

## Medicare Diabetes Prevention Program (MDPP) Expanded Model

### Fingerprinting Frequently Asked Questions (FAQs)

#### FINGERPRINTING

**Q: When and why were fingerprint-based background checks for certain Medicare providers and suppliers implemented?**

**A:** Fingerprint-based background checks were implemented as part of the enhanced enrollment screening provisions required by Section 6401 of the Affordable Care Act. To implement this requirement, CMS published a final rule with comment period, entitled, “Medicare, Medicaid, and Children’s Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers” (CMS-6028-FC) in the February 2, 2011 “Federal Register.” The fingerprint-based background check implementation has been phased in beginning in 2014. The fingerprint-based background check must be completed on all providers or suppliers that are designated under the high-risk screening category for all individuals with a 5 percent or greater direct or indirect ownership interest in a Medicare-enrolled provider or supplier.

**Q: Does the fingerprint-based background checks apply to MDPP suppliers?**

**A:** Yes. The calendar year (CY) 2017 Medicare Physician Fee Schedule (PFS) designated MDPP suppliers as “high” categorical risk. For more information visit: <https://www.cms.gov/outreach-and-education/medicare-learning-network-mln/mlnmattersarticles/downloads/se1417.pdf>.

**Q: When would individuals of an organization (applying to be an MDPP supplier) have to submit fingerprints?**

**A:** In the [CY 2017 Medicare PFS Final Rule](#), CMS finalized a rule that organizations applying to be MDPP suppliers are designated under the high-risk screening category. Suppliers under the high-risk screening category must submit fingerprints for a national background check for all individuals who maintain a 5percent or greater direct or indirect ownership interest in the provider or supplier. Therefore, all individuals with a 5 percent or greater direct or indirect ownership interest in an organization applying to be an MDPP supplier must submit fingerprints upon request of the Medicare contractor as a part of their enrollment application.

**Q: How does CMS define an “owner”?**

**A:** As laid out in 424 CFR 424.502, an owner means any individual or entity that has any partnership interest in, or that has 5 percent or more direct or indirect ownership of the provider

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or supplier as defined in sections 1124 and 1124A(A) of Social Security Act. The Act defines the term “person with an ownership or control interest”, with respect to an entity, as a person who—

- has directly or indirectly an ownership interest of 5 per centum or more in the entity; or
- is the owner of a whole or part interest in any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by the entity or any of the property or assets thereof, which whole or part interest is equal to or exceeds 5 per centum of the total property and assets of the entity; or
- is an officer or director of the entity, if the entity is organized as a corporation; or
- is a partner in the entity, if the entity is organized as a partnership.

For further information on owners and ownership interest, please refer to Chapter 15, sections 15.5.5 and 15.5.6 of Pub 100-08, the Medicare Program Integrity Manual.

**Q: Do shareholders of publicly traded companies need to submit fingerprints?**

**A:** Shareholders of publicly traded companies would need to submit fingerprints only if they owned 5 percent or more of the shares.

**Q: Would every organization have an individual that meets the definition of “ownership or investment interest?”**

**A:** Depending on the ownership structure, there may not be any individual who meets this definition. For example, non-profit organizations (NPOs) generally do not have owners and typically only have individuals with managing control. In this scenario, NPOs typically only disclose their board of trustees or other governing body, as noted in the Program Integrity Manual, Pub 100-08 15.2.F. These individuals are considered managing members, but not considered owners, and therefore, would not be subject to the fingerprint requirement.

**Q: Who will evaluate whether an applicant has an individual who meets the definition of “ownership or investment interest?”**

**A:** The Medicare Administrative Contractors (MACs) will evaluate whether the applicant has an individual who meets this definition based on the information and supporting documentation that are submitted in an MDPP supplier’s enrollment application (e.g., non-profit organizations are required to submit a copy of 501(c)(3) forms to verify their non-profit status).

**Q: If I believe that I or individuals in my organization meet the definition of an owner, when do I submit fingerprints? Along with my application?**

**A:** Organizations interested in applying for MDPP supplier enrollment will complete the appropriate enrollment application and may submit fingerprints at the request of the Medicare Administrative Contractors (MACs) during the application process. MACs will then evaluate whether the applicant has an individual who meets this definition based on what is submitted in their enrollment application and will send fingerprint requests to the applicant based on this evaluation.

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**Q: Do coaches have to be fingerprinted as well?**

**A:** No. Coaches do not have to be fingerprinted unless a coach also qualifies as having a 5 percent or greater direct or indirect ownership interest in the MDPP supplier.

**Q: How much does fingerprinting cost, and who pays for it?**

**A:** The relevant individuals who are required to undergo the fingerprint-based background check will incur the cost of having their fingerprints taken, and the cost may vary depending on location. Any cost associated with conducting a background check on the submitted fingerprints are borne by CMS.

**Q: If the MACs determine that I must submit fingerprints, where can I find step-by-step fingerprinting instructions?**

**A:** Please visit <http://www.cmsfingerprinting.com/>. This site will direct you to the procedures to follow and assist you in finding a fingerprint collection site.

**Q: Where can I find additional information on fingerprinting?**

**A:** Please visit <https://www.cms.gov/outreach-and-education/medicare-learning-network-mln/mlnmattersarticles/downloads/se1417.pdf>, or contact your MAC at their toll-free number, which may be found at <https://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/Review-Contractor-Directory-Interactive-Map/>.

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