



Magellan Compliance Notebook- September, 2015

Magellan Behavioral Health of Pennsylvania, Inc. (Magellan) strives to be proactive and use education as a preventative tool to help ensure our members receive the highest quality of care through you, the provider. The Compliance Department at Magellan is committed to sending monthly e-mails to targeted providers regarding a Compliance-related subject.

This e-mail communication is specific to your HealthChoices (Pennsylvania Medicaid) Contract with Magellan.

This month we'd like to ensure that providers are aware of changes to the law which may impact the way you secure background clearances for staff. *As a reminder, Magellan cannot interpret the law for providers. If you seek additional guidance or feedback regarding these changes, please consult legal counsel.*

Effective December 31, 2014, the newly revised Child Protective Services (CPS) Law took effect (https://www.psb.org/wp-content/uploads/2014/11/CPSL-effective_123114.pdf). Based on the revised CPS Law, the following items should be included as part of an agency's Employment/Clearances Policy and Procedure:

- Employees having contact with children must obtain the following three certifications:
 - Report of criminal history from the Pennsylvania State Police (PSP);
 - Child Abuse History Certification from the Department of Human Services (Child Abuse); and
 - Fingerprint based federal criminal history submitted through the Pennsylvania State Police or its authorized agent (FBI).
- If currently employed by the agency prior to Dec 31, 2014, you are required to obtain updated certifications as follows:
 - By Dec. 31, 2015, if the certification is older than 60 months; or
 - By Dec. 31, 2015, if you have not received certification (because you were employed in the same position and were not required to obtain certifications under prior law).
- Beginning July 1, 2015, all certifications must be renewed every 60 months.
- For new hires, a provisional hiring period is allowed but the following conditions must be met:

- The applicant has applied for the three required certifications and they provide a copy of the completed forms to their employer.
 - The employer has no knowledge of information pertaining to the applicant which would disqualify him from employment.
 - The applicant swears or affirms in writing that he is not disqualified from employment pursuant to the grounds for denying employment in § 6344 (c) or has not been convicted of an offense of a similar nature to those crimes under the laws or former laws of the United States, or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this commonwealth.
 - The applicant is not permitted to work alone with children and must work in the immediate vicinity of a permanent employee.
- Nothing prohibits an employer or person responsible for a program, activity or service from making employment, discipline or termination decisions or establishing additional standards.

Please note that the items listed above represent only selected components of the recently revised CPS law that may impact the hiring and ongoing verification process for employees and contracted staff. We recommend reviewing the entire law in full. Magellan will expect that provider policies correspond to these changes in the law and that a review of HR records would reflect compliance. This will be monitored during routine and targeted audits; and credentialing reviews conducted by Magellan.

At Magellan, we will continue to educate our providers with updated MA Bulletins, Regulations and other pertinent information in order to ensure Compliance.

Thank you for your ongoing hard work and dedication to our members!

Magellan of Pennsylvania's Compliance Team

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