

Criminal Background Check Concerns

You interview several candidates for an open position at your community. You do call backs, you check references, you offer the job to the perfect candidate. You sit down with your new employee, filling out all of the new hire paperwork, and as one final step you begin the criminal background check process. After the employee goes to the Livescan location to have their fingerprints taken you wait. And wait. And it seems as though you've been waiting far too long with no word. Sound familiar? This scenario can be one of the most frustrating to employers as they work to fill open positions. However, this does not appear to be a widespread problem and after input from both CALA members and the Criminal Background Check Bureau (CBCB) it seems for the most part the criminal background check process is working.

Unfortunately, sometimes there are delays. Delays can occur for a variety of reasons, some of which may not even be directly connected to a criminal history such as DOJ needing to contact a reporting agency for more information, the applicant was born before 1945 which requires a manual file search, or incorrect data was submitted with the fingerprints. Also, an employee could have been fingerprinted long before for another job and that stays on their record. DOJ then needs to look into why that individual was fingerprinted, and ensure that that incident isn't something that would require a denial of the background check clearance. For this reason, if a new employee has an active CCLD clearance from their previous employer, be sure to transfer the clearance to your community. Transferring the clearance will avoid delays in the process. A person's clearance is active as long as they are employed at a facility and for two years after. For more information on how to transfer an active clearance of a new employee, please visit www.cclld.ca.gov/PG404.htm.

Sometimes an individual has a criminal history. If that is the case DOJ forwards the history to the Criminal Background Check Bureau for investigation. While the employee is only required to disclose convictions, the criminal history transcript will reflect all arrests and convictions, even juvenile records or records that have been expunged, all of which are investigated to ensure that the employee can be cleared to work with your residents. This procedure may take some time, and you may be frustrated with the lack of communication regarding the status of these cases. The CBCB receives over 50,000 criminal histories to review from DOJ every year and over 37,000 of these require further investigation.

From this point, the CBCB will decide whether a clearance can be granted, an exemption is needed or the employee is non-exemptible and the clearance should be denied. If you receive notice that an exemption request is needed you will need to provide specific additional paperwork in order to request the exemption. CBCB staff suggests ensuring that this exemption request paperwork is a finished and complete packet before submitting it. In addition, be sure that all contact information has been updated and is current, and be sure your exemption request is submitted within the 45 day time frame allotted by the CBCB. Incomplete, untimely exemption

requests exacerbate delays and add to the frustration. For more information on how to the request an exemption, please visit www.cclld.ca.gov/PG404.htm.

Criminal background check clearances stay online and available to providers for 30 days. To check to see if a clearance has been granted visit www.cclld.ca.gov/docs/dojclear. After 30 days these clearances are no longer available online and you will need to call the CCLD regional office in order to find out if a clearance has been granted.

If you have further questions regarding the criminal background check process, please contact the CALA office. CALA has developed a criminal background check guide that can walk you through the process of requesting a clearance, transferring a clearance, or requesting an exemption and includes a list of current livescan locations throughout the state. You are also encouraged to contact the Criminal Background Check Bureau and your LPA to find out the status of a clearance request.

In the Spotlight

- * CiminoCare is celebrating 20 years of providing Assisted Living to seniors! Wilma Cimino and her family started with one board and care facility in 1988, and today CiminoCare operates four assisted living communities in Northern California with two others pending licensure. Congratulations!

Do you have news you'd like to share? Email clo@CAassistedliving.org with your stories and we'll help you spread your good news.

Hospice Checklist Available Now

CALA has just released a hospice checklist to assist you in meeting the statutory and regulatory requirements for hospice care. This checklist, developed with the California Hospice and Palliative Care Association (CHAPCA) addresses record keeping requirements, the duties of the hospice provider and the RCFE provider, and is intended to help strengthen communication between Assisted Living communities and hospice providers.

This easy to use checklist can be filled out on the computer and then printed for each hospice resident, or you can print it first, make copies and have a hard copy handy whenever you need one. This checklist is available online, to CALA members only, but please feel free to share it with the hospice providers you work with. CHAPCA is also making this document available to their members.