

1915(i) PROVIDER ENROLLMENT AND CRIMINAL BACKGROUND SCREENING

PURPOSE

This policy explains the criminal screening background process and how it affects applicants seeking to enroll with ND Medicaid to provide 1915(i) services and supports.

APPLICABILITY

This policy applies to all 1915(i) providers.

A provider who has been enrolled with 1915(i) prior to the effective date of this policy, who has been found guilty of, pled guilty to, or pled no contest to, an offense considered to have an effect on the provider's ability to be enrolled with the 1915(i) program may continue to be enrolled if the individual has had no subsequent direct-bearing felony offenses and the department was aware of the criminal offense and approved enrollment as a 1915(i) provider prior to the effective date of this policy.

DEFINITIONS

Conviction – means found guilty in a court of law of a criminal offense.

Direct-bearing conviction – means a felony conviction listed in this policy that directly relates to the potential provider's fitness or ability to perform one or more duties or responsibilities necessary to the position.

Provider enrollment – means the process of applying with ND Medicaid to become a provider of Medicaid services.

Screening – means the process of reviewing an applicant or provider's criminal background or history.

CRIMINAL CONVICTION DISCLOSURE REQUIREMENTS

Provider applicants are required to disclose all felony convictions.

CRIMINAL BACKGROUND SCREENING

A criminal background screening will be conducted for all 1915(i) provider applicants enrolling with ND Medicaid. If undisclosed direct-bearing felony criminal convictions are discovered during the screening process, the provider applicant may be denied enrollment.

RESULTS OF CRIMINAL BACKGROUND SCREENING

Convictions are either considered direct-bearing or non-direct-bearing as described below.

DIRECT-BEARING FELONY CONVICTIONS

Convictions involving an act or threat of harm against another individual have a direct bearing on the fitness or ability of the applying provider to serve 1915(i) members. These criminal convictions pose a reasonable threat to public safety, health, or welfare.

The following North Dakota Century Code (N.D.C.C.) **felony convictions** are direct-bearing offenses:

Chapter

12.1-16, homicide

Effective Date: February 01, 2025

ND Medicaid 1915(i) Policy

- 12.1-16-01: Murder
- 12.1-16-02: Manslaughter
- 12.1-16-03: Negligent Homicide
- 12.1-16-04: Assisting the commission of or causing death by suicide

12.1-17, assaults - threats - coercion - harassment

- 12.1-17-01: Simple Assault
- 12.1-17-01.1: Assault
- 12.1-17-01.2: Domestic Violence
- 12.1-17-02: Aggravated Assault
- 12.1-17-03: Reckless Endangerment
- 12.1-17-04: Terrorizing
- 12.1-17-04.1: Domestic Terrorism
- 12.1-17-07.1: Stalking
- 12.1-17-09: Killing or injury of law enforcement support animal, if a class C felony under subsection 1.
- 12.1-17-11: Contact by bodily fluids or excrement, if a class C felony under subsection 3.
- 12.1-17-12: Assault or homicide while fleeing a peace officer
- 12.1-17-14: Forced or coerced abortion, if a class C felony under subsection 2.

12.1-18, Kidnapping

- 12.1-18-01: Kidnapping
- 12.1-18-02: Felonious Restraint
- 12.1-18-05: Removal of child from state in violation of custody decree.

12.1-27.2, sexual performances by children

- 12.1-27.2-02: Use of a minor in a sexual performance
- 12.1-27.2-03: Promoting or Directing an obscene sexual performance by a minor
- 12.1-27.2-04: Promoting a sexual performance by a minor
- 12.1-27.2-04.1: Possession of certain materials prohibited

12.1-41, Uniform Act on Prevention of and Remedies for Human Trafficking

- 12.1-41-02: Trafficking an individual
- 12.1-41-03: Force labor
- 12.1-41-04: Sexual servitude or activity
- 12.1-41-05: Patronizing a victim of sexual servitude
- 12.1-41-06: Patronizing a minor for commercial sexual activity

Section

- 12.1-20-03, Gross sexual imposition
- 12.1-20-03.1, Continuous sexual abuse of a child
- 12.1-20-04, Sexual imposition
- 12.1-20-05, Corruption or solicitation of minors, if a class C felony under subsection 2 or subsection 3
- 12.1-20-06, Sexual abuse of wards
- 12.1-20-06.1, Sexual exploitation by therapist
- 12.1-20-07, Sexual assault; as defined under subsection 2(a)
- 12.1-22-01, Robbery
- 12.1-22-02, Burglary, if a class B felony under subdivision b of subsection 2

ND Medicaid 1915(i) Policy

- 12.1-23-11, Unauthorized use of personal identifying information, if a felony under subsection 2, or if it is a second offense felony under subsection 3
- 12.1-24-01, Forgery or counterfeiting, if a felony under subsection 2(a) or 2(b)
- 12.1-24-03, Deceptive writings, if a felony under subsection 2(a) or 2(b)
- 12.1-29-01, Promoting prostitution, if a class C felony under subsection 2
- 12.1-29-02, Facilitating prostitution
- 12.1-31-05, Child procurement
- 12.1-31-07, Endangering a vulnerable adult
- 12.1-31-07.1, Exploitation of a vulnerable adult, if a felony under subsection 2(a-c)
- 26.1-02.1-02.1, Fraudulent insurance acts, subsection 1

Any felony offense under the laws of another jurisdiction which requires proof of substantially similar elements as required for conviction under any of the enumerated North Dakota statutes.

SUFFICIENTLY REHABILITATED

An applicant is sufficiently rehabilitated if there are no subsequent felony direct-bearing convictions occurring during a five-year period after final discharge or release from any term of probation, parole, or other form of community corrections, or imprisonment for a direct-bearing felony conviction as listed above. Applicants with a subsequent direct-bearing felony conviction will be denied enrollment until they are sufficiently rehabilitated per this policy. If an applicant has multiple direct-bearing felony convictions, the date of rehabilitation is determined based on the most recent direct-bearing felony conviction.

NON-DIRECT BEARING CONVICTIONS

Any other felony convictions, not identified in this policy, where a provider applicant has been found guilty of, pled guilty, or pled no contest to, are considered non-direct-bearing and do not impact application or rehabilitation determinations. All misdemeanor convictions are considered non-direct-bearing convictions and do not impact application or rehabilitation determinations.

ENROLLED PROVIDER CONVICTIONS

Criminal background screenings may be conducted by ND Medicaid on enrolled providers and applicants.

Providers must report to ND Medicaid any direct-bearing felony convictions that occur during the provider enrollment period. Failure to report or disclose a direct-bearing felony conviction to ND Medicaid will result in termination of provider enrollment.

If an enrolled provider is convicted of any direct-bearing felony, as listed in this policy, during the provider enrollment period, the enrollment will be terminated by ND Medicaid. A terminated provider will have an opportunity to reenroll with ND Medicaid if deemed sufficiently rehabilitated under this policy.

DENIAL OF ENROLLMENT APPLICATION

ND Medicaid may decline an application to become a Medicaid 1915(i) provider for reasons listed in [North Dakota Administrative Code \(N.D.A.C.\) section 75-02-05-04.1](#).

ND Medicaid 1915(i) Policy

ND MEDICAID PROVIDER ENROLLMENT APPEALS

[N.D.A.C. section 75-02-05-09\(4\)](#) says a provider may appeal a decision to deny enrollment or terminate provider enrollment by filing a written appeal with the Department of Health and Human Services (Department) within fifteen days of the date of the written notice of the denial or termination.

Upon receipt of a timely appeal, an administrative hearing may be conducted in the manner provided in [N.D.A.C. Chapter 75-01-03](#). A provider who receives notice of denial and requests a timely review of that decision is not eligible to provide services until a final decision has been made by the Department that reverses the decision denying the application.

FAQs

Q: What if a provider applicant has multiple felony convictions?

A: Determine if the provider applicant has any direct-bearing felony convictions.

If there are multiple direct-bearing felony convictions, look to the most recent conviction and determine whether there has been a five-year period after final discharge or release from any term of probation, parole, or other form of community corrections, or imprisonment for any direct-bearing felony conviction. If the five-year period has been completed, then the provider applicant will be deemed “Sufficiently Rehabilitated.”

If there are no direct-bearing felony convictions, the provider applicant does not have to be determined “Sufficiently Rehabilitated” as non-direct-bearing felony convictions impact provider applicant enrollment.