

**Background Checks for Louisiana Department of Health, Office of Behavioral
Health, Eastern Louisiana Mental Health System (LDH/OBH/ELMHS)
Attachment B - Scope of Work
RFx #3000022303**

GOAL/PURPOSE

The goal/purpose is to secure a Contractor that can provide criminal background checks as well as exclusionary databases checks, under the provisions of the following:

- Louisiana State Police Bureau of Criminal Identification and Information (LDH Policy 47.1, Louisiana Child Protection Act, La. R.S. 15:587.1)
- Louisiana Department of Health, Health Standards (La. R.S. 40:2179, LAC 48:1 Ch 92 Subchapter A9202)
- Louisiana Department of Health, Program Integrity
- Office of Inspector General List of Excluded Individuals/Entities (LEIE) (42 CFR 1002-210)
- Section 6401 of the Affordable Care Act

Pursuant to LDH Policy #47.1, Criminal History Records Checks of Applicants and Employees, "All new hires (including contract employees) and current LDH employees whose duties require access to Electronic Protected Health Information (e-PHI) must have criminal background checks to safeguard the privacy of Medicaid recipients' and applicants' e-PHI. Each employee whose job duties require access to e-PHI shall have a criminal background check conducted on him five years from the date of the original criminal background check and every five years thereafter."

ELMHS has a zero tolerance policy for certain convictions, including but not limited to those which involve the use or sale of illegal substances, abuse, battery, sex crimes, or other crimes covered by La R.S. 15:587.1.

Exclusionary databases are checked for individuals who are excluded from participation in Federal Healthcare Programs (Medicare, Medicaid) and the criminal background checks are performed to ascertain that the persons has/has not been arrested for, convicted of or pled "nolo contendere" to any one or more of the crimes that are listed in R.S. 15:587.1 and for those employees who have access to e-PHI.

DELIVERABLES

A. Background Checks

1. The Contractor will provide criminal history background checks to ELMHS for licensed and non-licensed healthcare employees as stated below:

- a. Licensed and Non-licensed Healthcare Employees as required By La. R.S. 40:1300.51 et seq.

Contractor shall be an Authorized Agency of the Louisiana Department of Public Safety and Corrections, Office of the State Police, which is approved to conduct criminal history

background checks in accordance with La. R.S. 40:1300.51 et seq. and Louisiana Administrative Code (LAC) 55:201 et seq. Contractor, through an authorized law enforcement agency, will conduct an investigation of the licensed and non-licensed employee's criminal history based upon the records of the State of Louisiana, Department of Public Safety and Corrections. The Contractor will conduct a security check made through the United States Department of Justice's National Sex Offender Public Registry for sexually violent convictions. Criminal records of other local or parish law enforcement officials, law enforcement records of states other than Louisiana, or the Federal Bureau of Investigation (FBI) will not be included in this initial investigation by the Contractor's contracted law enforcement agency. However, the Contractor or its agents may make follow-up investigations into available parish or local court records in Louisiana or court records of other states, if necessary, to obtain files to complete an accurate criminal history.

2. Louisiana State Police, Bureau of Criminal Identification and Information (including Department of Justice Sex Offender Check)
 - a. Results will contain the agency name, agency email address, applicant name, applicant social security number, and the results whether no disqualifying information was found or whether more information is needed including fingerprint cards.
3. ELMHS shall furnish the Contractor with documentation providing permission and pertinent information as required by the Contractor to conduct the background check on each employee. The Contractor, shall complete over 90% of all background check requests within 72 hours of submission. Upon completion of the background check, the Contractor will notify ELMHS via e-mail within 24 hours on whether or not the employee has a criminal history record pursuant to the provisions outlined in Item A.1.a.

B. Exclusionary Databases

1. ELMHS shall furnish the Contractor with documentation providing pertinent information as required by the Contractor to conduct inquiries on the following exclusionary databases and the Contractor will provide ELMHS with an electronic list that is downloadable or printable for possible matching records. The Contractor will provide processes to ensure that the inquiries can be done at the request of ELMHS.
2. Office of Inspector General List of Excluded Individuals and Entities (LEIE)
 - a. Results will contain the following information: (1) the name of the excluded person at the time of the exclusion, (2) the person's provider type, (3) the authority under which the person was excluded, (4) the State where the excluded individual resided at the

time of exclusion or the State where the entity was doing business, and (5) a mechanism to verify search results via Social Security Number (SSN) or Employer Identification Number (EIN).

- b. When checking the LEIE, the Contractor will send ELMHS documentation of the initial name search performed (such as a printed screen-shot showing the results of the name search) and any additional searched conducted, in order to verify results of potential name matches.
3. Louisiana Department of Health (LDH) Program Integrity (PI) Adverse Actions
 - a. Results will contain basic information about the excluded party, reason for exclusion, type of exclusion, effective date of exclusion and reinstatement date, if any.
 - b. The Contractor will send ELMHS documentation of checks performed on individual employees.
 4. Certified Nurses Aide/Developmental Service Worker (CNA/DSW) Registry
 - a. Results will contain the employee certification number, the date of original certification and certified from/to date, and status.
 - b. The Contractor will send ELMHS documentation of checks performed on individual employees.
 - c. Checks should be performed initially at hire for CNA/DSW employees or any employee whose compensation is funded with Medicaid dollars and every six months thereafter.
 - d. Database is located at <https://tlc.dhh.la.gov>.
 5. If any of these exclusionary databases cannot be electronically accessed by the Contractor, the Contractor will have six months from the award date to make arrangements with the owner of the database to obtain electronic access to be able to provide the required reports as enumerated above.

C. ACCESS

- a. The Contractor shall provide online access to all records, reports, etc. that pertain to ELMHS during the life of the contract and for up to one year after the conclusion of the contract.

D. PERFORMANCE MEASURES

- a. The Contractor shall provide:
 - 1. Statistical reports (Monthly, Quarterly, Yearly, or as requested) that will include:
 - Cumulative number of records processed separated by type of check
 - Number of cleared backgrounds versus number of backgrounds with findings
 - Average time frame to complete background check
 - Other statistical reports that the agency may request
 - 2. Continuous access for ELMHS to be able to submit requests and obtain results, either online or through other means. Online submission of records processing, report requests, obtaining results, etc. is the preference.

E. MONITORING PLAN

- a. The Contractor will ensure that the work provided has met all the obligations of the contract.
- b. The ELMHS Human Resources Office will monitor the contract to ensure that the Contractor has met all the obligations of the contract.

F. PAYMENT

- a. The Contractor and ELMHS agree to a fixed rate for each background check submission.
- b. The Contractor shall provide an itemized invoice by the 15th day of each month for the previous months work. This will include account identification number to ensure this is an ELMHS applicant, the applicant's name, date service was provided, description of the service provided, individual price for service provided, and the type of background check performed with a grand total at the bottom of the invoice.
- c. Any access to online systems, reporting, and any exclusionary database data shall be provided at no additional charge.