

BACKGROUND CHECKS -LIFE CARE

Approved by <i>[Signature]</i>	Date 11/4/13
Revised by <i>[Signature]</i>	Date 11/6/13

POLICY

All Area/County Life Care staff that have direct contact with Life Care clients and/or have access to the Life Care client records, must pass a Background Check based on established federal, state and programmatic requirements consisting of:

- Pre-employment Screening for OIG Sanctions Exclusions (added in 2011)
- National Sex Offender Public Website (NSOPW)
- Alabama Certified Nurse Aide Registry
- Alabama Background Check conducted by the Alabama Criminal Justice Information Center (ACJIC)

PURPOSE

- To identify the employees who are required to pass the required Background Checks.
- To outline the procedure to conduct these Background Checks for applicable Life Care job applicants and current ADPH employees who transfer into Life Care.
- To outline the criteria that will disqualify an applicant from employment.

GENERAL INSTRUCTION

1. Background Checks are required for all employees providing direct services and/or who have access to client records in Life Care who were hired on or after October 1, 2007.
 - This includes, but is not limited to, Home Care Directors, Visiting Nurse/Staff, and Home Attendants who have direct contact with Life Care and/or have access to Life Care client records. It does not include ADPH Central Office staff that does not provide direct care to Life Care clients.
 - This also includes, but is not limited to, merit, contract, Form 8s, part-time, hourly and volunteers.
 - ADPH employees who transfer into a Life Care staff position are considered "transfers" and will not be required to undergo Background Checks.
2. As of May 1, 2008, employees hired on or after October 1, 2007 will not be allowed to provide direct services or have access to Life Care client records until after passing a Background Check.
3. Background Checks will not be required for employees hired prior to October 1, 2007.
4. A Background Check will consist of the use of personal identifiers such as, but not limited to, name, social security number, date of birth, and driver's license number.

Disqualification Standards

5. The following are criminal activities that permanently disqualify an individual from employment: Applicants must not have convictions for or significant history of any violent crime or any other felony. Applicants must not have any pending felony arrests.

6. The following are criminal activities that would prevent an individual from being employed for the time period as specified below:
 - Class A Misdemeanor
 - Assault in the third degree in the past 5 years
 - Reckless endangerment in the past 5 years
 - Stalking in the second degree in the past 5 years
 - Criminal trespass in the first degree in the past 5 years
 - Criminal mischief in the third degree in the past 3 years
 - Violating a protective order in the past 3 years
 - Unlawful contact in the first degree in the past 3 years
 - Class B Misdemeanor
 - Criminal mischief in the first degree in the past 7 years
 - Unlawful contact in the second degree in the past year
 - Any crime of violence
 - Any felony convictions, as well as any pending felony convictions.
7. Failure to give authorization for ADPH to conduct or failure to pass any of the Background Checks will exclude an individual from employment.

PRE-EMPLOYMENT SCREENING FOR OIG SANCTIONS EXCLUSIONS

8. The Home Care Director/designee will complete the Pre-employment screening for OIG Sanctions Exclusions by accessing the OIG website: <http://oig.hhs.gov/>
9. Select Exclusions.
10. In the drop down box select Online Searchable Database.
11. Type the last and first name of the prospective employee in box and select the search button.
12. If a person should appear on the list you will need their Social Security number to verify.
13. Print out the results for the pre-employee records.
14. Should a potential employee appear on the list the employee will not be considered for the position.

NATIONAL SEX OFFENDER PUBLIC WEBSITE

15. The Home Care Director/designee will conduct a Background Check using the United States Department of Justice (Dru Sjudin) National Sex Offender Public Website (NSOPW).
16. Access the National Sex Offender Public Website (NSOPW) at <http://www.nsopw.gov/> to see if the applicant is listed.
17. Enter the applicant's Last Name and First Name in the appropriate boxes and click "Search".
18. After reading the Conditions of Use, click on the "I agree" button.
19. Enter the code provided in the appropriate box and click on the "Continue" button.
20. Click on the "Search" button located after the name boxes. The standard "Search" button searches the sex offender registries for all fifty (50) states, the District of Columbia, Puerto Rico, Guam, and Indian Country.
21. A "Search Results" page will appear. Print the "Search Results" page from the website.

22. If there are any persons with the same or similar name, this statement appears at the top of the list, " X number of records from a national search including all states, territories and Indian Country for the First Name like _____, Last Name like _____. To view a list of all jurisdictions included in this search, [click here](#)."

NOTE: If a particular jurisdiction is "not available" at the time the registry is searched, continue to search until all jurisdictions have been searched. The web site performs real-time searches of the individual jurisdiction's databases, anytime a jurisdiction has a system or connectivity problem, that jurisdiction's database cannot be accessed. These problems are usually fixed quickly and rarely result in a jurisdiction being unavailable for more than an hour.

23. If it is determined that the applicant is not listed in the National Sex Offender Public Website (NSOPW), the interview of the applicant can proceed.

24. If it is determined that the potential applicant is listed in, National Sex Offender Public Website (NSOPW), the applicant is not eligible for hire.

ALABAMA CERTIFIED NURSE AIDE REGISTRY

25. The Home Care Director/designee will conduct the Background Check on the Alabama Certified Nurse Aide Registry.

- Access the Alabama Certified Nurse Aide Registry at the website <http://www.adph.org/>, click on Contents A – Z, and then click on Nurse Aide Registry.
- Enter the applicant's social security number in the appropriate boxes and click on the "Search" button.
- Verify the status of the applicant.
 - If the applicant is not listed in the Nurse Aide Registry, a message will appear to indicate that the SSN is "not found in registry."
 - If the applicant is certified as a nurse aide, a report will appear having the following:
 - Social Security Number
 - Last Name
 - First Name
 - Date Added to the Registry
 - Test Date
 - Orig. Date Certified
 - Adverse Finding
 - Expirations Status
 - If the applicant has no "Adverse Finding" it will state "None".
 - If the applicant is certified as a nurse aide and has been convicted of abuse, the Status will indicate there is important additional information concerning this individual and give instruction to click on the "Request More Info" button to submit a request for more information or call 334-206-5169. NOTE: There are reasons other than abuse that may trigger this message, so contact the appropriate personnel in the Bureau of Health Provider Standards to verify Nurse Aide Registry listing.
- Print the results page from the website.

26. After it is determined that the applicant is either not listed or is a Nurse Aide in good standing on the Nurse Aide Registry, the interview of the applicant can proceed.
27. If it is determined that the potential applicant is listed on the Nurse Aide Registry, and has been convicted of abuse, the applicant is not eligible for hire.

ALABAMA BACKGROUND CHECK

28. The Home Care Director/designee will ensure the Alabama Background Check (ABC Report) is completed prior to the employee being hired.
29. The request for an Alabama Background Check should be made as the last step prior to offering the job to the potential employee. It should not be requested unless the offer to employ the person in a Life Care staff position is imminent.
30. The Home Care Director/designee interviewing the potential employee will:
- Inform potential employee that an Alabama Background Check must be done.
 - Require potential employee to read through, complete, and sign the Alabama Background Check Report Waiver form.
 - The form does not have to be notarized.
 - All information on form must be clearly printed and easily read.
 - The form is located on the Home Care Secure website under the Life Care Forms section.

EMAIL Documentation

- A scanned copy of the ABC Report Waiver form may be emailed to Pamela Kendrick or designee.
- If an "out of the office" message is received, forward the scanned copy to Samarria Dunson or designee.

FAX Documentation

- Forward an email to Pamela Kendrick or designee in the ADPH Office of General Counsel letting him/her know that an Alabama Background Check Report Waiver form will be faxed.
 - If an "out of the office" message is not received in response to the email, fax the completed and signed Alabama Background Check Report Waiver form to Pamela Kendrick or designee at 334-206-3762 or other designated fax number.
 - If an "out of the office" message is received, fax the Alabama Background Check Report Waiver form and fax cover sheet to Attorney Samarria Dunson or designee at 334-206-5874 or other designated fax number.
 - Include a fax cover sheet as required by ADPH policy that clearly identifies the name and email address of the supervisor to whom the results of the Alabama Background Check should be forwarded. Results should not be forwarded to non-supervisory personnel.
 - Only one request per individual should be faxed.
31. The ADPH Office of General Counsel will conduct the Alabama Background Check.
32. The Home Care Director/designee as stated on the fax cover sheet will receive an email response from the ADPH Office of General Counsel that will indicate whether

the applicant may or may not be considered for employment based on the results of the statewide Alabama Background Check.

- If the applicant is eligible for hire, the email response will include, if applicable, any other issues/charges identified by the Alabama Background Check that may impact a hiring decision, including those that do not permanently disqualify an individual from employment.
33. If it is determined that the applicant may be considered for employment based on the results of the statewide Alabama Background Check, the interview of the applicant may proceed.
34. If it is determined that the applicant may not be considered for employment based on the results of the statewide Alabama Background Check, the applicant is no longer eligible for hire as a Life Care staff member.

FILING OF ALL BACKGROUND CHECK INFORMATION

35. The results of each of the Background Checks should be printed and maintained in the employee file, regardless of the outcome of the results or if the employee accepts a position with ADPH.
36. If the potential employee is hired, the following documents should be retained in a separate employee file in the same secure location as the employee's personnel record:
- Pre-employment Screening for OIG Sanction Exclusion results.
 - National Sex Offender Public Website (NSOPW)
 - Alabama Certified Nurse Aide Registry Report.
 - Alabama Background Check Waiver and results. The original signed Alabama Background Check Waiver form and the email from the ADPH Office of General Counsel regarding the results of the Alabama Background Check.
 - Other related and pertinent documents.
37. If the potential employee is not hired, the following documents when completed/accessed as part of the any Background Check should be retained in a separate file with the applicant's job application in a secure location kept by the Home Care Director /designee. The documentation for each potential employee should be in a separate file.
- Pre-employment Screening for OIG Sanctions Exclusion results.
 - National Sex Offender Public Website (NSOPW). "Search Results".
 - Alabama Certified Nurse Aide Registry Report.
 - Alabama Background Check Waiver and results. The original signed Alabama Background Check Waiver form and the email from the ADPH Office of General Counsel regarding the results of the Alabama Background Check.
 - Other related and pertinent documents

Employee notification to Supervisor

38. Any Life Care staff must notify his/her supervisor within 3 (three) working days if he/she is arrested for or convicted of any criminal activity.

39. Employee Compliance Statement

As of January 1, 2009, all Life Care staff employees will be asked to sign and date a Life Care Background Check Compliance Statement (LC-207 12-08) as part of their annual employee performance appraisal to confirm the following:

- They have read the Life Care Background Check policy and been given an opportunity to ask questions about it,
- They do not have any pending felony charges or arrests
- They have not been convicted of any violent crime or any other felony since his/her hire date (if after January 1, 2009) and/or last annual employee performance appraisal.
- They are aware of their responsibility and agree to notify their supervisor within 3 (three) working days if they are arrested for or convicted of any criminal activity.

40. The original signed and dated Life Care Background Check Compliance Statement must be retained in a separate employee file in the same secure location as the employee's personnel record.

- The Life Care Background Check Compliance Statement (LC-207 12-08) printed from the Home Care Secure website.

41. Failure to complete, sign and date the compliance statement will exclude an individual from employment as a Life Care staff member.

42. Personnel action regarding employees who fail to complete the compliance statement will be handled on a case-by-case basis consistent with State and ADPH Personnel policies and procedures. The employee's supervisor will have a mandatory consult with the ADPH Office of Human Resources **before** meeting with the employee regarding this matter.