

## **Quick Hits**

- Brenda said that this was Kansas' second attempt at passing legislation; one of the things they did differently this time was spending more time talking with the Attorney General's office because last year they weren't comfortable with the legislation. There were many meetings between the agencies. Once the Attorney General's office gave their support, then the Kansas Bureau of Investigation (KBI) was more vocal about their support, which was also helpful in passing legislation. Brenda said she and her team had to make a few concessions such as having a six-year prohibition for certain things instead of five years. She also believes that there was a better understanding of what the legislation was trying to achieve. She found a legislator to sponsor it who signed as a consumer of ACF services so it would be better protected by this law.
- Steve said Michigan has had the authority for federal Rap Back for some time; the main issue is Michigan State Police (MSP) needs to put in place new equipment that will sync with AFIS in terms of the automated fingerprint system.
- Scott said Oklahoma will have the FBI do a review of rap back readiness for the OK State Bureau of Investigation (SBI). SBI did an upgrade to their AFIS system. When they did a test, the FBI information was not returning. That is under discussion right now between the SBI and the FBI. OK is also looking at the IT aspect; OK has not developed an interface yet to reach the rap back out from the SBI to the non-criminal justice agencies.
- Angela said Utah has passed legislation that allows fingerprinting individuals that are under the age of 18 starting August 7, 2018. Scott asked "Will you have access to any juvenile records?" Angela said UT currently does have access to juvenile records.

## **CMS Update**

- Don said that CMS provided the notice of award to the three new NBCP states, Idaho, Mississippi, and Wisconsin. Don is the project officer (PO) for Idaho, Scott Manley is the PO for Mississippi and Wisconsin. CNA has done some initial technical system assessments of these states based on the applications. CMS is in the process of setting up initial kick-off calls with the states to begin the process of deciding next steps to help them. Site visits to the new states may begin this summer. Don will continue to provide information and/or try to answer questions for the Office of Inspector General (OIG) as they continue to gather information for their interim report.
- Steve asked Don if he knows if OIG will come back beyond the online survey that they asked states to complete.
  - Don said it is possible; based on some of the questions OIG asked CMS, Don believes that OIG did not receive specific information they wanted from the state or they wanted CMS' perspective. Don thinks that OIG may ask additional questions depending on state status at the time of graduation.
- Steve asked if Don was aware of the survey contents.

- Don said he is aware of the survey, but does not know all of the details. Steve said he will send Don and anyone else who is interested a PDF file of the questions.
- **Action Item:** Steve will provide Don, the Forum, and Liz a PDF file of the OIG survey questions.

### **CNA Update**

- Liz said CNA was not aware of the OIG online survey, she does not think it existed for the first several states that graduated from the program. CNA is preparing TA to the three new states, Idaho, Mississippi and Wisconsin. CNA has added new pages to the NBCP website and reviewed the grant applications. CNA has completed technical assistance assessments to determine based on their applications, what type of TA and the level of support the new states might need and areas where CNA can potentially help them.
- The next step is to have the first call with the states. A few states are graduating out of the program including Minnesota and Georgia; CNA is helping them to finish what TA CNA can provide to them as they transition from active grantee states to graduated grantee states. Nandita sent out an email last week regarding the NBCP Quarterly Bulletin, Liz told the Forum not to hesitate to send/submit state highlights to their respective state liaison or the state liaison mailbox. CNA is collaborating with the Forum for the upcoming Annual AHFSA conference on the panel presentations.
- Liz said the NBCP state status map has been updated to reflect 29 states in the program. She said if the Forum saw something on the map that needed correcting or updating, to please let her know. CNA is also capturing information regarding which functionalities and configurations are turned on or off in each state; if there is a functionality that can be leveraged for another state, it can be turned on for that state. Liz said she added the Georgia Caregivers Registry.
- Denise elaborated saying the House Bill 406 was signed and passed. She said the caregivers registry is going to allow a private employer to be able to get background check criminal history registry results on an individual that's caring for their relative or whoever lives in their household that's 65 years or older. She said GA is building a registry that will be another arm to the Georgia Criminal History Checks, which is currently what they use for long-term care background checks. Innovative Architects will be on-site to do a demonstration of the registry and how it will work within the system.
- Question to Denise: "How are you giving access to that and is Georgia a state that can release the criminal information?"
  - Denise said that Georgia is not releasing a criminal history record, but is releasing an eligible or not eligible determination and they have the legislation and it was approved by the FBI. They will be issuing usernames and passwords for someone that will be interested in getting that background check and they will actually have a job application on the individual as the employee.
- Allison clarified saying that was the original idea, but it is a two-step process. Step 1 is the person who's looking to check on another person; the person who is the caregiver may have

never had a background check before. However, they can go and start their own application and initiate their own background check using the BCS applicant initiated portal which is separate from where provider users log on. This functionality exists as it has been used in other states before. The person can be checked using last name, date of birth or Social Security Number.

### **Medicare Exclusion Database (MED) File Pilot**

- Liz said part of the NBCP grant milestones is registry checking; one of the required registries is checking against the OIG's List of Excluded Individuals and Entities (LEIE), but some states in particular have gained access to the MED file, which is a closer and more efficient match to the LEIE. Sarah Fahrendorf, formally on the CMS CORE team, worked with the Center for Program Integrity (CPI) to develop data use agreements (DUA) that would be needed for states to work with the agency that owns that data and helping them to move the approvals much quicker than has been done in the past. CNA provided the technical assistance to Minnesota, Georgia and West Virginia to join the pilot program and the work for it is complete. Georgia and West Virginia are implemented and Minnesota is very close to being fully implemented.
- Meghan said when West Virginia checked against the MED file that had been checked against the LEIE, they found people that were on the registry. These people had been cleared even though they should not have been cleared. Meghan also said when they ran the Social Security Number and name, they may not necessarily come back with a match, even if they are truly on the registry.
- Liz said that CNA provided the MED file summary results to CMS and is exploring the expansion of the MED file using technical assistance to help states add the file. CNA is unsure whether that will also include graduated states.

### **NBCP Nurse Aide Registry (NNAR) Update**

- Allison said development has been completed for Minnesota and Louisiana; both states have a few technical updates to complete before going live. Allison said a few of the publicly available nurse aide registries will be developed over the rest of the summer.
- Allison said the account numbers are starting to stabilize. As the NNAR grows, out of state matches will become more apparent. For instance, Florida has 26 matches listed; 21 of those matches came from the Florida NAR, two came from the Georgia NAR, two came from the New Mexico NAR, and an additional one came from the Oregon NAR.
- James said he was contacted by a reporter from Reuters who is interested in doing a story on registry checks and the screening process. The reporter asked for the NAR and his goal was to collect NARs across the county. He wants to do the same kind of study that was done by OIG a few years ago to see who might be showing on a registry in one state but have a finding in another state. James referred the reporter back to the OIG study and that he could not receive the NAR data without special authority. James mentioned the NNAR; the reporter

said he would speak with his editor and may follow up for more information. James thinks it would be a great opportunity to publicize the work the Forum is doing.

### **Criminal Records Accuracy Act**

- Steve said the Uniform Law Commission is proposing to pass a model act through the commission and that model act is generally sent to the various legislatures for potential adoption. It is not required that a state adopt it, but adopts some similar type of act that it will adopt all the wording that is in the proposed act. Steve said the draft as it stands now was scaled down but they're trying to accomplish certain common goals to use inaccurate criminal history results. There will be a meeting that will likely determine the decision whether the commission is going to adopt it as it has been drafted. Steve said that the cost of ensuring corrected records was recognized by the committee in its drafting, one of the concessions it put forth was rather than requiring specific rules, they're recommending procedures. However, an APA state following the federal APA or state's APA, the policies and procedures are not binding on a state agency in Michigan.
- James said he has observed the significant amount of time he and his staff spend running down missing dispositions; there is a lack of awareness on how much time is spent.
- Jeff and Meghan agreed with James. Meghan said that in West Virginia, they are not only chasing down missing dispositions, but also have issues with incorrect information on the background check. Not only do she and her staff have to track down missing dispositions, but they also have to provide that information to the state police so it can be corrected on the background check.

### **AHFSA Conference**

- James said there was a Forum conference planning call.
- Liz said that Jeff, Steve, and Keith Ridley will participate in the state screen systems compared panel. Another panel is the best practices, discussion for new grantee states. Georgia is listed for the discussion of the caregiver's registry. Alaska is potentially listed for the applicant-initiated discussion/panel. Ohio and West Virginia will discuss the MED file discussion and the NBCP interstate registry. James and Ernie are participating on a panel on performance monitoring and reporting including best practices for internal and external stakeholders. Liz asked James if additional support or participation for that panel is still needed. James said yes and some states have provided him with some information.
- Liz said Meghan and Brenda are tentatively on a panel discussing training providers on the screening process. Taylor, Kim, Karen, and Brenda are listed for the panel on discussing background screening in the survey and certification process. There will also be a planning session. Liz reminded active grantee states that they can use grant funds to attend the conference.
- James said a draft agenda will be distributed soon; the conference planning committee acknowledged that states may need the agenda to submit a travel request.

## **Questions**

- Steve asked if there was any update with Child Care Development Block Grant (CCDBG) of 2014.
- Fernando said Idaho has been doing background checks to comply with the CCDBG since July 2017. The most significant challenge is trying to get confirmation of whether a person has been placed in a child protection registry outside of Idaho. Fernando said he and a few people from his department participated in a conference call and articulated his concern. Fernando feels as though this has been levied upon the states to work out individually, but the states will need federal assistance. Idaho also has significant problems because the child protection registries are not public record, some are completely closed, and some are only accessible if conducting background checks for foster care licensing; if it is for employment, they're completely closed too.
- Steve learned from communications between the Michigan Department of Education and Health and Human Services that states may be able to submit a request for further extensions. Michigan had an extension until September 30, 2018. Steve asked if every state in the Forum has to oversee childcare with background checks or if it is in another state agency.
- Meghan said West Virginia began screening childcare on January 1, 2018.
- Brenda said another agency does it in Kansas, but they will use the NBCP system in order to do the background check for childcare.
- Pat said it is the same in Connecticut; the Office of Early Childhood is working with Innovative Architects to leverage the resource from the Connecticut BCS.
- Fernando said a registry such as the NNAR, but for childcare would be ideal. A federal central repository of child protection registries nationwide would make the process easier for other states.
- James said OK incorporated the childcare registry in the law as a barrier and childcare added the OK NAR onto their exclusion list. James said OK has been working towards a web service call, such that the core system calls the childcare registry directly and vice versa.

## **Participants**

- AK: Karen Benson
- CT: Patricia Trella
- GA: Denise Mathews
- ID: Fernando Castro
- KS: Brenda Dreher
- ME: Alex Netten
- MI: Steve Gobbo/Tom Novak/Tom Dyke
- MO: Melanie Madore/Beth Thompson
- OH: Jane Lengel
- OK: James Joslin/Scott Chisholm
- OR: Jeff Akin/Frank Miles
- PR: Lourdes Borres Otero/Mayra Hernandez

**Forum Webinar**  
**June 14, 2018**



- WV: Meghan Shears
- UT: Angela Anderson/Chris Taylor
- CMS: Donald Howard
- CNA:
  - Elizabeth Raistrick
  - Nandita Ravishankar
  - Beth Haynes
  - Allison Dudziak



# National Forum for Background Checks

Forum Webinar

June 14, 2018



# Webinar Purpose and Desired Outcome

---



**Purpose:** Meeting will provide vehicle for member updates and information exchange on various State, National and Forum activities: report on CMS & CNA activities, status of NBCP NAR development, and Forum conference track.

**Outcomes:** Information conveyed, feedback received,



# Agenda

---

- 13:30 - 13:37 Roll call and welcome to new participants
- 13:37 - 13:40 Quick hits
- 13:40 - 13:43 CMS Update
- 13:43 - 13:57 CNA Update
- 13:57 - 14:02 Uniform Criminal Records Accuracy Act
- 14:02 - 14:07 Forum/AHFSA conference update
- 14:07 - 14:28 Warrants
- 14:28 - 14:30 Wrap-up: critical questions & next steps



# Quick Hits

---

- ▶ Forum Website: <http://www.ahfsa.org/NBCP>
- ▶ Legislative Updates – Brenda Dreher, Kansas
  - ▶ Others?
- ▶ FBI Rap-back: Have any states made progress in implementing?

# CMS NBCP Updates



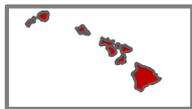
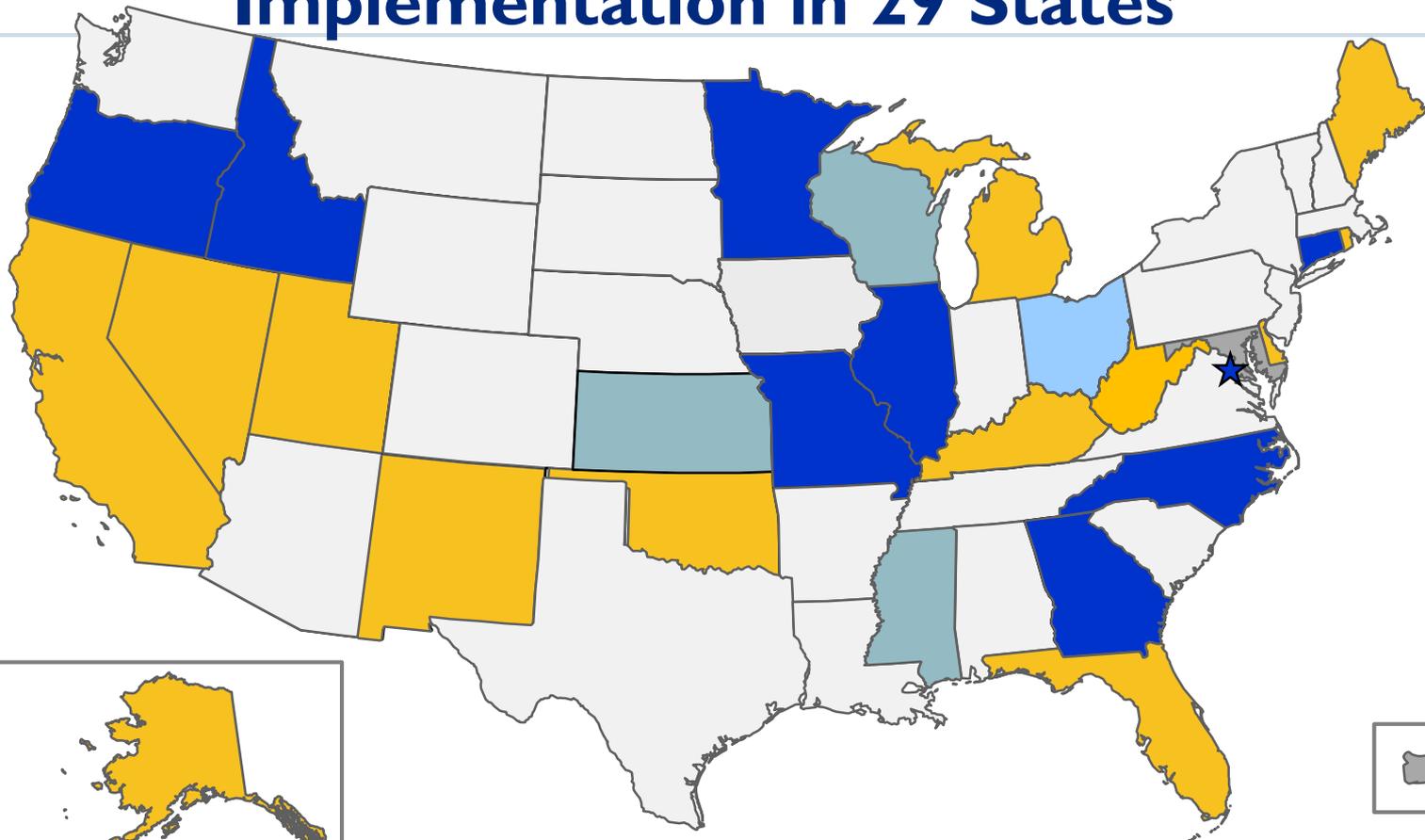
- ▶ **NBCP State Status**
  - ▶ 3 New Grantee States as of June 1, 2018
    - ▶ Idaho- Don Howard, Project Officer (PO)
    - ▶ Mississippi
    - ▶ Wisconsin
- } Scott Manley, PO
- ▶ Technical Assistance (TA) assessments completed
- ▶ Setting up initial calls
- ▶ Initial site Visits Tentatively Planned for this Summer
- ▶ **OIG Interim Evaluation of the First 10 States to Graduate from the NBCP**
  - ▶ Still ongoing

# CNA NBCP Technical Assistance Updates



- ▶ Preparing for new State TA
  - ▶ New State Pages Added to the NBCP Website
  - ▶ Review of grant applications
- ▶ Helping Graduating States finish up
  - ▶ GA
  - ▶ MN
- ▶ Next NBCP Bulletin in Development
  - ▶ Send us your highlights and achievements!
- ▶ Working with Forum States on AHFSA Panel Presentation Development

# National Background Check Program Implementation in 29 States



	States in Planning & Development: KS, MD*, MS, PR, WI
	States in Pilot Phase: HI
	State Live w/Implementation of Registries and Rap Back: <b>OH</b> (not integrated)
	States Live w/Implementation of Registries and Integration of Criminal History Record Information (CHRI): CT*, <b>DC*</b> , <b>GA</b> , ID, IL*, MO* (name-based), MN, NC*, <b>OR</b>
	States Live w/Implementation of Registries, Integration of CHRI and Statewide Rap Back: AK*, <b>CA*</b> , DE*, <b>FL*</b> , KY* (voluntary), ME* (name-based), MI*, <b>NM*</b> , <b>NV*</b> , <b>OK*</b> , RI*, <b>UT*</b> , <b>WV*</b>
	*= State Graduated from NBCP

**Bold = NBCP Nurse Aide Registry State**



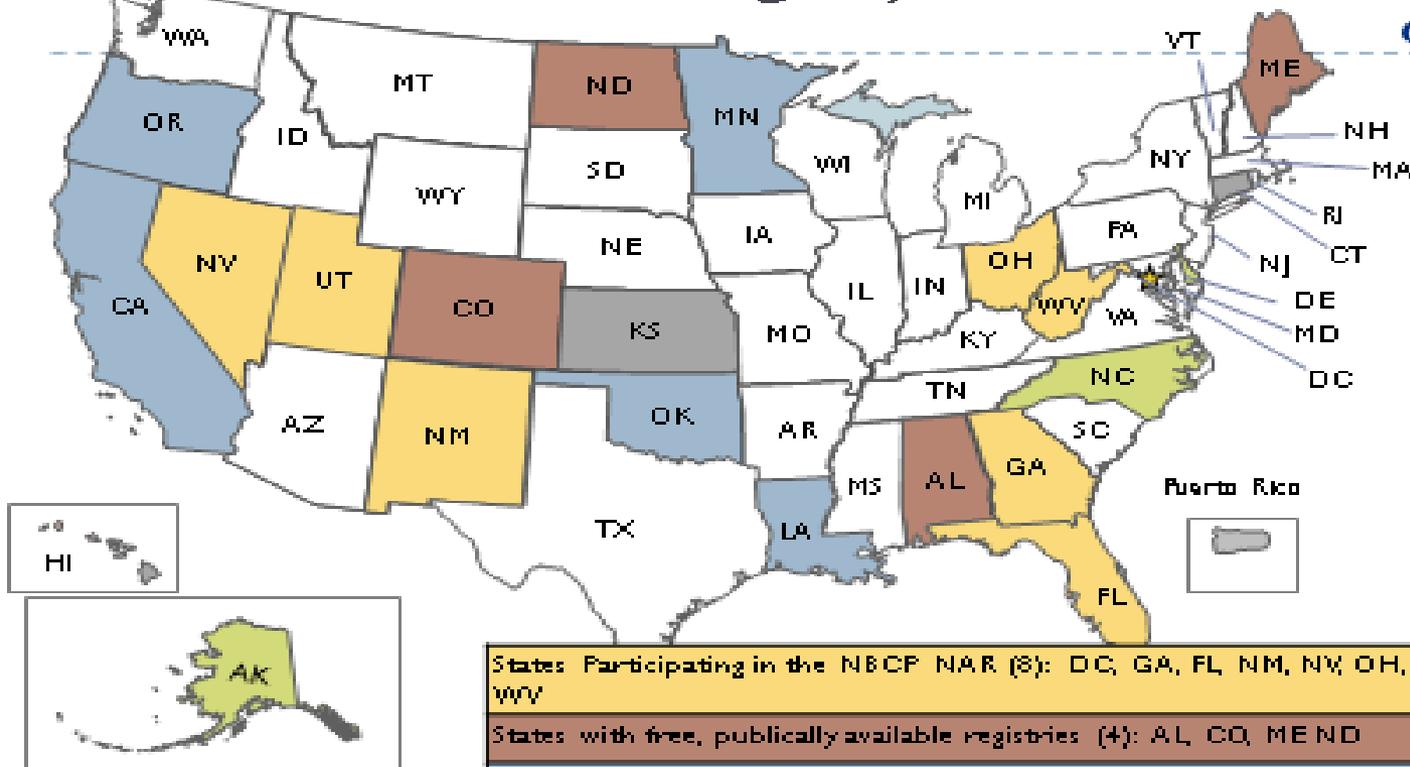
# CNA NBCP TA Updates, Cont.'

- ▶ TA-provided Background Check System (BCS)
  - ▶ How the BCS helps States achieve objectives to meet grant milestones
    - ▶ GA Caregivers Registry
  - ▶ MED File Pilot Summary and Next Steps
- ▶ NBCP Nurse Aide Registry (NNAR)
  - ▶ CNA continues to maintain the NNAR platform and expand the NNAR to include additional States.
  - ▶ As of May 31, 2018, DC, FL, GA, NM, NV, OH, UT, and WV are participating in the NNAR sharing project. CA, LA, MN, OK, and OR are developed and are awaiting implementation.

# NBCP Nurse Aide Registry



## NBCP Nurse Aide Registry as of 5/31/18



States Participating in the NBCP NAR (8): DC, GA, FL, NM, NV, OH, UT, WV
States with free, publically available registries (4): AL, CO, ME, ND
States Awaiting Implementation (5): CA, MN, LA, OK, OR*
States Planned for Development This Year (4): CT, HI, KS, PR
Graduated States Under Consideration for 2018 (3): AK, DE, NC

# NBCP Nurse Aide Registry – Impact



State	Match Count* April 2018	Call Count** April 2018	Match Count May 2018	Call Count May 2018	Match Count Total 8/4/17-5/31/18	Call Count Total 8/4/17-5/31/18
<b>DC</b>	0	1,294	5	1,683	54	15,042
<b>FL</b>	34	32,335	26	35,807	37,150	309,982
<b>GA</b>	0	309	0	451	25	3,327
<b>NM</b>	2	7,806	11	10,061	195	89,400
<b>NV</b>	0	3,681	0	4,247	1	11,690
<b>OH</b>	8	4,420	5	5,251	80	31,705
<b>UT</b>	13	3,815	0	5,677	213	38,293
<b>WV</b>	0	10,703	23	12,513	199	52,145
<b>Totals</b>	<b>57</b>	<b>64,363</b>	<b>70</b>	<b>75,690</b>	<b>37,917</b>	<b>551,584</b>

\*The match count is the number of times that the NNAR returned a match. The match count includes both in-State Nurse Aide Registries as well as all other participating NNAR State match results. In the future, enhanced reporting functionality will include the ability to record where the matches came from (in-State or out-of-State).

\*\*The call count is the number of times during the listed period that a State called out TO the NNAR.

\*\*\* 8/4/17 is the date that reporting capability became available,

# Uniform Criminal Records Accuracy Act



- ▶ Steve Gobbo – Michigan
- ▶ Goal: improve accuracy of criminal records
- ▶ Uniform Law Commission (ULC): functions under The National Conference of Commissioners on Uniform State Laws
  - ▶ Purpose: recommend legislation to promote consistency across States
  - ▶ ULC Committee on Criminal Records Accuracy
- ▶ Finalizing draft
- ▶ Link to Committee and scope of work:
  - ▶ [http://www.uniformlaws.org/Committee.aspx?title=Criminal Records Accuracy](http://www.uniformlaws.org/Committee.aspx?title=Criminal%20Records%20Accuracy)
- ▶ Distributed
  - ▶ Act Draft
  - ▶ Memo: Uniform Criminal Records Accuracy Issues
    - ▶ Good background on need
    - ▶ Identifies accuracy issues
    - ▶ Provides highlights of the Act draft



# Forum Track at AHFSA Conference

---

- ▶ Conference planning update
- ▶ Where: Tigard, Oregon; Embassy Suites
- ▶ When: September 23<sup>rd</sup> through 26<sup>th</sup>.
- ▶ Who: anyone interested in background screening initiatives for vulnerable populations
- ▶ Registration is open
- ▶ For registration and rooms:  
<http://www.ahfsa.org/AHFSA-2018-Annual-Conference>



# Active Warrants

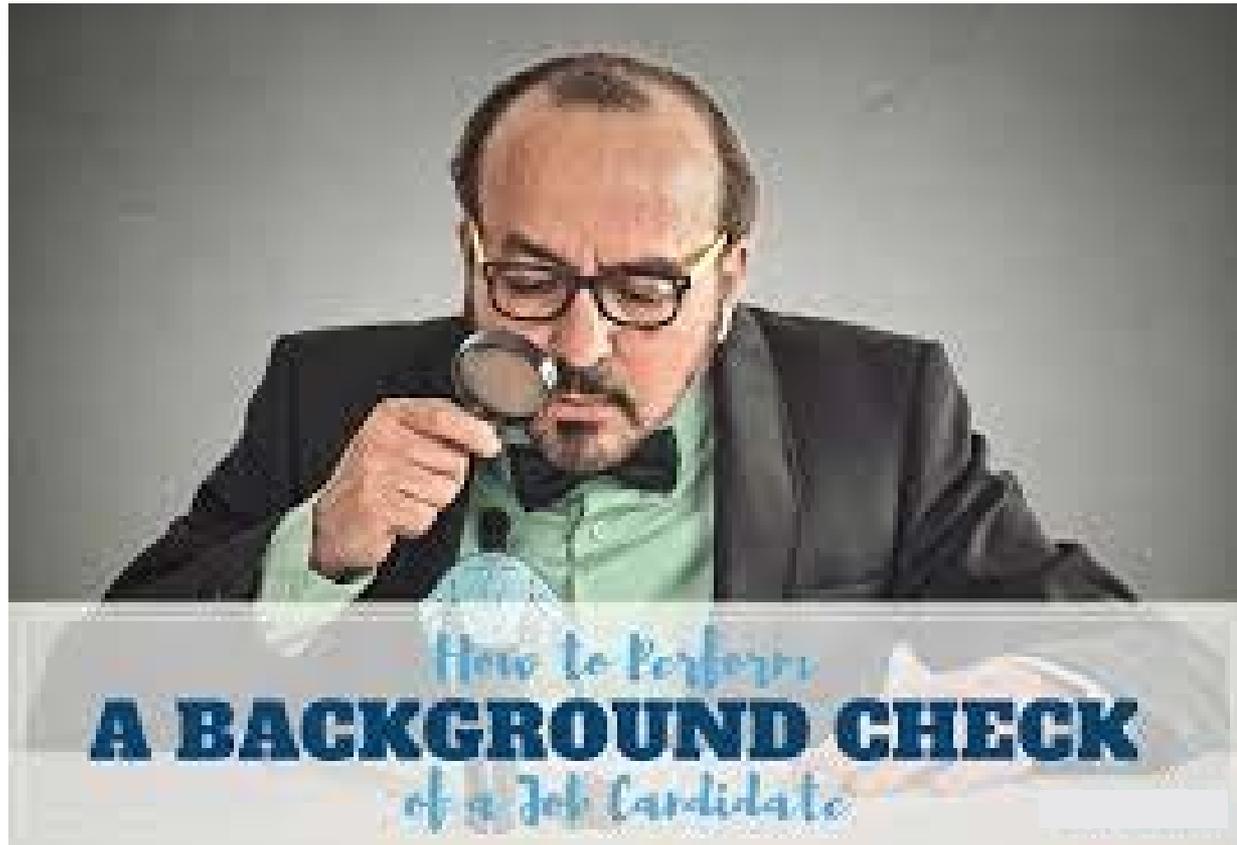
- ▶ Occasionally a criminal history record will show an active warrant
- ▶ In most instances, when law enforcement is notified of a pending employment application with a warrant they have no interest
- ▶ Take 2 minutes to describe how your state:
  - ▶ Addresses active warrants with
    - ▶ Barrier offenses
    - ▶ Non-barrier offenses
    - ▶ In legislation or rule



# Critical Questions & Next Steps

---

- ▶ Critical questions
- ▶ Next steps/action items
- ▶ Next Webinar: July 12, 1:30 p.m. CST



<b>Webinar Participation</b>		
	<b>Forum Contact</b>	<b>06/14/2018</b>
<b>AK</b>	AK Karen Benson/Tracey Marshall	kb
<b>CA</b>	CA Paul DeHerrera/Madeleine Childs	
<b>CT</b>	CT Matt Antonetti/Patricia Trella	pt
<b>DC</b>	DC Alem Grebrezghi	
<b>DE</b>	DE Tom Murray	
<b>FL</b>	FL Taylor Haddock	
<b>GA</b>	GA David Ostrander; Denise Mathews	dm
<b>HI</b>		
<b>ID</b>	ID - Fernando Castro	y
<b>IL</b>		
<b>KS</b>	KS Brenda Dreher	y
<b>KY</b>	KY Jennifer Mayes/David McMahan	
<b>ME</b>	ME Alex Netten	y
<b>MD</b>		
<b>MI</b>	MI Steve Gobbo/Tom Novak/ Tom Dyke	T and S
<b>MN</b>		
<b>MO</b>	MO Melanie Madore/Beth Thompson	y
<b>MS</b>		
<b>ND</b>	ND-Bruce Pritschet	
<b>NV</b>	NV Leticia Metherell	
<b>NC</b>		
<b>NM</b>	NM Gil Mendoza	
<b>OH</b>	OH Jane Lengel	y
<b>OK</b>	OK James Joslin/Scott Chisholm	yy
<b>OR</b>	OR Jeff Akin/Frank Miles	y
<b>PR</b>	Lourdes Borres/Myra Hernandez	yy
<b>RI</b>	Jim Dubie	
<b>UT</b>	Angela Anderson/Chris Turner	yy
<b>WI</b>		
<b>WV</b>	WV Meghan Shears	y
<b>CMS</b>	Don Howard	y
<b>CNA</b>	Nandita Ravishankar	
<b>CNA</b>	Ernie Bauman	
<b>CNA</b>	Elizabeth Rastric	y
<b>CNA</b>	CaraLee Stearns	
<b>CNA</b>	Allison Dudziak	y
<b>CNA</b>	Beth Myers	y
	Total	23