



# National Forum for Background Checks

AHFSA Annual Conference  
Background Screening Interest Track  
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## **Getting to Yes: Overcoming Barriers to Enhanced Screening Programs**

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Steve Gobbo, MI; David Ostrander, GA; Melanie Madore, MO

# Getting to Yes: Overcoming Barriers to More Robust Background Screening

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- ▶ Objective: This session will illustrate how States overcame barriers to implement statewide background screening programs for LTC.
- ▶ Questions and discussion: Our conference goal is dialog. In this session, attendees are encouraged to comment, ask questions, describe barriers that exist in their State, and exchange information.



# Getting to Yes: Topics and States

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- ▶ **KS** – Negotiating legislation and agencies
- ▶ **DC** – Success through creativity
- ▶ **MI** – Building on prior experience
- ▶ **MO** – Making lemonade from lemons
- ▶ **GA** – Progress with a voluntary program
- ▶ Q and A with States



# Getting to Yes: Kansas (1 of 2)

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- ▶ Brenda Dreher, Director, Health Occupations Credentialing
- ▶ Barrier when grant started was getting agency leadership attention/priority
  - ▶ Met with key stakeholders and Secretary
  - ▶ Persistence in management meetings
  - ▶ Used TA to show financial model
  - ▶ Held a demonstration of prototype BCS
  - ▶ Secretary sold it to Governor's office
- ▶ Current barrier is getting legislation passed
  - ▶ Getting right level of personnel from other agencies
    - ▶ Internal: KBI had provided legislative language, then opposed. Participated in bi-weekly planning and status meetings.
    - ▶ Other agencies involved (Home Health)
    - ▶ 12 external stakeholder meetings with no objections were followed by a letter of opposition



# Getting to Yes: Kansas (2 of 2)

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- ▶ Agency Chief Counsel read the grant and made concessions to the Attorney General and KBI
  - ▶ Attorney General and Director of KBI got on board after concessions, persistent meetings
- ▶ Current Status and Plans
  - ▶ Optimistic about legislation for 2018
  - ▶ In interim doing development using TA BCS
  - ▶ Will implement what is authorized
  - ▶ Get providers and State staff familiar with system and process
- ▶ Suggestions/Advice to new States

# Success through Creativity: District of Columbia



- ▶ Alem Ghebrezghi, Program Manager, Criminal Background Check Program, District of Columbia DOH
- ▶ Environment/barriers when grant started
  - ▶ MPD would not allow more FP machines or provide electronic CHRI
  - ▶ Legislature would not pass required FP authorization
- ▶ What has happened:
  - ▶ Contracted for channeling service to bypass MPD
  - ▶ Used PL111-148 NBCP and local law to get FBI CHRI
- ▶ Other considerations and future:
  - ▶ Continuation of program after grant – DC assumed responsibility
  - ▶ Lots of additional capacity
- ▶ Suggestions/Advice to new States

# Success by Building on Experience: Michigan



- ▶ Steve Gobbo, Deputy Director, Bureau of Community & Health Systems, Michigan Department of Licensing and Regulatory Affairs
- ▶ Environment when grant started
  - ▶ Pilot project (2004-07) had put successful program in place
  - ▶ Had support from State executives & legislature
  - ▶ Legislative compromise: Grandfathered current employees in covered facilities
- ▶ What has happened:
  - ▶ Used NBCP to enhance IT efficiency and study integration of personal care workers
  - ▶ IT integration completed – add-ons for health professional licensing & ACF/Child Care/CCDF requirements; electronic CHRI; live scan; federal rap back (pending); study of new innovations (Natural Language Learning)
  - ▶ Grant specified a PCW study (published), and a pilot program (recently authorized)
- ▶ What are current or anticipated barriers:
  - ▶ DHHS regulating PCWs
  - ▶ 2013 Grant extended but now ended, direct relationship between agencies ended
- ▶ Suggestions/Advice to new States

# Making Lemonade from Lemons: Missouri



- ▶ Melanie Madore, Bureau Chief, Family Care Safety Registry
- ▶ Environment/barriers when grant started
  - ▶ Support from Missouri State Highway Patrol and Missouri Healthcare Association
  - ▶ Opposition to enabling legislation from a variety of other provider associations, with major objections related to cost and hindering business (potential slowdown of hiring process and diminished applicant pool)
  - ▶ Ambivalent political environment
- ▶ What we tried
  - ▶ Worked with stakeholders (provider associations)
    - Numerous changes to proposed statutory language
    - Worked on RFP language for fingerprint provider to incorporate wanted items such as increase in number of FP sites, more convenient days/hours, decrease in miles traveled to get to sites
    - Worked to reduce potential fees and increase convenience - grandfathered existing employees, transfer from one employer to another without paying for new fingerprints (within limits), eventual incorporation of RAP-back



# Making Lemonade from Lemons: Missouri



- ▶ What we accomplished
  - ▶ Developed software capabilities: Background Screening and Employment Eligibility System
    - ▶ Web-based screening system, includes name-based criminal history and six other State registries
    - ▶ Handling roughly a half million screenings annually
    - ▶ Accepts internet registrations from the public and screening requests from providers with secure user accounts
    - ▶ Allows staff entry of paper-based registration applications and paper/telephone-based screening requests
    - ▶ Automatically screens for all known aliases and dates of birth within +/- 2 years
    - ▶ Tracks appeals (accurate transfer of information) and Good Cause Waivers (rehabilitation/work waiver info)
    - ▶ Component to incorporate fingerprint results, other registry information, other State data, eligibility determinations and employment decision data is ready and waiting for enabling legislation
- ▶ Current/anticipated barriers:
  - ▶ No authorization to share out-of-State or federal criminal info we may hear about anecdotally
  - ▶ Missouri is bordered by eight States, so the limitations of Missouri-only info are obvious
  - ▶ Ongoing political ambivalence
- ▶ Suggestions/Advice to new States
  - ▶ Work with stakeholders from the beginning, as they can make (or break) your program.
  - ▶ Seek executive and legislative support early in the process.

# Progress With a Voluntary Program: Georgia



- ▶ David Ostrander, Inspector General
- ▶ Environment/barriers when grant started
  - ▶ Had support from GBI
  - ▶ Had opposition to legislation
  - ▶ Had experience in conducting background checks
- ▶ What has happened:
  - ▶ Implemented voluntary program - number of facilities participating
  - ▶ Developed software capabilities
- ▶ What are current or anticipated barriers:
  - ▶ Legislation
  - ▶ Fingerprinting costs

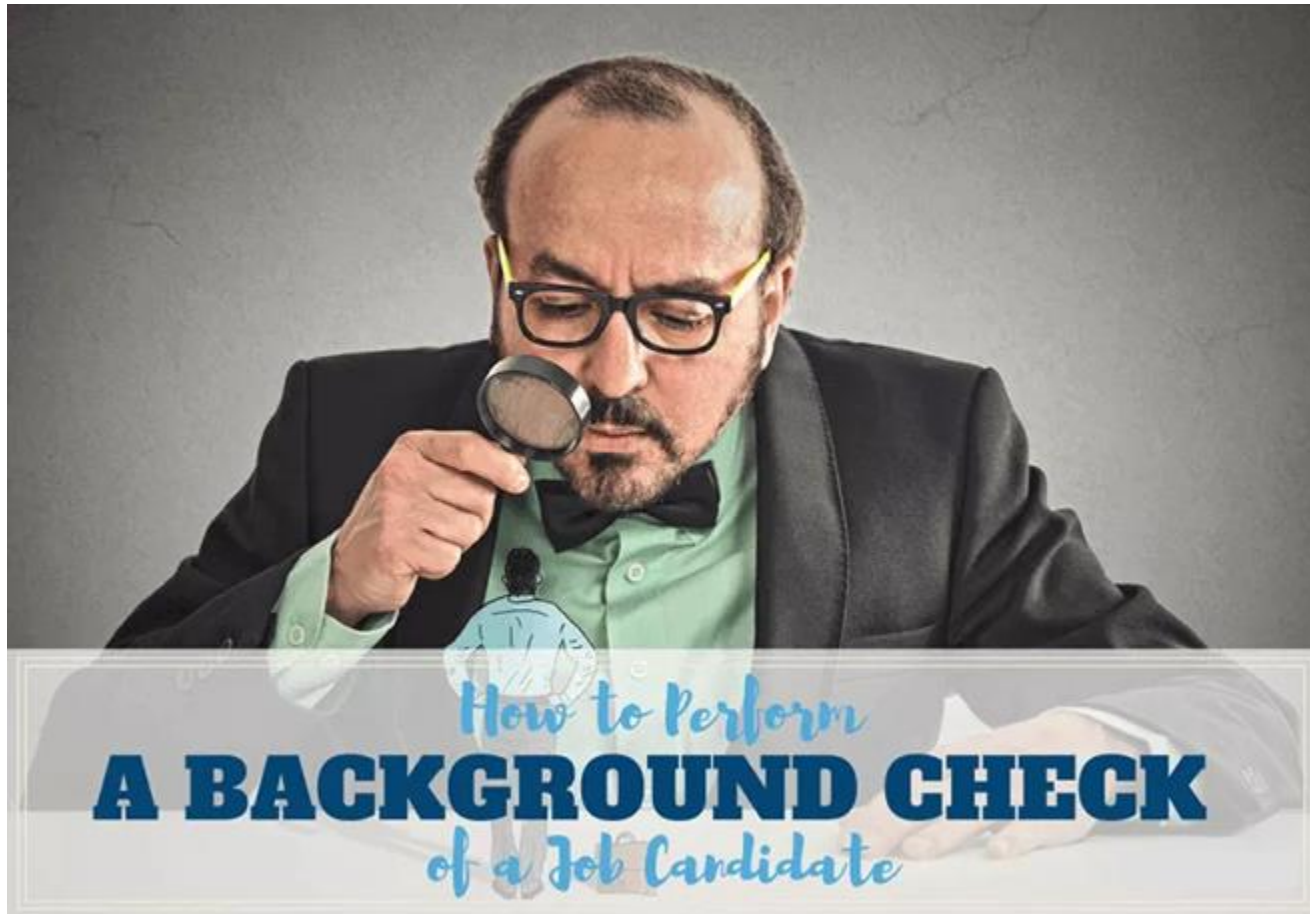
# Progress With a Voluntary Program: Georgia

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- ▶ Suggestions/Advice to new States
  - ▶ Support from Executive Leadership
  - ▶ Support from Advocacy Groups
  - ▶ Being able to modify your background check system
    - ▶ Example: Build a public registry at no cost to your State
  - ▶ As a grantee State, you have six (6) years to implement legislation, a background check computer system, etc.

# Questions from States?



*How to Perform*  
**A BACKGROUND CHECK**  
*of a Job Candidate*