



Andrew M. Cuomo, Governor
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Pre-Employment Checks

Criminal Background Checks

Staff Exclusion List Check

Statewide Central Register of Child Abuse and Maltreatment

Justice Center

- The Justice Center for the Protection of People with Special Needs (Justice Center) was created to strengthen and standardize the safety net for persons who receive care from New York State and private providers licensed, certified, funded, or approved by a State Oversight Agency (SOA).
- It becomes operational on June 30, 2013.

Pre-Employment Checks

- The Pre-Employment Checks discussed today apply to prospective staff hired on or after June 30, 2013.

Criminal Background Checks

- The Protection of People with Special Needs Act centralizes within the Justice Center the criminal background check (CBC) process for facilities or providers overseen by:
 - the Office of Mental Health (OMH);
 - the Office for People With Developmental Disabilities (OPWDD); and
 - any residential programs or facilities licensed or certified by the Office of Children and Family Services (OCFS).

Staff Exclusion List

- Vulnerable Persons Central Register (VPCR) includes a Staff Exclusion List (SEL).
- SEL contains individuals found ineligible to work in a position involving regular and substantial contact with a service recipient.
- Prior to requesting a CBC, certain entities must request a check of the SEL when seriously considering an applicant for employment.

Statewide Central Register Inquiries

- List of providers that must check the Statewide Central Register of Child Abuse and Maltreatment (SCR) was expanded to include “facility or provider agency” as defined in Social Services Law §488(4).
- If newly required (after 6/30) to check the SCR as part of the pre-employment screening, a provider must apply thru OCFS for such access.
- All entities that are required to do SEL check must also do SCR check if the subject of inquiry is not on the SEL.

CBC

- Justice Center CBC unit staff – familiar names
- OMH providers CHITS = Justice Center CBC system
- OPWDD providers and registered providers
- OCFS licensed or certified residential programs or facilities

CBC Blackout Period

- **Blackout period:** From 3 pm on Friday, June 21, 2013 through 9 am on Monday, July 1, 2013, OMH and OPWDD providers will not be able to submit fingerprints and requests for CBC.
- The “blackout period” is critically important, as it will enable prints submitted before 3 pm on Friday June 21 to cycle through the system and permit the input of all necessary data to ensure that Justice Center CBC system works effectively.

CBC

- If a provider operates a program for more than one SOA involved in the Justice Center's CBC system (OMH, OPWDD and residential programs for OCFS), only one CBC is required for an applicant who meets the fingerprinting criteria if the provider is checking for all programs **simultaneously** and indicates that on the submission.

Justice Center and Office of Alcohol and Substance Abuse Services (OASAS)

CBC Waiver

- Justice Center and OASAS have agreed to copy the waiver program that OMH and OPWDD utilized.
- If an applicant meets the fingerprinting criteria for the Justice Center CBC and OASAS CBC, the provider may at the time of registering for the fingerprint submission request such a waiver.
- The Justice Center and OASAS will separately proceed with reviews of the applicant's criminal history and will independently advise the provider's Authorized Person of their determinations.

Justice Center OASAS Waiver

- In all cases where a waiver will be requested, the provider's Authorized Person needs to follow the initial steps of either the Justice Center's or OASAS' criminal history record check process and enter the applicant's identifying information in the appropriate database for capturing applicant information.

CBC Forms

- Authorized Person Designation and Sworn Statement forms (CBC/SEL or SEL)
- SEL Check Request form
- Applicant Consent for Fingerprinting form
- Request for CBC form
- Fingerprint Submission Authorization form
- Change in Status form
- Personal Criminal History Information Review form

Staff Exclusion List (SEL)

- Who must request a check of the SEL?
- What individuals must be checked?
- How do you request a check of SEL?
- How is response delivered?
- What if applicant is on SEL?
- What if applicant is not on SEL?

Entities Required to Request a Check of the SEL

- Facilities and provider agencies, as defined in Social Services Law §488(4);
- Providers of services to persons in programs licensed, certified or funded by any SOA; and
- Other providers or licensing agencies required to conduct an inquiry of the SCR.

What Individuals Must be Checked?

- “Any person” who will have “regular and substantial contact” with a service recipient.
- “Any person” can include an employee, administrator, consultant, intern, volunteer, or contractor.



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Requesting an SEL Check

- A provider's "Authorized Person" shall submit a fax to the Justice Center CBC Unit.

SEL Check Request Response

- The Justice Center CBC Unit will send the “Authorized Person” who submitted the request an email with the results of the search.



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SEL Check Response Email

To: Authorized Person (whose email address is on request form)
From: Justice Center CBC Unit
Re: Staff Exclusion List check

Please be advised that your recent request to the Justice Center to conduct a check of the register of substantiated category one cases of abuse and neglect, also known as the Staff Exclusion List (SEL), has resulted in a finding that insert Applicant's name is **not** included on the SEL.

Based upon the foregoing, you may proceed with an inquiry of the applicant with the Statewide Central Register of Child Abuse and Maltreatment through OCFS, and if authorized, to formally request a check of the applicant's criminal history background through the Justice Center's Criminal Background Check Unit.

If the Applicant is on the SEL...

- If the applicant is on the SEL, a facility, provider agency, and all other providers of services in programs *operated, licensed or certified* by any SOA shall **not** hire or otherwise allow such a person to have regular and substantial contact with a service recipient.

If the Applicant is on the SEL...

- Other providers or licensing agencies as defined in Social Services Law §424-a(3) or (4) shall determine whether to hire or allow such person to have regular or substantial contact with a service recipient in accordance with guidelines developed by OCFS.

If the Applicant is on the SEL...

- No CBC check or SCR inquiry is required if an applicant is on the SEL.

If the Applicant is Not on the SEL...

- A CBC, if required, and an inquiry of the SCR, if required, must be conducted if the applicant is not on the SEL.

SCR Inquiry

- Social Services Law §424-a(3)(4) list providers, provider agencies, or licensing agencies required to conduct an inquiry of the SCR through OCFS.
- Justice Center is not involved with SCR inquiry
- Having an indicated report not a bar to hiring.

SCR Inquiry

- OCFS is working with other SOAs to get all required providers, provider agencies, or licensing agencies into Online Clearance System.
- OCFS is also working with other SOAs on guidance for employers when an applicant has an indicated report.



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Questions?



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Thank you!

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