

# interChange Provider Important Message

## **Attention Home and Community Based Waiver Providers, Homemaker and Companion Agencies**

The purpose of this Important Message is to inform Homemaker and Companion Agencies of the January 1, 2022 change in Department of Consumer Protection regulations for checking the national sex offender registry and criminal background checks.

A comprehensive background check means a background investigation of a prospective employee performed by a homemaker companion agency, that includes: (A) A review of any application materials prepared or requested by the agency and completed by the prospective employee; (B) an in-person or video-conference interview of the prospective employee; (C) verification of the prospective employee's Social Security number; a review of criminal conviction information obtained through a search of current criminal matters of public record in this state based on the prospective employee's name and date of birth] a local and national criminal background check of criminal matters of public record based on the prospective employee's name and date of birth that includes a search of a multistate and multi-jurisdiction criminal record locator or other similar commercial nationwide database with validation, and a search of the United States Department of Justice National Sex Offender Public Website, conducted by a third-party consumer reporting agency or background screening company that is accredited by the Professional Background Screening Association and in compliance with the federal Fair Credit Reporting Act; (G) if the prospective employee has resided in this state less than three years prior to the date of the application with the agency, a review of criminal conviction information from the state or states where such prospective employee resided during such three year period.

Each homemaker-companion agency, prior to extending an offer of employment or entering into a contract with a prospective employee who may provide companion services or homemaker services, shall require such prospective employee to submit to a comprehensive background check. No homemaker-companion agency shall extend an offer of employment or enter into a contract with a prospective employee (1) whose name appears on the list of excluded individuals or entities posted in the federal online database maintained by the United States Department of Health and Human Services Office of Inspector General for a conviction that has occurred during the preceding five years, or (2) who, during the preceding five years, has been: (A) Convicted or released from incarceration for a criminal offense related to the delivery of an item or service under any state health care program, as defined in 42 USC 1320a 7(h); (B) under federal or state law, convicted or released from incarceration for a criminal offense relating to neglect or abuse of convicted or released from incarceration for a felony relating to fraud, theft, embezzlement, breach of fiduciary



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responsibility or other financial misconduct, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program operated by or financed, in whole or in part, by any federal, state or local government agency; (D) under federal or state law, convicted or released from incarceration for a felony relating to the unlawful manufacture, distribution, prescription or dispensing of a controlled substance; or (E) subject to a substantiated finding of neglect, abuse, physical harm or misappropriation of property.

Current and future audits by Allied Community Resources will include this requirement. Agencies should be prepared to demonstrate this requirement. Allied contacts agencies in advance to schedule audits. All agencies will not be audited. Allied conducts Readiness Reviews, a six-month audit, one year audit. Providers are randomly selected thereafter. It is not necessary to submit anything unless Allied contacts your agency to conduct an audit.

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