

ATTACHMENT A-OWNERSHIP & CONTROL DISCLOSURE

Disclosing Entities (definition attached) must complete Section A. All providers (**except individual CDAC**) must complete Sections B and C (indicate “yes” or “no” in C). Only one form is required per tax id. **All providers must sign and date the form at the bottom.** Pursuant to Section 1.6 and Section 3 of the Provider Agreement, it is the provider’s responsibility to ensure all information is accurate and to report any changes immediately by completing a new Ownership and Disclosure form.

Provider Name		Date of Birth (if applicable)		
County/State/Country of Birth (if applicable)		Federal Tax ID or SSN		NPI Number
<p>A. Pursuant to 42 CFR sec. 455.104 and 455.105, <i>Disclosing Entities</i> (see attached definitions) must disclose below the following information. Please attach additional pages if necessary. Disclosure must be made at the time of contracting with the Department, at the time of survey, or within 35 days of request by the Department of the Secretary of HHS:</p> <p>(1) The name and address of each person with an ownership or control interest in the disclosing entity or in any subcontractor in which the disclosing entity has direct or indirect ownership of 5 percent or more;</p> <p>(2) Whether any of the persons named, in compliance with paragraph (1) is related to another as spouse, parent, child, or sibling.</p> <p>(3) The name of any other disclosing entity in which a person with an ownership or control interest in the disclosing entity also has an ownership or control interest. This requirement applies to the extent that the disclosing entity can obtain this information by requesting it in writing from the person.</p> <p>(4) The ownership of any subcontractor with whom the provider has had business transactions totaling more than \$25,000 during the 12-month period ending on the date of the request.</p> <p>(5) Any significant business transactions between the provider and any wholly owned supplier, or between the provider and any subcontractor, during the 5-year period ending on the date of the request.</p>				
<p>B. Pursuant to 42 CFR sec. 455.106, <i>Providers</i> (see attached definitions) must disclose below the identity of any person who:</p> <p>(1) Has ownership or control interest in the provider, or is an agent or managing employee of the provider named above, and</p> <p>(2) Has been convicted of a criminal offense related to that person’s involvement in any program under Medicare, Medicaid or the title XX services program since the inception of these programs:</p>				
<p>C. Parent/Joint Venture Information Is your organization a subsidiary company or joint venture? <input type="checkbox"/> No (You may skip this section) <input type="checkbox"/> Yes If yes, fill in the following information about your parent company/joint business.</p>				
Legal Business Name		Employer ID No		NPI Number
Business Street Address Line 1				
Business Street Address Line 2				
City		County	State	Zip
Phone Number		Fax Number		
Name (please print):				
Provider Signature:			Date:	

42 C.F.R. Sec. 455.101 Definitions.

Agent means any person who has been delegated the authority to obligate or act on behalf of a provider.

Disclosing entity means a Medicaid provider (other than an individual practitioner or group of practitioners), or a fiscal agent.

Other disclosing entity means any other Medicaid disclosing entity and any entity that does not participate in Medicaid, but is required to disclose certain ownership and control information because of participation in any of the programs established under title V, XVIII, or XX of the Act. This includes:

- (a) Any hospital, skilled nursing facility, home health agency, independent clinical laboratory, renal disease facility, rural health clinic, or health maintenance organization that participates in Medicare (title XVIII);
- (b) Any Medicare intermediary or carrier; and
- (c) Any entity (other than an individual practitioner or group of practitioners) that furnishes, or arranges for the furnishing of, health-related services for which it claims payment under any plan or program established under title V or title XX of the Act.

Fiscal agent means a contractor that processes or pays vendor claims on behalf of the Medicaid agency.

Group of practitioners means two or more health care practitioners who practice their profession at a common location (whether or not they share common facilities, common supporting staff, or common equipment).

Indirect ownership interest means an ownership interest in an entity that has an ownership interest in the disclosing entity. This term includes an ownership interest in any entity that has an indirect ownership interest in the disclosing entity.

Managing employee means a general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of an institution, organization, or agency.

Ownership interest means the possession of equity in the capital, the stock, or the profits of the disclosing entity.

Person with an ownership or control interest means a person or corporation that--

- (a) Has an ownership interest totaling 5 percent or more in a disclosing entity;
- (b) Has an indirect ownership interest equal to 5 percent or more in a disclosing entity;
- (c) Has a combination of direct and indirect ownership interests equal to 5 percent or more in a disclosing entity;
- (d) Owns an interest of 5 percent or more in any mortgage, deed of trust, note, or other obligation secured by the disclosing entity if that interest equals at least 5 percent of the value of the property or assets of the disclosing entity;
- (e) Is an officer or director of a disclosing entity that is organized as a corporation; or
- (f) Is a partner in a disclosing entity that is organized as a partnership.

Significant business transaction means any business transaction or series of transactions that, during any one fiscal year, exceed the lesser of \$25,000 and 5 percent of a provider's total operating expenses.

Subcontractor means--

- (a) An individual, agency, or organization to which a disclosing entity has contracted or delegated some of its management functions or responsibilities of providing medical care to its patients; or
- (b) An individual, agency, or organization with which a fiscal agent has entered into a contract, agreement, purchase order, or lease (or leases of real property) to obtain space, supplies, equipment, or services provided under the Medicaid agreement.

Supplier means an individual, agency, or organization from which a provider purchases goods and services used in carrying out its responsibilities under Medicaid (e.g., a commercial laundry, a manufacturer of hospital beds, or a pharmaceutical firm).

Wholly owned supplier means a supplier whose total ownership interest is held by a provider or by a person, persons, or other entity with an ownership or control interest in a provider.

42 CFR § 455.102 Determination of ownership or control percentages.

(a) *Indirect ownership interest.* The amount of indirect ownership interest is determined by multiplying the percentages of ownership in each entity. For example, if A owns 10 percent of the stock in a corporation which owns 80 percent of the stock of the disclosing entity, A's interest equates to an 8 percent indirect ownership interest in the disclosing entity and must be reported. Conversely, if B owns 80 percent of the stock of a corporation which owns 5 percent of the stock of the disclosing entity, B's interest equates to a 4 percent indirect ownership interest in the disclosing entity and need not be reported.

(b) *Person with an ownership or control interest.* In order to determine percentage of ownership, mortgage, deed of trust, note, or other obligation, the percentage of interest owned in the obligation is multiplied by the percentage of the disclosing entity's assets used to secure the obligation. For example, if A owns 10 percent of a note secured by 60 percent of the provider's assets, A's interest in the provider's assets equates to 6 percent and must be reported. Conversely, if B owns 40 percent of a note secured by 10 percent of the provider's assets, B's interest in the provider's assets equates to 4 percent and need not be reported.