

	Subject of Procedure: Criminal History and Background Checks	
	Section of Manual: Human Resources	Procedure Number: 113
	Originating Unit: Human Resources	Effective Date: Rev 10/11/2021

Scope:

This procedure is applicable to all CareLink employees. This procedure establishes guidelines by which applicants and employees will have criminal record checks performed in compliance with Arkansas Act 990 of 1997 and pursuant to Ark. Code Ann. §20-33-201, et seq. and in accordance with the Rules and Regulations for Conducting Criminal Record Checks for Employees of Long-Term Care Facilities and the Rules and Regulation for Conducting Criminal History Records Checks for Home Health, Hospice, and Private Care Agencies in Arkansas.

The procedure also establishes guidelines by which applicants and employees in affected job classifications must submit to an inquiry to the Employment Clearance Registry of the Office of Long-Term Care (OLTC), the Child Maltreatment Registry and Adult Maltreatment Registry maintained by the Department of Health and Human Services, Division of Aging and Adult Services.

Definitions:

National criminal history check: a review of national criminal history records maintained by the Federal Bureau of Investigation (FBI) based on fingerprint identification or other positive identification methods.

State criminal history check: a review of state criminal records conducted by the Identification Bureau of the Department of the Arkansas State Police.

Employment Clearance Registry: a review of records related to employee misconduct by the Office of Long-Term Care.

Adult Maltreatment Registry: A review of reported abuse by Adult Protective Services

Child Maltreatment Registry: A review of reported abuse by Child Protective Services.

Procedural Requirements:

I. Applicants

- A. Each applicant must complete a state criminal history check application and provide proof of residency in the state of Arkansas for the last five years. Proof may include, but is not limited to, payroll check stubs, tax records, rent/house payment records, utility bills, school records or written employment records. A signed affidavit may take the place of any of the above.

- B. A national criminal history check must also be completed for applicants who have not lived continuously in the state of Arkansas for the last five years.
- C. Employment Clearance Registry of the Office of Long-Term Care Check
 - 1. A check of the Employment Clearance Registry must be completed for the positions of Caregiver, Care Coordinator, Ombudsman, Registered Nurse, Home Care Qualified Supervisors, Drivers I and II.
 - 2. The ECR form must be filled out legibly with the applicant's Social Security Number and date of birth for verification.
 - 3. The form is emailed to ECR.Check@dhs.arkansas.gov Results of the registry check are returned by email within 24-48hrs.
- D. Adult Maltreatment Registry Check
 - 1. A check of the Adult Maltreatment Registry must be completed for applicants for the positions of Caregiver, Care Coordinator, Ombudsman, Registered Nurse, Home Care Qualified Supervisors, Drivers I and II.
 - 2. The applicant must complete an Arkansas Department of Health and Human Services Authorization for Adult Maltreatment Central Registry form.
 - 3. The form must be signed by the applicant and the signature notarized.
 - 4. The completed form requesting information is uploaded online at https://ardhs.quickbase.com/db/brktax7tq?a=er&rid=163&fid_241=163&dfid=24&ifv=1
 - 5. Once the registry check is completed by Adult Protective Services, the original form and findings are returned by email to Human Resources.
- E. Child Maltreatment Registry Check
 - 1. A check of the Child Maltreatment Registry must be completed for applicants for the positions of Caregiver, Care Coordinator, Ombudsman, Registered Nurse, Home Care Qualified Supervisors, Drivers I and II.
 - 2. The applicant must complete a request for Child Maltreatment Central Registry Check.
 - 3. The form must be signed by the applicant and the signature notarized.
 - 4. The completed form is uploaded online at <https://ardhs.quickbase.com/db/bqqmshgyk?a=dbpage&pageID=19>
 - 5. The finding will be returned by email to Human Resources.
- F. Arkansas CNA Registry
 - 1. A check of the Arkansas CNA registry must be completed for applicants with a Certified Nursing Assistant Certification.
 - 2. Visiting <https://ar.tmuniverse.com/> and search the applicants name or social security number.
 - 3. Print CNA certification.
- G. Licensed applicants
 - 1. A license check should be complete for Registered Nurses, Licensed Practical Nurses, and Social Workers in lieu of a national background check.
 - 2. Visit <https://www.arkansas.gov/swlb/search/index.html> for licensed Social Workers and print license.
 - 3. Visit <https://www.nursy.com/> for Registered Nurses and Licensed Practical Nurses.
- H. Background Investigators Bureau

1. Meals on Wheels volunteers must visit <http://www.aegis.bib.com/>
2. Must complete the online application.
3. Results are returned immediately.

II. Employees

- A. Current employees in the affected job classifications must complete a state criminal history check application.
- B. A national criminal history check must also be completed for employees in the affected job classes who are currently employed with CareLink and who have not lived continuously in the state of Arkansas for the last five years.
- C. The criminal history check process is described below:
 1. Current employees will have criminal history checks, Employment Certification Registry, Adult Maltreatment Registry, and Child Maltreatment Registry checks performed every five years.
 2. Human Resources is responsible for notifying applicable employees in that need to complete an application for a criminal history check.
 3. Human Resource will advise the employee that continued employment is contingent on results of criminal history check and the individual has the right to obtain a copy from the Arkansas State Police
- D. State Criminal History Check
 1. The application (Appendix A-5) must be typed or legibly printed.
 2. The application must be signed by the applicant in the presence of a notary.
 3. Facility ID number to be used on all applications is shown below:
Home Care - (799) 3003
Employer name and address should be entered as:
CareLink, P.O. Box 5988, NLR, 72119
Phone number should be entered as: 372-5300
 4. The name on an application must match the information found on the individual's current driver's license. A copy of the driver's license must be attached.
 5. Once the application is completed, the Criminal History Check is run online through the Arkansas State Police Criminal Background System at www.ark.org/criminal/index.php
 6. If the applicant is to be employed as a Community Services Driver or Meals on Wheels (MOW) Driver, "Long Term Care Employee – DHS OLTC" must be selected in the drop-down box labeled *Purpose. Otherwise, Long Term Care Employee – Dept of Health, HFS is to be selected.
- E. National Criminal History Check

1. The “national check” box must be marked on the state criminal history check application.
2. Scan and load a copy of the completed DMS 736 Federal Background (Appendix A-6) for those applicants to be employed as regular Driver or MOW driver and the completed Health Facility Services Background Check Application for all others.
3. Applicants must then provide digital fingerprints at a local Arkansas Live Scan facility. Visit www.arkansaslivescan.com to find the nearest location.

III. Resolution Criminal History Checks

- A. If the Division of Health Facilities Services determines that no criminal history exists, no action is taken.
- B. An offer of employment is contingent on satisfactory results of a criminal background check.
- C. If the criminal history check from the Arkansas State Police reveals a record, employees are placed on administrative leave without pay until a determination is issued by the Division of Health Facilities Services. The notice of administrative leave is prepared and mailed by Human Resources.
- D. If the Division of Health Facilities Services determines that the employee is disqualified from employment based on felony convictions in the criminal history report, the employee will be terminated. The notice of termination is prepared and mailed by Human Resources.
- E. If a record is revealed, but the Division of Health Facilities Services determines the employee is qualified for employment, CareLink reserves the right to disqualify the employee from employment based on the results of the criminal history check.

IV. Resolution Background Checks

- F. If checks of the Employment Clearance Registry of the Office of Long-Term Care, Child Maltreatment, or the Adult Maltreatment Registry determines that no malpractice or abuse, no action is taken.
- G. If malpractice or abuse is reported, the applicant is not hired.

V. Maintaining Records

- A. Human Resources will maintain records which will include, but not be limited to 1) a photocopy of the application for state criminal history check, 2) proof of continuous residency in Arkansas, 3) criminal history reports provided by the Arkansas State Police, 4) determinations issued by the Division of Health Facilities Services for employees in the affected job classifications.
- B. These records will be maintained in the personnel file.

