at CMS and was the CMS Lead for the NBCP since 2015.

Jan came to CMS in 1994 and held various positions within the Quality, Safety & Oversight Group since 1999. The CMS and CNA NBCP teams are grateful for Jan's leadership.

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## GEORGIA LEGISLATION PASSED

The Georgia General Assembly was successful in passing legislation that will greatly expand the national fingerprint background checks for Georgia's long term care facilities. Senate Bill 406 passed the Georgia House of Representatives by a vote of 163-4 and by the State Senate with a vote of 50-0. The bill is now before Governor Nathan Deal for signature. The bill has an excellent chance of becoming law because it is being supported by the Governor as part of the Georgia Council for Criminal Justice Reform. In addition, the Georgia General Assembly passed its first ever rap back legislation. If it's signed into law, the rap back legislation would only be authorized for State agencies that have oversight of vulnerable populations such as the disabled, children and the elderly. Once signed, the law will take effect October 1, 2019. All current employees and owners would be required to undergo a State and national fingerprint check and registry check by January 1, 2021.

The bill titled, the "Georgia Long-Term Care Background Check Program," will, for the first time, require all direct access employees in personal care homes, assisted living communities, private home care providers, home health agencies, hospice providers, nursing homes, skilled nursing facilities, intermediate care homes, and adult day care to undergo a national fingerprint check as well as a check of various registries. Language is included increasing the types of crimes that would disqualify an individual for employment or an owner for licensure of a long-term care facility. For example, a felony conviction for crimes against a person, sexual offenses, theft, forgery, and controlled substances are disqualifiers. However, these crimes would not apply to an applicant, employee or owner in which 10 years has elapsed from the date of their criminal background check or since the completion of all terms of a sentence. The legislation also includes an administrative appeals process for employees, applicants and owners to challenge disqualifying findings.

SB 406 establishes a Caregivers Registry that would allow private employers to use the Georgia Criminal History Check System (GCHEXS) when hiring an applicant to care for an elderly family member. The private employer would use GCHEXS to register an applicant for employment; whereby, the applicant would be fingerprinted in the same manner as long-term care applicants. The Department of Community Health (DCH), Office of Inspector General (OIG), staff would make an "Eligible or Ineligible" determination based on the criminal history. The private employer would then use GCHEXS to download a copy of the fitness determination letter. If an applicant is found to be ineligible, they could appeal the determination through an internal DCH OIG appeals process.

## GRANTEE STATE HIGHLIGHTS

### OKLAHOMA

Oklahoma is pursuing its first statewide live scan contract after years of contracts under separate agencies. The RFP incorporated lessons learned from NBCP States. The RFP includes language specifying tiered service credits to be deducted from invoices as a percentage of processing fees for any month in which the rejection rate exceeds specified thresholds. It also includes service credits as a percentage of invoiced scanning fees for any month in which the vendor fails to meet established site location criteria for more than seven business days. Site criteria were strengthened for distance and days and hours of operation based on urban and rural locations. Four vendor proposals are now being scored.

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The Forum would like to express its condolences on the passing of Jan Tarantino. Ms. Tarantino was a champion for the Forum and the Forum is thankful for her support. On March 5, 2018 Jan issued a letter endorsing the Forum and encouraging grantee States to participate in Forum activities, noting that there will no longer be an NBCP required webinar.

Planning continues for the Forum's track at the Annual Association of Health Facility Survey Agencies (AHFSA) Conference in Tigard Oregon, September 23 – 26, 2018. Registration and hotel reservations are available through the [AHFSA web-site](#). Topics include an open session for new States to ask questions about program development, benchmark development for State contracts with vendors, performance measurement and reporting, and survey and screening program coordination.

The Forum's work continues with AHFSA and CNA to explore options to sustain and expand the network of connected nurse aide registries (NAR). The Forum proposed a sustainable plan for AHFSA to become the managing authority for the NBCP NAR to AHFSA President, Mike Cook. The plan presents a viable approach for universal State access and sustainability. A national NAR will enable improvements to nurse aide certification and screening for State agencies, and could be used by providers to improve compliance with the screening requirements. Discussions with other associations operating similar State dataset networks indicate that private entity subscriptions can readily cover AHFSA operating costs. This proposal will be shared with the AHFSA Board.

For more information on Forum activities visit the [Forum's page](#) on the AHFSA website and send an email to [backgroundcheckforum@gmail.com](mailto:backgroundcheckforum@gmail.com) to join the Forum and receive information about activities.

## CMS ANNOUNCEMENTS CONTINUED

Rebecca Ward, the CMS NBCP Contracting Officer's Representative (COR) to the NBCP Technical Assistance (TA) Contract, has taken a new position at CMS's Center for Program Integrity. Becky has served as the NBCP COR for the last 5 1/2 years.

Karen Tritz, Director, Division of Nursing Homes within the Quality, Safety & Oversight Group will assume Jan's role on the NBCP. Leslie Boyd, Health Insurance Specialist within CMS's Quality, Safety & Oversight Group has been named the new NBCP COR. We wish Becky all the best in her new role within CMS, and welcome Karen and Leslie to the NBCP.

## MICHIGAN CHILD CARE BACKGROUND CHECK SYSTEM

The Michigan Child Care and Development Act of 2014 revised the federal Child Care and Development Block Grant (CCDBG) of 2014. Senate bills 180, 181, 182, and 183 were signed into law to bring Michigan into compliance with the CCDBG effective March 28, 2018. In addition to child care centers and child care group homes, Michigan is now licensing family child care homes. With these changes, all adult household members, child care staff, and volunteers with unsupervised access to children will be required to undergo a comprehensive, fingerprint-based background check through the Michigan State Police (MSP) and Federal Bureau of Investigation (FBI).

Michigan is the only State whose legislature approved a \$5.5 million subsidy to help with the cost of fingerprinting for current licensed facilities. The new website is in place for providers to use effective March 28, 2018. LARA has been working with the communities in the State, educating providers on the recent changes to the law and the new system fingerprinting process.

## JUSTICE DEPARTMENT TAKES ACTION AGAINST ELDER ABUSE

On February 22, 2018, the Federal Bureau of Investigation (FBI) [reported](#) that "a coordinated law enforcement action aimed at those who prey on senior citizens has resulted in charges against more than 250 subjects who collectively victimized more than one million mostly elderly Americans." Attorney General Jeff Sessions announced that the Department of Justice and its partners are joining forces to hold "perpetrators of elder fraud schemes" accountable. The criminals charged caused losses of more than \$600 million.

In 2017, the FBI investigated more than 200 financial crime cases ranging from investment fraud such as mass mailing and telemarketing fraud, to reverse mortgage scams, that involved elderly victims. Together with FBI Deputy Director David Bowdich, Attorney General Sessions encouraged victims to report elder fraud to the FBI, visit local FBI offices, call 1-800-CALL FBI (225-5324), or file a complaint online at the FBI's Internet Crime Complaint Center at [www.ic3.gov](http://www.ic3.gov).

## QUARTERLY REPORTS DUE APRIL 30, 2018

Reports for the quarter ending March 31, 2018, are due by close of business on **April 30, 2018**. 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 complete [grant closeout](#) in addition to final quarterly reports.

### UPCOMING MEETINGS:

- Association for Health Facility Survey Agencies Annual Conference,
  - September 23—36, 2018, Tigard, OR