

Employee Background & Screening Policy

Purpose

To establish a uniform policy and procedures for reporting and responding to all abuse/neglect suspicions and allegations, as well as any criminal findings that can affect the safety and wellbeing of all CFPS clients and employees, as well as maintain compliance with all our contracts and stakeholders.

Policy

It is the policy and the responsibility of Caring for People Services (CFPS) to have a background check conducted for every employee in the organization, before they are hired, and at certain other periods during their tenure, as stated in the *Employee Background Check & Screening Process*.

Background Checks and Screenings Performed

Background Checks

Checkr

All applicants and employees of CFPS are screened through the customized Caregiver Driver Pro package in Checkr, which includes the following searches:

1. Unlimited County Criminal Search (last 7 years)
2. Motor Vehicle Report
3. National Criminal Search (standard)
4. Sex Offender Check
5. SSN Trace
6. Global Watchlist Check
7. All aliases related to the SSN provided and the Motor Vehicle Records found

E-Verify

All applicants and employees of CFPS are screened through E-Verify, a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS)

Verify Comply

All applicants and employees of CFPS are screened through the Verify Comply system, which includes the following searches:

Standard Federal Lists

1. U.S. HHS Office of the Inspector General's (OIG) List of Excluded Individuals and Entities (LEIE)
2. U.S. Government Services Agency (GSA) System for Award Management (SAM)

Standard State Lists

1. Alabama Medicaid Suspended Providers
2. Alaska Department of Health and Social Services Excluded Provider List (ID=33)
3. Arizona Health Care Cost Containment System Excluded Providers
4. Arkansas Department of Health Services Excluded Provider List
5. California Department of Health Care Services Suspended and Ineligible Provider List
6. Colorado Department of Health Care Policy and Financing Terminations for Cause
7. Connecticut Department of Social Services Administrative Actions List
8. District of Columbia Excluded Parties List
9. Florida Agency for Health Care Administration Medicaid Sanctioned Providers
10. Georgia Department of Administrative Services Suspended and Debarred Suppliers
11. Georgia Office of Inspector General Exclusions List
12. Hawaii Med-Quest Excluded Providers
13. Idaho Department of Health and Welfare Medicaid Exclusion List
14. Illinois Healthcare and Family Services Office of Inspector General Provider Sanctions
15. Indiana Family and Social Services Administration Terminated Provider List
16. Iowa Department of Human Services Medicaid Provider Sanctions List
17. Iowa Department of Human Services Credible Allegation of Fraud Suspension List
18. Iowa Department of Human Services Provider Termination and Exclusion List
19. Kansas Department of Health and Environment Terminated Provider List
20. Kentucky Cabinet for Health and Family Services Medicaid Terminated and Excluded Provider List
21. Louisiana Department of Health & Hospitals Adverse Actions List
22. Maine Office of the Department of Health and Human Services MaineCare Excluded Providers
23. Maryland Dept of Health and Mental Hygiene MMA Providers & Other Entities Sanctioned List
24. Massachusetts Health and Human Services List of Suspended or Excluded MassHealth Providers
25. Michigan Department of Community Health List of Sanctioned Providers
26. Minnesota Department of Human Services Excluded Provider Lists
27. Mississippi Division of Medicaid Sanctioned Provider List
28. Missouri Department of Social Services Medicaid List of Terminated Providers
29. Montana Dept of Public Health and Human Services Excluded or Terminated Medicaid Enrollment
30. Nebraska Department of Health and Human Services
31. Nevada Department of Health and Human Services Excluded/Sanctioned Providers
32. New Jersey Office of the State Comptroller Consolidated Debarment Report
33. New Jersey Office of the State Comptroller Consolidated Medicaid Debarment Report
34. New York Office of the Medicaid Inspector General List of Exclusions
35. North Carolina Health and Human Services State Excluded Provider List
36. North Dakota Department of Human Services Provider Exclusion List
37. Ohio Department of Medicaid Provider Exclusion and Suspension List
38. Pennsylvania Department of Human Services Medichex Precluded Providers List
39. South Carolina Department of Health and Human Services Excluded Providers List
40. Tennessee TennCare Terminated Providers List

41. Texas Health and Human Services Commission Office of the Inspector General Exclusions
42. Washington Department of Social and Health Services Excluded Providers
43. Washington Health Care Authority Provider Termination and Exclusion List
44. West Virginia Medicaid Provider Sanctioned/Exclusion Lists
45. Wyoming Department of Health Provider Exclusion List

Lists are updated as made available by each state.

NDHHS

All applicants and employees of CFPS are screened through the Nebraska Central Registry, which includes the following searches:

1. Adult Protective Services (APS) Registry
2. Child Abuse and Neglect (CAN) Registry

IHHS

All applicants and employees of CFPS who live in Iowa or who are scheduled to work in Iowa are screened through the Iowa Central Registry, which includes the following searches:

1. Child Abuse Registry
2. Dependent Adult Abuse Registry

Fit for Duty Screening

Drug Test

All applicants and employees of CFPS are screened for drugs through CFPHHC, with the following cutoff levels (a cutoff level is the point which segregates a test result as being either positive or negative):

1. Amphetamines - 1000 ng/mL
2. Barbiturates 200 ng/mL
3. Benzodiazepines 300 ng/mL
4. Cocaine Metabolite 300 ng/mL
5. Marijuana-Cannabinoids 50 ng/mL
6. Opiates 2000 ng/mL
7. Propoxyphene-Darvocet 300 ng/mL
8. Methamphetamine 1000 ng/mL
9. Oxycodone 100 ng/mL
10. Phencyclidine PCP 25 ng/mL

If applicant/employee tests positive for any of the above drugs, the urine sample will be sent to Labcorp for confirmation testing. Confirmation testing takes 48-72 hours once received at the Lab. Once confirmation testing is complete, HR will reach out to applicant/employee to review results.

TB Screening

All field applicants and employees of CFPS are screened through CFPHHC, Tuberculin - a TB antigen is injected to determine the extent of immune response. Each applicant and employee must return within 48 hours to be read.

Physical Exam

All field applicants and employees of CFPS are assessed through CFPHHC for the Essential Physical Demands of the Position as Caregiver or Care Manager, such as:

1. Forward bend, trunk rotation, kneeling/crouching to reach objects on the floor, underneath a bed, wheelchair legs.
2. Client transfer, client repositioning, bed mobility, vacuuming, walking.
3. Lifting and moving various equipment, client personal items. Able to lift 25 lbs.
4. Level 3, Elite Certified Caregivers: Hoyer lift maneuvering, Hoyer lift management. Able to push/pull 100 lbs.

Adverse Actions

An applicant and/or current employee always has the right to dispute the accuracy of their report if any potential discrepancies arise. It is the policy of Caring for People Services that applicants and employees are aware of this right through the *Adverse Action Process* section of the *Employee Background Check and Screening Process*.

Pre-Adverse Action Notice

The applicant and/or current employee is sent a Pre-adverse Action letter and a copy of the consumer report to give them an opportunity to respond to the information contained in the report. The letter also includes the standard document called “A Summary of Your Rights Under the FCRA.”

Waiting Period

During the waiting period of seven calendar days after the Pre-adverse Action letter is sent, the applicant and/or current employee may dispute the results with the reporting agency. In this case, Caring for People Services will extend the waiting period to 30 calendar days to rerun the background check or screening before providing a final notice of the decision to not hire or terminate the employee.

Adverse Action Notice (or Post-Adverse Action Notice)

Once that Caring for People Services has waited the required amount of time, the applicant and/or current employee are provided a final notice of the decision to not hire or terminate them.

Consequences of Adverse Findings after Adverse Action Process

Any adverse finding for a background check or screening may result in disciplinary action up to and including termination.

Criteria for not hiring or immediate termination

1. Specific Criminal History per NDHHS 741 NAC 27-008.03
 - a. Child pornography
 - b. Child or adult abuse
 - c. Driving under the influence, pending charge or conviction within the past ~~eight~~ five years
 - d. Domestic assault
 - e. Shoplifting after age 19 and within three years prior to the criminal history review
 - f. Felony fraud within the last ten years
 - g. Misdemeanor fraud within the last five years

- h. Possession of any controlled substance within the last five years
 - i. Possession of a controlled substance with intent to deliver within the last five years.
 - j. Felony or misdemeanor assault without a weapon in the last ten years
 - k. Felony or misdemeanor assault with a weapon in the last 15 years
 - l. Prostitution or solicitation of prostitution within the last five years
 - m. Felony or misdemeanor robbery or burglary within the last ten years
 - n. Rape or sexual assault
 - o. Homicide
2. Motor Vehicle Violations
 - a. No more than 2 accidents in the past 3 years
 - b. No more than 1 moving violation and 1 accident in the past 3 years
 - c. No more than 2 moving violations in the past 3 years
 - d. No cell phone or distracted driving violation in the past 3 years
 - e. No major violation in the past 5 years
 - f. Driver must be over 18
3. CFPS has amended NDHHS 741 NAC 27-008.03 guidelines section 1c for employee background check, hiring and job retention effective January 1, 2019 to read as follows:
 - a. Driving under the influence, pending charge or conviction within the past **five** years.

Criteria for other disciplinary action up to and including termination.

Any other positive finding for a background check or screening will be subject to the following disciplinary action criteria:

Applicants

1. Assessment by HR of the violation, namely:
 - a. The nature and gravity of the offense or conduct
 - b. The time that has passed since the offense or conduct.
 - c. The nature of the job held or sought.
2. Resolution
 - a. Not hiring
 - b. Moving forward with the hiring process with or without restrictions

Employees

1. Immediate suspension of the Employee
2. Assessment by HR of the violation, namely:
 - a. The nature and gravity of the offense or conduct
 - b. The time that has passed since the offense or conduct.
 - c. The nature of the job held or sought.
3. Resolution
 - a. Termination
 - b. Removing the suspension with or without restrictions or further disciplinary action