



OIG Releases Report on Home Health Agency Background Checks

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The Department of Health and Human Services, Office of Inspector General (OIG) released a report last week addressing employee background checks by home health agencies. The OIG found that all of the sampled home health agencies conducted background checks of various types on prospective employees, and approximately half also conducted periodic background checks after the hire date. The OIG recommended that the Centers for Medicare & Medicaid Services (CMS) promote minimum standards in background check procedures.

The OIG noted in its report that there are no federal laws or regulations that require home health agencies to conduct background checks on prospective or current employees. However, as a condition of Medicare participation, home health agencies must comply with state laws. State requirements for background checks vary with respect to what types of convictions prohibit employment, which positions require background checks, and what sources of information must be checked. The OIG conducted the study in response to a congressional request to explore whether criminal convictions of home health agency employees should have (according to state requirements) disqualified the employees from home health agency employment.

The OIG conducted the study by requesting data from a sample of Medicare-certified home health agencies regarding all individuals they employed on January 1, 2014. The OIG compared the employee information with Federal Bureau of Investigation (FBI) records. The OIG also carefully reviewed six employees who had convictions for crimes against persons in the prior five years and/or were registered sex offenders.

The OIG found that all of the sampled home health agencies conducted some type of background check on proposed employees. Approximately half of the sampled home health agencies also conducted periodic employee background checks after the hire date. 83 percent of home health agencies conducted background checks on all prospective employees, while 9 percent conducted background checks only on direct-care employees. The remaining 8 percent conducted background checks on a specific group of employees (such as unlicensed direct-care staff). 72 percent of the sampled home health agencies did not allow employees to begin working before the background check was completed.

The OIG found that 4 percent of home health agency employees had at least one criminal conviction. Of the employees with convictions, 36 percent had convictions for crimes against property, and 12 percent had convictions for crimes against persons. About half of the sampled home health agencies employed at least one individual with a criminal conviction. However, the OIG noted that the FBI's criminal history records were not detailed enough for the OIG to determine whether the employees with criminal convictions should have been disqualified from home health agency employment.

The OIG's in-depth review of the six employees who had convictions for crimes against persons in the prior five years and/or were registered sex offenders revealed that three of the individuals' convictions did not disqualify them from home health agency employment in their states. The other three employees had convictions for crimes against persons that appeared to disqualify them from employment in home health agencies in their states.

The OIG concluded its report by recommending that CMS promote minimum standards in background check procedures for home health agencies. CMS concurred with the OIG's recommendation and stated that it encourages states to participate in the National Background Check Program.

Please click [here](#)¹ to access the complete report.

¹ <http://oig.hhs.gov/oei/reports/oei-07-14-00130.pdf>.

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