

Alaska Background Check Program

Jennifer Ball

Program
Coordinator

Background Check Program

- Fall under DHCS Residential Licensing
- Background Check Program (BCU or BCP).
- New Alaska Background Check System (NABCS)
- 13 Staff – (1) Program Coordinator, (1) Project Assistant, (3) CJT2s, (5) CJT1s, (1) OA2, (1) LTNPs
- 25,000 Background Checks per year

Program History

Prior to a centralized background check program, the State of Alaska had 12 Statutes and 19 separate sets of regulations that governed background checks over Department of Health (DOH) and Department of Family and Community Services (DFCS) providers and staff.

In 2005 the State of Alaska began participating in the National Background Check Program pilot, overseen by CMS. These background check standards applied to Skill Nursing Facilities. The State of Alaska decided to apply these standards to all DHSS providers.

Program History

The State of Alaska received a grant and built the Legacy Background Check System. As a part of the National Background Check Program the State was required to identify eligibility standards (criminal and civil) and afford appeal rights to applicants.

The State of Alaska consolidated all their background check statutes and regulations into one Statutes (47.05) and one regulations (7 AAC 10.900). These statutes and regulations were reviewed and approved by Center of Medicare & Medicaid Services (CMS).

Program History

Statutes were adopted in 2005/2006 and the program was running by 2007. In 2010 the State of Alaska was awarded a grant to update Legacy and in 2013 we implemented the New Alaska Background Check System (NABCS).

NABCS was created to streamline and make more of our processes electronic. Updated regulations were implemented in 2017 that further streamlined processes, updated the variance process to help expedite reviews, and provided updates to the eligibility matrix.

In 2018 the statute was changed to update the centralized registry and created civil history registries.

Purpose of Background Checks

Establish standards, requirements, and procedures dealing with barrier crimes and conditions, criminal history checks and the centralized registry.

Identify offenses and conditions that would bar an individual from licensure, certification, or approval from DOH and DFCS.

Ensure the health, safety, and welfare of vulnerable populations.

Applicability

Any individual or entity that is required by statute or regulation to be licensed or certified by DOH and DFCS.

Any individual or entity that is eligible to receive payments, in whole or in part from DOH and DFCS for the health, safety and welfare of persons served by programs administered by DOH and DFCS.

Background Check Process

The Background Check Process Review starts once an application is complete.

“Complete” Application includes:

The online application is submitted through NABCS – MyAlaska.

The Fees (\$88.25) are paid, always keep your receipt.

Fingerprint card has been received by the BCP and scanned.

Only the provider/facility can submit applications currently.

There is not an applicant-initiated method to submit a background check application.

Security changes recently shelved Applicant Initiated portal.

Background Check Process

Named based registries are checked by BCP staff. Include but not limited to:

- Sex Offender Registry (NSOR)
- Prober & ORCA (Office of Children's Services)
- Professional Licenses
- OIG (Office of Inspector General)
- APSIN (Department of Public Safety (DPS))
- CourtView (Alaska Courts)
- JOMIS (Department of Juvenile Justice (DJJ))
- ICCIS (Integrated Child Care Information System, Child Care Program Office)
- AK Medicaid Excluded Provider, and other out-of-state professional registries.

Fingerprint based criminal checks are done by DPS and the FBI.

- Applicants will be notified by DPS of the finding of their fingerprints, this information is also given to BCP. This is not a clearance from the BCP.

RapBack; recheck name-based registries if alert is received that a new possible barring offense has occurred while monitoring an individual.

Determination

Provisional

- Must have complete application
- Registry check is made using the applicant's name and identifiers (SSN, DOB, etc)
- For ALH, staff may begin working

Final

- After receiving fingerprint results from DPS, valid for 5 years from date of fingerprints

Needs More Information

- Applicants are certified mailed notice to the address on the application. Please provide applicant's contact information on the application.
- Applicants are usually responsible for getting this information within 30 days or application will close
- Email notification is sent to facility which cannot disclose findings.

Not Eligible

- Decision is based on barrier crimes list found in 7 AAC 10.905
- Includes criminal (adult & juvenile) and civil findings.
- Certified letter is mailed to applicant to the address on the application.
- Email notification is sent to facility which cannot disclose findings.

Charges and Convictions

These regulations (7 AAC 10.905) apply to any individual who has been charged with, convicted of, found not guilty by reason of insanity, or adjudicated as a delinquent.

It also applies to both the specific barrier crimes and conditions listed in the regulations, and those with similar elements in another jurisdiction.

Barrier matrix can be found on the Background Check Program public website. <https://health.alaska.gov/dhcs/Pages/cl/bgcheck/default.aspx>

This matrix has been developed based on the statutes and regulations that the BCP uses to evaluate applications. It is a reliable tool for determining barrier time frames. However, should there be any discrepancy between this list and applicable regulations, the statutes and regulations always control.

Notifications

The BCP sends notification to the Facility/Provider when a determination has been made.

Approval letters are viewable under the applicant's document tab.

Not Eligible applicants receive a certified letter with the BCP's findings.

Facility/Provider will not be given details of an applicant's "Not Eligible" findings.

If a "Not Eligible" determination is made, the facility or applicant can request a Reconsideration or Variance.

Reconsideration

Reconsideration requests are sent to the BCP in the event the finding is *factually inaccurate*.

The Applicant needs to provide additional information regarding their background check;

- Lesser charge.
- Wrong person or identity.
- Charges were exonerate/removed from record.
- Restitution was paid.

Reconsideration does not consider mitigating circumstances; training, rehab, or the applicants need for employment.

May be asked or required to submit additional records before the redetermination is made.

Background Check Variance

Providers or applicants can request a background check variance if the findings are accurate, but a waiver is desired. Variance application can be found on the BCP's website, or the Help link in NABCS.

STEPS:

1. Applicant and/or Provider Submit a complete application to their Oversight Division or the Variance Committee.
2. Oversight Division reviews and makes a recommendation.
3. Background Check Committee reviews and makes a recommendation (if applicable).
4. Division Director reviews and makes a recommendation (if permanent barrier).
5. The Commissioner's Office reviews the application and makes a final decision.

Note: New Background check regulations allow for some reviews to bypass the committee and go straight to the commissioner for decision.

Variance Transfers

Applicants can request that their variance be transferred to another agency as long as the duties are substantially similar, and no new barrier events have taken place.



Things to keep in Mind

- An applicant's request for a background check does not start until it is deemed complete.
- Complete applications are placed in the queue for research in the order they are deemed complete, not when they are submitted.
- A barrier crime is not always a criminal charge or conviction, but includes civil history findings.
 - This can include substantiated findings by the Office of Children's Services (OCS).
 - Individuals can contact OCS and request a copy of these records.
- Nothing prevents a provider from checking public websites, like CourtView on a potential employee.

The background features a collage of stylized human heads in profile, rendered in shades of light blue and white. Some heads contain a large black question mark, while one head in the foreground contains a blue line-art lightbulb with radiating lines, symbolizing ideas and questions.

Things to keep in Mind

- Whitelisting is the first step a provider does to gain access to NABCS. Facilities must have a static IP address from their internet service provider.
- After whitelisting, create your own MyAlaska username and password and submit the New User Form to bcunit@alaska.gov.
 - Usernames cannot be shared. Access will be terminated if multiple users are sharing passwords.
- If an individual already has a valid, background check, you will be given the option to connect.
- *Walk-thru application*