

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

Subject	Requirement	Reference	Vendor Compliance
Prevention and Detection of Fraud, Waste, and Abuse	Providers must have policies and procedures that educate all staff upon hire and annually on the False Claims Act and state law regarding fraud, waste, and abuse; explain whistleblower protections; provide a process to report fraud, waste, and abuse; and established internal audit controls.	<ul style="list-style-type: none"> • Federal Deficit Reduction Act of 2005 • MassHealth regulations at Code of Massachusetts Regulations (CMR) 130 450.205(F)(1), and 130 450.223(c)(7) 	
Personnel Policies and Procedures	<p>Provider must have adequate written policies and procedures for accounting, management and personnel activities, including but not limited to conflict of interest and nepotism policies</p> <p>Including training, orientation, supervision and performance evaluation, work rules, employee benefits</p>	<ul style="list-style-type: none"> • Commonwealth Terms and Conditions for Human and Social Service Providers • EOEA Provider Agreement 	
Prohibition on fees and gratuities	Employees are prohibited from accepting gifts or gratuities of more than token value, or cash of any value, from consumers or caregivers.	<ul style="list-style-type: none"> • EOEA Provider Agreement 	

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

Consumers as Research Subjects	Bars research, experimentation, surveys, market research, or similar research or experimentation that would affect any consumers of EOEA without written permission.	<ul style="list-style-type: none"> EOEA Program Instruction (PI)-03-17 	
Confidentiality	Must account for safety of info removed from office (e.g., consumer info for direct care staff)	<ul style="list-style-type: none"> Health Insurance Portability Act (HIPAA) HIPAA Business Associates Agreement (for providers that are not considered Covered Entities under HIPAA) EOEA Provider Direct business rules EOEA Program Instruction (PI)-97-55 Commonwealth of MA, Executive Order 504 201 Code of Mass Regulation (CMR) 17.00 EOEA Provider Agreement-Page 4 	
Quality Assurance	<ul style="list-style-type: none"> Quality Assurance Plan Complaint procedures/log 	<ul style="list-style-type: none"> EOEA Provider Network QA Manual 	

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

Non-discrimination			
Non-discrimination in service delivery and employment	<ul style="list-style-type: none"> Prohibits discrimination on the basis of race, color, religion, age, creed, sexual orientation, genetic information, disability ancestry, veteran status, and national origin in programs and activities receiving federal financial assistance. Prohibits discrimination in service delivery for recipients of federal, state or local public assistance or housing subsidies. Prohibits employment discrimination towards any person over the age of forty. 	<ul style="list-style-type: none"> EOEA Provider Agreement- Page 5, 6, 13 Title II and VI of the Civil Rights Act of 1964 Mass General Laws (MGL) c. 151B § 4 subsections 1, 1A, and 1B Mass General Laws (MGL) c.151B § 4 subsection 10 Mass General Laws (MGL) c.149, § 24A 	Providers do not need a policy for each of the requirements in this section. One global policy for non-discrimination in hiring and service delivery that references all protected classes in Massachusetts.

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

<p>Non-discrimination in service delivery and employment</p>	<ul style="list-style-type: none"> • Requires employers with federal contracts or subcontracts that exceed \$10,000, and contracts or subcontracts for indefinite quantities (unless the purchaser has reason to believe that the cost in any one year will not exceed \$10,000), to take affirmative steps to hire, retain, and promote qualified individuals with disabilities • No otherwise qualified individual with a disability, shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance • Guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications. • Equal opportunity and diversity shall be protected and affirmatively promoted in all state, state-assisted, and 	<ul style="list-style-type: none"> • EOEA Provider Agreement • Executive Order 526 • Section 503 of the Rehabilitation Act of 1973 • Section 504 of the Rehabilitation Act of 1973 • Americans with Disabilities Act (ADA) • Affirmative Action/Equal Employment Opportunity (AA/EEO) 	
--	--	---	--

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

	state-regulated programs, activities, and services.		
AIDS/HIV	<p>Policies must:</p> <ul style="list-style-type: none"> • Prohibit discrimination against persons with HIV/AIDS; • Ensure information concerning HIV/AIDS status is not apparent or accessible, not released without specific written consent. 	<ul style="list-style-type: none"> • Homemaker Standards, Section I • Americans with Disabilities Act (ADA); MGL c. 151B; MGL c. 111 § 70F • Provider Agreement- Page 14, 15 	

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

Recruitment/Hiring			
Office of the Inspector General's List of Excluded Individuals and Entities	<ul style="list-style-type: none"> Screen all contractors, employees, and applicants using the Office of the Inspector General's List of Excluded Individuals and Entities (OIG LEIE) before hire and monthly thereafter. Report discovered exclusions to the EOHHS Compliance Office Develop auditable documentation of when these procedures are performed. 	<ul style="list-style-type: none"> MassHealth All Provider Bulletin 196 https://exclusions.oig.hhs.gov/ 	
Criminal Offender Record Information (CORI)	<ul style="list-style-type: none"> All applicants must be CORI checked in accordance with the policies of EOHHS. CORI results must be kept in a separate file; employee records should contain proof of CORI check (not results). 	<ul style="list-style-type: none"> EOEA Program Instruction (PI)-09-19 EOEA Provider Agreement- Page 9 	
Service Provision			
Reportable Incidents	<u>Report immediately:</u> <ul style="list-style-type: none"> Elder abuse (Protective Services) Absence from home <u>Report to ASAP same day:</u>	<ul style="list-style-type: none"> EOEA Provider Network QA Manual EOEA Homemaker Standards 	

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

	<ul style="list-style-type: none"> • Hospitalization • Addition/loss of household member • Alleged theft • Alleged breakage of property • Injury to consumer/worker • Consumer complaint <p><u>Report to ASAP w/in 24 hours:</u></p> <ul style="list-style-type: none"> • New consumer address, name, telephone number • New MD • New diagnosis • Employee complaint 		
Service Coordinator Guidelines	<ul style="list-style-type: none"> • Is professional and courteous • Is candid about service availability • Is flexible regarding special requests • Accepts or rejects cases by end of next business day (with the exception of cluster arrangements, where referrals are always accepted) • Initiates service promptly • Returns telephone calls as soon as possible – in no more than 1 business day • Returns written correspondence within 	<ul style="list-style-type: none"> • EOEa Provider Network QA Manual 	<p>Policies for guidelines not strictly required. Orientation materials/policies should reflect these standards.</p> <p>Standards may not apply to all types of NHM providers.</p>

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

	<p>designated time period to ASAP</p> <ul style="list-style-type: none"> • Calls consumer each time employee cancels • Notifies ASAP of variations in service from written authorization 		
Consumer Not at Home	<ul style="list-style-type: none"> • Worker uses best efforts to gain access • Worker contacts coordinator by phone • Coordinator calls consumer, then emergency contact(s) • Coordinator calls care manager 	<ul style="list-style-type: none"> • EOEPA Provider Network QA Manual 	May not apply to all types of NHM providers (e.g., Environmental Accessibility Adaptations).
Emergencies in the home	<p>Policy must include:</p> <ul style="list-style-type: none"> • Accessing emergency services • Contacting coordinator • Assisting consumer in the event of a fall • Assisting consumer in the event of fire, CO or smoke emergencies • Orienting staff to emergency procedures 	<ul style="list-style-type: none"> • EOEPA Provider Agreement- Attachment A 	May not apply to all types of NHM providers.
Theft, loss, damage of consumer property	<p>Policy must include:</p> <ul style="list-style-type: none"> • Report to ASAP immediately • Conduct internal investigation • Provide ASAP with written report 	<ul style="list-style-type: none"> • EOEPA Provider Agreement- Attachment A 	

OVERVIEW OF ASAP CONTRACTED PROVIDER REQUIREMENTS

Non-Compete Agreement	The Provider may not require any current or prospective direct care worker to agree to a non-compete clause as a condition of employment. As used in this paragraph, a non-compete clause is any contractual provision that attempts to preclude the employment of or impose restrictions on the employment of a direct care worker by another Home Care Program provider.	<ul style="list-style-type: none">• EOEA Provider Agreement- Page 31	