

Collaborative Forum Initiatives

| Initiative 1: Help States obtain core Background Check System (BCS) support after grants end. | |
|--|--|
| Problem statement: | Once the post-implementation warranty period ends, States need to procure Technical Assistance (TA) and BCS support outside the grant. This procurement is often very time-consuming and expensive. |
| Background/history: | During the program development and implementation period, NBCP States using the TA-provided BCS receive BCS support and updates, plus additional TA, all at no cost to the State. The wealth of features and flexibility available grew as the number of States in the program increased. The BCS and TA are now very advanced and attuned to State-specific needs, and have become important to advancing the best practices, efficiency, and automation within State programs. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: States contract on their own with their current BCS or TA provider for support. 2. Forum enables States to collaborate to compile information and experience and provide independent technical advice to assist future individual contracting by graduating States 3. Collaborate to set up a common contract that additional States can contribute to and participate |

Alternate suggestions:

- Research additional ways for states to receive additional funding and ways for providers to offset their background check costs.
- CMS provide ongoing program support.
- Develop a method to include within states' Survey and Certification Budget Allocation.

| Initiative 2: Assess options to solicit and hold multi-State contracts for other common technical services. | |
|--|---|
| Problem statement: | In addition to their BCS, States will need to procure technology services outside the grant period. This procurement is not only very time-consuming, but State-by-State quantities will result in higher unit costs. |
| Background/history: | Best practices and efficient technology require additional services such as the following: <ol style="list-style-type: none"> 1. Electronic fingerprinting services 2. Platforms for multi-State data sharing (such as the NNAR) Collaboration and sharing administrative burdens may offer States improved cost effectiveness and reduced internal effort. |
| Alternatives: | Alternative solutions may be similar to Initiative 1 above. They will be determined based on an assessment of potential constraints. These include the following: <ol style="list-style-type: none"> 1. State procurement rules, 2. 501(c.)3 (non-profit organization) restrictions, 3. State officials' involvement in contractual matters |

| Initiative 3: Provide guidelines and templates for Medicaid plan modification to maximize use of Medicaid funds. | |
|---|--|
| Problem statement: | Financial sustainability is a significant issue for many States, especially after the grant ends. Medicaid matching funds offer a potential source of resources to offset background check costs. In many States, the Medicaid program is operated by a different State agency, and the procedure for State plan modification can be complex. |
| Background/history: | Many States have chosen to use grant funds to offset the cost of fingerprint-based State and national criminal history checks. This keeps provider fees lower during the initial implementation period. A Medicaid plan modification can make these funds available, with the State portion counting and matching funds during the grant period. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: NBCP TA resource paper and financial model spreadsheet (available only to grantee States). 2. Add examples of Medicaid State plan modification requests for background check administrative costs. 3. Provide State-specific support to develop and monitor the request through the approval process. 4. Track and share the Medicaid financial experiences of States' background check costs. |

| Initiative 4: Identify process and technology to allow States to share data in addition to the NBCP Nurse Aide Registry (NNAR). | |
|--|---|
| Problem statement: | Individuals with a history of unsuitable behavior in one State often seek employment working with vulnerable populations in another State. State and federal regulations have historically limited sharing of employee abuse, licensure, or eligibility status among States, with the result that unsuitable individuals are sometimes ruled eligible to work in a different State. The NNAR shares only a limited type of finding, which allows some unsuitable individuals to be ruled eligible. |
| Background/history: | The health care workforce is increasingly mobile across State boundaries, and information about the clearance process in other States is readily available. The NBCP specifies that States are to consider information from other States that may be relevant to an individual's eligibility. NBCP and the NNAR proof-of-concept have shown that out-of-State data can be readily integrated into State background check processing. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: Data sharing outside the NNAR is manual, requiring online web browser searches of other States' data 2. Document and share analysis of issues such as State and federal privacy rules, system interfaces and compatibility, technical infrastructure concept, data sharing agreement needs 3. Expand the NNAR concept to include other State databases such as licensure or adult abuse 4. Expand data sharing to include States' sharing of lists of eligible workers having no criminal history and who are under rep back. 5. Explore a multiple State background check, similar to security dealers or other national professional associations with State boards. |

Alternate suggestion:

- Add other registry checks and create national versions of those as well.

| Initiative 5: Develop a searchable library of topic-specific best practice information for use by all States. | |
|--|--|
| Problem statement: | The NBCP has generated a wealth of knowledge and information pertaining to State-run programs of civil applicant background checks. In spite of the bgcheckinfo.cna.org website, much of the insight remains with the Technical Assistance State Liaisons or with the NBCP State Program Managers. As States graduate and the grant program winds down, this information may not remain available. |
| Background/history: | The topic and program requirements are complex and can be confusing to individuals who are tasked to develop an NBCP-compliant program. State representatives, CMS, and the technical assistance staff have unmatched experience with many diverse aspects of the program. The information has remained opaque for newer States. In addition, there are areas where additional effort is needed to compile or update a library of information. Many resources are only available to grantee States; applicant States and graduated States do not have the same level of access. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: Continue to maintain the resource document section of bgcheckinfo.cna.org until the grant ends. 2. Establish a more targeted and searchable online library that is equally available to all forum members. 3. Identify a process that considers the interests of the Forum and all States: (determine what categories to develop, specify how States submit material, define how States will access the library, and establish terms and conditions of use). 4. Compile (and maintain) a library of State and Federal legislation, searchable by NBCP topic (e.g., waivers and appeals). 5. Compile (and maintain) a library of State administrative rules, also searchable by topic. 6. Compile (and maintain) a library of NBCP best practices, searchable by topic (e.g., fingerprinting, registry searches). |

Alternate suggestion:

- Merge this initiative with Initiative 9.

| Initiative 6: Advocacy to State and federal regulators and legislatures. | |
|---|--|
| Problem statement: | Numerous States, including several NBCP grantees, have encountered objections when attempting to submit or enact legislation authorizing NBCP-compliant background checks. Furthermore, the Federal government is still determining whether to issue a rule requiring State LTC regulators to put the NBCP process in place. NBCP States also have no common voice to approach the FBI, Compact Council, or industry associations. As a result, the patchwork of regulations remains, and the uniform protection of elderly and disabled is unrealized. |
| Background/history: | Twelve current and former NBCP States experienced resistance and have been unable to pass fully-compliant NBCP enabling legislation, even after grant award. Several non-participating States have indicated that legislation is not an option without a federal requirement given the political climate in their States. CMS has not yet reached a decision on the content or timing of any national requirement. If individual States graduate and the grant program does not gain additional States, there will be no voice that includes supporting States, broad experience, and multi-State data, to communicate the benefits of NBCP to government and industry leaders. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: Continue to provide TA support to state-by-state grantee requests for stakeholder outreach. Continue the annual NBCP brief to Compact Council until the grant ends. 2. The forum could develop and disseminate position papers in favor of NBCP-compliant programs wherever vulnerable population protection is at stake (letters to editor, letters to legislatures, etc.). 3. The forum could advocate a common profile for State and FBI rap back subscriptions, and solicit the assistance of the Compact Council for adoption, 4. Forum could advocate for a Compact Council policy change to facilitate data sharing and a multi-State employment eligibility program. NOTE: Compact Council approved in November 2015 a change to outsourcing that would allow a single FBI check through a channeler and multiple State checks for multi-state licensee applicants (request by NASD). 5. Forum could provide data analysis and support from graduated States in support of CMS regulations to require NBCP-compliant background check programs in all States. 6. Forum could advocate with CMS Medicaid Exclusion Data (MED) File owners for a blanket authorization to access State MED file data for State NBCP background checks. 7. Forum could advocate for State and Federal rules to facilitate access to substantiated child abuse registry data. |

Alternate suggestion:

- Gather information and produce information for state legislators to help states with approvals. This is to show state law makers the success and need for the program.

| Initiative 7: Develop a guide to implementing the appropriate subscription settings for FBI rap back. | |
|--|---|
| Problem statement: | FBI rap back is a new capability that can improve the monitoring of persons screened under NBCP. Available since 2015, it is being implemented by a small number of State CJIS Agencies (SCAs). The rules, processes, and options selected will have an impact on NBCP State program costs, technical design, and workflows. There is currently no concise guide directed toward State civil agencies about the implementation trade-off. |
| Background/history: | Ten current and former NBCP States have implemented rap back at the State level. It is very useful but only identifies activity within the State. Many States are interested in FBI rap back, but often decisions about notifications, subscription scope and timeframe do not consider the population and technical capabilities of the NBCP and any BCS. As a result, potential efficiencies are not realized, and costs can be significantly higher than necessary. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: Continue to provide TA support to state-by-state grantee requests for interface to the SCA. Continue the annual NBCP brief to Compact Council until the grant ends. 2. The forum could produce a guide for State Agencies to use in discussions with their SCAs. 3. The forum could advocate a common profile for State and FBI rap back subscriptions, and solicit the assistance of the Compact Council for adoption (see Initiative 6). |

| Initiative 8: Provide an assessment guide and templates to determine BCS system readiness before hand-off. | |
|---|--|
| Problem statement: | NBCP States have embraced the development of automated BCS technology to improve efficiency and economy. Development is conducted by an organization outside the State IT organization, often without the imposition of strict testing and documentation activities that some IT development requires. At the end of the implementation period, the system is placed into production to be used by employers across the State, and often turned over to the State IT group for operations and maintenance. States often cannot assess whether they have what is needed to assume responsibility for a production system. |
| Background/history: | Technical assistance and sub-grants have been used for external development of a BCS in all NBCP States. The technology, interfaces, and standards used may be unfamiliar to State IT staff, who often become responsible for long-term maintenance. Defects early in the rollout period can require long correction times, and may tarnish the perception of the system and program at an early stage. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: Continue to provide documentation and knowledge transfer on a state-by-state basis in accordance with current TA practice for the duration of the NBCP grant. 2. The forum could produce a more generic guide for State Agencies to use in discussions with their BCS contractors, regardless of whether the BCS is provided through TA 3. The forum could become an independent testing and assessment provider. |

| Initiative 9: Perform analysis of multiple States' data to address specific needs of Forum member States. | |
|--|---|
| Problem statement: | NBCP States provide detailed program data files as a condition of their grants. This data has already been used to show the significant value of NBCP. The value of this data will increase as more States submit over a longer period of time. After States graduate and when the grant program ends, there is no repository for continued submissions, and no resource to perform the long-term analysis that can influence the future of public background checks programs. |
| Background/history: | The quarterly data file was originally intended to support the DHHS Office of Inspector General program evaluation. It was used to support an interim evaluation as part of the Technical Assistance Annual Report in 2014. The data is being used to develop a series of in-depth studies, and some States are providing even more detailed data (e.g., to support the registry use study). States have identified other questions to be answered by analysis of data captured by the BCS, including but not limited to the quarterly data files. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: Continue to provide analysis on an ad-hoc basis in accordance with current TA practice. This analysis ends when the grant program ends. 2. The forum would identify sources and acquire data, define a process for selecting topics, oversee the conduct and review of analysis, and communicate and share results (See Initiative 6). 3. The forum could perform analysis of State-generated questions such as the following: <ul style="list-style-type: none"> • What is the relationship between a prior criminal record (non-disqualifying offense, non-conviction, waived disqualifying event) and subsequent findings of abuse/neglect/misappropriation? • What is the impact of the waiver program on workforce availability, stability, and quality? |

Alternate suggestions:

- Merge Initiative 9 with Initiative 5.
- Build cross-walk type guide to help states easily reference to this information; have a common library for offenses and related information.

| Initiative 10: Solicit and accept opportunities to participate in expert panels and conferences. | |
|---|---|
| Problem statement: | Panels and conferences often discuss the topic of background checks, prevention of abuse, and employment equity. Many of these advocates have limited experience with large and robust background check problems. The messages often do not include the balanced perspective of a State-run equitable program. Policy and public perception is not adequately considering the experience of the NBCP. |
| Background/history: | A variety of organizations advance a specific agenda in public meetings and conferences. Privacy and employment advocates, employers, private background investigation firms, and companies in the new “sharing” economy all offer views of background checks that do not include important aspects of NBCP. |
| Alternatives: | <ol style="list-style-type: none"> 1. Current solution: Continue to present NBCP overviews on an ad-hoc basis to national government and professional gatherings. This public information effort ends when the grant program ends. 2. The forum would identify appropriate gatherings at which to speak and publicize analytical findings (See Initiative 6). |