

**Background Study Process Enhancements
Stakeholder Meeting, April 26, 2013**

Meeting Notes

DHS staff in attendance: Jerry Kerber, Laura Zrust, Jane Kennedy, Kristin Johnson, and Michelle Long.

The meeting was held to provide an overview of the planned enhancements to the DHS background study processes to trade associations and advocacy organizations for their feedback and ideas.

1. Laura Zrust, Director of the Licensing Division welcomed participants and gave an overview of the meeting which focused on the National Background Check Program (NBCP) Grant received from the federal Department of Health and Human Services. The Licensing Division is administering the grant and is very interested in receiving feedback and ideas from people and organizations that could be affected by the enhancements to the background study processes.
2. Jerry Kerber, DHS Inspector General, provided some history regarding the background study process and proposed background study changes made possible through funding from the federal grant. See attachment *Planned Background Study Enhancements*¹.
 - One of the most significant enhancements would be use of fingerprints to match study subjects with criminal records.
 - The use of fingerprints would be phased in and likely begin with people in the hiring process.
 - There would also be enhanced identification of background subjects through the process including use of picture identification.
 - A benefit of the enhanced background studies for providers would be the ability to “immediately” hire people who are cleared through the enhanced process.
3. Mr. Kerber explained that all of the proposed enhancements will require legislative authority. The legislative sessions in which such proposals may be introduced are listed on the attachment titled *Planned Background Study Enhancements*¹. There are two proposals moving forward this legislative session. One concerns use of data from the Minnesota Court Information System that would automatically notify DHS if a background study subject is charged with and convicted of a crime in Minnesota. The second proposal is to include information concerning background study subjects’ registration status in the Minnesota Predatory Offender Registry.

¹ The handout (attachment) from April 26, 2013 was updated June 18, 2013.

4. DHS staff described that the state plans to use a vendor to collect and transmit fingerprint images of background study subjects. DHS plans to issue a request for proposal (RFP) early this summer for a vendor. Feedback concerning the fingerprint requirements is being sought from providers, advocates, and others affected by the proposed enhancements through this stakeholder meeting and the planned webinar. DHS staff asked for comments about: maximum travel distance; cost and how it is covered; hours and days of operation; length of time between initiating the background study and the person being fingerprinted; use of government issued identification at the time of fingerprinting; and, the length of time fingerprint images are maintained.
5. The following comments concerning the RFP requirements were provided: the travel distance should be no more than 30 miles, the locations must have flexible hours and days of operation, and the possibilities of providers electing to have fingerprinting equipment.
6. The following questions, and issues and considerations were raised by participants:

Questions

- How will background studies apply to national companies who provide services in Minnesota (e.g., the ability to attain fingerprints from owners and controlling individuals, who are in other states)? It was suggested that DHS explore what other grantee states are doing to address this.
- Would the enhanced background studies be made available to service provided in private care (i.e., for people who are not otherwise required to complete a DHS background study)?
- Will the proposed changes reduce maltreatment and abuse? DHS staff noted that there is no data by which to compare until after the enhancements are implemented.
- If a person who will be required to be fingerprinted works for two or more agencies, which one pays for the cost of the fingerprints? DHS staff noted that there may be options to cover costs for converting to the enhanced system.
- Have Union's been informed or involved in the discussions concerning the background study enhancements?

Issues and Considerations

- Providers may elect to pay the cost of fingerprinting workers, because the wages for direct care staff are low. Many providers are working on budget development and will need the cost information as soon as possible.
- If providers must update a DHS staff "roster" to identify current employees, sufficient time will be required. There was discussion of

- having providers submit their current employee lists for DHS to develop the rosters.
- Employees who have worked at an agency many years could be adversely affected through the fingerprint-based studies if identified as having criminal histories that would disqualify them due to changes in the law concerning what crimes cause disqualification and due to identifying records that were not included in the initial studies. There was discussion about the need for DHS to have set-aside and variance authority in these situations for people who would be otherwise permanently barred from employment.
 - Some providers may have difficulty filling board positions now and fingerprint requirements may add to that. The suggestion was made to possibly focus fingerprinting on direct contact staff only and exclude board members, controlling individuals, etc.
 - Possibly develop some type of certification for technicians who scan the fingerprints.
 - Fire stations may be good locations for scanning locations due to their availability in nearly all communities and 24/7 access.
 - Checking the status of employees on the federal Office of Inspector General exclusion list applies only to positions that receive Medicare and Medicaid funding. The DHS process may need to be bifurcated to address this.
7. Participants discussed next steps and there was interest in face-to-face meetings, possibly with a small- or medium-sized group that would meet periodically. Participants seemed supportive of DHS providing updates via the DHS' web page, listserv notices, and a Webinar. One provider group representative thought it would be helpful for DHS staff to attend a trade group meeting. Licensing staff welcome the opportunity to participate in such meetings.
8. DHS will hold a webinar in the near future to provide a similar overview. Notice of the webinar will be provided on the background study web page [NBCP Grant Initiative](#) and organizations that submit background studies to DHS electronically will be notified of the Webinar through NETStudy.

CONTACT INFORMATION

Visit the grant web page at <http://www.dhs.state.mn.us/nbcp-initiative> or live link [NBCP Grant Initiative](#)

Submit feedback, questions, or join the listserv at:
DHSBackgroundStudyGrant@state.mn.us

Michelle Long, Grant Manager
Department of Human Services, Licensing Division
651-431-6711
michelle.long@state.mn.us

Planned Background Study Enhancements - Attachment

Planned Legislative Proposals*	PLANNED ENHANCEMENTS**	BENEFITS
2013 Session Passed	Develop an interface with the Minnesota Court Information System (MNCIS)	Creates an automated system to receive new criminal history information if a study subject commits a crime in Minnesota. This is a component in decreasing the number of repeat studies required.
2013 Session Passed	Complete state Predatory Offender Registry (POR) checks for all studies	Provides for information concerning POR registration status to be included in the initial BCA record as part of the background study.
2014 Session	Collect scanned fingerprints statewide on all subjects	Includes a process to electronically inform providers of study results, including updates; improves subject identification and chain of custody processes.
2014 Session	Use scanned fingerprints to complete all state Bureau of Criminal Apprehension (BCA) checks	Provides BCA matches on more studies; decreases processing time for people with common names and the same date of birth; prepares the state for federal rap back and FBI checks.
2014 Session	Complete Federal Bureau of Investigation (FBI) record checks on all PCAs	Will identify additional study subjects that have disqualifying characteristics (national identification of records). These studies will be paid for through the grant for a period of time.
2014 Session - for PCAs 2015 Session - all others	Complete nurse aid registry, national registries, boards, and OIG reviews checks on all studies	Provides for a more comprehensive study and improved consumer protection.
2015 Session	Complete FBI record checks for all studies	Will identify study subjects that have disqualifying characteristics that would not be identified using the current state process. Will further decrease the number of repeat studies required.

*Legislative session where proposal may be introduced.

**Legislative authority is required.

Planned Background Study Enhancements Additional Benefits

1. Provider /DHS Communication. A staff roster system will be implemented. This will be used to communicate to providers the status of individuals' background studies, including notification when removal of staff is required based on new information.
The goal is to improve the timeliness of communications and create workflow efficiencies.
2. Faster Clearance. Study subjects who are cleared through the enhanced fingerprint process will be placed on a staff roster. Individuals on one provider's roster may work for other providers or change jobs without the need to complete a new background study. There will be criteria for removing people from the roster who are not actively working.
The goal is to decrease the time it takes for new staff to provide services and to reduce repeat studies.
3. Decreased Costs. Many individuals have multiple background studies, some in a relatively short amount of time. Each time there is a fee for the study. It is expected that a more comprehensive study paired with the state automated criminal history response system, the ability to bypass studies for staff on a provider roster, and development of a federal rap back system will significantly reduce the number of repeat background studies that are required.
The goal is to reduce costs and support system efficiencies.
4. Improved ID Processes. At the time fingerprints are scanned, study subjects will be required to show government issued identification. This information must match the information provided by the provider through NETStudy.
The goal is to reduce the possibility of another individual's fingerprints being provided in lieu of the study subject's.

Challenges

1. Individuals will need to go to approved locations to be fingerprinted. Locations will be statewide. This is a new step in the background study process.
2. There will be costs to fingerprinting. The costs are expected to be minimal.
3. FBI checks have an additional cost and payment options will be considered.
4. Repeat studies will gradually be reduced, but the full reduction of repeat studies will not be realized until all enhancements are implemented and federal rap back is completely operational.