



Center for Clinical Standards and Quality/Survey & Certification Group

Ref: S&C: 13-12- NH

DATE: May 28, 2013

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: Notice -Ninth Opportunity National Background Check Program Funding Revised

Memorandum Summary

- **Notice:** The Centers for Medicare & Medicaid Services (CMS) will revise the ninth solicitation for the National Background Check Program (NBCP) for any States or U.S. Territories that were unable to meet the previous deadline for submitting their applications under the previous solicitation.
- **Application Deadline:** Applications will be accepted on a flow basis and acted on every 30 days.

Overview

The CMS will revise the ninth multi-year *National Background Check Program for Patient Protection* solicitation for Federal matching grants to all States and the U.S. Territories that did not submit proposals during previous solicitations. States that applied during the previous solicitations, but did *not* receive the full award amount may apply for the remaining amount allowed under the provisions of the law at section 6201 of the Affordable Care Act. The Federal matching funds and State funds will be used by States to perform criminal background checks for direct patient access employees of long-term care facilities and providers. CMS received applications from 26 States and Territories that met the time frame for submitting a proposal under the first eight solicitations. To date, 24 States have been awarded grants.

The nationwide program will identify efficient, effective and economical procedures for long term care facilities and providers to conduct background checks on prospective direct patient/resident access employees. Eligible facilities and providers include skilled nursing facilities, nursing facilities, home health agencies, hospice care providers, long-term care hospitals, personal care service providers, adult day care providers, residential care providers, assisted living facilities, intermediate care facilities for individuals with intellectual disabilities and other entities that provide long-term care services, as specified by each participating State.

The State Office of the Governor, State Medicaid Agency, or the State Survey Agency may apply for funding under this grant opportunity. In order to participate in this nationwide program, a State must guarantee that it will make available non-Federal funds to cover a portion of the cost to be incurred by the State to carry out the Program in their State. The participating State must make available non-Federal contributions as a condition of receiving the Federal match under this Agreement. CMS will provide Federal grant funds to each newly participating State that enters into this Agreement with CMS at a rate which will be three times the amount that the State guarantees, not to exceed \$3 million dollars in Federal funds from the beginning of the award period through a 36-month project/budget period. For States that previously participated in the Pilot Program (2004-2007), funding may not exceed \$1.5 million dollars. States may use civil monetary penalty funds to meet state match requirements.

Ninth Opportunity for States to Apply

The ninth solicitation for the NBCP will be revised soon and applications will be acted on every 30 days. **We encourage all States that have not applied to take this opportunity to participate.** The ninth opportunity will be particularly useful to those States that have been considering the potential for an effective background check program to ensure a quality long-term care workforce, but needed more time to work with all State level interested parties. Additionally, for States that have identified issues that would impact their ability to implement the program, CMS is available to work individually with those States that are interested in applying.

The Nationwide Program for National and State Background Checks for Direct Patient Access Employees of Long Term Care Facilities and Providers solicitation will be posted at: <http://www.grants.gov>.

Information about the National Background Check Program will be updated periodically. In the meantime, States may wish to review the solicitation, as well as the Questions and Answers document and Pilot Evaluation located on our CMS website at: <http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/BackgroundCheck.html>

If you have any questions about this upcoming opportunity, you may contact Background Check Program staff via the mailbox at background_checks@cms.hhs.gov. We hope you will consider becoming a part of this important new Federal and State partnership opportunity to enhance the safety and quality of care for our nation's long-term care population.

Effective Date: Immediately. This policy should be shared with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/

Thomas E. Hamilton

Page 2 – State Survey Agency Directors

cc: Survey and Certification Regional Office Management