

Thomas O. Forslund, Director

Governor Matthew H. Mead

BHD Bulletin

DATE: February 6, 2015

TO: All Waiver Providers

FROM: Chris Newman, Senior Administrator
Behavioral Health Division

SUBJECT: Background Check Process Guidance

REF #: CN-2015-013

The Wyoming Department of Health, Behavioral Health Division (Division) worked with the Department of Family Services (DFS) to clarify the background screening process. As a result of this clarification, provider staff may provide unsupervised services to **adults (waiver participants 18 and older)** following a successful DFS Central Registry Screening as previously allowed under the Medicaid Rules, Chapter 45, Section 25(i). Provider staff serving **children (waiver participants 17 and younger)** must complete both the DFS Central Registry Screening and criminal background checks before providing services.

This clarification allows employees serving adults to receive prompt preliminary results from DFS, and begin providing services as they await the full background screening results from the Wyoming Division of Criminal Investigations (DCI). Please be aware that the Central Registry Check from DFS is not a complete criminal history background check, but rather a check on whether an employee has been substantiated for abuse or neglect by DFS. New employees may begin providing unsupervised services once the DFS Central Registry form comes back showing that the individual is not "listed on the DFS Abuse/Neglect Central Registry."

All providers will continue to either submit the fingerprint cards to Juanita Gordon at the Wyoming Life Resource Center or to their assigned Provider Support Specialist for the full background check processing, through DCI, as defined in the Wyoming Medicaid Rules, Chapter 45, Section 25.

Providers must also continue to check their employees against the U.S. Department of Health and Human Services, Office of Inspector General's List of Excluded Individuals and Entities. 42 U.S.C. § 1320a-7. This is a requirement of federal law, and is not affected by this bulletin.

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Providers may begin using the Central Registry Check through DFS, for new staff *providing services to adults*, upon the issuance of this bulletin. The Division will also have a follow-up Provider Support Call that will discuss this topic and any questions surrounding this modified step. More information on the Provider Support Call is listed on page three of this bulletin.

CURRENT CONCERNS WITH THE BACKGROUND SCREENING PROCESS

In the summer of 2013, the Division was informed that DFS could no longer complete criminal history pre-screening as part of the DFS Central Registry Screening process. As a result, the Division believed that all provider staff needed to pass a full DCI background screening before they could begin working with participants.

At the request of providers, the Division began a review of the existing background screening process in the summer of 2014. On multiple occasions, providers voiced their concerns with the DCI background screening process, indicating that it took anywhere from one to three months to receive criminal background check results. This delay reportedly caused providers to incur an increase in overtime costs and the loss of new staff who were finding other employment before the background check process was even complete.

NEW STAFF WORKING WITH MINORS

Although new employees serving adults can begin providing services following the Central Registry Screening, as mentioned above, staff serving minors must still complete the full background screening process. This is because Wyoming's criminal history screening law requires all Department of Health contractors providing services to minors to complete and pass criminal history records checks. W.S. § 7-19-201(a)(v), (b).

For providers that deliver any *services to minors (ages 17 and younger)*, they must ensure the full process is being followed by submitting both the fingerprints and the SS-26 form to Juanita Gordon at the Wyoming Life Resource Center. New employees serving minors shall not begin work with participants until the formal background screening has been completed by DCI and the new employee has passed the screening. This process may include changes to provider policies, scheduling procedures, and personnel file maintenance. The Division has the discretion to revoke a provider's certification if they do not adhere to the formal process.

THIRD-PARTY BACKGROUND SCREENING

Through the stakeholder process, some providers requested the ability to use a web-based third-party background screening applications, for which they were willing to pay. Providers expressed that perhaps a web-based application would provide quicker results. *The Division's current rules do not address this type of practice.* Rather, the Division's rules continue to prohibit providers from employing persons who do not ultimately pass a DCI and FBI criminal history screening for all providers and their employees. Medicaid Rules, Chapter 45, section 25(a). Therefore, while providers may wish to use these services to improve their own hiring practices, third-party background screenings may not substitute for the required criminal history screening for adults or children.

Providers are encouraged to keep in mind that these services typically rely on public record researchers, and are not official or complete criminal history records. It will be up to the provider to determine the third-party service's credibility upon use. Please understand, that even if a provider decides to use a web-based background screening application, they are still required to complete the

full screening process through DCI. **A web-based screening process may not replace the full background screening requirement.**

FOR QUESTIONS

The Division will have a follow-up discussion on this topic during the Provider Support Call on February 23, 2015, which will further address any questions surrounding this process change. The call in number is 1-877-278-8686 Access Code 252484. Please save the date if you are interested in participating or asking questions. As always, submit your questions to your provider support specialist to help us prepare the most thorough response to your question before the call or contact our main office line at (307) 777-7115 if you have concerns or questions regarding these changes.

Sincerely,



Chris Newman, M.H.A.
Senior Administrator

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