



DHS - BACKGROUND CHECK UNIT

Overview of BCU and background check process

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THE BACKGROUND CHECK UNIT

- Serving Oregon's vulnerable individuals through background checks of caregivers, volunteers, and other persons having access
- Background checks submitted by agencies on their employees, volunteers, and other subject individuals
 - Aging and People with Disability Services
 - Intellectual/Developmental Disability Services
 - Child Welfare/Child Care
 - Mental Health
 - Other Public Health programs such as Traditional Healthcare Workers

BACKGROUND CHECK PROCESS

- Agency/Facility offers a position to an individual (the “Subject Individual” or SI), contingent on background check
- SI provides information required for the background check
 - Identifying information, residency, disclosures
- Agency’s qualified entity designee (QED) submits background check request online to BCU through CRIMS
- CRIMS notifies QED of any need for fingerprints
- Hiring on a preliminary basis allowed unless SI has adverse history
- BCU conducts criminal records check and abuse check
- BCU notifies QED of outcome

QUALIFIED ENTITY DESIGNEE (QED)

- Each agency has at least one QED
 - Agency appoints employee to be QED
 - BCU provides QED training materials
 - QED certified by BCU for 3 years
- QED has several vital roles in the background check process
 - Initiates the background check process with new SIs
 - Liaises between SIs and BCU
 - Ensures SIs complete additional requirements (fingerprints, requested information)
 - Ensures SIs are actively supervised pending background check
 - Monitors all background checks and ensures action upon completion

HIRING ON A PRELIMINARY BASIS (HPB)

- BCU requires active supervision of SIs while background check is pending
 - In same building with SI
 - Know what SI is doing
 - Periodically observe SI
 - If off-site: being within line of sight and hearing at all times
- Program rules can mandate that HPB is not allowed (background check must be complete with final outcome before SI may work)

CRIMINAL RECORDS CHECK

- Name-based check through Oregon State Police (OSP)
- If needed, fingerprint-based check through OSP and FBI
- What is potentially disqualifying?
 - All convictions of felonies and misdemeanors
 - Other adjudications (for example, juvenile)
 - Any open/pending criminal charges
 - Active warrants in any jurisdiction
 - Current diversions or similar court actions
 - Probation and probation violations
 - Material false statement regarding criminal history

ABUSE CHECK

- What is potentially disqualifying?
 - Child abuse investigations through DHS
 - Any date of abuse
 - Any type of abuse
 - Adult abuse investigations through DHS/OHA
 - Abuse since January 1, 2010
 - Neglect, physical, sexual, financial
 - Considered serious based on facts from the investigation

FACTORS IN THE WEIGHING TEST

- Details of incidents
- Age of SI
- Proof of PDQ
- Time since PDQ
- Other laws to consider
- Other criminal activity
- Incarceration
- Compliance with parole or probation
- Substance abuse issues

FACTORS IN THE WEIGHING TEST, cont.

- Treatment
- Abuse/other protective services
- Change since PDQs
- Cooperation, honesty, and accountability
- Relevancy to position

FITNESS DETERMINATION OUTCOME

- Approved, Approved with Restrictions, or Denied.
 - If denied or given a restricted approval, the subject individual has hearing rights.
 - Individuals applying for positions subject to certain federal or state statutes or regulations and found to have applicable convictions do not have hearing rights if found ineligible.

BCU LONG TERM CARE REGISTRY (LTCR)

- Registry of approved SIs
- Immediately hireable in similar positions and jobs
- Available to different program areas
 - Aging and People with Disabilities Programs
 - DD
 - HCW/PSWs (includes mental health)
 - Adult foster homes (includes mental health)
- New background check every 2 years to remain active on LTCR
- Automated recheck reminders to all active jobs

BCU RULE CHANGES NEEDED FOR LONG TERM CARE REFERRAL SERVICES

- Add Employees as SIs in BCU rules (OAR 407-007-0200 to 407-007-0370)
- Add Long Term Care Referral Services to “qualified entities” in LTCR rules (OAR 407-007-0600 to 407-007-0640)

BACKGROUND CHECK UNIT

- Website: <https://inside.dhsoha.state.or.us/asd/hr/bgchecks.html>
- Email address: bcu.info@state.or.us