

Background Check Request Form

Instructions for Qualified Entity Designees and Qualified Entity Initiators

The purpose of the Background Check Request Form is to provide information and instructions to the subject individual (SI) on whom a background check will be completed, and to gather information about the SI's position and his/her history.

The Background Check Unit (BCU), serving the Department of Human Services (DHS) and the Oregon Health Authority (OHA), conducts certain background checks for provider agencies and facilities under the Department of Administrative Services background check rules (OAR 125-007-0200 to 125-007-0370). Use this form for individuals who have been **offered an employment, contract, or volunteer position** subject to the DAS Rules and the DHS/OHA background check rules (OAR 407-007-0200 to 407-007-0370; 943-007-0001(2)). Potentially disqualifying convictions and conditions are listed in the rules. The background check should not be used as a screening tool to determine if an applicant is eligible for a position.

The subject of the background check is called the subject individual (SI). The qualified entity (QE) may be the SI's employer or the local branch or office where services are administered. Local contacts for the background check process are qualified entity designees (QEDs). Some QEs also have adult foster home (AFH) licensees who enter a background check request for the QEDs to review; these individuals are called qualified entity initiators (QEIs). And AFH licensee may be either a QED or a QEI.

BCU uses the Criminal Records Information Management System (CRIMS) for all the background checks. QEDs and QEIs have access to CRIMS after training and approval by BCU.

The SI must receive the instructions about the background check, and must authorize the background check to be completed by signature. The SI's signature may be electronically captured (*with the SI completing data entry in CRIMS him/herself*), or by handwritten signature and date when the SI completes and signs Section 2 of this form.

You are not required to use this form, but BCU must receive a signature from the SI, either electronically or in a scanned copy of Section 2, completed, signed and dated by the SI.

If you choose to have the SI complete the paper form, you still need to enter the data into CRIMS, and you must scan Section 2 and attach it to the SI's background check request in CRIMS on the SI Summary Page. BCU will maintain the CRIMS record and any attachments in accordance with retention schedules. You may shred any documents you upload to CRIMS.

If your SI is a proctor foster parent (*an individual who is an applicant for certification or recertification of a proctor foster home by a child-caring agency pursuant to OAR 413-215-0301 to 413-215-0396*), USE THE MSC 0301 PFP FORM, not this one!

Section 1 — Complete section 1 before giving the 301 to the SI.

This section is optional, but includes all the information you will need when you complete the “Create New” page in CRIMS.

1. Type or print the name of the QE. NOTE to QEI’s: The QE is the agency to which you submit the background check, such as the local AAA or branch office.
2. Type or print the name of the QED or the QEI.
3. Application type: In CRIMS, you have one or more application types listed as the first field on the Create New page. The app type you use depends on the program type, whether the position is a paid position (*employee, contractor, etc.*) or is a non-paid position (*volunteer, household member in an adult foster home, etc.*). If you have questions about your particular app types, review your CRIMS manual.
4. Enter the **exact** start date for the position (*mm/dd/yyyy*). If you do not have an exact date, enter the first date of the following month (*for example, if you are completing the background check in October 2016, enter 11/01/016*). If the background check request is for a recheck, the start date you enter should be the **original start** date of the SI in the current position. If you are submitting a check on the SI for a new position, enter the start date for the new position.
5. List the exact title of the SI position. If the SI is a volunteer, indicate a specific volunteer title. If the SI is a household member or frequent visitor in a foster home, be specific regarding the position.
6. Provide a brief list of duties, especially if they are not clear from the position title or if the individual is providing care. You may attach a position description, which is especially helpful if the SI has potentially disqualifying convictions and conditions, and the BCU needs to complete a weighing test, for the final fitness determination.
7. Check all boxes that apply to the SI’s contact with vulnerable individuals and sensitive areas. **Note:** “**Adults**” mean any adult clients under 65 years; “**Seniors**” means any adult clients 65 years and older.
8. Indicate whether the SI’s position requires driving.
9. The QED must verify the SI’s identity with government-issued photo identification from the SI, or ensure that the person verifying the SI’s identity understands how to do this. List the type of identification(s) used. Include the initials of the individual who verified the identity.

If the background check is a recheck, you may check “other” and write in “recheck” on the available line.

10. List the SI’s worksite and address. If the SI has multiple worksites (*e.g., several AFHs or client homes if a home care worker*), you may list all of them or combine them. For example:
 - Baylor Sun Assisted Living Facility (ALF) and Baylor Park Residential Care Facility (RCF)
 - Various Adult Foster Homes (AFH) in District 10

For homecare workers or personal support workers, you may enter “statewide” or “various” if the SI has or may have clients outside your jurisdiction.

The information you enter in the “worksite location” field will show on all notices regarding this SI and position. Note: in CRIMS there are fields for address, city, state and zip. These fields will not appear on notices; if you would like to add detailed address information to “worksite location” the field will accept up to 150 characters.

Section 2 — SI Details and Disclosures

The SI must provide information for the background check request, and must provide authorization for BCU to complete the background check. Therefore, the SI must personally complete Section 2 with a signature, or must enter the information directly into CRIMS, completing the entry with an electronic signature.

If you are having the SI complete the data entry in CRIMS, you will enter the SI's name, date of birth, Social Security Number (*if provided by the SI for the background check*), and the SI's email address on the CRIMS "Create New Page." Once you enter this information into CRIMS and direct CRIMS to send an email to the SI, you will receive notification of your action as well as notification when the SI has completed data entry.

If you will be entering the SI information into CRIMS, then have the SI complete the paper form first. Give the SI:

- The Background Check Request form, Section 2.
- The instructions for the Background Check Request form.
- Your contact information if the SI has any questions, and so the SI can return the form to you.

ALLOW THE SI ENOUGH TIME AND PRIVACY TO CAREFULLY READ THE INSTRUCTIONS, AND TO COMPLETE THE FORM ENTIRELY AND ACCURATELY.

Review section 2 after the SI has completed it.

Review for accuracy and completeness. Ensure that the SI has listed their full name (*no initials*), correct date of birth, gender, Social Security number/Immigration & Naturalization Service number (*if given*), other names used, driver's license/identification number, email address (*if given*), mailing and residence address, and phone number. Confirm the residency information in #21. If the SI discloses criminal history in #22, make sure the SI provides information and details of each incident and further information for a weighing test (*see the SI instructions for detailed suggestions*). Confirm the SI has signed the form and verify the date is correct in #24.

Section 3 — QED completes section 3.

This section is optional, but includes all the information you will need when you complete the "SI Summary" page in CRIMS.

25. Determine if the SI's disclosures include any adverse history. CRIMS will also determine this for you, but for your information: **Adverse history** includes any criminal history within the past five (5) years, with ANY of the following outcomes:

- Pending outcome
- Convicted
- Juvenile adjudication
- Diversion or conditional discharge
- On probation
- Unknown

If you cannot tell the outcome from the SI's disclosure(s), consider it "unknown."

If the SI has no adverse history, then you may hire on a preliminary basis, ***if allowed by your Licensing program rules or your agency's policies***. If the SI has disclosed history, but it does not meet the definition of "adverse history" given here, you may want to review all you know about the SI, the position in question, and the vulnerability of the clients served to decide if you want the SI to work pending the final fitness determination.

Check Yes or No regarding hiring on a preliminary basis.

If adverse history is disclosed, you are not allowed to hire the SI on a preliminary basis, but you may request an expedited review for preliminary hire if you have an emergency staffing need. Check the box if you are requesting this preliminary fitness determination from BCU.

26. Determine if the SI background check requires fingerprints. CRIMS will also determine this for you. Check which boxes apply. If fingerprints are needed, CRIMS will send you notification with instructions for the SI to get fingerprints taken, *including special codes that are important to have if the SI uses Fieldprint for fingerprinting.*
27. Sign and date the form.

Once Sections 1, 2, and 3 are completed, submit the Background Check Request form.

QEDs Follow the instructions in the CRIMS manual you have received from BCU and the online help instructions. Enter all data into CRIMS. Scan Section 2 (*and Section 1 and 3 if you completed them*); attach the .pdf file on the SI summary page in the Documents Section. CRIMS will retain copies of the record and attached documents following the BCU record retention schedule so you do not need to keep the original document.

If you received this form from a QEI or the SI, enter any data (*if not already in CRIMS*), review the SI summary page, scan and attach the documents and submit the background check for processing. CRIMS will retain copies of the record and attached documents following the BCU record retention schedule, so you do not need to keep the original document.

QEIs Follow the instructions in the CRIMS manual you have received from the BCU and the online help instructions. Enter all data into CRIMS. Once completed, give or send this form to the local QED so they may complete the background check process in CRIMS.

NOTE: If the SI has any new criminal, abuse, or protective order/restraining order events after the background check request is submitted but before the final fitness determination is made, the instructions direct the SI to notify you. If this occurs, add the information as notes and documents to the CRIMS record immediately.

The Long Term Care Registry (effective 1/1/2015)

Beginning 1/1/2015, BCU implemented the Long Term Care Registry (*LTCR; OAR 407-007-0600 to 407-007-0640*). The LTCR allows an SI portability across different jobs. If approved to be listed on the LTCR, an SI is immediately hireable without the need for a new background check. The LTCR covers the following positions and agencies:

- Employees, temporary workers, contractors and volunteers of Aging and People with Disabilities licensed residential facilities, including assisted living facilities, residential care facilities, nursing facilities, skilled nursing facilities, and adult foster homes.
- Employees of staffing agencies working at any of the APD licensed facilities listed above.
- Homecare workers for APD clients
- Personal support workers for clients with developmental disability or mental health diagnoses

If you are starting a background check for one of these positions, when you enter the application type in CRIMS "Create New" page you will be taken to the "Long Term Care Registry Check" screen. Enter the SI's name, date of birth, Social Security Number (*if allowed by the SI for the background check*), and driver license number. An SI already approved in the LTCR will give you a match, and you will only need to complete the job description data fields. **The SI is immediately hireable and you do not**

need to keep the paper background check request form (if completed). You will receive notification from CRIMS of the new position being added to the SI's LTCR positions.

Registration on the LTCR lasts for 2 years. If you have any SIs on the LTCR, you will receive notification from CRIMS 60 days before expiration requesting a new background check.

ORS 443.004/OAR 407-007-0275 and 407-007-0277 (effective 7/28/2009)

ORS 443.004/OAR 407-007-0275 and 407-007-0277 directly impacts the background check process. OAR 407-007-0275 addresses positions in Aging and People with Disabilities programs, including Developmental Disabilities programs. OAR 407-007-0277 addresses Addictions and Mental Health Division programs. Public funds may not be used to support, in whole or in part, the employment in any capacity, of individuals in certain positions if the individual has specific convictions. These positions include but are not limited to:

- Employees and contractors of residential facilities, including assisted living facilities, residential care facilities, residential treatment homes, residential treatment facilities and residential training facilities. Employees of staffing agencies **are** subject, unless they work exclusively in nursing facilities. Nursing facilities **are not** subject.
- Staff at adult foster homes including any licensed adult foster home for mental health, developmental disability, seniors or adults with physical disabilities. Relative adult foster homes **are not** subject.
- Employees of in-home care agencies which are licensed through the Oregon Health Authority (OHA) **and** have contracts with the Department of Human Services (DHS) Aging and People with Disabilities programs.
- Home care workers, personal care assistants and others in similar positions.
- Anyone employed or contracted by programs for individuals with developmental disabilities.
- Mental health or substance abuse treatment providers, as defined in ORS 443.004.

The ORS 443.004/OAR 407-007-0275 and 407-007-0277 crimes list is included with these instructions. Discovery of a conviction for any of these crimes may occur in one of the following ways:

- During your recruitment process provide a copy of the ORS 443.004/OAR 407-007-0275 407-007-0277 crimes list as part of your application packet. The person may decide s/he is not eligible to apply for the position. No background check is needed.
- If you have offered a person a position and you find any of these convictions disclosed on the 301, you must submit the 301 to the BCU. **DO NOT HIRE THE INDIVIDUAL ON A PRELIMINARY BASIS.** BCU will review the background check request and, if an ORS 443.004 conviction is confirmed, the BCU will send a letter to you and to the SI stating the SI is ineligible due to ORS 443.004.
- Finally, if the BCU finds evidence of one of these convictions during a background check, the BCU will notify you and the SI that the SI is ineligible due to ORS 443.004.

DEPARTMENT OF HUMAN SERVICES

Aging & People with Disabilities and Developmental Disabilities

ORS 443.004/OAR 407-007-0275 Crimes

Public funds may not be used to support, in whole or in part, the employment in any capacity of an individual having contact with a recipient of home health or in-home care agency services, or support services (*DD services; homecare workers, etc.*); or contact with a resident of a residential care facility, assisted living facility, or an adult foster home, who has any of the following convictions. **ORS 443.004/OAR 407-007-0275 impacts anyone with this type of employment hired on or after 7/28/2009, or changing positions on or after 7/28/2009.**

If the individual has been convicted of any of the crimes listed below (or **attempt, conspiracy, or solicitation** for any of the crimes), THE INDIVIDUAL IS NOT ELIGIBLE FOR THE POSITION and there are no hearing rights with BCU.

- **FIVE YEAR CRIMES:** Regarding care for vulnerable individuals 65 years or older. If the individual is exclusively caring for individuals who are 65 years or older, the crimes in the list below in underlined italics make the individual ineligible for five (5) years from the date of conviction. Thereafter, the conviction would be considered a permanent review crime subject to a weighing test. (*If the client is under 65, the crime is PERMANENTLY INELIGIBLE for SIs subject to ORS 443.004/OAR407-007-0275.*)
- **TEN YEAR CRIMES:** Certain Drug Crimes. If the individual has a conviction for a crime involving the delivery/selling of drugs or manufacture/making drugs (*or attempt, conspiracy, or solicitation for these types of crimes*) in the past 10 years.
- **PERMANENT CRIMES:** The following crimes involve violence, harm to vulnerable individuals, serious theft, and sex crimes (*defined in ORS 163A.005*). A conviction of one of these crimes would make an individual permanently ineligible (*unless as noted above in Five Year Crimes*).

ORS 163.095, Aggravated murder
ORS 163.115, Murder
ORS 163.118, Manslaughter I
ORS 163.125, Manslaughter II
ORS 163.145, Criminally negligent homicide
ORS 163.149, Aggravated vehicular homicide
ORS 163.165, Assault III
ORS 163.175, Assault II
ORS 163.185, Assault I
ORS 163.187, Strangulation
ORS 163.200, Criminal mistreatment II
ORS 163.205, Criminal mistreatment I
ORS 163.225, Kidnapping II
ORS 163.235, Kidnapping I
ORS 163.263, Subjecting person to invol. servitude II
ORS 163.264, Subjecting person to invol. servitude I
ORS 163.266, Trafficking in persons
ORS 163.275, Coercion
ORS 163.465, Public indecency (however, remains permanent if person has a prior conviction of a sex crime listed in ORS 163A.005)
ORS 163.467, Private indecency (however, remains permanent if person has a prior conviction of a sex crime listed in ORS 163A.005)
ORS 163.535, Abandonment of a child
ORS 163.537, Buying or selling a person under 18 yrs.

ORS 163.547, Child neglect I
ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II
ORS 163.700, Invasion of personal privacy II
ORS 163.701 Invasion of personal privacy I
ORS 164.055, Theft I
ORS 164.057, Aggravated theft I
ORS 164.098, Organized retail theft
ORS 164.125, Theft of services, if convicted as felony
ORS 164.125, Theft of services
ORS 164.215, Burglary II
ORS 164.225, Burglary I
ORS 164.325, Arson I
ORS 164.377, Computer crime, if convicted of felony
ORS 164.377, Computer crime
ORS 164.405, Robbery II
ORS 164.415, Robbery I
ORS 165.013, Forgery I
ORS 165.022, Criminal possession of a forged instrument I
ORS 165.032, Criminal possession of a forgery device
ORS 165.800, Identity theft
ORS 165.803, Aggravated identity theft
ORS 167.012, Promoting prostitution
ORS 167.017, Compelling prostitution
ORS 167.057, Luring a minor

DEPARTMENT OF HUMAN SERVICES

Aging & People with Disabilities and Developmental Disabilities

ORS 443.004/OAR 407-007-0275 Crimes

ORS 167.320, Animal abuse I
ORS 167.322, Aggravated animal abuse I

Sex Crimes (*see details in ORS 163A.005):

ORS 163.355, Rape III
ORS 163.365, Rape II
ORS 163.375, Rape I
ORS 163.385, Sodomy III
ORS 163.395, Sodomy II
ORS 163.405, Sodomy I
ORS 163.408, Unlawful sexual penetration II
ORS 163.411, Unlawful sexual penetration I
ORS 163.413 Purchasing sex with a minor*
ORS 163.415, Sexual abuse III
ORS 163.425, Sexual abuse II

ORS 163.427, Sexual abuse I
ORS 163.432, Online sexual corruption of a child II*
ORS 163.433, Online sexual corruption of a child I*
ORS 163.435, Contributing to sex. delinquency of minor
ORS 163.445, Sexual misconduct*
ORS 163.525, Incest with a child victim
ORS 163.670, Using a child in sexual display
ORS 163.680, Paying for viewing child's sexual conduct
ORS 163.684, Encouraging child sexual abuse I
ORS 163.686, Encouraging child sexual abuse II
ORS 163.687, Encouraging child sexual abuse III
ORS 163.688, Poss. child sexually explicit materials I
ORS 167.333 Sexual assault of animal
Also: Transporting child pornography into state

Public funds may not be used to support, in whole or in part, the employment in any capacity of an individual having contact with a recipient of support services or a resident of a residential facility or an adult foster home, of a mental health or substance abuse treatment provider who has been convicted of the following convictions. **ORS 443.004/OAR 407-007-0277 impacts anyone with this type of employment regardless of hire date.**

“Mental health or substance abuse treatment provider” means:

- A peer support specialist;
- An employee of a residential treatment facility or a residential treatment home that is licensed under ORS 443.415 to provide treatment for individuals with alcohol or drug dependence;
- An individual who provides treatment or services for persons with substance use disorders; or
- An individual who provides mental health treatment or services (*including any type of mental health licensed or certified facility or agency*).

If the individual has been convicted of any of the crimes listed below (*or attempt, conspiracy, or solicitation for any of the crimes*) regardless of how long ago the conviction occurred, THE INDIVIDUAL IS NOT ELIGIBLE FOR THE POSITION.

- ORS 163.095, Aggravated murder
- ORS 163.115, Murder
- ORS 163.375, Rape I
- ORS 163.405, Sodomy I
- ORS 163.411, Unlawful sexual penetration I
- ORS 163.427, Sexual abuse I

If an individual is offered employment as a mental health or substance abuse treatment provider, the individual is subject to a background check through the Background Check Unit (BCU), serving the Department of Human Services and the Oregon Health Authority. If BCU confirms that the individual has a conviction of one or more of the crimes listed above, BCU will make a determination that of **INELIGIBLE DUE TO ORS 443.004.**

An individual found to be Ineligible Due to ORS 443.004 does not have hearing rights through BCU regarding this determination.