



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: SCR background check process for employees of registered providers

DATE: December 31, 2013

Effective date: Thursday, Jan. 2, 2014

Suggested distribution:

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

Purpose:

To provide 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 is also authorized to 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 June 27, 2013, OPWDD issued a memorandum discussing the SCR check process.

On November 4, 2013, OPWDD issued a memorandum, *Background checks for employees of contractors, including registered providers*.

On December 23, 2013, OPWDD issued a memorandum discussing guidance on requesting the check of the Statewide Central Register of Child Abuse and Maltreatment (SCR) for employees of OPWDD registered providers.

Please refer to these memoranda for additional background information.

The provisions of this memorandum supersede information in the memorandum dated November 4, 2013 concerning SCR background checks for subject parties (e.g. employees) of registered providers. The other information in that memorandum continues to be valid guidance. Note that SCR checks that were completed using the procedures in the November 4 memorandum do not have to be redone.

The memoranda discussed above can be found on the OPWDD website at www.opwdd.ny.gov. Click on the Justice Center logo and look under “Pre-employment checks.”

When is the new process in effect?

Effective January 2, 2014, OPWDD is instituting changes in the requirements and procedures concerning SCR checks for subject parties (e.g. employees) of registered providers.

How does the new process work?

The subject party (e.g. registered provider potential employee) must give the registered provider a completed OPWDD Form 159 *OPWDD Registered Provider Request for Statewide Central Register Database Check*. The OPWDD Form 159 is on the OPWDD website at: www.opwdd.ny.gov. Click on the Justice Center logo and look under “Pre-employment checks.” The authorized person (i.e. the person who is authorized to submit CBC requests) will complete the OPWDD Form 159 (fillable Word Document) with the necessary information supplied by the subject party on the OPWDD website, print the form and obtain the necessary signatures, and send the completed form to OPWDD at SCR.check@OPWDD.ny.gov. OPWDD will only accept appropriately completed OPWDD Form 159s. OPWDD will submit information to the SCR via the Online Clearance System (OCS) and will receive the response. OPWDD will send information about the response to the authorized person at the registered provider agency. 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 the 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. The registered provider must also prepare a written summary documenting the suitability determination; whether the registered provider determines that the subject party is suitable for regular and substantial contact with individuals receiving services in the OPWDD system (e.g. the applicant is hired), or the registered provider determines that the subject party is not suitable (e.g. the applicant is not hired).

If the registered provider determines that the subject party is not suitable based on the information obtained as a result of the SCR check process, the registered provider may not allow the person to have regular and substantial contact with individuals receiving services in programs which are certified or operated by OPWDD. The registered provider must also provide the subject party with a copy of the written summary documenting his/her suitability for employment.

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 subject parties 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 subject parties who provide services to OPWDD state or voluntary provider agencies.

All registered providers must use the SCR check process for the employees who have the potential for regular and substantial contact with individuals receiving services that are certified or operated by OPWDD, even in the event that the registered provider already has an existing Resource Identification Number (RID) from OCFS.

Please note that programs which are certified or operated by OPWDD are NOT required to submit SCR check requests for subject parties (e.g. employees) of registered providers with which they contract, if the registered provider has submitted an SCR check request for that same person and complied with the requirements outlined in this memorandum. Programs which are certified or operated by OPWDD may still need to submit requests for employees of contractors which are not registered providers, if the employee has the potential for regular and substantial contact with individuals receiving services.

For additional information contact the OPWDD Incident Management Unit at (518) 473-7032 or email SCR.check@OPWDD.ny.gov.