

Ashley Carson Cottingham
Authorized Signature

Number: APD-PT-16-046
Issue date: 12/7/2016

Topic: Licensing

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other: _____

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 | <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 (please specify): |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Preliminary Background Checks in APD Adult Foster Homes		
Policy/rule number(s):		Release no:	
Effective date:	Upon issuance of this transmittal	Expiration:	
References:			
Web address:			

Discussion/interpretation:

The Collective Bargaining Agreement (CBA) between the Department of Administrative Services (DAS) on behalf of the Department of Human Services (DHS), Oregon Health Authority (OHA) and Service Employees International Union (SEIU) for Adult Foster Care includes a Letter of Understanding – Standardize Criminal Background Check Process for All AFH Providers that became effective January 1, 2016.

The Letter of Understanding indicates the Background Check Unit (BCU) may approve providers (licensees) to be DHS Qualified Entity Designees (QEDs). It also implies licensees who are approved as QEDs may grant preliminary approval to subject individuals in their adult foster homes.

The [Criminal Records and Abuse Check Rules](#), OAR 411-407-0315 allows QEDs to make preliminary fitness determinations in certain instances, but it also prohibits any hiring on a preliminary basis if not allowed by program rules. Preliminary background checks are not authorized by the [APD adult foster home program rules](#). OAR 411-050-0620 (6) states:

The licensee must have written verification from the local licensing authority that the required background checks have been **completed and approved** for all subject individuals.

Implementation/transition instructions: Preliminary background checks are **not** authorized by the APD adult foster home program rules. The licensee may request BCU to complete an expedited background check (a final fitness determination), according to OAR 411-050-0620 (8), if there is a “demonstrated immediate staffing need.” BCU will determine if completing an expedited check is possible based on need for fingerprints and any history found.

Training/communication plan: The APD Safety, Oversight and Quality Unit will provide clarification as needed.

Local/branch action required: QEDs shall not request BCU to grant preliminary background checks for subject individuals in APD adult foster homes.

Central office action required: none

Field/stakeholder review: Yes No

If yes, reviewed by: APD Policy, APD Operations

Filing instructions:

If you have any questions about this policy, contact:

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