

Docket No. A-2026-3061000

Always Create Goals - ACG LLC

Request for Information

1.) You failed to adequately answer all aspects of question #5 of the Verified Statement of Applicant. Please review Title 52 Pa Code §29.501-509 Driver Regulations to see what is required of motor carriers.

a. Your system for conducting criminal background checks; (Title 52 Pa Code §29.505 – Criminal History)

i. How often will you conduct criminal background checks? The answer you provided in your previous reply to the Commission's data request did not fully comply with the regulation found at Title 52 Pa Code §29.505(a)(2). Please provide a policy that complies with the aforementioned regulation.

ii. How will you maintain records (record retention) of the criminal background checks performed? The answer you provided in your previous reply to the Commission's data request did not fully comply with the regulation found at Title 52 Pa Code §29.505(a)(4). Please provide a policy that complies with the aforementioned regulation.

Criminal History Check

Always Create Goals - ACG LLC requires that all new employees undergo certain criminal and other background checks as a condition of employment. Always Create Goals - ACG LLC conducts a criminal background check on all applicants including drivers, office staff, agency management staff and administrators. Criminal history checks, and process shall be in compliance with Older Adult Protective Services Act.

Prior to hiring or permitting a person to act as a driver, we shall obtain a criminal history check.

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Administrative Director or designee shall request a criminal background check in compliance with the following:

1. Conduct or have a third party conduct a local and national criminal background check for each driver applicant. The background check shall include a multistate or multijurisdictional criminal records locator or other similar commercial nationwide database with primary source search validation and a review of the United States Department of Justice National Sex Offender Public Website.

ACG LLC shall disqualify an applicant convicted of certain crimes in accordance with the following:

- An applicant convicted of any of the following within the preceding seven years:

- o Driving under the influence of drugs or alcohol.

- o A felony conviction involving theft.

- o A felony conviction for fraud.

- o A felony conviction for a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

- An applicant convicted of any of the following within the preceding 10 years:

- o Use of a motor vehicle to commit a felony.

- o Burglary or robbery.

- An applicant convicted of any of the following at any time:

- o A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual

offenses and tier system) or a similar offense under the laws of another jurisdiction or under a former law of this Commonwealth.

- o A crime of violence as defined in 18 Pa.C.S. § 5702 (relating to definitions).

- o An act of terror.

2. Always Create Goals - ACG LLC shall obtain and review a driving history research report for the person from the Department of Transportation and other relevant sources. A person with more than three moving violations in the three year period prior to the check or a major violation in the three-year period prior to the check may not be Always Create Goals - ACG LLC driver. Driver may not have their driving privileges suspended or revoked. Not Disqualified to drive a commercial motor vehicle.

Always Create Goals - ACG LLC shall ascertain that all the requirements of this section are met before permitting a person to provide service as a driver.

The Administrative Director or designee will send the job applicant a letter to rescind the offer if the criminal history record reveals a prohibited conviction.

Always Create Goals - ACG LLC shall maintain files for drivers and members of the office staff which include copies of State Police criminal history records or Department of Aging letters of determination regarding Federal criminal history records. The files shall be available for Department of Health, Public Utility Commission, other regulatory bodies or contractual oversight.

Always Create Goals - ACG LLC shall maintain copies of criminal history report for Always Create Goals - ACG LLC owner, which shall be available for

Department of Health inspection.

Confidentiality: Always Create Goals - ACG LLC shall keep the information obtained from the Pennsylvania State Police criminal history records, Federal Bureau of Investigation and Department of Aging letters of determination regarding Federal criminal history records confidential in compliance with 055 Pa. Code § 52.15. Provider Record. The criminal background check obtained shall be used solely to determine an applicant's eligibility to be hired, rostered, or retained. All employee files shall be kept in a locked cabinet and only accessible to staff as needed to be able to complete their job functions.

D. EMPLOYEE SCREENING FOR EXCLUSION POLICY (LEIE, EPLS & MEDICHECK)

During the hiring process, the Human Resources manager or designee will screen all employees and contractors on the LEIE, EPLS, and DHS's Medi-check list to determine if they have been excluded from participation in Medicare, Medicaid or any other federal health care program. The screening will occur both before employing or contracting with them, and then monthly once they have been hired. The Manager will screen all employees, vendors, contractors, service providers, and referral sources whose functions are necessary for providing items and services to MA recipients and who are involved in generating a claim to bill for services or are paid by Medicaid. This includes individuals whose salaries are on a cost report submitted to the Department. The screening will be documented on the LEIE, EPLS and Medichcek Screening Form. Claims that have submitted for a staff person who was found to be

on an exclusion list will be voided by the agency. Services that have been rendered and not billed for yet, for a staff person who was found to be on an exclusion list will not be submitted for a claim. The agency will terminate contracts with the staff/contractor who was found to be on an exclusion list.

Examples of individuals or entities that must be screened for exclusion include, but are not limited to:

1. Individual or entity that provides a service for which a claim is submitted to Medicaid;
2. Individual or entity that causes a claim to be generated to Medicaid;
3. Individual or entity whose income derives all, or in part, directly or indirectly, from Medicaid funds;
4. Independent contractors if they are billing for Medicaid services;
5. Referral sources, such as providers who send a Medicaid recipient to another provider for additional services or second opinion related to medical condition.
6. Directors, billing agents, accountants, claims processors and other staff who perform services that is related to and paid, directly or indirectly, by a Medicaid program;
7. Pharmacists or other individuals who input prescription information for pharmacy billing or who are involved in filling prescriptions for drugs paid (in)directly by a Medicaid program;
8. Manufacturers or suppliers who sell items or equipment used in the care or treatment of recipients and paid (in) directly by a Medicaid program.

In accordance with DPW requirements, the exclusion check must be completed against at least three different databases:

- The List of Excluded Individuals/Entities (LEIE):

<http://oig.hhs.gov/fraud/exclusions.asp>

- The Pennsylvania Mediceck List:

<http://www.dpw.state.pa.us/learnaboutdpw/>

[fraudandabuse/mediceckprecludedproviderslist/S_001152,](http://www.dpw.state.pa.us/learnaboutdpw/fraudandabuse/mediceckprecludedproviderslist/S_001152)

On a monthly basis, The Human Resources manager or designee will check the EIE, EPLS, and DHS's Medi-check list for all employees and contractors to determine if they have been excluded from participation in Medicare, Medicaid or any other federal health care program.

The Manager will audit the LEIE, EPLS and Mediceck Screening Form monthly to ensure compliance and document the audit on the LEIE, EPLS and Mediceck Screening Form.

The Manager will organize the documents and share the specific results with the Administrative Director monthly. The screening results will also be shared with the program's managers after each screening.

The Administrative Director or designee will conduct self-audits to determine compliance with this requirement twice yearly.

If an exclusion of an employee or contractor is discovered, it must be reported immediately to the Bureau of Program Integrity. Communication may be via e-mail through the MA Provider Compliance form or by mail or fax.

Bureau of Program Integrity Commonwealth of Pennsylvania P.O. Box 2675

Harrisburg, PA 17105-2675 Fax: 1-717-772-4655 or 1-717-772-4638

E. Social Security Number Verification:

(1) The hiring of new employees is completed at first day of report.

staff verifies the employee Social Security Number on the Official Social Security Website to ascertain the SSN is real and belongs to the individual.

(2) Proof of verification will be filed in the employees personnel file.

(3) HR staff completes other employee identify verification in compliance with the Department of Homeland Security; US Immigration Service Form I-9, Employee Eligibility Verification.

(4) Social Security Number and other identify information verified shall kept confidential in compliance with 055 Pa. Code § 52.15. Provider Record.

I, **MARCUS CHRISTIE**, hereby state that the facts set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

MARCUS CHRISTIE

04/01/2026