

Voluntary Long Term Care Background Check Program

Frequently Asked Questions
June 1, 2015

PROGRAM BACKGROUND

In August 2012, the Department of Community Health (DCH) received a grant from the Centers for Medicare & Medicaid Services (CMS) to:

- Help Georgia protect vulnerable populations in long-term care settings;
- Identify efficient, effective and economical procedures for Georgia to conduct State and Federal background checks; and
- Establish a framework for standardized nationwide program for Georgia to conduct fingerprint-based background checks on all prospective *direct patient access employees* of long-term care facilities and providers.

As mandated by Georgia law, DCH currently conducts state and national fingerprint checks of owners and directors of personal care homes and assisted living communities, as well as the owners of private home care providers and community living arrangements. Georgia law also requires that employees of personal care homes, assisted living communities and nursing homes undergo a State background check; however, a national or Federal Bureau of Investigations (FBI) fingerprint check is not mandated. In order to conduct an FBI fingerprint check of direct access employees at other long-term care facilities such as hospices, and home health agencies, DCH must have legislative authority to conduct these checks.

Until legislation is adopted, DCH is implementing a voluntary background check program that will allow certain long-term care facilities to conduct an FBI background check of their direct access employees.

Further details are addressed in these Frequently Asked Questions about criminal background checks for long-term care employees.

For more information concerning the Voluntary Long Term Care Background Check Program, visit the Health Care Facility Regulation (HFRD) website at: <https://dch.georgia.gov/voluntary-background-check-program-0>.

FAQ



GEORGIA DEPARTMENT
OF COMMUNITY HEALTH

1. What facilities will be allowed to participate in the Voluntary LTC Background Check Program?

DCH is initially implementing the program as a pilot and only home health agencies and employees of private home care providers will be allowed to participate. It is expected that in August 2015, DCH will expand the program to include other LTC providers. When the program is fully operational, the background checks will also be made available to hospice, long-term acute care hospitals and employees of nursing homes.

2. When is the voluntary pilot program going to be implemented?

June 1, 2015.

3. Why are nursing homes participating in the voluntary program since they already require background checks?

Nursing homes are required by O.C.G.A. 31-7-350 to conduct a, non-fingerprint state background check of all prospective employees. Public Law 105-277 allows nursing homes to obtain a FBI or national fingerprint check. In both situations, the nursing home must make the determination as to whether the employee can be hired based on their criminal history. DCH has extensive knowledge and experience in reviewing criminal history information, as well as FBI audit requirements. By participating in the voluntary program, the nursing home can have DCH conduct the background checks allowing them to focus on their core mission or provide services to their clients.

4. How do I get fingerprinted?

An instructional guide on the fingerprinting process can be found at:
<https://dch.georgia.gov/voluntary-background-check-program-0>.

5. What is the cost of fingerprinting and how do I pay?

The cost of fingerprinting for a State and FBI check per individual is currently \$51.00. You must pay the fee online through the Cogent/GAPS website at the time you are completing the fingerprint registration form. You may also setup a billing account with 3M Cogent (Cogent) in which they will invoice the facility for the costs of fingerprinting.

6. What is Cogent/GAPS?

The Georgia Bureau of Investigation (GBI) awarded Cogent the contract to provide electronic fingerprint submission services for applicants in the State of Georgia. The fingerprint service, Georgia Applicant Processing Services (GAPS), will eliminate the need for agencies/businesses to submit hardcopy fingerprint cards.

Cogent provides fixed office locations throughout the state so that Georgia residents will not have to travel more than 35 to 50 miles to a GAPS office. In addition, Cogent plans to have mobile units available for agencies/businesses to contract for the fingerprinting of large groups. Mobile operations will be at an additional cost to the requesting agency.

Search results of the fingerprint background check should be available for DCH to retrieve from the GAPS website **within 24 to 48 hours** after the applicant is fingerprinted and the transaction submitted to GCIC for processing.

For facilities participating in the **voluntary program**, visit the Cogent Systems website at www.ga.cogentid.com. Cogent/GAPS has recently upgraded their website and the fingerprint process has changed significantly, so it is highly recommended that you read the instructional fingerprint guide, which can be found at: <https://dch.georgia.gov/voluntary-background-check-program-0>.

Electronic submission of fingerprint images will involve the use of a Cogent Live scan machine. The Live scan is, essentially, a sophisticated scanner and personal computer that captures fingerprint images and demographic data and submits this information to GBI. GBI conducts a search of its criminal history records using the fingerprint images. In some cases, these images are also forwarded to the FBI where a Federal Criminal History Record search is also conducted. Notifications of the search results are then forwarded from the GBI/FBI to 3M Cogent where these results are then electronically disseminated to DCH.

7. How will DCH conduct the background checks?

Within 24-48 hours after an applicant has been fingerprinted, DCH will receive the state and FBI fingerprints through the Cogent/GAPS website. DCH will review the criminal history and make a determination as to applicant's suitability for employment. Within two business days of reviewing the criminal history results, DCH will prepare a satisfactory fitness determination letter and either mail or email it to the facility.

8. What happens if the applicant has a disqualifying crime on their criminal history report?

The FBI requires that the applicant be allowed to dispute any adverse findings. In cases in which an applicant has a disqualifying crime or there is a missing disposition(s), DCH will send a letter to the applicant requesting they provide court documentation to DCH within 15 days should they want to dispute the charge(s)/disposition. If no documentation is received, DCH will issue an unsatisfactory fitness determination.

9. What is the policy for the voluntary background check program?

The policy defines what long-term care facilities can participate as well as the disqualifying crimes. Also, facilities will be required to conduct checks of the Georgia Sex Offender Registry, Georgia Nurse Aide Registry, and the federal List of Excluded Individuals/Entities (LEIE). The policy can be found at <https://dch.georgia.gov/voluntary-background-check-program-0>.

Prior to fingerprinting, facilities participating in the voluntary background check program should first conduct the registry checks because if an applicant does not pass all registry checks they would be disqualified for employment. There would be no reason for a facility to pay the cost of fingerprinting if the applicant did not pass all the registry checks.

10. Where can I find the links to the various registries?

- 1) Georgia Sex Offender Registry (http://state.sor.gbi.ga.gov/Sort_Public/)
- 2) Georgia Nurse Aide Registry (<https://www.mmis.georgia.gov/portal/PubAccess.Nurse%20Aide/tabId/73/Default.aspx>)
- 3) LEIE (<http://exclusions.oig.hhs.gov/>)

11. Will I be required to sign an agreement to participate in the voluntary background check program?

Yes. The agreement must be prepared online at <https://dch.georgia.gov/voluntary-background-check-program-0>. Once the agreement is completed, the form will be sent electronically to DCH for review. As mentioned previously, only home health agencies and employees of private home care providers will be allowed to participate during the pilot program. In August 2015, DCH will open the program to other long-term care providers.

12. Since this is a voluntary program, am I prohibited from hiring an applicant who has an unsatisfactory fitness determination?

Yes. Although this is a voluntary program, DCH requires that facilities not hire a prospective applicant should they have an unsatisfactory fitness determination. Facilities who hire an applicant with an unsatisfactory fitness determination must “opt out” from participating in the voluntary program.

13. Is there an appeal process?

No. As mentioned previously, the FBI requires that the applicant be allowed to dispute any adverse findings. In cases in which an applicant has a disqualifying crime or there is a missing disposition(s), DCH will send a letter to the applicant requesting they provide court documentation disputing the charge(s)/disposition within 15 days.

14. Am I required to have all my direct access employees fingerprinted?

Yes. DCH recognizes this may cause some financial hardship for facilities; therefore, all current direct access employees will be given one (1) year from the date of their participation agreement to get fingerprinted. As mentioned previously, the FBI requires that the applicant be allowed to dispute any adverse findings. In cases in which an applicant has a disqualifying crime or there is a missing disposition(s), DCH will send a letter to the applicant requesting they provide court documentation disputing the charge(s)/disposition within 15 days.

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15. I work as a Director at a personal care home and I was fingerprinted six (6) months ago and received a satisfactory fitness determination letter. I am applying to work at a hospice facility. Will you accept my satisfactory fitness determination letter?

Unfortunately, we cannot. The disqualifying crimes for personal care homes are not identical to those in policy for the voluntary program. Additionally, although you were fingerprinted six (6) months ago, we would not know if a disqualifying event occurred after you were initially fingerprinted.

16. I own a personal care home. Can my employees participate in the voluntary program?

No. O.C.G.A. 31-7-259(d) requires that personal care home employees only undergo a state background check. Also, O.C.G.A. 31-7-250 has different disqualifying crimes than what is defined in the voluntary background check policy. DCH will not process any fingerprint results for personal care home employees and managers under the voluntary program.

17. Where may I obtain more information about the voluntary program?

Contact Denise Matthews at 404-463-0115 or Chris Bennett at 404-656-0464. You can also send an email to VoluntaryBackgroundCheck@dch.ga.gov.