

Adult Foster Home Provider Alert

Policy updates, rule clarifications and announcements

Date: December 8, 2016

Topic: **Preliminary Background Checks**

To: APD (Older Adults and Adults with Physical Disabilities)

The Collective Bargaining Agreement (CBA) between the Department of Administrative Services (DAS) on behalf of the Department of Human Services (DHS), Oregon Health Authority (OHA) and Service Employees International Union (SEIU) for Adult Foster Care includes a Letter of Understanding, “Standardize Criminal Background Check Process for All AFH Providers” that became effective January 1, 2016.

The Letter of Understanding indicates the Background Check Unit (BCU) may approve providers (licensees) to be DHS Qualified Entity Designees (QEDs). It also implies licensees who are approved as QEDs may grant preliminary approval to subject individuals in their adult foster homes.

The [Criminal Records and Abuse Check Rules](#), OAR 411-407-0315, allows QEDs to make preliminary fitness determinations in certain instances, but it also prohibits any hiring on a preliminary basis if not allowed by program rules. **Preliminary background checks are not authorized by the [APD adult foster home program rules](#).** OAR 411-050-0620 (6) states:

The licensee must have written verification from the local licensing authority that the required background checks have been **completed and approved** for all subject individuals.

A licensee may request an expedited background check (a final fitness determination), according to OAR 411-050-0620 (8), if there is a “demonstrated immediate staffing need.” BCU will determine if completing an expedited check is possible based on need for fingerprints and any history found. Questions? Contact your Licensor.
