




Section: <b>Compliance</b>	Policy Name: <b>Ownership, Control and Criminal Conviction Disclosure Requirements</b>	Policy Number: <b>10.13</b>
Owner: <b>Chief Compliance Officer</b>	Reviewed By: <b>Mila C. Todd</b>	Total Pages: <b>3</b>
Required By: <input checked="" type="checkbox"/> BBA <input checked="" type="checkbox"/> MDHHS <input type="checkbox"/> NCQA <input checked="" type="checkbox"/> Other (please specify): <b><u>42 CFR §438.610, §455.104-106</u></b>	Final Approval By:  <small>Mila Todd (Jul 31, 2024 14:16 EDT)</small>	Date Approved:  Jul 31, 2024
Application: <input checked="" type="checkbox"/> SWMBH Staff/Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH/IDD Providers <input type="checkbox"/> Other (please specify):	Line of Business: <input checked="" type="checkbox"/> Medicaid <input checked="" type="checkbox"/> Healthy Michigan <input checked="" type="checkbox"/> SUD Block Grant <input checked="" type="checkbox"/> SUD Medicaid <input type="checkbox"/> Other (please specify):	Effective Date: <b>02/25/2013</b>

**Policy:** Southwest Michigan Behavioral Health (SWMBH) and its provider network shall comply with federal regulations to obtain, maintain, disclose, and furnish required information about ownership, control interests, business transactions, and criminal convictions as specified in 42 CFR §455. In addition, SMWBH and its provider network shall ensure that all contracts, agreements, purchase orders, and leases to obtain space, supplies, equipment or services provided with Medicare or Medicaid funds require compliance with 42 CFR §455.104-106. SWMBH will notify the MDHHS Behavioral and Physical Health and Aging Services Administration (BPHASA) ) Bureau of Specialty Behavioral Health Services, Division of Contracts and Quality Management and the MDHHS OIG when disclosures are made by providers with regard to any offenses detailed in sections 1128(a) and 1128(b) (1), (2) or (3) of the Social Security Act, or that have had civil money penalties or assessments imposed under section 1128A of the Act, or regarding excluded individuals or provider organizations.

**Purpose:**

- A. The purpose of this Policy is to ensure SWMBH and its Provider Network comply with Federal and State regulations concerning:
  - 1. Relationships with individuals, or an affiliate of an individual, who is debarred, suspended, or otherwise excluded from participation in any federal health care program as specified in 42 CFR §438.610;
  - 2. Obtaining, maintaining, disclosing, and furnishing information about ownership and control interests, business transactions, and criminal convictions as specified in 42 CFR 455.104-106; and



3. Contracts, agreements, purchase orders, or leases to obtain space, supplies, equipment or services provided under the Medicaid Agreement.
- B. Pursuant to 42 CFR 455.104, the State will review ownership and control disclosures submitted by SWMBH and any of SWMBH's participant CMHSPs and/or network providers.

**Scope:** SWMBH Program Integrity & Compliance and SWMBH Provider Network Management departments; Participant CMHSPs and contracted and subcontracted provider networks.

**Responsibilities:**

SWMBH's Program Integrity & Compliance and Provider Network Management departments will have systems in place to collect the required disclosure information and to complete sanctioned provider screenings.

Participant CMHSPs will have systems in place to collect the required disclosure information from their provider network, provide disclosures for their entity, and to complete sanctioned provider screenings.

Contracted and subcontracted providers will provide the required disclosures as requested by a Participant CMHSPs and/or SWMBH, and complete screenings for employees against sanctioned provider lists, as applicable.

**Definitions:**

- A. **Disclosing Entity** means a Medicaid provider (other than an individual practitioner or group of practitioners), or a fiscal agent.

**Standards and Guidelines:**

- A. SWMBH Operating Procedure 10.13 shall address the following:
  1. disclosure statement requirements;
  2. when disclosures are to be obtained;
  3. monitoring provider networks;
  4. reporting with regard to criminal offense; and
  5. penalties for failing to comply.

**References:**

- A. 42 CFR §1001.1001
- B. 42 CFR §438.610
- C. 42 CFR §455.101 (all definitions)
- D. 42 CFR §455.104-106
- E. MDHHS-PIHP Contract – Schedule A, Section 1, Subpart R. Program Integrity

**Attachments:**

10.13 Ownership, Control, and Criminal Conviction Disclosure Requirements



A. SWMBH Operating Procedure 10.13

**Revision History**

Revision #	Revision Date	Revision Location	Revision Summary	Revisor
01	7/01/2020	N/A	Moved to new template	Mila C. Todd
02	03/23/2023	N/A	Annual Review	Mila C. Todd
03	07/05/2024	Policy  Purpose  Responsibilities	Added to "Policy" section requiring reporting to MDHHS OIG; updated MDHHS BPHASA reference; added reporting for excluded provider findings.  Added paragraph (B) to "Purpose" section  Added responsibilities related to sanctioned provider screenings.	Mila C. Todd
N/A	07/19/2024	N/A	Reviewed at Regional Compliance Coordinating Committee	Mila C. Todd

# 10.13 Ownership, Control, and Criminal Conviction Disclosure Requirements

Final Audit Report

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