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CHAPTER 407
DEPARTMENT OF HUMAN SERVICES

DIVISION 7
CRIMINAL RECORDS AND ABUSE CHECK RULES

Long Term Care Registry

Permanent effect 3/13/2018

13 **Table of Contents**

14 407-007-0600 Purpose 1

15 407-007-0610 Definitions 1

16 407-007-0620 Background Check Registry 3

17 407-007-0630 Reporting Requirements for Qualified Entities 5

18 407-007-0640 Access and Release of Information 6

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407-007-0600 Purpose

- (1) The purpose of these rules, OAR 407-007-0600 to 407-007-0640, is to provide for procedures and standards for the Background Check Registry pursuant to ORS 443.006.
- (2) These rules apply to subject individuals (SIs), as defined in OAR 407-007-0210, who work or seek to work in facilities and positions subject to these rules who provide care.

Stat. Auth.: Or Laws 2017, ch 239; ORS 181A.195, 181A.200, 183.459, 409.025, 409.027, 409.050, 410.020, 411.060, 413.036, 443.006, 443.725 & 443.735
Stats. Implemented: ORS 181A.195, 181A.200, 183.459, 409.010, 409.025, 409.027, 411.060, 443.004 & 443.006

407-007-0610 Definitions

In addition to the definitions in OAR 407-007-0210, the following definitions apply to OAR 407-007-0600 to 407-007-0640:

- (1) “Background check” means a criminal records check and an abuse check pursuant to OAR 407-007-0210 to 407-007-0370 and any additional checks as required per federal code or Oregon statute.
- (2) “Background Check Registry (Registry)” means a comprehensive listing of subject individuals who meet the requirements of these rules.
- (3) “Criminal Records Information Management System (CRIMS) user” means an individual who has been approved to use CRIMS.
- (4) “Facility” means:
 - (a) A long term care facility in Oregon as defined in ORS 442.015 including skilled nursing facilities and intermediate care facilities.
 - (b) A residential care facility as defined in ORS 443.400 including but not limited to assisted living facilities and intermediate care facilities.
 - (c) An adult foster home as defined in ORS 443.705.

- 1 (d) Any programs licensed, certified, endorsed, or otherwise regulated
2 by the Department of Human Services that deliver services to
3 individuals with intellectual or developmental disabilities.
- 4 (5) “Homecare worker” has the same meaning given in ORS 410.600, including
5 but not limited to personal support workers and personal care attendants.
- 6 (6) “Permanent hire date” means:
- 7 (a) For an employee, temporary worker or contractor of a facility or
8 qualified entity, the date the qualified entity (QE) considers the SI to
9 be permanently hired, after the background check approval date and
10 when the SI is no longer considered provisional or working under
11 active supervision pursuant to OAR 407-007-0315.
- 12 (b) For a volunteer of a facility or qualified entity, the date the QE
13 considers the SI to be approved to volunteer for the QE, after the
14 background check approval date.
- 15 (c) For a homecare worker, the date the Department of Human Services
16 (Department) or Authority enrolls the SI as a homecare worker and
17 the homecare worker enrollment number is approved and active. For
18 medical assistance programs this date is called the “enrollment”
19 contract active dates.
- 20 (7) “Position” means the position listed in the background check request which
21 determines whether the individual is an SI under OAR 407-007-0210.
- 22 (8) “Qualified entity (QE)” means:
- 23 (a) A facility;
- 24 (b) An Area Agency on Aging (AAA) office or a Department or Oregon
25 county Aging and People with Disabilities program branch which
26 enrolls homecare workers;
- 27 (c) An agency, program or county office in Oregon serving individuals
28 with intellectual or developmental disabilities;

1 (d) An agency, program or county office in Oregon serving individuals
2 with mental illness which assists an individual to complete personal
3 support worker enrollment; or

4 (e) The Department's Children's Intensive In-home Services program.

5 (f) A long term care referral entity pursuant to OAR 411-058-0000 to
6 411-058-0100.

7 *Stat. Auth.: OR Laws 2017, ch 239; ORS 181A.195, 181A.200, 183.459, 409.025, 409.027,*
8 *409.050, 410.020, 411.060, 413.036, 443.006, 443.725 & 443.735*

9 *Stats. Implemented: ORS 181A.195, 181A.200, 183.459, 409.010, 409.025, 409.027, 411.060,*
10 *443.004, & 443.006*

11
12 **407-007-0620 Background Check Registry**

13
14 (1) The background check registry includes SIs who work or seek to work as:

15 (a) An employee, contractor, temporary worker, or volunteer in a facility
16 or qualified entity; or

17 (b) A homecare worker, including the position of personal support
18 worker.

19 (2) The background check registry does not include SIs who work or seek to
20 work as an employee or volunteer for:

21 (a) A community developmental disabilities program (OAR 411-320-0010
22 to 411-320-0200);

23 (b) A developmental disabilities brokerage (OAR 411-340-0010 to 411-
24 340-0180)

25 (c) The Department of Human Services.

26 (3) The registry includes SIs who have a record of a background check with an
27 outcome of approved or approved with restrictions in CRIMS dated on or
28 after January 1, 2015 with no subsequent background check with an
29 outcome other than approved or approved with restrictions.

- 1 (4) The registry shall include information regarding the SI including but not
2 limited to:
- 3 (a) Name and other identifying information.
- 4 (b) Date of background check approval.
- 5 (c) Current position.
- 6 (d) QE for each current position.
- 7 (e) Permanent hire date in the position at each QE.
- 8 (f) Last day of work for each position at each QE.
- 9 (4) An SI shall complete a new background check:
- 10 (a) At least every two years.
- 11 (b) If the Department requires a new background check due to a change
12 in position by the SI.
- 13 (c) If the Department has reason to believe a new background check is
14 needed.
- 15 (5) BCU shall immediately remove an SI from the registry if:
- 16 (a) BCU received information indicating that SI has any new potentially
17 disqualifying convictions and conditions; or
- 18 (b) A subsequent background check results in any outcome other than
19 approved.
- 20 (6) To remain in good standing on the registry:
- 21 (a) The SI must have an approved background check completed
22 pursuant to OAR 407-007-0200 to 407-007-0370 within the past 24
23 months; or
- 24 (b) If within 120 days of expiration from the registry:

1 (A) The SI's qualified entity must submit a new background check
2 request pursuant to OAR 407-007-0200 to 407-007-0370 no
3 later than the SI's expiration date or as required by the
4 collective bargaining agreement or program rules; and

5 (B) In the new background check request, the Department finds
6 no information that would lead to a revocation of the SI
7 working pursuant to OAR 407-007-0315.

8 (7) If the SI is required to have a Provider Enrollment Agreement filed with the
9 Department, the SI must complete a background check pursuant to OAR
10 407-007-0200 to 407-007-0370 at least 24 months with an outcome of
11 approved or approved with restrictions.

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13 *Stat. Auth.: OR Laws 2017, ch 239; ORS 181A.195, 181A.200, 183.459, 409.025, 409.027,*
14 *409.050, 410.020, 411.060, 413.036, 443.006, 443.725 & 443.735*
15 *Stats. Implemented: ORS 181A.195, 181A.200, 183.459, 409.010, 409.025, 409.027, 411.060,*
16 *443.004 & 443.006*
17

18 **407-007-0630 Reporting Requirements for Qualified Entities**

19
20 (1) CRIMS users for qualified entities, facilities and homecare workers may
21 access the registry online through CRIMS.

22 (2) If an SI is not found in a search of the online registry, CRIMS users may
23 enter a background check request in CRIMS to determine if the SI may be
24 placed on the registry to work.

25 (3) QEs shall provide BCU with the following information regarding an SI on the
26 registry including but not limited to:

27 (a) Permanent hire date of SI for each position.

28 (b) Report of any potentially disqualifying convictions or conditions (see
29 OAR 407-007-0280 to 407-007-0290). BCU shall determine if the SI
30 must be removed from the registry to allow for the submission of a
31 new background check.

1 (c) Change of position with the QE.

2 (d) The SI's last day of work once the SI leaves a position.

3 *Stat. Auth.: OR Laws 2017, ch 239; ORS 181A.195, 181A.200, 183.459, 409.025, 409.027,*
4 *409.050, 410.020, 411.060, 413.036, 443.004, 443.725 & 443.735*

5 *Stats. Implemented: ORS 181A.195, 181A.200, 183.459, 409.010, 409.025, 409.027, 411.060,*
6 *443.004 & 443.006*

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8 **407-007-0640 Access and Release of Information**

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10 (1) BCU shall maintain the registry through CRIMS. CRIMS users for qualified
11 entities, facilities and homecare workers may access the registry online
12 through CRIMS.

13 (2) An SI may request in writing that BCU provide documentation of
14 information included in the registry about the SI.

15 *Stat. Auth.: OR Laws 2017, ch 239; ORS 181A.195, 181A.200, 183.459, 409.025, 409.027,*
16 *409.050, 410.020, 411.060, 413.036, 443.006, 443.725 & 443.735*

17 *Stats. Implemented: ORS 181A.195, 181A.200, 183.459, 409.010, 409.025, 409.027, 411.060,*
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