

KDADS STANDARD POLICY

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| Policy Name: | HCBS Provider Background Check Policy | Policy Number: | |
| Division: | Community Services and Programs (CSP) | Date Established: | 05/18/15 |
| Applicability: | Home and Community Based Programs | Date Last Revised: | 06/30/15 |
| Contact: | Hcbs-ks@kdads.ks.gov | Date Effective: | |
| Policy Location: | External | Date Posted: | |
| Status/Date: | Draft for Public Input | Number of Pages: | 4 |

Summary

This policy is designed to establish background check requirements for providers of home and community based services (HCBS), including procedure and process for conducting, processing and demonstrating compliance with background check requirements. Prior to any delivery of HCBS services to a program participant, providers must complete background checks as detailed in this policy and maintain documentation that all required checks were cleared for every employee, direct service worker, contractor and sub-contractor prior to initiating service delivery. Website links contained within this policy are provided as a courtesy and KDADS does not warrant continued accuracy of any such link.

ENTITIES and INDIVIDUALS AFFECTED BY THIS POLICY

Providers, personal care service providers, employees, contractors and sub-contractors.

Policy

All providers shall complete required background checks and maintain documentation of successful background check clearance by every employee, direct service worker, contractor and sub-contractor in order to provide services to participants in the following HCBS Programs:

- Autism (AU)
- Frail Elderly (FE)
- Intellectual/Developmental Disability (IDD)
- Physical Disability (PD)
- Serious Emotional Disturbance (SED)
- Technology Assisted (TA)
- Traumatic Brain Injury (TBI)
- Money Follows the Person (MFP)

The contractor, sub-contractor, provider agency or agency on behalf of a participant-directed consumer must complete a background check on applicants for employment, employees and personal care service providers prior to offering an employment agreement to a personal care service provider or employee.

For this policy a background check shall include checks of the following records:

- Kansas Bureau of Investigation (KBI) criminal history record information (CHRI);
- Kansas Dept. of Children and Families (DCF) Adult Abuse, Neglect and Exploitation Central Registry;
- **DCF Child Abuse and Neglect Central Registry;**
- Kansas State Board of Nursing (KSBN) licensure and discipline status*, if applicable;
- Kansas Nurse Aide Registry (KNAR), if applicable*; and
- Kansas Dept. of Revenue (KDOR) Drivers License Record Search*, if applicable.

*A KSBN licensure and discipline status screening is only applicable if the HCBS waiver service(s) requires a KSBN licensed professional such as a licensed practical, registered nurse, advance practice registered nurse or licensed mental health technician to perform the service(s).

*A KNAR check is only applicable if the individual is a certified nurse aide or certified medication aide.

*A KDOR Drivers License Records search may be waived if the written agency policies; and/or the written consumer/provider agreements specifically prohibit the employee, direct service worker or provider from providing transportation service as a job function/task.

Unless otherwise specified in this policy, providers are not permitted to provide services to a HCBS participant until verification of completion and clearance of all required background checks is available for review by the participant.

An individual employee, personal care service provider or provider shall be considered to have cleared a background check when all of the applicable record checks listed above are completed and no record of conviction of a prohibited offense listed in K.S.A. 39-970 and amendments thereto or listing on the DCF Adult Abuse, Neglect and Exploitation Central Registry or DCF Child Abuse and Neglect Central Registry is found. If applicable, KSBN, KNAR and KDOR licensure and certification must be in good standing for attainment and maintained of background clearance.

Contractors, sub-contractors and provider agencies must provide evidence that required background checks have been completed and clearance obtained for all individual employees, personal care service providers and providers at the time of licensure renewal. Compliance with background check requirements will be reviewed by KDADS any time deemed necessary by KDADS, to determine continuous compliance with HCBS waiver requirements and this policy.

All licenses, certifications, training completion and standards that are required for the specific field through which an HCBS service is provided must be maintained in good standing including, but not limited to:

- Professional Licensure/Certification (if required);
- Completion and compliance with all KDADS's training and professional development requirements relevant to HCBS programs.

Conditional Term of Employment (CTE): Employers must inform proposed conditional employees, personal care service providers, contractors/subcontractors, providers of all applicable conditions in writing prior to offering CTE. Conditional employment or engagement as an employee, personal care service provider or contractor/subcontractor providing HCBS services may not be offered unless all the criteria listed below are met.

- Kansas Bureau of Investigation (KBI) criminal history record information (CHRI) was completed with no record of prohibited offenses listed in K.S.A. 39-970 as a bar to employment noted.
- Evidence of (DCF) Adult Abuse, Neglect and Exploitation Central Registry and Child Abuse and Neglect Central Registry check has been submitted and KSNB, KNAR, KDOR check has been completed, if applicable, prior to offering the CTE.

CTE is limited to 60 days from the date of the CHRI submission. CTE providers of HCBS service(s) must be terminated from employment as a provider of HCBS services immediately upon notification of a clearance failure or on the 61st day of CTE, whichever is soonest. Employers must notify the CTE provider at a minimum 5 business days prior to the effective date of termination.

Background Check Procedures

CHRI, KNAR and KDOR Background Checks

HCBS providers may submit CHRI and KNAR (if applicable) background check requests through KDADS Health Occupation Credentialing Division (HOC). The process for requesting the checks can be accessed at the following link: <http://www.kdads.ks.gov/commissions/scc/health-occupations-credentialing>

KDOR Drivers license record search

Information concerning KDOR Drivers License Records searches and associated forms and costs may be accessed at the following link: <https://www.accesskansas.org/ssrv-mvr-ltd/>

DCF Registries

K.S.A. 65-6205 authorizes community service providers, a mental health centers, and independent living agencies to request for the background information on applicants for employment with such entity information :

- (1) From the Kansas department for children and families as to whether such applicant has committed an act of physical, mental or emotional abuse or neglect or sexual abuse as validated by the Kansas department for children and families pursuant to K.S.A. 2014 Supp. 38-2226, and amendments thereto;
- (2) from the Kansas department for children and families as to whether such applicant has been found to have committed an act of abuse, neglect or exploitation of a resident as contained in the register of reports under K.S.A. 39-1404, and amendments thereto, or an act of abuse, neglect or exploitation of an adult as contained in the register of reports under K.S.A. 39-1434, and amendments thereto;

DCF Adult Abuse, Neglect and Exploitation Central Registry

DCF maintains a statewide registry identifying, after due process, persons substantiated for the abuse, neglect, exploitation or fiduciary abuse of vulnerable adults.

K.S.A. 65-6205 authorizes community service providers, mental health centers and independent living centers to perform employment background checks to determine whether a potential employee is listed on the registry. Requests for adult registry checks must be submitted identifying the potential employee using the DCF required form currently found at the following link: [Request for Information form: http://www.dcf.ks.gov/services/PPS/Documents/PPM_Forms/Section_10000_Forms/PPS10400.pdf](http://www.dcf.ks.gov/services/PPS/Documents/PPM_Forms/Section_10000_Forms/PPS10400.pdf).

Providers not listed in K.S.A. 65-6205 may have the potential employee sign a [release of information form: http://www.dcf.ks.gov/services/PPS/Documents/PPM_Forms/Section_10000_Forms/PPS10400.pdf](http://www.dcf.ks.gov/services/PPS/Documents/PPM_Forms/Section_10000_Forms/PPS10400.pdf), allowing a registry check of their name.

DCF Child Abuse and Neglect Central Registry

To request a person's name be searched on the DCF Child Abuse and Neglect Central Registry, their written permission is required using the [Registry Release Form](#): http://www.dcf.ks.gov/services/PPS/Documents/PPM_Forms/Section_1000_Forms/PPS1011.pdf. A \$10.00 fee may apply for each request.

KSBN

License Status Verification is available online at www.ksbn.org or, written request for verification may be submitted to the Board office. License status verification will include the following information:

- Kansas license number
- Date of issue and expiration
- Legal and/or disciplinary action (if any)

Please refer to the KSBN website for additional information and any updates.

Contact Information

**Kansas Dept. for Aging and Disability Services
HCBS Program Coordinator
Community Services and Programs Commission
503 S. Kansas Ave
Topeka, KS 66603
HCBS-KS@kdads.ks.gov**

Related Information

RELATED LINKS:

- [K.S.A. 39-970](#)
- [K.S.A. 65-6205](#)

Approved by:

| | |
|---|------|
| KDADS HCBS Director | Date |
| KDADS Community Services and Programs Commissioner | Date |
| KDADS Legal Division | Date |