



Oklahoma State Department of Health  
Creating a State of Health

October 3, 2016

**VIA EMAIL**

Rachel.Schumacher@ACF.HHS.GOV

Rachel Schumacher  
Director, Office of Child Care  
Department of Health and Human Services  
Mary E. Switzer Building, Fourth Floor, MS 4425  
330 C Street, S.W.  
Washington, DC 20201

**RE: Administration for Children and Families National Interstate Background Check Clearinghouse**

Dear Ms. Schumacher:

On August 16, 2016, the Office of Child Care (OCC) announced the U.S. Department of Health and Human Services, Administration for Children and Families (ACF), is supporting a pilot program to develop a National Interstate Background Check Clearinghouse (NIBCC). The NIBCC is intended to facilitate interstate criminal background, child abuse/neglect registry, and sex offender registry (SOR) checks as required by the Child Care and Development Block Grant Act (CCDBG) of 2014. This letter seeks to offer the National Background Check Collaborative Forum of states as a partner to this effort.

The National Background Check Program (NBCP), as established by the Patient Protection and Affordable Care Act and initiated through a grant program of the Centers for Medicare and Medicaid Services, aims to create a nationwide system for conducting comprehensive background checks on applicants for employment, who have direct patient or resident access, in the long-term care (LTC) industry. The NBCP requires, among other aspects, the state to develop an IT solution to conduct criminal background checks and to check various registries, including adult abuse registries and sex offender registries. As of this date, 26 states and territories have participated in the NBCP and 5 of them have successfully integrated child care facilities into their LTC background check processes and systems (see Enclosure 1).

We believe collaboration between the OCC and NBCP will result in a more efficient and cost effective means of meeting the NIBCC project goals stated below, while avoiding duplication of effort. Value added features of such collaboration based on an examination of NIBCC goals and NBCP experience are detailed below:

- Engage Federal and State stakeholders that represent the broad diversity that exists among CCDF Lead Agencies nationally.

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- States participating in the NBCP have successfully engaged stakeholders, bringing them together to work towards successful implementation of the background check processes and systems.
- Collaborating with the NBCP can provide a framework for Lead Agencies to follow in engaging their stakeholders.
- Provide a cloud computing platform for the efficient exchange of criminal, SOR, and other exclusion registry information between CCDF and NBCP states and territories, and tribal Lead Agencies and their partner agencies.
  - Each state participating in the NBCP has developed an IT solution to process criminal, SOR and numerous other registry checks. Many of the states are utilizing a core system that is a cloud-based platform. Leveraging existing background check systems, which already comply with FBI Criminal Justice Information Services (CJIS) Security Policy standards, will reduce costs and implementation times.
- Construct an NIBCC conceptual design that considers system functionality, domains of activity, information security and infrastructure standards, auto-help tools and messaging alerts, remittance of processing fees, management reports and user training effectiveness.
  - Existing background check systems developed under the NBCP already comply with state and federal security and infrastructure standards as subject to audit by the FBI. Leveraging these existing systems will meet this goal with minimal work and cost.
  - The FBI CJIS standards limit the sharing of criminal history information between noncriminal Justice Agencies (NCJA) and between employers. Collection of Criminal Justice Information (CJI) must be authorized by legislative enactment or federal executive order to request civil fingerprint-based background checks for licensing, employment, or other noncriminal justice purposes. NBCP States are working with the FBI and Compact Council to develop broad legislative language addressing employment for those serving vulnerable populations, including children, as a means to facilitate information sharing among partner programs.

The National Background Check Collaborative Forum, a group made up of subject matter experts from states participating in the NBCP, has identified the NIBCC as an opportunity for interagency and interstate collaboration to meet its goal of utilizing background checks to work towards creating a safe environment for vulnerable people. With many states having existing background check systems that promote the goals and objectives of the NIBCC, collaboration can reduce costs and implementation timelines while improving systems and processes for Lead Agencies and care providers.

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As an early NBCP grant recipient, Oklahoma successfully navigated a collaborative effort between advocates and industry stakeholders to successfully pass legislation to implement a national fingerprint based background check screening program. With the assistance of CMS and their contractor, we leveraged new technologies to provide same day determinations for applicants with no criminal history and provide an expanding directory of linked registries to simplify provider reviews of exclusion registries. In development in Oklahoma is a linkage between our Nurse Aide Abuse registry and the Child Care Restricted Registry. The linkage will not only provide identifier based auto-matching but also ongoing monitoring for changes in status.

As chair of the National Background Check Collaborative Forum, I hope that the Forum may partner with your initiative to build a more robust screening process that serves all vulnerable populations. I am available to discuss this proposal at your convenience. I may be reached via telephone at 405-271-9444 x 57209 or via email at james@health.ok.gov.

Sincerely,



James W. Joslin, Service Director  
Health Resources Development Service  
Protective Health Services

- Enc. Current status of consolidation between LTC and Child Care programs in NBCP participating states as of April 2015
- c. David R. Wright, Director, Survey and Certification Group, DHHS-CMS  
Jan Tarantino, Deputy Director, Survey and Certification Group, DHHS-CMS  
NBCP Member States

JWJ/mt

**Current Status of Consolidation between LTC and CC Programs in NBCP States as of September 1, 2016**

State	LTC part of a larger background check program?	Other groups in larger background check program	Child care checks in Same BCU?	Child care checks in TA-provided BCS?	Notes	Expressed interest in combining CC and LTC after ACF Email?
Alaska	Yes	Acute care, child care, foster care, and adoptions	Y	Y	Programs were combined prior to NBCP grant Minimal TA effort to incorporate into BCS	
California	Yes	Child care, foster care, adoption, and nursing home administrators, all CNAs	Y (in CDSS)	N	Programs were combined prior to NBCP grant. CDSS using internal BCS for child care and some LTC Not changing CDSS BCS in the grant	
Connecticut	No		Y	In Progress	Requirements/gap analysis for Child Care in August 2016. Planning to add in the Fall of 2016. Recent interest expressed by the Department of Social Services.	Y
District of Columbia	Yes	Health professional licensees	N	N	There have been preliminary conversations about adding to the BCS, but no formal movement to date.	N
Delaware	No		N	N	Grant has ended- currently unknown if child care is a part of their BCS.	
Florida	Yes	Many groups, including all health care facility owner/admin/operators, durable medical equipment providers, and home companions. Clearinghouse agencies including child care	N (BCF maintains separate BCU)	Y	Added in 2015 as part of clearinghouse initiative Gap analysis was conducted in TA Implementation NOT funded as TA	
Georgia	No		N	N		Y
Hawaii	Yes	Respite and companion programs, and Medicaid provider applications	N	N	DOH and DHS are holding very preliminary discussions re: clearinghouse concept using the TA-provided BCS with other State agency leads. There are currently no plans to add child care or others, but this could change in coming years.	
Illinois	Yes	CNA certifications, hospitals, emergency centers, and ombudsmen	N	N	Grant has ended	
Kansas	No	NA	N	In progress	In discussion before ACF memo. We have had several calls with Child Care and are ready to begin talking about their specific requirements in the near future.	
Kentucky	No	Not currently, trying to incorporate Kentucky Board of Nursing	N	N	In discussion before ACF Memo	Y (previous NBCP manager – current manager not sure)

State	LTC part of a larger background check program?	Other groups in larger background check program	Child care checks in Same BCU?	Child care checks in TA-provided BCS?	Notes	Expressed interest in combining CC and LTC after ACF Email?
Maine	No	No	N	N		
Maryland	No		N	N	The State did not fully implement the NBCP grant and has no BCS.	
Michigan	Yes	Adult foster care and county medical care facilities	N	In progress	Within the Michigan Department of Licensing & Regulatory Affairs (LARA), which licenses and enforces requirements for child care organizations, a decision has been made to pursue incorporating child care into their existing background check system at least for licensing purposes (work has been on-going to amend state law and tailor it for convictions that would preclude employment).	
Minnesota	Yes	Child care, adoption and foster care, children's residential facilities	Y	In pilot	Programs were combined prior to grant LTC has FP authority, but not FBI checks Minimal TA effort to incorporate child care into BCS	
Missouri	Yes	Child care and foster program	Y	N	Programs were combined prior to grant. LTC program is NOT NBCP-compliant State has no FP authorization State has a 3 <sup>rd</sup> party BCS	
Nevada	No		N	Pending	NV will be adding Child Care in to their BCS in 2017 under direct contract with IA.	Y
New Mexico	Yes	Homemakers, guardians, companions	N	N		N
North Carolina	Yes	Child care, foster and adoptive parents, EMS credentialing, and some State DHSS applicants	Y, but in discussion to separate	N	Programs were combined prior to NBCP grant LTC program is NOT NBCP compliant State has minimal FP authorization for LTC State agency determines eligibility for child care, but not for LTC. No implementation of BCS for LTC has started.  In conversations with Child Care in NC. The same group of people are in charge of the background checks for both LTC and Child Care, but Child Care follows the model where the state does make a determination. Plans are still preliminary, but we think Child Care will be brought into BCS in 2017.	
Ohio	No		N	N		N
Oklahoma	No		N	N	In discussion before ACF memo	Y

State	LTC part of a larger background check program?	Other groups in larger background check program	Child care checks in Same BCU?	Child care checks in TA-provided BCS?	Notes	Expressed interest in combining CC and LTC after ACF Email?
Oregon	Yes		N	N	<p>The Background Check Unit already provides background checks for OR's subsidized child care program. They have a split system, with the Office of Child Care, what would technically be the Lead Agency for OR, providing roughly 2/3 of the child care checks in the state (for licensed child care) and BCU doing 1/3 for their subsidized child care programs.</p> <p>BCU is currently the Adam Walsh contact for the state, so they will be rolling into being the contact for other states seeking OR child protective service checks under ACF guidelines.</p>	
Puerto Rico	Yes	Child Care, Persons with Disabilities	Y	In progress	PR enabling legislation passed 12/2015 includes LTC, childcare and persons with disabilities. TA –provided BCS will include child care at go-live.	
Rhode Island	No		N	N		Y
Utah	No		N	N		N
West Virginia	No		In discussion	TBD	In discussion	Y