



Background Checks

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Home and Community Services Division
September 26, 2012**

Policies and Procedures

What are the procedures I have to follow when:

- I am an HCRR/AAA and the applicant wants to work for HCS/AAA or DDD clients only?
- I am an HCRR/AAA and the applicant wants to work for either or both HCS/AAA DDD clients?



HCRR Process

Applicant:

1. applies for the Registry
2. Wants to work for either DDD or HCS clients
3. Completes two Background Authorizations, one for DDD and one for HCS

HCRR:

1. Submits both Background Authorizations to BCCU:
 - One will have the FINGERPRINT REQUIRED
 - The other will be NAME AND DATE OF BIRTH

BCCU:

- Responds with an Interim Results letter for the BA submitted as a FINGERPRINT CHECK REQUIRED
- Responds with a name and date of birth results letter for the NAME AND DATE OF BIRTH request

HCRR:

- At time match is found, a fingerprint appointment is scheduled.
- Sends provider file, including the fingerprint appointment receipt, to the DDD or HCS office
- Once Final Results are received, HCRR send the results to the DDD or HCS office.

When, however,

- If the match is with the division (HCS or DDD) for which HCRR processed the check as name and date of birth, (Then)
 - HCRR completes a second NAME AND DATE OF BIRTH check for that division
 - This is to be done following receipt of FINAL RESULT letter from other division's check
- BCCU then provide a name and date of birth result letter. This result letter will reflect fingerprint-information already received by BCCU

HCRRA/AAA applicant wants to work for HCS/AAA
or DDD clients only

1. Applicant completes the Background Authorization (BA)
1. HCRRA puts “Fingerprint Required” label on the BA
2. HCRRA submits the Name and Date of Birth to BCCU through web-based system

Continued...



Continued....

4. BCCU processes the Name and Date of Birth check and sends an Interim Results letter to the HCRR through the web:

- If the Interim Results letter says '*No Record*,' the HCRR obtains the OCA#, completes the contracting process and places the applicant on the Referral Registry
- If the Interim Results letter is a '*Record*' letter (what I call the A and B letter), complete a character, competence, and suitability review
- HCRR sends the applicant approval or denial for placement on the Registry



Continued...

5. HCRR receives 'match'
6. HCRR schedules the fingerprint appointment, receives the receipt from MorphoTrust for scheduled fingerprint, and
7. Sends applicant file to DDD or HCS



Continued...

8. HCS or DDD receives applicant documents
9. Completes a C/C/S if applicant has a record and authorizes services
10. HCRR receives fingerprint-based results, and sends them to HCS, AAA (governmental), or DDD

HCRR/AAA applicant wants to work for *either or both* HCS/AAA DDD clients?

1. Applicant completes the Background Authorization (BA)
2. HCRR puts “Fingerprint Required” label on the HCS BA and does not put a label on the DDD BA.
 - The reason is that you do not want to do two sets of fingerprints, one for HCS and one for DDD, and
 - You place more IPs with HCS clients than you do DDD clients.
3. HCRR submits the Name and Date of Birth to BCCU through web-based system

Continued....

4. BCCU processes the Name and Date of Birth check and sends an Interim Results letter to the HCRR through the web:

- If the Interim Results letter says '*No Record*,' the HCRR obtains the OCA#, completes the contracting process and places the applicant on the Referral Registry
- If the Interim Results letter is a '*Record*' letter (what I call the A and B letter), complete a character, competence, and suitability review
- HCRR sends the applicant approval or denial for placement on the Registry

Continued...

5. HCRR receives 'match,' for an HCS client.
6. HCRR schedules the fingerprint appointment, receives the receipt from MorphoTrust for scheduled fingerprint, and
7. Sends applicant file to the HCS/AAA office.

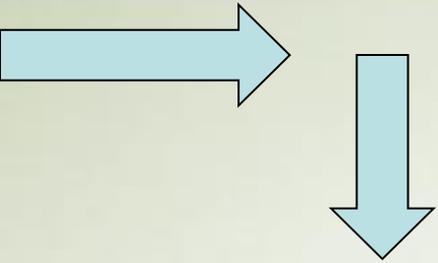
If, however,

The match is with a DDD client (and not HCS),
then the process is *different*. You must:

1. Make a fingerprint appointment through MorphoTrust;
2. Send the provider file to DDD with the fingerprint appointment receipt;
3. BCCU process it through the FBI and send you a results letter.

Then you must.....





1. *Submit another DDD name and date of birth BA to BCCU*
2. BCCU will run that BA through DDD Secretary's List, and
3. Send you the Final Results letter, which you send to DDD.

What is *different* about the process if I am not an HCRR/AAA?

1. You fax in your BAs;
2. BCCU provides you with the OCA #;
3. HQ completes all C/C/S reviews for both the name and date of birth *and* fingerprint-based portion of the check; and
4. BCCU sends you a Final Results Letter, but does not send you the actual FBI results.

BCCU provides:

Two results letters:

- An Interim Results letter that includes information from:
 - The Washington State Patrol (WSP)
 - Office of the Courts
 - Registries (APS/CPS/RPP/DOH)
- A Final Results letter that includes information from:
 - WSP Fingerprint Identification
 - Federal Bureau of Investigation (FBI)

Can an IP be contracted and begin to work before the background check is complete?



YES!

RCW 74.39A.056

RCW 43.43

Whose decision is it when a client wants to provisionally hire their IP?

HCS/AAA

client



How many times does an IP have to be fingerprinted?

- Washington State Patrol

No limit

BCCU will notify you

- Federal Bureau of Investigation

2 times

BCCU will notify you

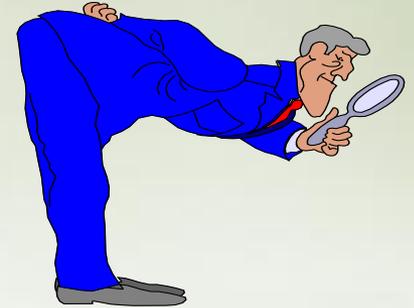
FBI Results can...

- **NEVER be released outside of the governmental entity**
- The applicant can obtain their results and provide them to the client



Rap Sheets

- **Crime**
- **Degree, if stated**
- **Status (guilty)**
- **Date of Conviction**
- **DOC (Department of Corrections) activity**
- **FBI results, shared with HCS and AAA offices and AAA sub-contractors that are governmental entities**



So, if the BCCU letter is:

- A Secretary's List letter, and
- Under "Source," it says:
 - Adult Protective Services
 - Children's Protective Services
 - Resident Protection Program
- Then the applicant/provider disqualified?

Yes

They have had their due process right

Isn't there an exception to the Registries?

Yes

- Department of Health
 - www.doh.wa.gov

What's different about DOH findings than CPS, APS, or RPP findings?

- DOH findings are related to a person's certification or license: It's a property right
- Any finding by DOH will result in a Secretary's List (disqualifying) letter
- DOH certification/license actions are never removed from the DOH website

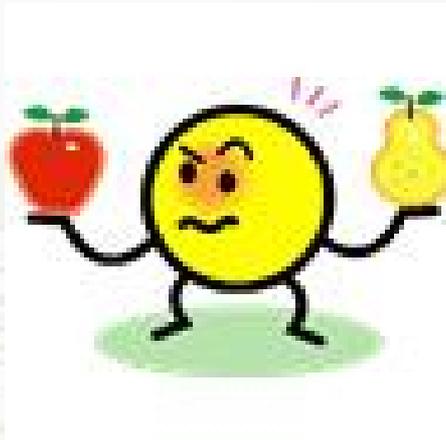
So, what if the applicant got their certification or license back?

DOH and Informal Dispute Resolution: DOH may offer a licensed or certified person with an initial finding a process called “informal dispute resolution,” in lieu of a formal hearing

- The person must meet certain criteria, e.g. additional training, supervision, counseling
- If completed successfully, DOH will reinstate the person’s license or certification

However....

*This does not mean that this person
is qualified to be a contracted as an
IP*



Who makes the decision?

- For HCRRs:
 - HCRR HQ program managers
- For AAA and HCS:
 - Sue McDonough
- For DDD:
 - Shaw Seaman

So,

- Are there *any other exceptions to a BCCU letter?*



Yes

- You will get a “Record” letter when an applicant/IP has a pending crime. However,

Pending *disqualifying* charges are *always* disqualifying based on character, competence, and suitability until the outcome in court

BCCU Letter:

Record

Record letter says, "...the applicant has at least one of the following on his/her record....

A. A criminal conviction or pending charge; or

B. A negative action..."



Record letters *always*....

Require a:

- Character
- Competence, and
- Suitability review



Remember

- All background results and CCC must be sent to the authorizing DDD or HCS/AAA.



We can.....

Never....

make a C/C/S determination based on whether we think that the applicant may request an Administrative Hearing.

WAC 388-71-06220 and WAC 388-71-06240 provide an administrative hearing right to applicants either denied to be placed on the RR, or terminated from the RR.

Bottom line...

Protection of our vulnerable population...health,
safety, well-being....



So, what is character, competence and suitability? Our Decision Making Responsibilities

- Who decides?
 - Client
 - YOU make the final determination
- When do we decide?
- How do we decide?

One to one relationship behind closed doors....



HCRR The SW/CM/Client must consider....

- Crime
- Length of time since conviction(s)
- Crimes in relation to services to be provided
- One to one relationship behind closed doors

Final determination: HCS/AAA

In writing



Background Check Results

When the IP has a “Record,” but no automatically disqualifying crime/negative action: Examples:
Assaults, especially assault 4, because it is usually domestic violence

- Thefts, because of the vulnerability of clients
- DUIs, may reflect a substance abuse problem, which can impact the provision of care, and also safety for a client if the IP is providing transportation
- Driving with a suspended license, goes to responsible behavior/safety
- Driving without insurance, if the IP transports the client
- Resisting arrest, may relate to anger management
- Possession of a controlled substance
- Failure to appear in court, goes to responsible behavior and safety for client

How do we decide?

Background Check Results:

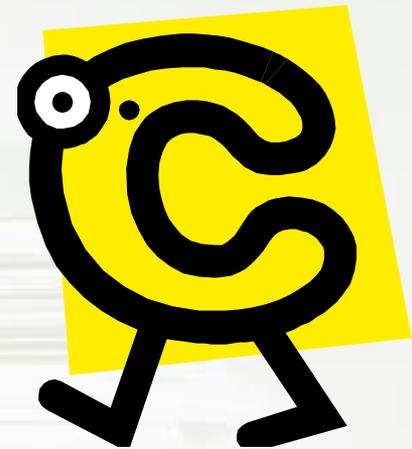
DSHS guidelines for state employees include:

- Self disclosed information
- Conviction records, pending charges and negative actions;
- Age at time of convictions or negative actions;
- Nature and severity of convictions, pending charges and negative actions;
- Length of time since convictions, pending charges and negative actions;
- Patterns of convictions, pending charges and negative actions.

Character

What does it mean to you?

- Temperament/patience
- Makeup
- Integrity
- What else?



Competence

- **What goes into determining competence?**
 - **Responsibility**
 - **Ability**
 - **What else?**



Suitability

- We don't mean just 'physical fitness'
 - Experience
 - Relationship
 - Compatibility
 - Stress/fatigue
 - What do you use when looking at suitability?



Got Questions?

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