

# Policy Transmittal Developmental Disabilities Services



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**Authorized signature**

**Number:** APD-PT-18-020  
**Issue date:** 2/22/2019  
**CORRECTED**

**Topic:** Developmental Disabilities

**Due date:**

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other:

**Applies to (check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> All DHS employees                     | <input type="checkbox"/> County Mental Health Directors  |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services   |
| <input type="checkbox"/> Aging and People with Disabilities    | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS)   |
| <input type="checkbox"/> Self Sufficiency Programs             | <input type="checkbox"/> ODDS Children's Intensive In Home Services  |
| <input checked="" type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)  |
| <input type="checkbox"/> ODDS Children's Residential Services  | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Support service brokerage directors; 24 hour residential programs; employment providers; supported living providers; community living supports agencies |
| <input type="checkbox"/> Child Welfare Programs                |  |

<b>Policy/rule title:</b>	Hiring on a Preliminary Basis - <b>AMENDED</b>		
<b>Policy/rule number(s):</b>		<b>Release number:</b>	
<b>Effective date:</b>	Immediate	<b>Expiration date:</b>	
<b>References:</b>	OAR 411-323-0050; OAR 407-007-0315		
<b>Web address:</b>			

**Discussion/interpretation:**

(The italicized text below is an update to this transmittal as originally published)  
The Office of Developmental Disabilities Services (ODDS) prioritizes the health, safety and prevention of abuse of the people that receive intellectual/developmental

disabilities services throughout Oregon. ODDS also recognizes the need for provider agencies to have flexibility with meeting the support needs of the individuals they serve, sometimes with limited staffing resources. This transmittal clarifies and replaces the related content of IM-17-054.

Employees of a certified provider agency may be immediately hired using the Long Term Care Registry (LTCR) run through the Criminal Records Information Management System (CRIMS) of the Department's Background Check Unit (BCU). When a qualified entity designee (QED) initiates a background check request on a new employee or an employee moving to a new position, CRIMS will indicate to the QED if the employee is on the LTCR and may be immediately hired; this employee may begin working immediately without supervision.

The previous paragraph does not apply to community developmental disability program employees, brokerage employees, in-home care agency employees (licensed through public health), adult foster home licensees, and all subject individuals associated with child foster homes.

If the newly hired employee is not on the LTCR, or is needing a recheck to maintain placement on the LTCR, a new background check request is required. *When an existing employee is required to have a background recheck under OAR 411-323-0050 but the final fitness determination is not completed prior to the expiration of the previous determination, the employee may continue to work without additional supervision if:*

- *The request for a recheck was made prior to the expiration, and*
- *The employee does not meet a condition of OAR 407-007-0315(7)(b) and (c)\**

It is the policy of ODDS that a newly hired employee who does not meet a condition of OAR 407-007-0315(7)(b) and (c)\* may be hired on a preliminary basis when the employee is able to work under the direct, on-site, supervision of another employee of the agency who has a current approved background check. In this case, the QED must check "yes" to the question on the SI Summary page in CRIMS, "Is the subject individual being hired on a preliminary basis or continuing in the same position during a background check recheck?".

Preliminary hire is an initial check on certain specific factors that allows someone to work under supervision until the Background Check Unit (BCU) can complete the approval of a criminal history check and issue a Final Fitness Determination.

If the newly hired employee meets the condition of OAR 407-007-0315(7)(b), s/he may not work under supervision or independently until a Final Fitness Determination is made. The QED may request a preliminary fitness determination approval by BCU by

checking the request for an expedited review for hiring on a preliminary basis. The QED shall abide by the BCU preliminary fitness determination decision.

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\* OAR 407-007-0315 (7) The QE may not hire a SI on a preliminary basis under any of the following circumstances:

(b) The SI has disclosed criminal history occurring within the past five years that has an outcome of “pending outcome,” “diversion or conditional discharge,” “convicted,” “on probation,” “juvenile adjudication,” “unknown” or other outcome BCU determines to be adverse and BCU has not completed a preliminary fitness determination resulting in the QE being allowed to hire the SI on a preliminary basis.

(c) The QE or BCU determines that:

(A) More likely than not, the SI poses a potential threat to vulnerable individuals, based on a preliminary fitness determination and weighing test;

(B) The SI’s most recent background check under these rules or other Department or Authority criminal records check rules or abuse check rules resulted in a denial;

(C) The SI is currently involved in contesting a background check under these or other Department or Authority criminal records check rules or abuse check rules; or

(D) BCU has reason to believe hiring on a preliminary basis is not appropriate based on circumstances or compliance with the background check process of the SI, QED, or QE.

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OAR 411-375 does not allow a Personal Support Worker to work with a preliminary approval. All Personal Support Workers must be fully approved to work, including a final fitness determination, prior to being enrolled as a Personal Support Worker.

OAR 411-360-0110 and the Collective Bargaining Agreement for Adult Foster Homes permits caregivers with a preliminary Fitness Determination to work for a foster care provider under supervision. An Adult Foster Care provider may be a Qualified Entity Designee (QED).

**Training/communication plan:** Monthly transmittal call in.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Engagement and Innovation webpage subscribers

**Filing instructions:** n/a

*If you have any questions about this policy, contact:*

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