

## **NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM FOR LONG TERM CARE FACILITY EMPLOYEES**

### **Issue**

The American Health Care Association (AHCA) and the National Center for Assisted Living (NCAL) advocate for the creation of a national criminal background check system to screen prospective employees in health care settings and protect vulnerable patients.

### **AHCA/NCAL Proposal**

AHCA/NCAL supports legislation that will establish a streamlined and national system to administer criminal background checks on prospective health care employees in a non-intrusive and timely manner that does not take resources from care giving. This legislation should create a national database of criminal offenders to prohibit their employment. It should also require identification and implementation of technology and procedures to improve response time, cost and accuracy.

### **Background**

Among the prime missions of providers is ensuring that those they care for are safe and protected against abuse and harm. Providers take this mission seriously, and therefore wholeheartedly support a national criminal background check system.

Forty states have enacted different background check requirements for employees who work with the vulnerable, elderly, and disabled populations. These systems are not interconnected, thus criminals can leave one state and easily gain employment in another without detection – putting our nations' seniors, and persons with disabilities, in jeopardy. The results of the state checks can take anywhere from a few weeks to six months to be conveyed to providers. The costs, typically borne by providers, range from \$15.00 to \$200.00 per check depending on which checks are performed and by whom.

The current criminal background check system faces the following systemic barriers:

- Limited access to national law enforcement data
- Absence of a national system allows offenders to cross state lines to gain employment
- Various unreliable identity checks (i.e. Social Security or driver license number checks)
- Non-reimbursable expenses – or payment rates will not account for additional costs
- Lengthy background check response times – residents at risk while providers await results

Federal legislation must be passed which:

- Protects patients across all settings
- Funds the cost of these new requirements
- Requires background checks be done by temporary staffing agencies
- Provides results in days, not in weeks or months
- Does not discourage employment during this staffing shortage

**Status**

Legislation has been introduced in the House by Congressmen Mike Thompson (D-CA) and George Radanovich (R-CA). This bill is H.R. 208.

**Action**

Support passage of HR 208.

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