

NATIONAL BACKGROUND CHECK PROGRAM FOR LONG-TERM-CARE EMPLOYEES

The 2014 VOR Washington Initiative participants will recall that one of our “asks” was for Congress to mandate a National Background Check Program for direct care workers of all Medicaid long term care homes. While many states conduct direct care worker background checks, the issue is the lack of consistency from state to state and from setting to setting.

WHY

In support of its *voluntary national background checks program* for states, the Centers for Medicare and Medicaid Services (CMS), noted that “long term care patients abuse, neglect and misappropriation of funds have been identified as a widespread problem for millions of Americans receiving LTC services”.

The opportunity for caregiver abuse has risen along with the numbers of individuals with intellectual and developmental disabilities (I/DD) receiving Medicaid home and community based supports (HCBS).

Abuse can vary from financial misappropriation, withholding medications, withholding or limiting food without medical reason, or physical or verbal abuse.

HOW

The Affordable Care Act provided for up to \$160 million in Federal funds to implement a national background check grant program. CMS administers and oversees the program. At the end of the first four years (2010-2014) 25 states had received grants to participate in the program. The grants are not competitive.

Participating states are required to include three types of background checks in their processes:

- A search of State-based abuse and neglect registries and databases (e.g. caregiver or nurse aide registries)
- A check of State criminal history records
- A fingerprint-based check of FBI criminal history records

Participating States: Alaska, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, Utah, West Virginia, Puerto Rico

STATUS

According to the January 2016 Interim Report from the Office of Inspector General, Department of Health and Human Services on the National Background Check Program for Long Term Care Employees, the 25 states receiving grants have achieved varying levels of program implementation.

- Thirteen of twenty five states were in the process of obtaining enabling legislation from their state legislatures to conduct background checks
- Ten of twenty five states did not yet have the ability to collect fingerprints
- Fifteen of twenty five states did not yet have the capability to monitor criminal history information subsequent to initial background checks

SUGGESTED NEXT STEPS

VOR to work with their members in states not yet participating in the voluntary grant program for background checks to encourage participation.

States may be hesitant as they must guarantee state money as a condition of receiving the Federal match of three times the amount the state guarantees to make available.