

BULLETIN

Date: February 6, 2025
To: All Comprehensive and Supports Waiver Providers
From: Elizabeth Forslund, Home and Community-Based Services Section Administrator
Subject: DD Waiver Background Screening Barrier Crimes
Ref: **EF-2025-B01**

This bulletin provides clarification from the Wyoming Department of Health, Division of Healthcare Financing, Home and Community-Based Services (HCBS) Section regarding background screening requirements for Comprehensive and Supports Waiver (DD Waiver) providers.

Chapter 45, Section 14(e)(iii) of Wyoming Medicaid rule contains a list of barrier crimes. If a provider, provider staff member, or participant-directed employee is convicted of one of these crimes, they do not meet the qualifications necessary to provide services to participants through the HCBS Waiver programs. If an individual who is 18 years of age or older and lives in a provider owned or operated residence is convicted of one of these crimes, services cannot be provided at that location. These barrier crimes are defined in detail in Wyoming Statute (W.S.):

- An Offense Against the Person, including but not limited to:
 - Homicide (W.S. 6-2-101);
 - Kidnapping (W.S. 6-2-201);
 - Sexual assault (W.S. 6-2-301);
 - Robbery and blackmail (W.S. 6-2-401);
 - Assault and battery (W.S. 6-2-501); and
 - Human trafficking (W.S. 6-2-701).
- An Offense Against Morals, Decency and Family, including but not limited to:
 - Bigamy (W.S. 6-4-401);
 - Incest (W.S. 6-4-402);
 - Abandoning or endangering children (W.S. 6-4-403);
 - Violation of order of protection (W.S. 6-4-404); and
 - Endangering children; controlled substances (W.S. 6-4-405).

Similar laws of any other state or the United States relating to these crimes are also considered barrier crimes.

In accordance with guidance from the Wyoming Attorney General's office, and further indicated in the DD Waiver agreements with the Centers for Medicare and Medicaid Services (Appendix C-2-a), all of the offenses listed in Chapter 2 and Chapter 4 of Wyoming Statute Title 6 are considered barrier crimes, even if the crime is not specifically listed in administrative rule. For example, Chapter 4, which addresses offenses against morals, decency, and family includes six specific articles. Every crime listed under each of the six articles is considered a barrier crime, including prostitution, public indecency, and promoting obscenity. To view the crimes listed under each Chapter, please visit the [Wyoming Statutes Public Access](#) webpage and select Title 6 – Crimes and Offenses.

Background screening requirements are as follows:

- A national name and social security number based criminal history database screening;
- A Department of Family Services Central Registry screening; and
- A United States, Department of Health and Human Services, Office of Inspector General List of Excluded Individuals/Entities database search.

The HCBS Section does not recommend a specific vendor for criminal history screenings; however, any vendor you use must base the screening on both the person's name and social security number. As an example, Direct Screening, which is a vendor that is linked to the HCBS Section website, offers a national background check and an enhanced national background check. Only the **enhanced** check includes the name **and** social security number in the search. Please ensure that your screenings meet the requirements. The Credentialing Team will reject background screenings that don't meet the screening criteria, and we certainly don't want providers to have to pay for an additional screening unnecessarily.

Anyone subject to a background screening must be rescreened every five years. If a provider or employer of record has knowledge or concern that an individual who is subject to a screening has been convicted of an offense that would cause them to fail a background screening, they must resubmit that employee's information for an updated background screening.

If you have questions regarding background screenings, please contact your [area Provider Credentialing Specialist or Incident Management Specialist](#).

EF/slp