




**MassHealth**  
**All Provider Bulletin 267**  
**April 2017**

**TO:** All Providers Participating in MassHealth

**FROM:** Daniel Tsai, Assistant Secretary for MassHealth 

**RE:** **Fingerprint Based Criminal Background Checks**

### **Background**

Section 6401 of the Affordable Care Act requires a fingerprint-based criminal background check as part of new screening and enrollment requirements for all “high” risk providers and all persons with a 5% or greater direct or indirect ownership interest in such providers. The final rule for Section 6401 assigned risk levels for provider types that are recognized by Medicare. MassHealth adopted those risk levels and assigned risk levels for Medicaid-only provider types. Provider screening and enrollment requirements are based on the risk level for a particular provider type or provider. In certain circumstances, MassHealth may rely on fingerprinting and background checks performed by Medicare.

The following is a list of the provider types that have been classified as high risk.

### **High Risk Providers**

- Adult Foster Care Providers
- Group Adult Foster Care Provider
- New enrollees in the following provider types:
  - Durable Medical Equipment Providers & Personal Emergency Response System (PERS) Providers (newly enrolling on or after August 1, 2015 only)
  - Home Health Agencies (newly enrolling on or after August 1, 2015 only)
  - Orthotics Providers (newly enrolling on or after August 1, 2015 only)
  - Oxygen & Respiratory Therapy Equipment Providers (newly enrolling on or after August 1, 2015 only)
  - Prosthetics Providers (newly enrolling on or after August 1, 2015 only)
- Federal regulations also require that any provider that meets one of the following criteria be classified as high risk:
  - Has had a payment suspension based on a credible allegation of fraud, waste, or abuse since 8/1/15;
  - Excluded by OIG or another state Medicaid program within the past 10 years;
  - Has a qualified overpayment and is enrolled or revalidated on or after August 1, 2015; or
  - In a provider type that was previously subject to an enrollment moratorium and applies to enroll during the first six months after the moratorium is lifted.

### **Notification and Process**

Providers will receive written notification from MassHealth that they and/or their owners are required to be fingerprinted through the Statewide Fingerprint Identification Services (SAFIS) for a fingerprint-based check of state and national criminal history databases. Each person is required to schedule an appointment and have their fingerprints scanned within 30 days of notification. Providers must ensure that each of their qualifying owners have an appointment within this timeframe.

*(continued on next page)*

**MassHealth  
All Provider Bulletin 267  
April 2017  
Page 2**

The notification letter will include information on how to schedule an appointment. Appointments can be scheduled by visiting the MorphoTrust USA Identogo® website at: <http://www.identogo.com/FP/Massachusetts.aspx>. The website contains information about the fingerprint services, locations, hours of operation, and acceptable forms of identification. Alternatively, individuals may schedule an appointment by calling **(866) 349-8130**.

The appointment has been scheduled when the individual receives a registration ID number from MorphoTrust. Each individual should bring this ID number to the appointment. Failure to have the fingerprints of each individual on the notification letter scanned within thirty (30) days may result in denial of an enrollment application or termination of enrollment with MassHealth. In addition, if providers or their owners are found to have an unsuitable criminal history, the MassHealth agency may deny their enrollment application or terminate their MassHealth enrollment. To avoid a denial or termination, providers may be required to remove any owners who fail to have their fingerprints scanned within 30 days, or are found to have a criminal history unacceptable to the MassHealth agency.

### **Background Check Results**

Any criminal history the MassHealth agency finds unsuitable will be shared with the individual provider or the individual owner who has the criminal record. Providers/owners with such a criminal history will have an opportunity to correct errors in their records. When scheduling the appointment, each person will be asked to check a box to acknowledge that they have been notified of the procedures to challenge the accuracy or completeness of their criminal history record, which are set forth in Title 28 CFR 16.34. Copies of these procedures can be downloaded from <https://www.fbi.gov/file-repository/challenge-brochure.pdf/view> and the DCJIS website at <http://www.mass.gov/cjis/>.

### **Questions**

If you have any questions about the information in this bulletin or about obtaining your criminal history record results, please contact the MassHealth Customer Service Center at 1-800-841-2900, e-mail your inquiry to [providersupport@mahealth.net](mailto:providersupport@mahealth.net), or fax your inquiry to 617-988-8974.