

Topic: Background and routine checks	Department: HR, Quality/Compliance
Original effective date: 1/1/07	Last revision date: 5/17/24
Owner: VP for Quality and Compliance	Frequency of reviews: Annual
Internal/Regulatory Reference(s) (all that apply): 14 NYCRR 633.5; 14 NYCRR 633.22; 15 NYCRR 521.3(a)(6); NYS MHL 16.34; NYS Social Services Law 424-a; OPWDD Policy and Medicaid Billing Guidance for Ambulatory Patient Groups (APGs) and Standards for Article 16 Clinics Provider Manual;	
Related documents/Links: Please see references within the policy	

Policy: It is the policy of The Arc of Monroe that business, administrative and support functions promote personal and organizational outcomes.

Additional Information: In order to best ensure the safety of people we support and our workforce, and to assess appropriateness for their jobs, The Arc will conduct a variety of background checks consistent with regulations, requirements and agency policy.

For the purposes of this policy, “employees” includes people hired to work for the agency as w-2 employees.

Background checks may include, but are not necessarily limited to, the following:

Employees (when applicable)	<ul style="list-style-type: none"> • Justice center staff exclusion list* • Criminal history record check* • Exclusion checks* • NYS child register checks • Abuse/neglect history check • Clinical licensure verification • Education/degree verification • Federal bureau of prisons • National sex offender public registry
Board members	<ul style="list-style-type: none"> • Exclusion checks*
Volunteers, students and interns (when applicable)	<ul style="list-style-type: none"> • Justice center staff exclusion list* • Criminal history record check* • Federal Bureau of Prisons • National Sex Offender Public Registry • NYS child register checks • Abuse/neglect history check • Education/degree verification
Contractors (when applicable)	<ul style="list-style-type: none"> • Criminal history record check* • Exclusion checks*
Vendors	<ul style="list-style-type: none"> • Exclusion checks*

*Please cross reference those policies

Please note that, during the application process, all prospective employees (regardless of role) are asked:

- If they have ever been convicted of a misdemeanor or felony in any jurisdiction; AND
- If they have any pending charges

A prior conviction does not necessarily mean that an applicant will not be hired.

Services and supports that require a clinical license will only be provided by or with the oversight of a properly licensed clinician. The Arc can hire people to do a clinical job before they have their license only if NYS Education Department rules say it's allowable. An example would be someone working under a licensed clinician. They sometimes need to have a certain amount of experience before they can get their license. As long as they work under a licensed clinician and follow the state rules, they could get hired before they have their license. Please note that we don't verify the education of licensed clinicians, as they could not be granted a license if they didn't have the necessary education.

Procedure	
Task:	Responsible party:
General Guidelines:	
1. HR is responsible for coordinating background checks. The Arc Foundation manages volunteers and students, and works closely with HR to ensure good communication of necessary information.	HR, Foundation
2. A finding on a background check does not automatically mean that the person won't be hired (unless, through the Justice Center checks, they tell us we cannot hire the person). We will look at each case individually: at the finding, when it happened, and how much it might have to do with the person's job. Based on that, HR will make a final decision, after talking with compliance, administration or legal counsel as appropriate.	HR
Child Register Checks:	
1. The Arc will check any person who is actively being considered for employment, including, but not limited to, staff and volunteers, who will have the potential for regular and substantial contact with people supported by The Arc via the NYS Central Register.	HR Business Partner
2. The staff or volunteer will fill out the required paperwork, as provided by the HR Business Partner.	Staff or volunteer; HR Business Partner
3. The volunteer coordinator will provide HR with volunteer information.	Foundation
4. Staff and volunteers will get a copy of the social services law. They need to review the law and sign that they got it.	HR Business Partner; Staff or volunteer
5. Once the form is complete, the HR manager will secure payment for the check, send the person's information to Office of Children and Family Services (OCFS) (via a web portal) and mail the check.	HR Manager; Finance
6. Once we get the results, the HR manager will make a final hiring decision based on the results.	HR Manager
7. If, based on the results, we decide not to hire the person, then the HR Business Partner will notify that they cannot be or remain employed. HR will only send them a letter explaining why they were not hired and how to get a copy of the report from the NYS Central Register if they request.	HR Business Partner
Professional licensure, certification and registration monitoring:	
1. As a condition of employment, staff who need a license to do their job are required to keep their license and related registration or certification current. As part of ongoing supervision, managers will ensure that this occurs.	Licensed staff, Managers

2. Licensed clinicians must also follow the professional standards of their discipline and any professional associations they belong to.	Licensed staff
3. Before we hire an unlicensed clinician where a license is required, HR will look carefully at the NYS Education rules to make sure it's allowed and what controls or supervision need to be put into place to do so.	HR Business Partner or Manager
4. Clinical licenses will be checked monthly to make sure that all licensed clinical staff and consultants are current with their license, registration and certification. Documentation of these checks will be kept on file.	VP for Quality and Compliance or designee
5. The Arc will make sure that people have the licenses they need before they are hired.	HR Business Partner
6. If someone is found to be unlicensed or if their registration has lapsed, we will talk with them or their supervisor to find out what happened.	VP for Quality and Compliance or designee; HR Business Partner
7. If it's decided that the clinician can stay employed, they will need to re-register or recertify as soon as possible. The Arc will give them a reasonable amount of time to do so.	Licensed staff
8. If they do not re-register or recertify in the time given, the clinician could face discipline up to and including termination from employment.	HR Business Partner
9. Although in most cases, registration is made effective retroactive to the date it expired, until it's confirmed that they are current with their licensure or registration, the clinician cannot provide any services that require their license without approval from the VP for Quality and Compliance.	Management; VP for Quality and Compliance
10. The Arc will look to see if there are any legal or billing issues because of the lapse. If so, action will be taken to respond appropriately. This may include contact with legal counsel.	VP for Quality and Compliance
11. If they refuse to re-register or recertify and we have to pay money back, the clinician may be held responsible and be required to pay the money back. Their employment will also be terminated.	Licensed staff
Educational Background Verification:	
1. Many positions at The Arc require specific education. The Arc will formally (through an outside party) verify the educational backgrounds for: *Director level jobs or higher; or *Jobs where people need certain education to do the job (i.e., Qualified Intellectual Disability Professional (QIDP) and Behavior Intervention Specialists).	HR Business Partner
2. If we hire a clinician who is working toward their license but don't yet have it, we will verify their educational background (to verify that they are eligible for their internship or position).	HR Business Partner
3. If someone has more than one degree, we will only check the highest. For example, if someone has a bachelor's degree and a master's degree, we will only verify the master's degree (as the bachelors would be a prerequisite for the master's).	HR Business Partner
4. If it appears that someone may have lied about their education, HR will conduct an investigation. If this is proven to be true, then the person will not be hired.	HR Business Partner

Manager responsibilities:	
1. Managers have a responsibility to act as role models and establish the tone and expectation within their programs and teams for compliance with laws, rules and regulations.	Managers
2. Managers are obligated to understand their roles and responsibilities related to compliance, and to have a solid understanding of the compliance requirements of their programs, and the procedures established to ensure such compliance and the effective operation of their programs.	Managers
3. Managers will support HR and the compliance function in ensuring that background checks are completed as required and that staff are only allowed to work consistent with these requirements.	Managers
HR:	
1. HR will ensure that background checks are completed consistent with regulatory requirements	HR
VP for Quality and Compliance:	
1. The VP for Quality and Compliance acts as the agency's Compliance Officer, as required in NYS law.	VP for Quality and Compliance
2. Has primary responsibility for administering the agency's compliance program, and related policies and procedures.	VP for Quality and Compliance
3. Acts as a resource for agency staff, management, leadership and the Board for issues related to corporate compliance.	VP for Quality and Compliance
4. Will provide necessary support to HR and management in regards to background checks and compliance with applicable laws and regulations	VP for Quality and Compliance

Document revision record:

Revision Date	Release Date	Reason for change	Approver
5/19/08	5/19/08	Reasons for changes are not documented	P Dancer
6/24/09	6/24/09	Expanded information for clarity	P Dancer
12/30/09	1/1/10	Broke information out into a more user-friendly format	P Dancer
4/29/10	4/29/10	Reasons for changes are not documented.	P Dancer
5/5/10	5/5/10	Reasons for changes are not documented.	P Dancer
8/6/10	8/6/10	Added statement that the final decision is with HR. Added a paragraph explaining community prescriber checks	P Dancer
5/22/12	5/22/12	Clarified the wording	P Dancer
3/20/13	3/20/13	Added formal policy statement at the top of the document	P Dancer
7/25/13	7/25/13	Reasons for changes are not documented	P Dancer
10/24/14	10/24/14	Clarified some points around background checks	P Dancer
4/25/17	4/25/17	Amended roles on who conducted which checks	P Dancer
8/14/19	8/14/19	Simplified the language of the policy	P Dancer
10/18/19	10/18/19	Transitioned to new procedural format; removed exclusion checks for community prescribers	P Dancer

5/28/21	6/8/21	Incorporated child register, clinical licensure and education checks; clearly stated which checks apply to whom; and added discrete sections for managers, HR and VPQC	ICC
5/9/22	5/9/22	Added "position" to education background verification bullet 2	ICC
7/21/22	8/8/22	Defined "employees" for the purposes of this policy	ICC
6/29/23	6/29/23	Ensured language was consistent with other policies; removed ambiguous example; typos corrected	ICC
5/17/24	8/19/24	Added that legal counsel may be consulted for hiring decisions; corrected typos; spelled out an acronym; clarified who would be screened via NYS central register	ICC