

Action Request Transmittal Aging and People with Disabilities



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Number: APD-AR-20-035

Issue date: 3/26/2020

CORRECTED #2

Topic: Provider Information

Due date:

Subject: REVISED: Hiring on a Preliminary Basis process due to COVID-19
(Temporary change)

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging: TYPE A & B | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input type="checkbox"/> Other (<i>please specify</i>): |
| <input type="checkbox"/> Child Welfare Programs | |

Action required: Local offices, AAAs and LTSS providers (IHCAs, AFHs, ALFs, RCFs, and NFs) are now able to hire certain provider types on a Preliminary Basis for both initial and renewal providers who are pending a final fitness determination from the Background Check Unit (BCU) regardless of subject individual disclosures however disclosures are still an important part of the final fitness determination. Fingerprint requirements for providers, contractors and volunteers are suspended during this emergency period. Please see below for specific information about each provider type.

For HOME CARE WORKERS (HCWs)

**** Note: The 70-day required credential paperwork is waived during this emergency period and will be addressed on a case by case basis.***

A Homecare Worker may work prior to a final fitness determination **only when:**

- A criminal history release form [0301](#) is completed and reviewed by the local office; and
- A preliminary fitness determination is completed.

Preliminary basis hiring **may be denied or terminated** if:

- the criminal history check reveals a conviction;
- the criminal history check reveals an undisclosed arrest; or
- It is discovered that a false statement was made.

The **Qualified Entity Designee (QED)** shall make one of the following determinations:

(a) If the Subject Individual (SI) makes no disclosures of criminal history, the QED may hire the SI on a preliminary basis.

(b) If the SI discloses any criminal history the QED must conduct a weighing test <https://www.oregon.gov/DHS/BUSINESS-SERVICES/CHC/Pages/Tools.aspx>.

The SI may be hired on a preliminary basis only if, based on information available at the time, BCU or Human Resources determines that more likely than not that the SI poses no potential threat to the Department, its clients, or vulnerable persons.

The QED shall submit the background check request [0301](#) to BCU immediately upon verification of the SI's identity, the SI's completion of the background check request, and the QED's completion of the preliminary fitness determination.

Oregon ACCESS credential end date must be on the last day of the month in which 90 calendar days from the date the background check was entered into CRIMS.

FOR PERSONAL SUPPORT WORKERS (PSWs) who want to become a HCW

The same hiring process applies as listed above except that Provider Relations Unit (PRU) will use the current PSW CRIMS check in order to hire on a preliminary basis while awaiting the HCW background check unless PRU can verify that the provider is already in the Long-Term Care Registry.

FOR ADULT FOSTER HOME

A SI, either as owner-operator or as a caregiver, may be hired on a preliminary basis following completion of a preliminary fitness determination according to the background check rules. A SI who is hired on a preliminary basis during this state of emergency may be hired to work alone with limited supervision. Supervision does NOT need to be in the same building or within sight at this time, however, observe SI periodically, know what the SI is doing by other means of communication via phone, text or Facetime as needed.

FOR NFs, ALFs, and RCFs:

Facilities may hire a SI on a preliminary basis following completion of a preliminary fitness determination according to the background check rules. A SI who is hired on a

preliminary basis during this state of emergency may be hired to work alone with limited supervision. Supervision does NOT need to be in the same building or within sight at this time, however, observe SI periodically, know what the SI is doing by other means of communication via phone, text or Facetime as needed.

FOR IN HOME CARE AGENCIES (IHCA)

For IHCAs currently enrolled as Medicaid Providers through Aging and People with Disabilities can use staff who have successfully completed the required licensing background check while they are waiting for results of their required DHS background check through the DHS BCU (CRIMS).”

Background checks:

- Continue to follow your licensing rules regarding background checks - www.healthoregon.org/hflc;
- For Medicaid background checks:
 1. Complete background checks according to your licensing rules
 2. Submit a request for background checks through the State’s BCU online portal, CRIMS
- With the submission of a background check request, the IHCA will be able to hire on a preliminary basis while waiting for BCU’s results.

Field/stakeholder review: Yes No

If yes, reviewed by: APD Operations

If you have any questions about this action request, contact:

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