



TO: Executive Directors of Voluntary Provider Agencies
Directors, Developmental Disabilities Regional Offices
Directors, Developmental Disabilities State Operations Offices
Provider Associations

FROM: Barbara Brundage ^{BB}
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SUBJECT: Change in SCR background check process for employees of registered providers

DATE: December 23, 2013

Effective date: Thursday, Jan. 2, 2014

Suggested distribution:

Administrators of certified programs of voluntary providers
DDSOO administrators
Registered providers administrators

Purpose:

Change in guidance on requesting the check of the Statewide Central Register of Child Abuse and Maltreatment (SCR) for employees of OPWDD registered providers.

Background:

Registered providers are entities that provide transportation services or staff under a contract with OPWDD or a voluntary provider. Registered providers are approved by OPWDD in accordance with 14 NYCRR Sec. 633.22(n). Pursuant to laws and regulations governing the criminal background check (CBC) process, an “authorized person” from the registered provider requests a CBC for employees of the registered provider who have the potential for regular and substantial contact with individuals receiving services in the OPWDD system. The authorized person may also request a check of the Staff Exclusion List (SEL) and to submit an MHL 16.34 check request.

The Statewide Central Register of Child Abuse and Maltreatment maintains records of “indicated” reports of child abuse and maltreatment. If an entity requests an SCR check it will receive information from the SCR about “indicated” reports concerning the applicant.

On November 4, 2013, OPWDD issued a memorandum, *Background checks for employees of contractors, including registered providers*. The memorandum is on the OPWDD website at: <http://www.opwdd.ny.gov/node/4885/>.

On June 27, 2013, OPWDD issued a memorandum discussing the SCR check process. This memorandum and other information and materials about the SCR check process is at: <http://www.opwdd.ny.gov/node/4622/>. Please refer to these memoranda for additional background information.

When is the new process in effect?

Effective Jan. 2, 2014, OPWDD is instituting changes in the requirements and procedures concerning SCR checks for employees of registered providers.

The new procedures will apply to employees of registered providers who have the potential for regular and substantial contact with individuals receiving services in the OPWDD system, and who are hired by the registered provider or transferred to a position with the requisite contact on or after June 30, 2013, and who have not yet been through the SCR check process. The procedures specified in the Nov. 4, 2013 memorandum (see above) will NOT apply to SCR checks for these employees.

How does the new process work?

OPWDD will post more detailed information about the process by Jan. 2, 2014. Please check the OPWDD website at www.opwdd.ny.gov (click on the Justice Center logo and look under “Pre-employment checks”) to see that information and to obtain the necessary forms.

Following is a general description of the new process.

The subject party (e.g. registered provider potential employee) must give the registered provider a completed LDSS 3370 and must also sign a consent form which allows the registered provider to obtain additional information in the event that there is an indicated report concerning the applicant. The authorized person (i.e. the person who is authorized to submit CBC requests) will send a request to OPWDD along with the necessary information supplied by the subject party. OPWDD will submit the request to SCR via the Online Clearance System (OCS) and will receive the response. OPWDD will send information about the response to the authorized person. This information will disclose whether or not an indicated report exists concerning the subject party. In the event that an indicated report exists concerning the subject party, the registered provider must obtain any additional information about the indicated report that is necessary to make a suitability determination. This information can be obtained from SCR and, in some cases, the investigating entity. After obtaining all necessary information, the registered provider must make a suitability determination – a decision about whether the subject party will be allowed to have regular and substantial contact with individuals receiving services in the OPWDD system.

Note that the subject party is not permitted to have unsupervised contact with individuals receiving services in the OPWDD system until the results of the check are received.

There is no charge for the SCR check for employees of registered providers who will be providing services to an OPWDD state or voluntary provider using this process. OPWDD can only process SCR checks for registered provider employees who provide services to OPWDD state or voluntary provider agencies.

All registered providers must use the SCR check process for the employees which have the potential for regular and substantial contact with individuals in the OPWDD system, even in the event that the registered provider already has an existing Resource Identification Number (RID) from OCFS.

For additional information contact the OPWDD Division of Quality Improvement at (518) 473-7032 or email quality@opwdd.ny.gov.