



# National Forum for Background Checks

Forum Webinar

March 8, 2018



# Webinar Purpose and Desired Outcome

---



**Purpose:** Meeting will provide vehicle for member updates and information exchange on various State and Forum activities: report on State legislation developments, status of NBCP NAR development, and Forum conference track.

**Outcomes:** Information conveyed, feedback received,



# Agenda

---

- 13:30 - 13:35 Roll call and welcome to new participants
- 13:35 - 13:45 Quick hits
- 13:45 - 13:55 State updates on legislation
- 13:55 - 14:15 NBCP NAR status
- 14:15 - 14:25 Forum/AHFSA Conference update
- 14:25 - 14:30 Wrap-up: critical questions & next steps

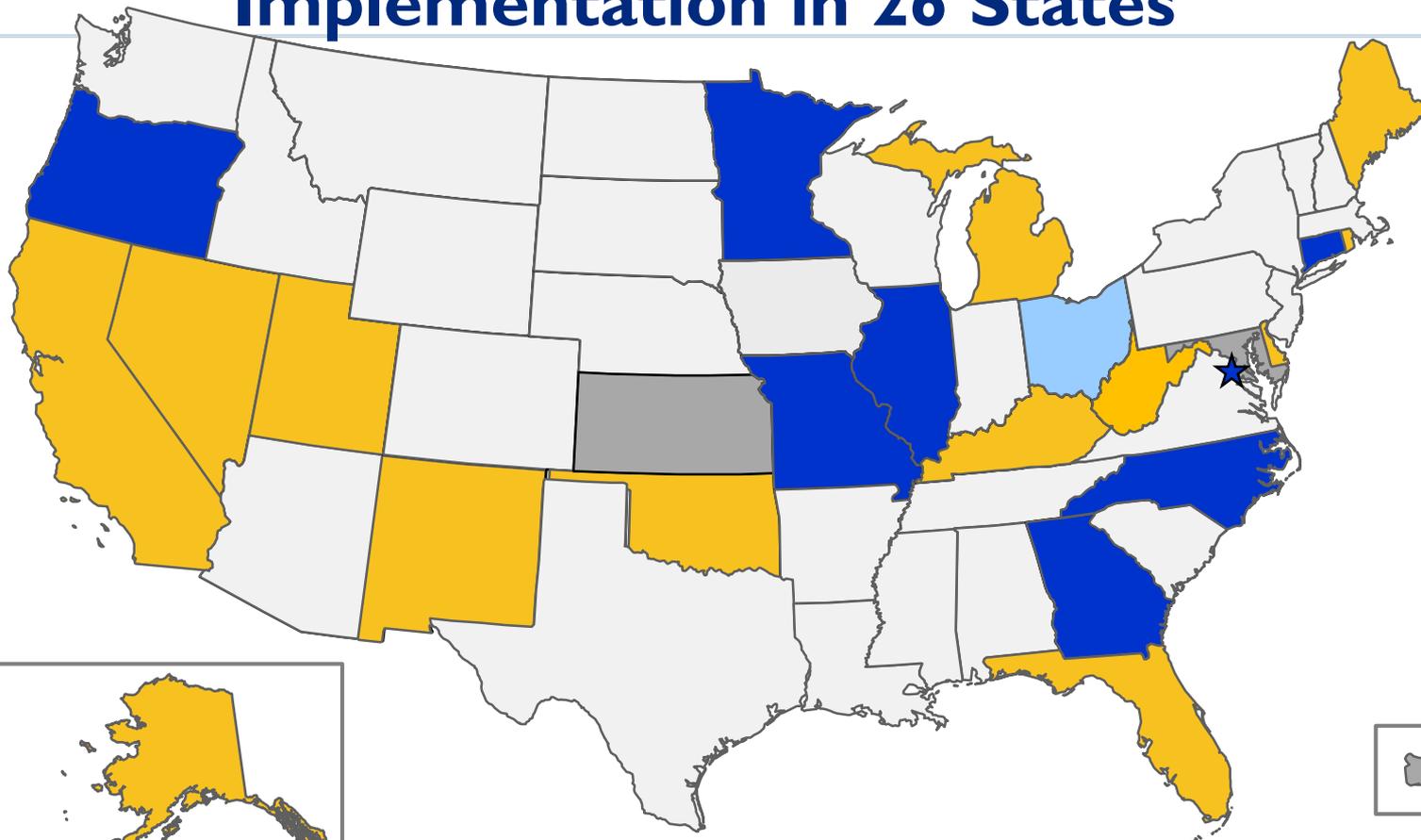


# Quick Hits

---

- ▶ Forum Minutes at Website: <http://www.ahfssa.org/NBCP>
- ▶ Conference call number
- ▶ CMS Update – Don Howard
- ▶ CNA Update – Liz Rastrick

# National Background Check Program Implementation in 26 States



	States in Planning & Development: KS, MD*, PR
	States in Pilot Phase: HI
	State Live w/Implementation of Registries and Rap Back: <b>OH</b> (not integrated)
	States Live w/Implementation of Registries and Integration of Criminal History Record Information (CHRI): CT*, <b>DC*</b> , <b>GA</b> , IL*, MO* (name-based), MN, NC*, <b>OR</b>
	States Live w/Implementation of Registries, Integration of CHRI and Statewide Rap Back: AK*, <b>CA*</b> , DE*, <b>FL*</b> , KY* (voluntary), ME* (name-based), MI*, <b>NM*</b> , <b>NV*</b> , <b>OK*</b> , RI*, <b>UT*</b> , <b>WV*</b>
	*= State Graduated from NBCP

**Bold= NBCP Nurse Aide Registry State**

Center for Clinical Standards and Quality/Quality Safety & Oversight Group

# CMS Forum Referral Letter

To: National Background Check Program (NBCP) Grantee States  
From: Jan Tarantino, Deputy Director, Quality Safety & Oversight Group  
NBCP Lead

Date: March 5, 2018

Dear NBCP Grantee States:

Information sharing within and across the NBCP is a critical part of the program's long term success. NBCP active grantees, as a part of the terms and conditions of the grant, are required to participate in opportunities facilitated by CMS' Technical Assistance (TA) provider and others to foster State-to-State transfer of knowledge. The goal is to encourage meaningful participation to enhance full program implementation and sustainability.

One of the information sharing activities that CMS has utilized over the last several years is an NBCP Quarterly Webinar. As the NBCP has matured, however, a large number of active NBCP grantee States have graduated from the program, reducing the number of active States that are required to participate in the webinar.

CMS recognizes that there are other information sharing opportunities that have evolved from the NBCP, including that of the [National Forum on Background Checks](#) (Forum) a State-run collaborative association whose mission is to improve public health and safety by advancing and supporting the adoption of robust background screening of care workers to protect vulnerable populations. Members include agency representatives from current and former NBCP participating States, many of whom have had success in implementing a robust screening program with the help of a NBCP grant.

CMS highly recommends your participation in the Forum monthly webinars. These information sharing events will be a collaborative effort lead by the Forum, with participation from Forum member States, CMS' TA provider, and CMS. Participation in the Forum monthly webinars will replace the NBCP Quarterly Webinars effective immediately. Invitations will be sent subsequent to this letter from the TA provider.

Sincerely,

/s/

Jan Tarantino



# State Updates On Legislation

---

- ▶ Brenda Dreher  
Director, Health Occupations Credentialing  
Kansas Department for Aging and Disability  
Services
- ▶ David R. Ostrander, CIG, CFE  
Inspector General

Denise M. Matthews, Director, TAC  
The Georgia Department of Community Health  
Office of Inspector General  
Background Investigations Unit



# NBCP Nurse Aide Registry Update

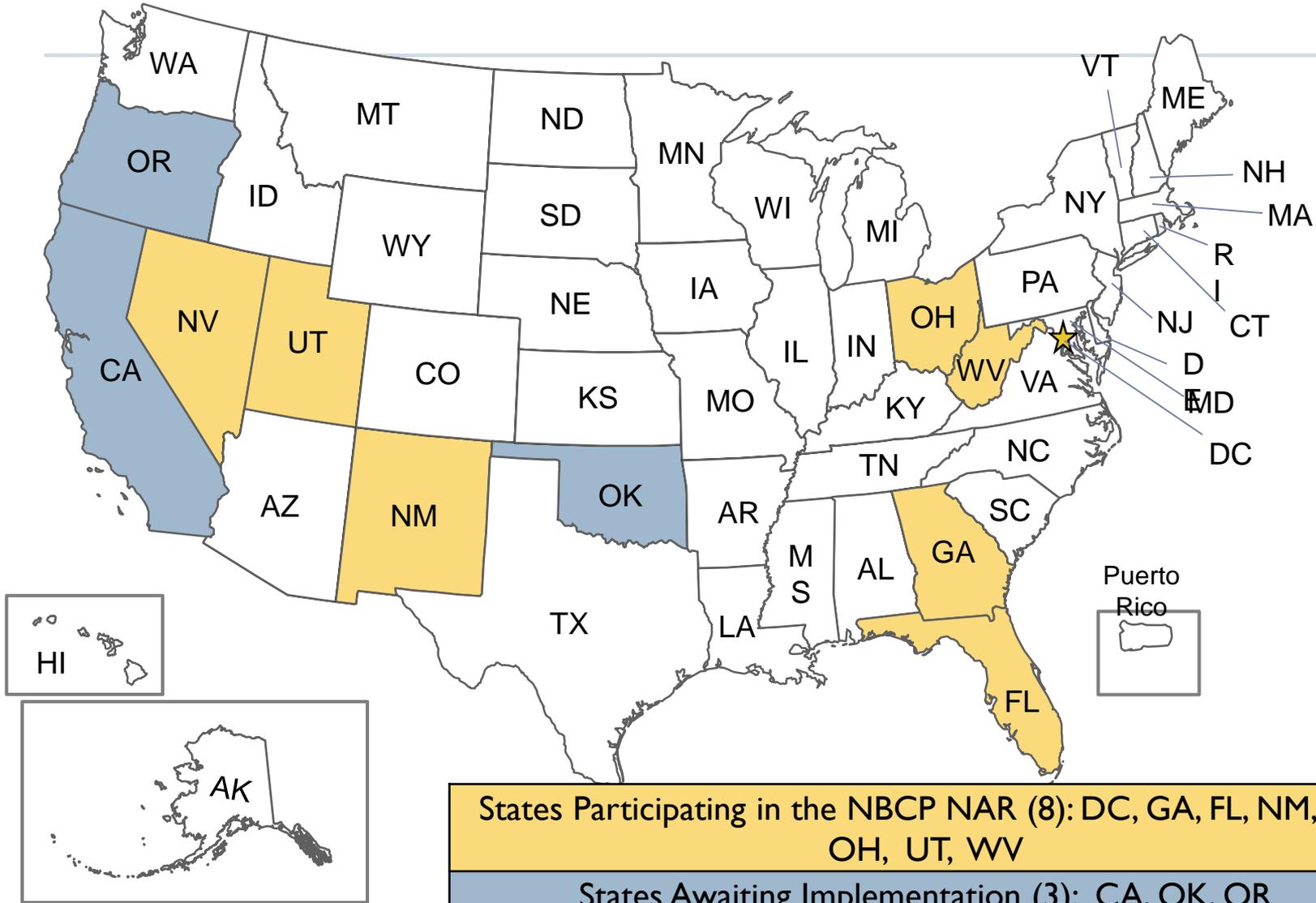
- ▶ Forum and CNA teleconferenced with AHFSA President Mike Cook
- ▶ Proposal addressed
  - ▶ Existing networked systems, proven technology
  - ▶ Proven concept with other national associations resulting in valued service and additional state program revenues
  - ▶ Need based on recent experience, prior OIG research and current inventory of over 90K aides with adverse findings on the NPDB
  - ▶ 73,363 Medicare and Medicaid providers
  - ▶ Initial financial model

# NBCP Nurse Aide Registry Update

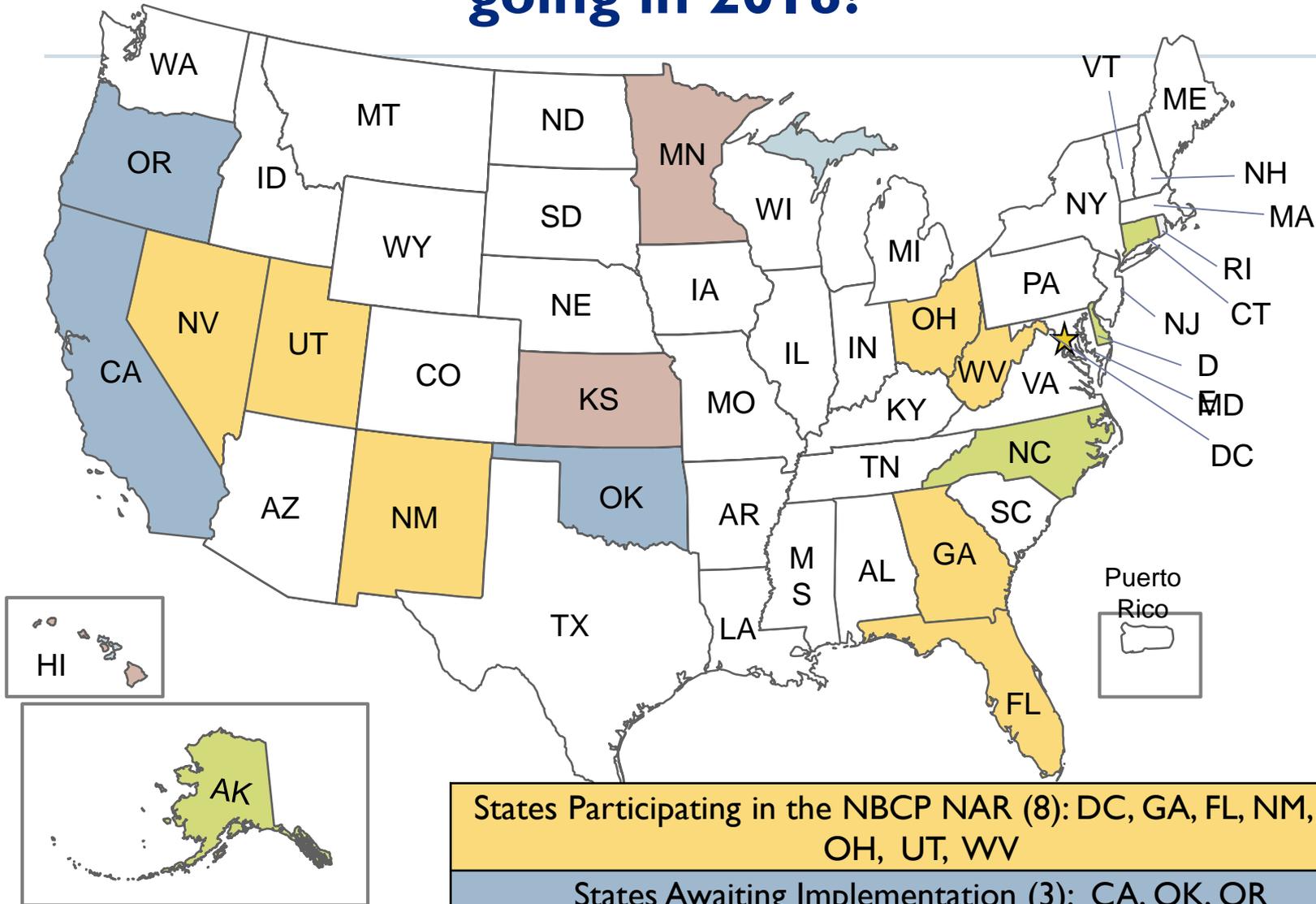


- ▶ Request from AHFSA President Mike Cook
  - ▶ Examine feasibility of providing a web screening portal that links to multiple registries beyond state nurse aide registries; i.e. OIG,
  - ▶ Work with AHFSA to develop a request to CMS to extend transition support to cover connection of all state NAR registries
- ▶ Mike identified key State stakeholders for recruitment
- ▶ Next steps
  - ▶ Forum and CNA examining feasibility for expanded web portal functionality
  - ▶ Forum finalizing written proposal
- ▶ AHFSA President to present to AHFSA Board at SETI in April

# NBCP Nurse Aide Registry – Where are We?



# NBCP Nurse Aide Registry – Where are we going in 2018?



States Participating in the NBCP NAR (8): DC, GA, FL, NM, NV, OH, UT, WV

States Awaiting Implementation (3): CA, OK, OR

States Planned for Development This Year (3): HI, KS, MN

States Under Consideration for 2018 (7): AK, CT, DE, NC

# NBCP Nurse Aide Registry – Impact



State	Match Count* January 2018	Call Count** January 2018	Match Count February 2018	Call Count February 2018	Match Count Total 8/4/17****-2/28/18	Call Count Total 8/4/17-2/28/18
DC	5	1,467	7	1,477	49	10,518
FL	7,450	33,890	3,666	30,416	37,048	197,912
GA	2	308	1	392	25	2,263
NM	66	10,860	30	8,468	182	61,698
OH	14	4,377	15	3,945	63	17,271
UT	25	4,003	115	3,779	200	25,368
WV	0	0	0	0	170	26,435
<b>Totals</b>	<b>7,562</b>	<b>54,905</b>	<b>3834</b>	<b>48477</b>	<b>37,737</b>	<b>341,465</b>

\*The match count is the number of times that the NNAR returned a match. The match count includes both in-State Nurse Aide Registries as well as all other participating NNAR State match results. In the future, enhanced reporting functionality will include the ability to record where the matches came from (in-State or out-of-State).

\*\*The call count is the number of times during the listed period that a State called out TO the NNAR.

\*\*\* 8/4/17 is the date that reporting capability became available,



# Forum Track at AHFSA Conference

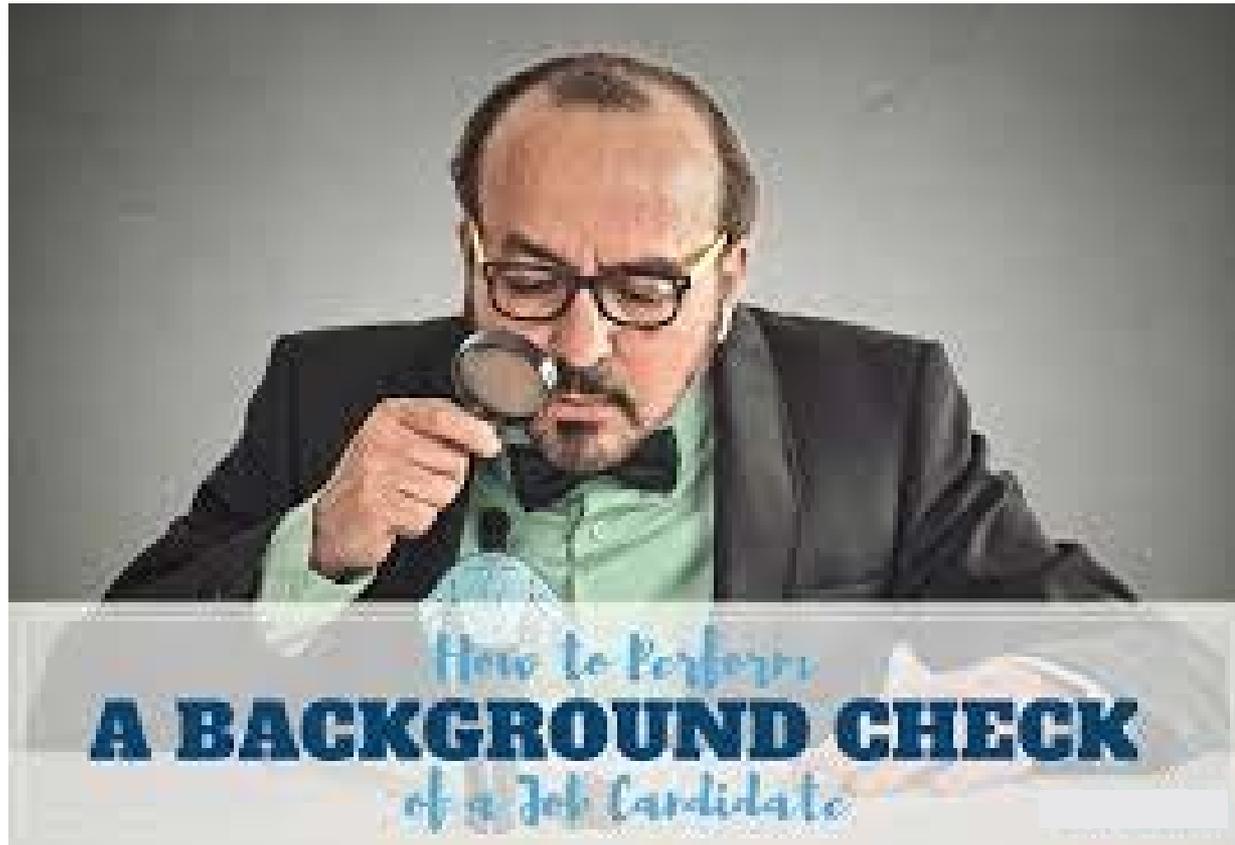
- ▶ Where: Tigard, Oregon; Embassy Suites
- ▶ When: September 23<sup>rd</sup> through 26<sup>th</sup>.
- ▶ Who: anyone interested in background screening initiatives for vulnerable populations
- ▶ Registration is open
- ▶ For registration and rooms: <http://www.ahfsa.org/AHFSA-2018-Annual-Conference>
- ▶ Agenda is pending
- ▶ We need suggestions and contact information for potential conference table vendors or sponsors. i.e. software vendors, fingerprinting service providers. Send to [james@health.ok.gov](mailto:james@health.ok.gov) and I will forward to conference coordinator
- ▶ Conference coordinator: Tara Foy, Association of Health Facility Survey Agencies



# Critical Questions & Next Steps

---

- ▶ Critical questions
- ▶ Next steps/action items
- ▶ Next Webinar: April 12, 1:30 p.m. CST



## **Quick Hits**

### **CMS Update**

- Don said that CMS is hopefully only weeks away from the notice of award toward the three new grantee applicants, Idaho, Mississippi, and Wisconsin. Don is the CMS liaison to the Office of the Inspector General (OIG); they have been working behind the scenes trying to do some more evaluation and analysis on where 10 graduated NBCP States are with their program [Editor's note: The ten States being evaluated are Alaska, California, Connecticut, Delaware, District of Columbia, Florida, Illinois, Missouri, New Mexico, and Rhode Island.]

### **CNA Update**

- Liz heard back from one of the graduated NBCP States that OIG is evaluating. The State indicated that they received a letter from OIG with a summary of their evaluation findings and asked them to review and confirm them. Liz said she assumes the other States being evaluated by OIG will receive a similar letter containing the evaluation findings.
- Liz said that the NBCP State status map will be updated when the three new States come into the program. Liz was authorized by CMS as the lead for the technical assistance (TA) contract to send out the memo to the active NBCP grantee States regarding the NBCP Webinars. Through discussions with CMS, CMS agreed that as the size of the TA contract has become smaller and there are more graduated States than active States, some of the many information sharing activities may not be as relevant any longer as they were in the past when the TA contract had more active grantee States under it. CNA will be moving forward with participating and collaborating with the Forum on a variety of information sharing activities as they emerge, one of them being the monthly Forum webinar. There will no longer be an NBCP required webinar for the active grantee States, but States were encouraged to be a part of the Forum and participate in the Forum webinars.

## **State Updates on Legislation**

### **Brenda Dreher, Kansas**

- Kansas started its legislation introduction last year and it failed; KS did not have support from the Attorney General or the State Police. After discussions with the Attorney General and State police to make the necessary changes, KS submitted revised legislation this year and had the first hearing with the Health Committee. Two other background check bills were introduced as well to address the KS Department for Aging and Disability Services who also does background checks for lots of observations and wanted to align the prohibiting offenses. The committee chose to consolidate the observations into one bill with multiple amendments and the vote took place the morning of March 8, 2018. There were four amendments and each passed unanimously as did the bill out of that committee. Next steps include approaching the House and then the Senate.

**David R. Ostrander, Georgia**

- GA has been trying to pass legislation for some time now, but never had support from the Legislature or the Governor. GA had a new management team join about a year ago and they were very supportive of the efforts and helped redraft some legislation; they worked with the Legislative Council of the Governor's Office. The bill passed the Senate about two weeks ago and there was only one nay vote. The bill then went to the House and a committee hearing took place on Thursday, March 8, 2018 and it passed out of committee. Most likely the bill will go before the full house for a vote next week and then it will go back to the Senate. David said that the Governor's support of the bill is very encouraging as there will be minimal pushback as a result of the support. GA's legislative session ends March 29, 2018 and David is confident that the bill will be passed within the next two weeks.
- David said an interesting piece of this bill is for establishing what they call a caregiver's registry which is going to allow private individuals to use the criminal background check system for people who are there taking care of people in the homes. If a private employer wants to hire someone to take care of their father or mother in their home, they have to be over the age of 65 and the legislation will allow them to use the GA BCS. They will go through the same fingerprint and determination process. GA is also going to establish a caregivers registry that will allow people to access this registry and it's going to be based on the sex offender registry, the OIG Exclusions List, and FBI check. David said the legislation has been broken down into two separate parts so the care givers registry is in a separate part. When the bill passes, David said he and his team will have to run the caregivers registry piece by the FBI for approval, but based on conversations with State police, they are confident they will receive FBI approval. David said October 1, 2019 is the current implementation date.

**Questions**

- Karen asked David, "Is your caregivers registry made up of criminal history, SOR, etc.? Who accesses that and can anyone access to determine whether someone is eligible or not eligible and do they see the results?"
- David said that they are trying to figure out how to best limit who has access, whether the solution is to put some type of verbiage up on the website or something else; they are still in the working stages. CaraLee Starnes and Beth Haynes from Innovative Architects (IA) have a site visit to GA next week to start discussions regarding the registry, but for now, it is a public registry. Since the registries are not based on criminal history alone, the result will provide a result of eligible or non-eligible, with no detail as to why. There will also be an appeals process for a person to appeal the unsatisfactory determination.
- James to David, "Will GA be a rap back State soon?"
- David said he does not believe that GA will be one this year; if they were to incorporate rap back in the current legislation, it may not pass. After the current legislation passes, GA will then look into rap back.

- James to David, “What is your cost and who's paying for it?”
- David said the cost is about \$48 for a State and national fingerprint; the State does not pay for it, either the facilities pay for it or the applicant's pay for it.

### **Meeting with Mike Cook**

- Ernie Baumann with CNA is the representative working with the Forum on the development of the NNAR that the Forum has expressed interest in trying to continue through AHFSA. James had a teleconference with Mike Cook, President of AHFSA, and expressed to him the Forum’s proposals regarding the NNAR.
- James’ staff members are responsible for uploading all of OK’s adverse actions to the National Practitioner Data Bank (NPDB) and what James found is that there are more adverse actions on the NPDB than there are on the OIG Exclusion List by far. However there is a \$2 charge for access.
- Mike suggested examining the feasibility of providing a web screening portal that links to multiple registries beyond the State NARs. James found this to be an exciting idea, especially as it would add more value to the registry. Mike wants the Forum to work with AHFSA to develop a request to CMS to extend the transition period and financial support to cover the connection. Mike also identified some key State stakeholders for the Forum to contact and to recruit, specifically those who work closely with the association. Next steps are to work on the existing additional visibility that Mike discussed and to finalize a written proposal.
- Mike is planning to discuss it with the AHFSA board in April, at the Surveyor Executive Training Institute (SETI) meeting. Mike is excited; he thinks that it has potential to be a valuable service as a revenue generator for the States and a revenue generator for the association.

### **NBCP Nurse Aide Registry (NNAR) Update**

- There are eight States in NNAR full production, meaning that they are calling to the NNAR and the NNAR is calling back to them with results from all participating States including Nevada who entered into production a week ago. The grey States on the map, California, Oklahoma, and Oregon, are all fully developed and are waiting on implementation.
- (Referencing slide 11) In 2018, Hawaii, Kansas, and Minnesota are planned for development and then IA will potentially add in seven other States including Alaska, Connecticut, Delaware, and North Carolina. Recently, IA found that there are an additional six States with open source Nurse Aide Registries, meaning that the abuse rosters are able to be downloaded. IA is considering developing those as well.
- (Referencing slide 12) The match count is the number of times there is a hit against a Nurse Aide Registry; when looking at the match count for January 2018 at the District of Columbia, it has a five, so that match count indicates that five times the NBCP Nurse Aide Registry returned a match in DC that month. The call count is the number of times that DC called the Nurse Aide Registry. West Virginia has zeroes because they did some firewall updates and

they are having trouble calling the NNAR, but the problem is in the process of being resolved. IA is figuring out a better way to filter the NNAR data. For instance, for the five matches for DC, IA will soon have the logging ability to identify what the five matches were, what they matched against, and so forth.

### **Forum Track at the AHFSA Conference**

- James participated in the AHFSA conference planning call. James reiterated the Forum's desire to have open sessions. He said Mary Henderson from Texas discussed the great experience she had attending one of the Forum's sessions. The Forum will have the necessary equipment except for the screen. There is a link on the AHFSA website to register for the conference and a link to the reserved hotel room block.
- The Forum conference track agenda is pending. James said that someone had mentioned Gemalto Cogent at the last Forum meeting; he is looking for contacts for potential conference table vendors or sponsors. Forum members should send any information for potential contacts to James and he will send it to Tara Foy, the conference coordinator.
- Pat asked if AHFSA would be interested in someone from Connecticut coming to the conference to talk about anything related to IT or whether the presenters are going to be chosen in terms of topics the Forum will cover.
- James said that they will allow people to discuss developments in their platforms. He asked Pat to email Taylor with conference topics and to copy him.
  - **Action Item:** Pat will email Taylor and James with conference topics.

### **Critical Questions and Next Steps**

- James congratulated Kansas and Georgia for their progress in getting legislation passed. James also welcomed Puerto Rico to the Forum.
- There is a six hour time difference between Eastern Standard Time and Hawaii Time; James suggested moving the meeting time to accommodate Hawaii.

### **Participants**

- Karen Benson, AK
- Patricia Trella, CT
- Alem Ghebrezghi, DC
- Taylor Haddock, FL
- David Ostrander, GA
- Denise Matthews, GA
- Fernando Castro, ID
- Brenda Dreher, KS
- Tom Dyke, MI
- Melanie Madore, MO

**Forum Webinar**  
**March 8, 2018**



- Scott Chisholm, OK
- James Joslin, OK
- Lourdes Borres Otero, PR
- Mayra Hernandez, PR
- Meghan Shears, WV
- Don Howard, CMS
- Liz Raistrick, CNA
- CaraLee Starnes, CNA
- Nandita Ravishankar, CNA
- Beth Haynes, CNA/IA
- Allison Dudziak, CNA/IA