

# Policy Transmittal Developmental Disabilities Services



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**Authorized signature**

**Number:** APD-PT-20-038

**Issue date:** 3/25/2020

**UPDATED**

**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):**

- All DHS employees
- Area Agencies on Aging: {Select type}
- Aging and People with Disabilities
- Self Sufficiency Programs
- County DD program managers
- Support Service Brokerage Directors
- ODDS Children's Residential Services
- Child Welfare Programs
- County Mental Health Directors
- Health Services
- Office of Developmental Disabilities Services (ODDS)
- ODDS Children's Intensive In Home Services
- Stabilization and Crisis Unit (SACU)
- Other (please specify):

<b>Policy/rule title:</b>	Criminal History Check Process		
<b>Policy/rule number(s):</b>	407-007-0250, 407-007-0030	<b>Release number:</b>	
<b>Effective date:</b>		<b>Expiration date:</b>	03/20/2021
<b>References:</b>			
<b>Web address:</b>			

**Discussion/interpretation:**

The Office of Developmental Disability Services has requested and receive an approved variance on the current rules regarding on Background Check fingerprinting requirements. The purpose for this variance is to enable organizations to continue to on board new staff and extend existing staff during the current state of emergency related to COVID-19. Hiring efforts have been hampered by the statewide closure of the Fieldprint office locations.

## **Fingerprint Requirements:**

Regarding fingerprint requirements, For all subject individuals associated with programs, agencies and facilities (“qualified entities”) certified, licensed, or otherwise regulated by the Department of Human Services, Office of Developmental Disability Services (ODDS), the Background Check Unit is suspending the need for fingerprints as indicated in OAR 407-007-0250, effective on 3/20/2020 until the end of the state of emergency in Oregon. This variance impacts all new background check requests as well as all background checks currently pending with the Background Check Unit.

In addition, as of 3/23/2020, after submitting a background check request to the Background Check Unit, ODDS agency may immediately hire the subject individual on a preliminary basis pending the completed background check, regardless of any disclosures made by the subject individual. The Department reserves the right to revoke preliminary hire pursuant to OAR 407-007-0315(7)(c):

(7)(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; or
- (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.

Once the state of emergency is lifted, qualified entities shall submit new background check requests on those subject individuals whose fingerprints were suspended. Submission of the new background checks shall take place over a period of time to be determined at the end of the state of emergency.

## **Implementation/transition instructions:**

Regarding Fingerprinting for criminal history checks, effected organizations will continue doing their normal new hire process including Background and criminal history checks. Organizations will still follow appropriate OARs for record keeping of

employees. The only change will be foregoing the fingerprinting for the duration of the state of emergency.

Once the state of emergency is ended, individuals hired during this time will need a new background check to be submitted to the BCU, including fingerprinting.

**Training/communication plan:**

For more information, please register for the April Provider Expectations and Responsibilities Around COVID-19 - Webinar at 2 pm on April 16, 2020 at:

<https://attendee.gotowebinar.com/register/7518400443284415756>

Please send questions in advance to [ODDS.Questions@dhsosha.state.or.us](mailto:ODDS.Questions@dhsosha.state.or.us)

**Local/branch action required:**

**Central office action required:**

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:**

**Filing instructions:**

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

Contact(s): ODDS COVID-19 Team	
Phone:	Fax:
Email: <a href="mailto:ODDS.Questions@dhsosha.state.or.us">ODDS.Questions@dhsosha.state.or.us</a>	