

Provider Screening Guidelines

As of 05/31/2024

This document is used as a *guide* when conducting the Nebraska Data Exchange Network (NDEN) and Fingerprint-based Criminal Background Checks (FCBC) criminal history screenings on providers, caregivers, managing employees, and owners. The offenses listed are based off of 42 CFR 424.535, Revocation of Enrollment in the Medicare Program, and other federal guidance, including the OIG Exclusion Authorities, and the Social Security Act section 1128.

Any individualized review of an individual's enrollment is based on the review of the specific facts of the situation(s) and the possible pattern(s) of disregard for the law. Any individual involved in the delivery, or the use of Medicaid funds may be subject to screening. Per Title 471 NAC 2 005.01(A) CRIMES, the Department deems a crime to have been committed when a conviction, admission, or substantial evidence of commission exists. In exercising its discretion, the Department considers the severity of the crime(s), the applicability of the crime(s) to the service(s) of the provider, the person's role within the provider entity, and the amount of time that has passed since the commission of the crime(s). Charges and convictions that have been set aside or expunged may also be considered.

1. The following offenses are a permanent exclusion, regardless of classification:

- a. Homicide or manslaughter
- b. Child pornography
- c. Neglect, physical abuse, or sexual abuse
- d. Rape or sexual assault

2. The following offenses may be a 5-year exclusion, regardless of classification:

- a. Program-related crimes
- b. *Patient abuse or neglect related crimes

3. The following offenses may be a 5-year exclusion for a felony or a 3-year exclusion for a misdemeanor:

- a. Crimes against a person including, but not limited to assault, domestic violence, or terroristic threats
- b. Destruction of property
- c. Fraud
- d. *Controlled substance/drug related crime
- e. Involvement in Human Trafficking
- f. Robbery, burglary, or any manner of theft
- g. Weapons charge(s)

4. The following offenses may be a 5-year exclusion for those that provide transportation services:

- a. Driving Under the Influence: two of any combination of DUI pending charges or convictions

5. The following offenses are an exclusion while in effect:

- a. Currently the respondent of a protection order
- b. Active warrant

*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. In general, this includes charges and/or convictions which, if repeated, could injure or harm a Medicaid client or the Medicaid program.