### Division of Developmental Disabilities Presents:



# Employee Background Check Requirements for Developmental Disabilities Service Providers

September 2012

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### **PURPOSE OF THIS TRAINING**

- To provide information about the initial and annual staff background check process and related documentation required of Division of Developmental Disabilities-funded provider agencies.
- Problems with background checks are the most frequently cited findings during Division of Developmental Disabilities/Bureau of Quality Management reviews.
- Information is applicable to all employees within a DDD-funded program/agency
- Expectations outlined in Community Services
   Agreement Attachment A (Section VIII).

### **Sources**

- Community Services Agreement Attachment A http://www.dhs.state.il.us/page.aspx?item=59407
- Health Care Worker Background Check Act http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1303&ChapterID=24
- Paul's Law (Public Act 097-0441)
   <a href="http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-0441">http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-0441</a>

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# **FIVE (5) TYPES OF REQUIRED CHECKS**

- 1. Illinois State Police Health Care Worker Background Check
  - a. Time of Hire (1/1/00)\*
- 2. Health Care Worker Registry
  - a. Time of Hire (1/1/00)\*
  - **b.** Annually (7/1/12)
- 3. Department of Children and Family Services
  - a. Time of Hire (7/1/07\* child programs; 7/1/09\* All)
  - **b.** Annually (7/1/12)
- 4. Illinois Sex Offender Registry
  - a. Time of Hire (7/1/07 \*- child programs; 7/1/09 \*- All)
  - **b.** Annually (7/1/12)
- 5. Healthcare and Family Services Office of the Inspector General Sanctions List
  - a. Time of Hire (7/1/08\*)
    - \* Employees hired prior to the date the law took effect who are still employed at your agency do not need the initial background check but will require Annual checks.

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# Distinguishing Between IDPH Health Alert Network (HAN) "National" Background Checks and DHS/DDD "Illinois" Background Checks

- The HAN web portal contains background check links to the National Sex Offender Registry and the National HHS-OIG "sanctions list" that are part of the HAN web portal process.
- Background checks required by DHS/DDD contract are separate from the HAN process.
   The HAN process does not automatically meet DHS/DDD contractual obligations.

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# Who Needs these Required Background Checks?

- All employees, in any capacity, need background checks. This includes full and part-time employees, staff from temp agencies, custodial staff, administrative and clerical staff.
- Employees on leave such as the Family and Medical Leave Act (FMLA) are not required to have new background checks when they return to work.
- Employees who terminate employment with your agency and later return to work will need background checks again.

# "At time of hire..."

For purposes of background checks, the Division of Developmental Disabilities considers "at time of hire" to be the <u>first day in paid status</u>.

Typically required no later than first day in paid status. May be completed prior to first day in paid status but no earlier than 20 salondar days before the employer.



than 30 calendar days before the employee starts work.

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### **CONSENT TO CONDUCT CHECKS**

- Forms to initiate the Illinois State Police and CANTS checks include consent
- ✓ No consent required for on-line checks – open to the public
  - ✓ HCWR
  - ✓ Illinois Sex Offender Registry
  - HFS OIG Sanctions List



# Health Care Worker Registry

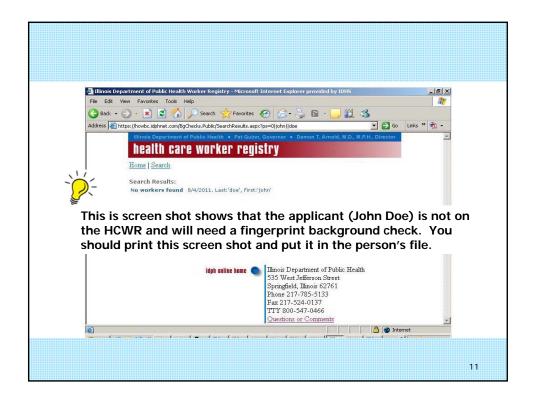
health care worker registry

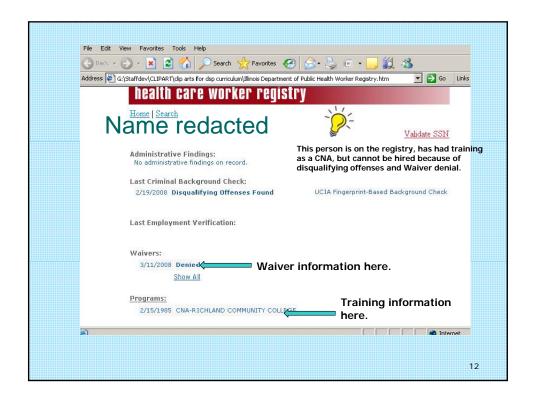
- o Purpose
  - Administrative Findings
  - Disqualifying Convictions
  - Training
  - Criminal background check "status"
- Search Tips
- Validating Results
- Waivers
- Documenting Search Results

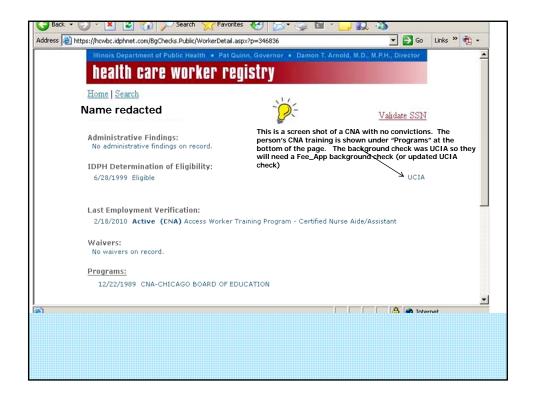
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# Health Care Worker Registry

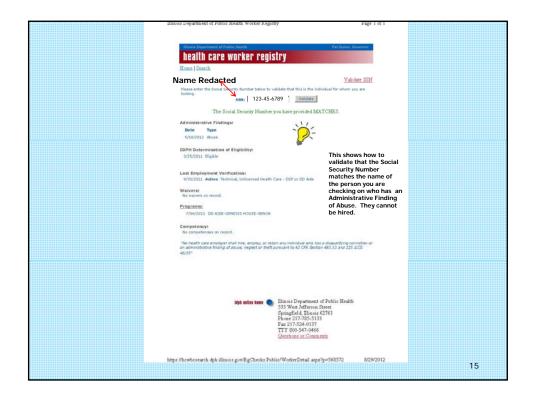
- o http://www.idph.state.il.us/nar/home.htm
- Suggest that this check be completed first
- If employee already on the registry, learn about:
  - Training
  - Administrative Findings
  - Disqualifying convictions









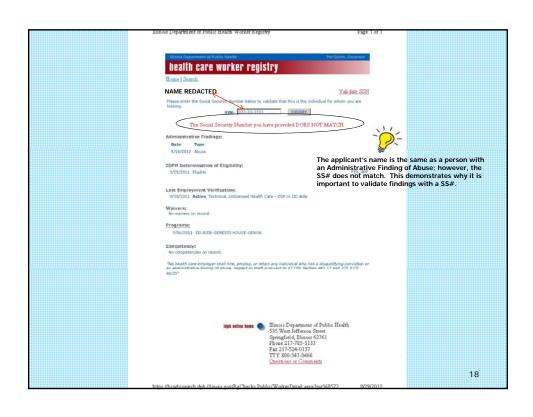


# Search Tips

- All information entered limits the search to only those parameters that are included within the listing
- Search using last name only when possible
- o Use only first initial of first name
- o Consider name changes
- Unusual names may be misspelled

# Validating Results

- If name match is found, always validate results using social security number of the applicant
- If several entries on the HCWR with similar name, will need to check them all



# Waivers for Disqualifying Convictions

- Individuals with disqualifying convictions (as defined by the Health Care Worker Background Check Act) may not work in a DD funded setting unless a waiver has been granted
- Waivers granted by Illinois Department of Public Health
- See IDPH Health Care Worker Registry for details
- o http://www.idph.state.il.us/nar
- Waivers previously granted by DHS Bureau of Accreditation, Licensure and Certification will still be honored by Division of DD.
- Employers are under no obligation to hire employees who subsequently obtain waivers for disqualifying convictions or findings.

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# **Documenting Check**

- o Print a copy of the page from HCWR
- Must be dated

## **Illinois State Police**

- o What type of check is needed?
  - Name
  - Fingerprint
- How to conduct check
- Disqualifying convictions



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# **Fingerprint Checks**



- Health Care Worker Background Check Act
  - http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1303 &ChapterID=24
- October 1, 2007 deadline to begin fingerprint background checks
- Must apply to Illinois Department of Public Health to gain access to the web portal before beginning "Fee\_App" fingerprint based checks

# How to Register for Access to the **Illinois Department of Public Health Web Portal**

Electronic Fingerprint request forms are generated through the Illinois Department of Public Health Web Portal. If your agency does not yet have access to the Illinois Department of Public Health's Health Alert Network (HAN) Web Portal, contact IDPH at:

http://portalhome.dph.illinois.gov/

### You will need to:

- Complete and sign the Department of Public Health Portal Registration Authority (PRA) agreement. (A picture of the top part of the form is on the next slide.)
- This registration form is available at the IDPH web site shown above.

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# **Idphnet**

### HEALTH ALERT NETWORK (HAN) WEB PORTAL REGISTRATION AUTHORITY AGREEMENT

IN ORDER TO PROVIDE THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (IDPH) WITH ACCESS AND IDENTIFICATION INFORMATION FOR THE PURPOSE OF USER ACCOUNT REGISTRATION AND ADMINISTRATION, IDPH WILL PROVIDE A DESIGNATED PUBLIC HEALTH PARTNER FACILITY (FACILITY) ACCESS TO THE IDPH HAN WEB PORTAL.

INDIVIDUALS APPLYING FOR THE ROLE OF THE PORTAL REGISTRATION AUTHORITY (PRA) FOR A PUBLIC HEALTH PARTNER FACILITY MUST READ THIS AGREEMENT BEFORE ACCEPTING THE RESPONSIBILITIES FOR THIS ROLE.

- HAN Web Portal User Accounts for his/her Facility.
- This Agreement will become effective upon submission of the PRA application to, and acceptance by, the IDPH Security Administrator (SA). By submitting this PRA application he/she is requesting the authorization from IDPH to manage uses accounts for his/her facility and are expressing his/her agreement to the terms of this PRA Agreem

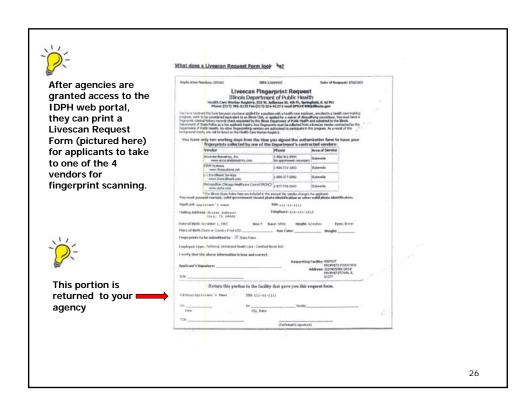
- Act as a liason, providing a single point of contact and coordination between the Facility and IDPH;
- Provide true and trusted authentication of Facility HAN Web Portal Users for the purpose of issuing User according to the purpose of the purp following the process outlined in the Portal Registration Process document;
- 3. Serve as a secure conduit of activation/recovery for User accounts and passwords requiring activation/recovery and ensuring prompt notification of terminated employees for the purpose of User account deactiva
- Immediately Inform the SA of any account/password compromise situation that would warrant disabling as
- 5. Review and obtain a working knowledge of the IDPH HAN Web Portal and assist users with its authorized use;
- 6. Comply with and enforce all application policies, procedures and rules established by IDPH with regards to the use and

The PRA as This is page 1 of the form agencies complete to 2. To main request access to the IDPH web portal. It can be Portal; downloaded from their web site.

# How to Do Web Portal Background Checks

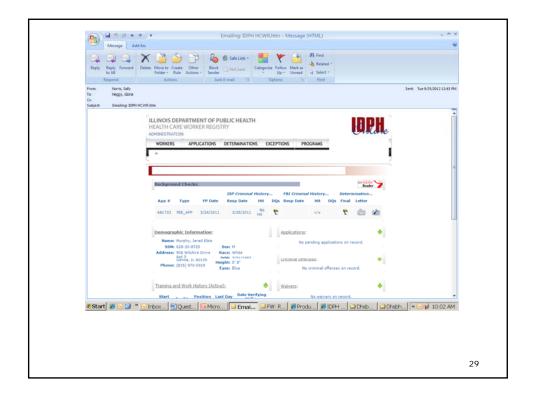
To conduct a fingerprint background check using the web portal:

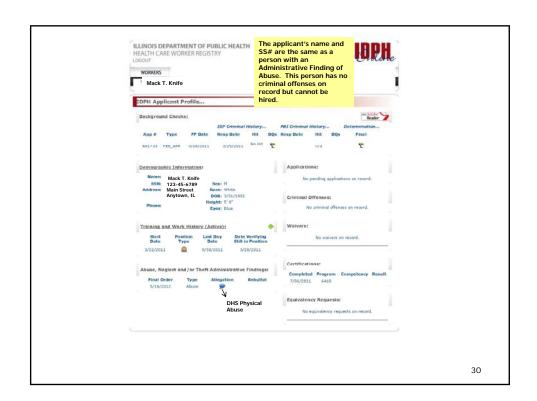
- Log into the Web portal, select the application field.
- Print a request for a LiveScan fingerprint form for the DSP job candidate to take to LiveScan Vendor.
- The LiveScan request form is good for 10 working days.
- The Vendor scans the applicant's fingerprints and electronically sends the results to the HCWR within 24 to 48 hours.
- The Applicant returns the bottom part of the form to your agency.



Dantal	ound Checks Using		
Portal			
	IDPH HCWR	Page 1 of 1	
	ILLINOIS DEPARTMENT OF PUBLIC HEALTH HEALTH CARE WORKER REGISTRY	LOPH	
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# When to Use the Illinois State Police UCIA Background Checks

Agencies that don't yet have access to the IDPH *Health*Alert Network (HAN) Web Portal will need to use the Illinois State Police Uniform Conviction Information Act (UCIA) background check method in the interim. There are two types of forms that are used to request UCIA information: a non-fingerprint request form and a fingerprint request form. The forms are available on the Illinois State Police Web site at: http://www.isp.state.il.us/crimhistory/chri.cfm

After agencies' HAN web portal process is implemented, they should not go back to UCIA checks. Soon, only fee app background checks will be allowed.

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# NON-FINGERPRINT CONVICTION INFORMATION REQUEST (Form ISP6-405B)

A non-fingerprint background check uses identifiers in the search such as name, sex, race, and date of birth. Any criminal history record information found as a result of a non-fingerprint based computerized criminal history check is based solely on a search of the identifiers provided in the request. It is not uncommon for criminal offenders to use alias names and dates of birth which could adversely affect the results of a non-fingerprint based search.

# NON-FINGERPRINT BACKGROUND CHECK (cont.)

A name-based background check may bring up several people with the same name. If the applicant has the same name as a person with a disqualifying offense, a fingerprint background check could clear the applicant for employment. Or, in the alternative, it could verify that the applicant is, in fact, the person with the disqualifying offense.

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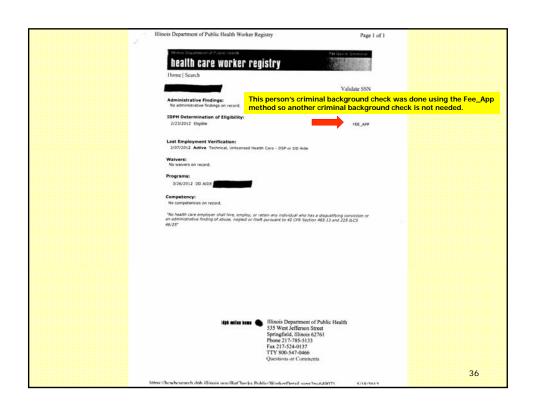
# FINGERPRINT CONVICTION INFORMATION REQUEST (Form ISP6-404B)

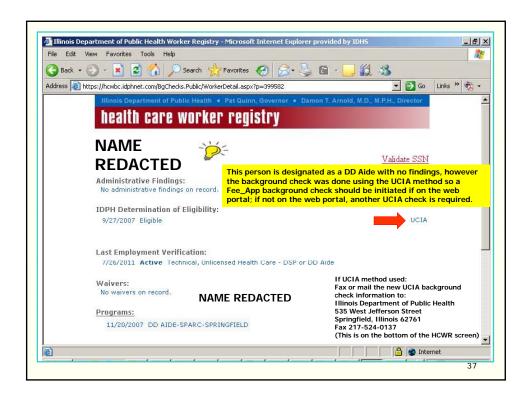
A fingerprint based criminal history record information search confirms positive identification of the subject to whom the fingerprints belong contained on the fingerprint request form.

The UCIA fingerprint check is more reliable than the name-based check but neither of these State Police UCIA background checks will notify agencies of any future convictions as the Fee\_App Method does.

# What if the prospective employee is already listed on the HCWR?

- Look at the type of check completed
- "Fee\_App" indicates finger-print check has already been completed.
   No additional ISP check required.
   (Update employment information)
- "UCIA" indicates either a namebased or non Fee\_App fingerprint check was completed. A new check is required when employee changes employment.





# **Background Check Results**

- "Conditional" hire until results are received
- May be conditionally employed for up to 3 months while awaiting results
- If results indicate a disqualifying conviction, may not be employed unless a waiver is granted
- May not be employed while awaiting waiver

# Illinois Sex Offender Registry



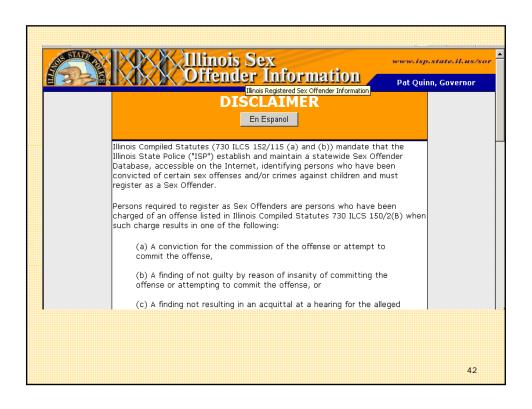
- Purpose
- Address
- Search Tips
- Documenting Search Results
- Common Mistakes

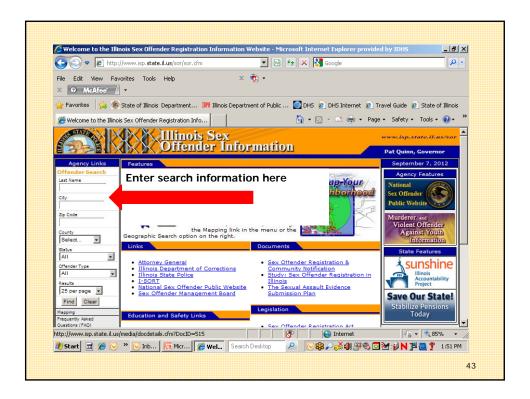
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# **Purpose**

- Required by CSA Attachment A
- Providers shall not employ an individual in any capacity until the Provider has inquired of and received the results from the Illinois Sex Offender Registry concerning the individual. If the database reflects the existence of, or contains information that indicates a finding, the Provider shall not employ him or her in any capacity.

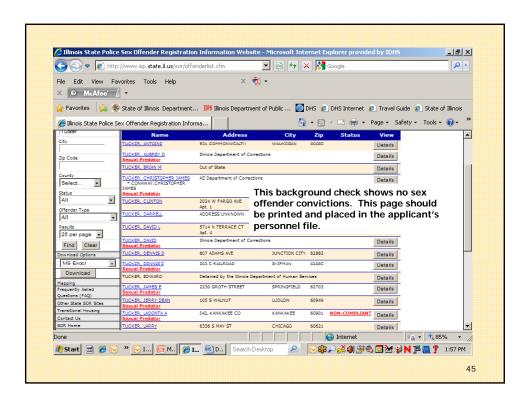
# Address for Online Check • Free • Public access • Immediate results • http://www.isp.state.il.us/sor/



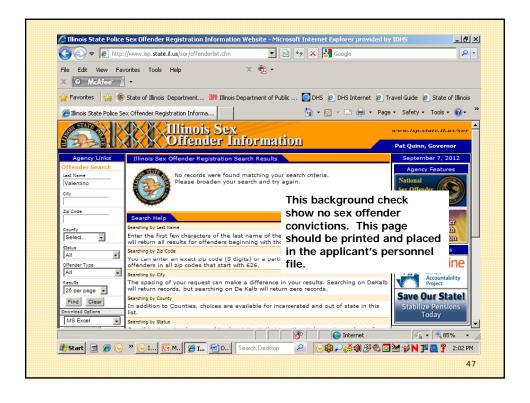


# Search Tips

- o Enter only last name
- Entering other information will limit the search
- First few letters of last name okay
- Search may result in a list ...just scroll through list to confirm employee is not included on the list







# Common Problems Output Misspelled name Adding zip or county Using National Sex Offender Search Not printing proof of conducting check No date on print out

# Healthcare & Family Services Office of the Inspector General

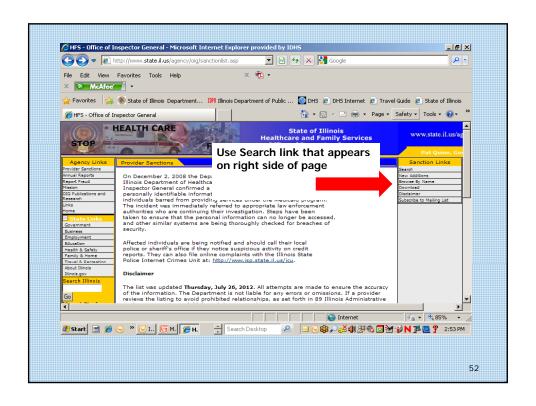
- Purpose
- Address
- Search Tips
- Documenting Results
- Common Mistakes

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# **Purpose**

- To confirm that employee is not barred from receiving Medicaid/Medicare funds by Department of Healthcare and Family Services
- Required as part of Community
   Services Agreement Attachment A





# Search Tips

- o Enter only last name
- If first and last names are used, do not separate names with a comma
- Entering only a few letters will return all names containing that combination



## Common Problems

- Misspelled name
- Punctuation when entering name
- Using national Department of Health and Human Services List of Excluded Individuals/Entities (link at the bottom of the page)
- Not printing proof of conducting check
- No date on print out

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# Child Abuse & Neglect Tracking Systems (DCFS CANTS)

- Purpose
- Process
- Indications
- Waivers



# Who Needs DCFS CANTS Check?

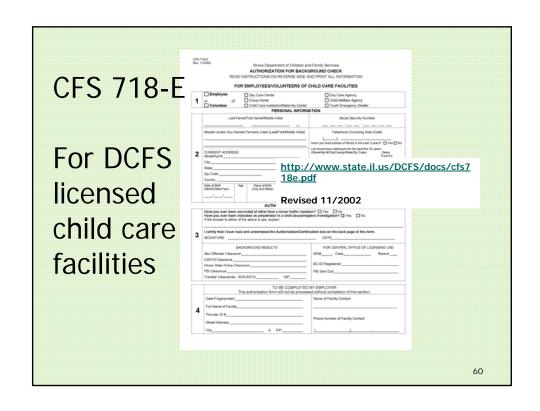
- Community Services Agreement Attachment A:
  - All employees hired on or after 7/1/09
  - All employees working with children who were hired on or after 7/1/07
  - Not required at time of hire for anyone hired prior to 7/1/07

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# Requesting CANTS Check

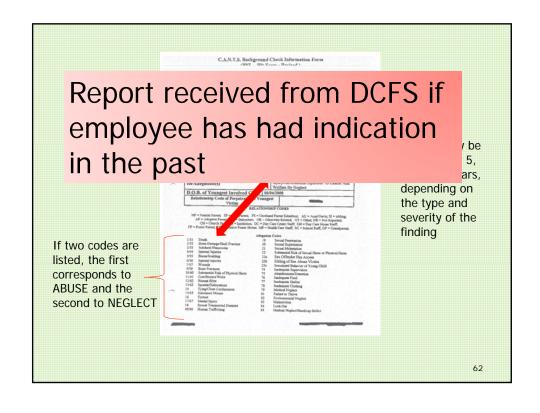
- Different form depending on whether or not provider is licensed by DCFS
- Must be initiated no later than first day in paid status
- Employee may continue to work while awaiting results

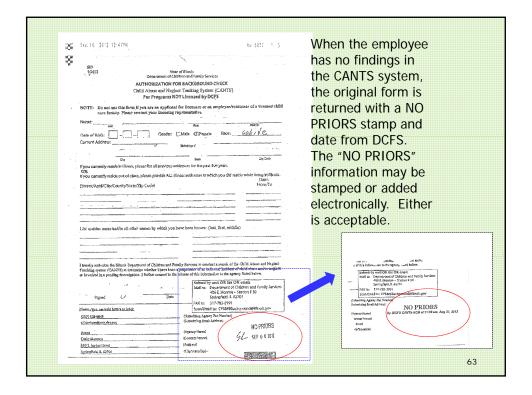
CFS 689	CFS 6409  Rey 77031.2  State of Illinois  Department of Oxiders and Family Services  AUTHORIZATION FOR BACKGOUNDO CHECK  Child Abuse and Neglect Tracking System (CANTS)  For Programs NOT Learness day DCFS  NOTE: Do not use this form if you are an applicant for licensure or an employeevolunteer of a licensed child care facility. Please centert your foresting proposestable.  Name:	
For	Date of Birth: Great Gender: Male: Female Race:  Current Address: Sensing#	
programs NOT licensed By DCFS	If you currently reside on Illinois, please this all previous addresses for the past five years.  OR  If you currently reside out-of-state, please provide ALL Illinois addresses in which you did reside while Distret  Storeet/App(KCntyl/County/Stat **  Inttp://www.state.ii.us/dcfs/docs/CFS 689 Authoriza*  ion for Background Check for Programs NOT Licens:  ed_by_DCFS_(Fillable).pdf  List maiden name and/or all oth  Revised 7/2012 — Be sure to use the most current form  Revised 7/2012 — Be sure to use the most current form  Inciden specific films (No.11) in description of Emily Services to endust seem of this Child About and Veglet Tracking yours (CANTS) in description whether the No.12 is previous to endust a seem of this Child About and Veglet Tracking yours (CANTS) in description whether the No.12 is previous of a relative and the Child About and Veglet Tracking yours (CANTS) in description. If infer recent to the child in life and the register of a relative and the Child About and Veglet Tracking yours (CANTS) in description. If infer recent to the child in life and the register of the relative and the Child in the Company (No.11) in the Children and Family Services (No.11) in the Children	<u>S</u>



## **Indications**

- "Indication" is the term used by DCFS to describe substantiated abuse or neglect following an investigation
- DCFS will document the length of time which an indication will remain in the employee's file
- No person may be employed in any capacity in a DD funded program with an active indication unless a waiver is granted





## Waivers

- CANTS waivers for DD funded programs that are not licensed by DCFS may be requested from the Division of Developmental Disabilities
- Waiver process is still under development
- Interim process submit request plus supporting documentation (including a copy of the CANTS report) to <u>Reta.Hoskin@illinois.gov</u>
- Employee may not work until a waiver is granted

# **Annual Checks**

- Paul's Law (Public Act 097-0441)
   requires three checks to be repeated annually:
  - Health Care Worker Registry
  - Illinois Sex Offender Registry
  - CANTS
- Included as part of Community
   Service Agreement Attachment A

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# Is an annual HCWR check required if we use fingerprint checks?

- o Yes
- Automatic notification of disqualifying convictions goes to only 1 employer
- No notice of administrative findings

# **ANNUAL CHECKS – 3 OPTIONS**



 Repeat the check on the anniversary of the employee's date of hire



 Repeat the check at the time of the employee's annual performance evaluation



 Develop a schedule of checks that results in timely completion

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# Annual Checks (continued)

- Effective FY13
- Need process now
- o Begin Implementation
- o Fully in place by June 30, 2013
- By June 30, 2013 every employee should have a check during FY13.
   Thereafter, checks should be no more than 13 months since the previous check.

# When conducting annual check, employee must be terminated if

- Subsequent disqualifying conviction (when there is no waiver)
- > Administrative findings on HCWR
- > New indications in CANTS
- New listing on Sex Offender Registry

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# **Electronic Record Keeping**

- Web page "screen shots" can be saved as PDF files and filed electronically.
- Agencies must be able to access these in a timely manner for random file reviews.

