



National Forum for Background Checks

AHFSA Annual Conference
Background Screening Interest Track
September 23-26, 2018

Variations in State Screening Processes

SESSION LEADER: Taylor Haddock

PRESENTERS: Jane Lengel, OH; Jeff Akin, OR; Keith Ridley, HI; Steve Gobbo/Tom Novack, MI



Variations in State Screening Processes

Objective:

- ▶ This session will convey some of the variations between screening processes among States. Issues with the processing of Criminal History Record Information (CHRI), Registry checks and other information to determine eligibility of individuals to work in environments serving vulnerable populations.

Questions from interested States:

- ▶ Our conference goal is dialogue. In this session, representatives from interested States are encouraged to ask questions; describe their challenges of effectiveness, efficiency and equity; and exchange information.



Variations in State Screening Processes

Jane Lengel – National Background Check Manager
OH Department of Medicaid

- ▶ Registry situation when grant started:
 - ▶ No uniform standards across agencies

- ▶ What has happened:
 - ▶ Legislation passed in 2013 and 2014 to establish registry checks and Rap back
 - ▶ Automated Registry Check System (ARCS)
 - ▶ De-centralized access to provider agencies throughout the State – providers make determinations
 - ▶ Registry re-check every 30 days
 - ▶ MED (Medicare Exclusion Database) file – automatic, every 30 days



Variations in State Screening Processes

OHIO

- ▶ What are current /anticipated steps:
 - ▶ eLicense checks - June 2018
 - ▶ Two Exclusion Lists
 - ▶ Ohio Exclusion List – August 2018
 - Compiled by Ohio Medicaid and updated weekly
 - ▶ All States Termination List
 - Compiled by CMS and updated every two weeks
 - Required an amended DUA
- ▶ Suggestions/Advice
 - ▶ “Operation flex”: stay flexible, positive
 - ▶ Engage stakeholders early and often
 - ▶ Win with the team you have



Variations in State Screening Processes

OHIO Statistics (September 2018)

- Automated Registry Check System (ARCS)
 - ▶ Provider Types: 15
 - ▶ Facilities: 804
 - ▶ User Accounts: 1,735
 - ▶ Applications: 132,724
- Rapback
 - ▶ **Medicaid providers enrolled: 1,561**
 - Administrative Entities: 150
 - Provider Agencies: 1,411
 - ▶ **Employees enrolled: 139,613**
 - Administrative Entity Employees: 24,287
 - Provider Employees: 115,326
 - ▶ **Total number of hits to date: 2,395**
 - Administrative Entities: 488
 - Provider Agencies: 1,907



Variations in State Screening Processes

Jeff Akin – Background Screening Project Director
OR Department of Human Services

Background checks submitted by agencies on their employees, volunteers, and other subject individuals

- ▶ Aging and People with Disability Services
- ▶ Intellectual/Developmental Disability Services
- ▶ Child Welfare/Self Sufficiency Child Care
- ▶ Mental Health
- ▶ Other Public Health programs such as Traditional Healthcare Workers



Variations in State Screening Processes

- ▶ Each agency, or Qualified Entity, has at least one Designee (QED) that initiates, monitors and receives background checks and their outcomes.
- ▶ BCU conducts criminal history and registry (including Adult and Child Protective Services) checks.
- ▶ If the Subject Individual has any potentially disqualifying conditions (PDQ), a weighing test is used to determine fitness for the position.



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► Factors in the Weighing Test:

Details of incidents	Substance abuse issues
Age of Subject Individual	Treatment related to PDQ history
Time Since PDQ	Abuse/other protective services
Other laws to consider	Due Process received
Other criminal activity	Changes since PDQs
Incarceration	Cooperation, honesty, and accountability
Compliance with parole/probation	Relevancy to position



Variations in State Screening Processes

- ▶ BCU Long Term Care Registry (LTCR)
 - ▶ Registry of approved SIs
 - ▶ Immediately hireable in similar positions and jobs
 - ▶ Available to different program areas
 - ▶ Aging and People with Disabilities Facilities
 - ▶ Intellectual/Development Disabilities Programs and Facilities
 - ▶ HCW/PSWs (Elder, I/DD, MH)
 - ▶ Adult foster homes (Elder, I/DD, MH)
 - ▶ New background check every **2 years** to remain active on LTCR
 - ▶ Automated recheck reminders to all active jobs



Variations in State Screening Processes

- ▶ Oregon Background Check Unit year-to-date volumes:
 - ▶ Total Processed: 117,204
 - ▶ 2018 Projection: 145,000
 - ▶ Denial rate: Currently 3.36%



Variations in State Screening Processes

Keith Ridley, Chief, Office of Health Care Assurance (OHCA)

Hawaii (HI) Department of Health (DOH)



Variations in State Screening Processes

- ▶ Current Environment
 - ▶ HI does not currently have a system-wide or statewide background check program.
 - ▶ Several State agencies conduct background checks but each has its own process.
 - ▶ Most provider types under the authority of the NBCP are not currently undergoing background checks.
 - ▶ Legislation in place; administrative rules close to final.
 - ▶ Includes all provider types under NBCP.
 - ▶ Full implementation expected by end of 2018.



Variations in State Screening Processes

- ▶ The HI Department of Human Services (DHS) conducts fingerprint- based criminal background checks on job applicants and employees of DHS's entire home and community- based services (HCBS).
 - ▶ Also requires background checks to be performed on all direct service employees of providers that perform home and community based services as a part of the DHS programs.
 - ▶ Checks against the Adult Protective Services and Child Abuse and Neglect rosters at the time of fingerprinting.
 - ▶ CNAs are not checked as requirement of employment.



Current Environment, cont.'

- ▶ Providers:
 - ▶ Use an outsourced vendor site to initiate the screening process
 - ▶ Applicant schedules fingerprinting
 - ▶ Hit/no hit results returned to vendor
 - ▶ Vendor reviews and issues red /green light
 - ▶ Provider logs into vendor system to see results
 - ▶ Determinations and applicant data not retained after 30 days- purged from vendor servers
 - ▶ No historical records
 - ▶ –First round of appeals go through the vendor, the second round goes through the State



Future Environment

- ▶ Majority of provider types under Department of Health, Office of Health Care Assurance
- ▶ Pilot Phase 1 started in May 2017
 - ▶ Using TA-provided BCS
 - ▶ Integrated with Outsourced Fitness and Fingerprint Vendor
 - ▶ Very small group of provider users
- ▶ Phase 2
 - ▶ Using TA-provided BCS
 - ▶ Integrated with Outsourced Fitness and Fingerprint Vendor
 - ▶ Provider has the option to check HI BCS and see if there is already an Eligible determination. If so, they can add a connecting application and hire the person immediately.



Future Environment

- ▶ Vendor will check the public registries.
- ▶ If there is no pre-existing Eligible application, then the vendor's website will be used to schedule an appointment and the rest of the steps are as before.
- ▶ The fitness determination will be transmitted to HI BCS. Providers will maintain their rosters within HI BCS, which will be important as HI moves towards rap back.



Variations in State Screening Processes

Steve Gobo – Deputy Bureau Director

Tom Novak – Section Manager, Workforce Background Check

MI Licensing and Regulatory Affairs

- ▶ Overview of Michigan's system:
 - ▶ CMS grant history;
 - ▶ system development
- ▶ Current areas using the Michigan system:
 - ▶ Health Facilities and Licensing (BCHS, BPL, BMMR)
- ▶ Service delivery experience:
 - ▶ “vendor,” licensees/users, background check analysts
- ▶ Staffing information and costs



Variations in State Screening Processes

- ▶ Current challenges:
 - ▶ CJIS Policy & Audit Compliance, i.e., non-channeller; statutory language
 - ▶ Child Care addition and shifting positions of HHS-ACF
- ▶ Steps to overcome challenges:
 - ▶ Updates to practices, including security over CHRI
 - ▶ Statutory updates
 - ▶ MOUs
 - ▶ Staffing adjustments; Background Check Section realignment

Questions from States?

