



Missouri Department of Health and Senior Services

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MEMORANDUM FOR ALL HOME AND COMMUNITY BASED CARE PROVIDERS

FROM: Brenda F. Campbell, Director *Brenda F. Campbell*
Division of Senior and Disability Services

SUBJECT: Federal Work Authorization Program

This memorandum is to advise home and community based care providers of a new requirement regarding prohibition of employment of unauthorized aliens per Sections 285.525 through 285.555, RSMo which is effective January 1, 2009. Home and community based care providers recently received a Notice to Vendors regarding the federal work authorization program. The notice can be accessed at <http://oa.mo.gov/purch/vendorinfo/employ.pdf>.

As outlined in the Notice to Vendors, home and community based care providers are expected to enroll and participate in a federal work authorization program with respect to the employees who work in connection with contracted services. (The term 'contracted services' is defined as the services outlined in the participation agreement with the Department of Health and Senior Services.) Providers not currently enrolled with a federal work authorization program, must enroll in a qualified program as soon as possible. E-Verify, one of many qualifying programs, has information posted at <http://www.uscis.gov/portal/site/uscis>.

Providers will be required during the upcoming Annual Participation Agreement Application (formerly known as contract renewal) process to affirm enrollment and participation in a federal work authorization program as follows:

- The *Affidavit of Work Authorization* that will be included with the SFY10 Participation Agreement for Home and Community Based Care must be completed, notarized and returned to the Department as part of the required documentation.
- Affirmation of the Provider's enrollment and participation in a federal work authorization program with respect to employees who work in connection with the contracted services, must include one of the following:

www.dhss.mo.gov

Healthy Missourians for life.

The Missouri Department of Health and Senior Services will be the leader in promoting, protecting and partnering for health.

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER: Services provided on a nondiscriminatory basis.

- ✓ Two pages of the E-Verify Memorandum of Understanding (MOU) (Revised July 18, 2007):
 1. Valid, completed copy of first page identifying the Provider.
 2. Valid, completed copy of the signature page signed by an authorized representative of the provider, the Social Security Administration, and the Department of Homeland Security – Verification Division.

-OR-

- ✓ Signature page of the E-Verify Memorandum of Understanding (MOU) (Revision Date 10/29/08) completed and signed by provider and the Department of Homeland Security – Verification Division.

Home and community based care providers shall verify the employment eligibility of each “employee” in the employer’s hire or hired in the future. Providers shall retain a copy of all dated verification reports received from the federal government. The term “employee” includes any person (employees, contractors, subcontractors, independent contractors, contract employees, recruiting or staffing entities, personal care attendants, etc.) who performs work for hire in connection with the contracted services.

Home and community based care providers should not submit any documentation to the division at this time. Documentation will be required as part of the SFY10 Participation Agreement for Home and Community Based Care.

Any questions regarding this memorandum should be directed to HCS Provider Contracts via e-mail at ihcontracts@dhss.mo.gov or by phone at 573-522-8689.

BFC/JO

CC: Distribution Lists 3 & 4