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## LTC Notice 22-04

**TO:** Area Agencies on Aging Directors

**FROM:** Jean Stone, Assistant Commissioner  
Medicaid Waiver Programs 

**SUBJECT:** Background Check Policy for the Waiver Programs

**EFFECTIVE:** October 1, 2022

The language below will be added to the ADSS Long Term Care Policy and Procedure Manual as a revised section for Part 8, Section 8.5 regarding Background Checks, and the new requirement for a nationwide check. **Providers and AAAs will have until January 31, 2023, to complete National Checks on staff hired since October 1, 2022.** All new staff moving forward should have the National Check prior to hire. Please provide a copy of this to your Direct Service Providers and your Case Managers.

### Section 8.5: Background Checks

Effective October 1, 2022, background checks must be conducted on a nationwide basis. The National background check shall consist of the following personal identifiers: name, social security number, date of birth, driver's license number and/or applicable state identification card (i.e. nondriver's identification). Additionally, the authorized background check agency shall notify the potential employer if the background check reveals that an applicant is listed in the national sex offender public registry. Any services performed by a person in violation of the background checks are to be considered an overpayment and are recoupable.

The following criminal activities that will permanently disqualify a potential applicant from employment:

Applicants must not have convictions or pending charges for:

- Any crime of violence
- Any felony convictions as well as any pending felony arrests

The following are criminal convictions that would prevent an individual from being employed for the time period as specified below:

- Reckless endangerment in the past 5 years
- Stalking in the second degree in the past 5 years

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- Criminal trespass in the first degree in the past 5 years
- Violating a protective order in the past 3 years
- Unlawful contact in the first degree in the past 3 years
- Criminal mischief in the first degree in the past 7 years
- Unlawful contact in the second degree in the past year

The following are the specifics related to the background checks:

- Statewide background checks are required for employees hired on or after October 1, 2007, and Nationwide background checks for those hired on or after October 1, 2022.
- All background checks must be performed **prior** to the date of hire.
- Employees are not allowed to provide services until after the results of the background check have been received.
- Statewide background checks are not required for employees hired prior to October 1, 2007. Nationwide background checks are not required for those hired before October 1, 2022.
- Nationwide background checks are required for all DSPs and for any employee who operates within the state of Alabama and has access to client records.
- Out-of-state corporate office employees are not required to have a background check completed.
- Case Managers, Adult Day Health, and Home Delivered Meals providers are also required to undergo a background check.
- DSPs are responsible for conducting monthly checks of employees against the Medicaid Exclusion List.
- If an employee is terminated/leaves employment of the DSP and then is re-hired, a new background check must be obtained.
- Verification of the performance of background checks will be conducted during audit reviews.
- Failure to perform all components of the background check will result in recoupment of funds paid for services provided by the employee.

In addition to the background check, employers must also check the State of Alabama Nurse Aide Registry and previous employer references. DSPs are also required to check the OIG/Medicaid Exclusion List initially and on a monthly basis.