

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

GUIDANCE DOCUMENT

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Pursuant to
Neb. Rev. Stat. § 84-901.03



PROVIDER BULLETIN

No. 22-05

DATE: December 23, 2022

TO: Medicaid HCBS DD Waiver Service Providers

FROM: Tony Green, Director of Division of Developmental Disabilities

BY: Megan Gifford, Program Specialist and Rachel Kreifels, Program Specialist

RE: Employee Background Checks and Specific Crimes

This bulletin is being issued to supplement regulations at Title 404 NAC 4-003.02 regarding Employee Background Checks and Specific Crimes. The provider must not allow employees or independent contractors to work with participants served by the provider who have been charged pending disposition or convicted of the following crimes, or similar crimes, in the State of Nebraska or any other jurisdiction:

1. Homicide or manslaughter
2. Possession or distribution of child pornography
3. Human trafficking, sex trafficking, or labor trafficking
4. Neglect, physical abuse, or sexual abuse
5. Rape or sexual assault
6. Offenses of whatever kind or nature against a child or vulnerable adult
7. Convictions for which registration as a sex offender is required
Permanent exclusion, regardless of classification
8. Medicaid fraud, waste, or abuse crimes*
9. Abuse, neglect or exploitation related crimes against Medicaid participant*
5 year exclusion from date of conviction, regardless of classification
10. Assault, domestic violence, or terroristic threats
11. Fraud
12. Controlled substance/drug use, possession or distribution related crime*
13. Prostitution
14. Solicitation of prostitution
15. Robbery, burglary, or any manner of theft
Felony: 5 year exclusion from date of conviction
Misdemeanor: 3 year exclusion from date of conviction

16. Driving Under the Influence: two of any combination of DUI charges pending or convictions
3 year exclusion from date of most recent conviction
5 year exclusion from date of most recent conviction for Transportation and PAS providers providing transportation

17. Currently the respondent of a protection order
Duration of protective order

*Two offenses= 10 year exclusion; three or more offenses= Permanent exclusion

Other pending charges and convictions will be considered and weighted to similar offenses included in this list. Generally speaking this includes charges and/or convictions which, if repeated, could injure or harm a participant or provider program.

If you have any questions about this provider bulletin, please contact Miranda Newton (402) 471-8037 or miranda.d.newtson@nebraska.gov.