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OIG PUBLISHES FINDINGS OF NURSE AIDE CRIMINAL HISTORY INVESTIGATION

As part of the Patient Protection and Affordable Care Act (PPACA), the Office of the Inspector General (OIG) was mandated to submit a report to Congress evaluating the Nationwide Program for National and State Background Checks on Direct Patient Access Employees of Long Term Care Facilities and Providers (commonly referred to as the "Background Check Program", herein the "Program"). The OIG recently published the findings of the first year of this investigation, establishing a baseline figure for future years.

The Program is implemented as a voluntary program states may adopt to improve the quality of background checks on direct patient access employees. Should a state adopt this Program, the costs are offset by federal grants. The Program is administered by the Centers for Medicare & Medicaid Services (CMS) in cooperation with the Federal Bureau of Investigation (FBI). Up to \$160 million in federal funds are available for this Program. As of September 2012, 19 states have received grants through this Program.

In September 2011, the OIG requested a roster from each participating state's nurse aide registry of any aides who received a substantiated finding of abuse, neglect, and/or misappropriation of property during 2010. From this roster, the OIG performed an FBI background check on each nurse aide.

As a result of their FBI background check, the OIG discovered 19% of nurse aides with substantiated findings had at least one conviction in their criminal history records prior to their substantiated finding. Among these nurse aides, the most common conviction (53 percent) was for crimes against property (e.g., burglary, shoplifting, and writing bad checks).

They also determined whether nurse aides with each type of substantiated finding were more likely to have certain types of convictions. They found that nurse aides with substantiated findings of either abuse or neglect were 3.2 times more likely to have a conviction of crime against persons than nurse aides with substantiated findings of misappropriation, and nurse aides with substantiated findings of misappropriation were 1.6 times more likely to have a conviction of crime against property than nurse aides with substantiated findings of abuse or neglect.

The goal of this Program is to reduce the number of incidents of abuse, neglect, and misappropriation of resident property. These figures should provide a baseline for the mandated report on the extent to which nurse aides with substantiated findings of abuse, neglect, and/or misappropriation had previous criminal convictions that could have been detected through background checks and the nature of such convictions.

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