

Home Care Services Consumer Protection Act

Stakeholders Meeting
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Objectives

- ▶ Provide Statistical Updates
- ▶ Review Background Check Process
- ▶ Questions & Answers

CBCB Statistics

- ▶ Raps Received: 17,525+
- ▶ DSS Clearances: 500+
- ▶ Simplified Exemptions: 2,400+
- ▶ Exemption Needed Letters Sent: 7,700+
- ▶ Standard Exemptions Processed: 6,300+

Background Check Process

Background Check Process

- ▶ Who needs to submit fingerprints?

HCSCPA Directives 90-100(a)

- ▶ Licensee applicants
- ▶ Home Care Aide applicants
- ▶ Staff/Volunteer/Employees of HCO who have contact with clients, prospective clients, or access to confidential client information

Background Check Process

- ▶ What if my HCA already has an exemption?

HCSCPA Directives 90-100(i)

- ▶ Three (3) year timeline

- ▶ May be eligible to transfer

HCSCPA Directives 90-100(h) and 90-110(q)

- ▶ Clearance transfers sent to HCSB on LIC 9182
- ▶ Exemption transfers sent to CBCB on LIC 9188

Background Check Process

- ▶ How does my employee submit fingerprints ?

HCSCPA Directives 90-100(f)

- ▶ Are we allowed to get the results of the Live Scan?

- ▶ Criminal Record Statement (LIC 508)

- ▶ Results are confidential

Penal Code 11505(b)(9)

Background Check Process

- ▶ What is included with the background check?

- ▶ DOJ

- ▶ FBI

- Health & Safety Code 1796.23*

- ▶ Non-Exemptible Crimes

- HCSCPA Directives 90-110(a)*

- ▶ Arrest Information

- HCSCPA Directives 90-100(m)*

- ▶ Administrative Action

Background Check Process

- ▶ When is a Criminal Record Exemption required?
 - ▶ Misdemeanors and Felonies
- ▶ What is a Criminal Record Exemption?

Background Check Process

- ▶ How will I know if an exemption is needed?
 - ▶ HCO and individual will both receive notice via US Mail

HCSCPA Directives 90-110(c)

- ▶ What happens if I do not respond to the exemption needed letter?
 - ▶ Response is required for exemption request

HCSCPA Directives 90-110(f)

Background Check Process

- ▶ What criteria is used to make an exemption decision?

HCSCPA Directives 90-110(d) & 90-110(e)

- ▶ Type of Conviction
- ▶ Length of Time Since Conviction
- ▶ Evidence of Rehabilitation
- ▶ Honesty
- ▶ Accepts Responsibility/Shows remorse
- ▶ Client/Facility Type
- ▶ Risk of Harm to Clients

Background Check Process

- ▶ What criteria is used to make an exemption decision? (*continued*)

- ▶ Cannot issue exemption if false statements are made or on formal probation/parole

HCSCPA Directives 90-110(i)

- ▶ Conditional Exemptions

HCSCPA Directives 90-110(h)

Background Check Process

- ▶ What happens if the exemption request is denied?

- ▶ Denied Exemption = Denied Application

- HCSCPA Directives 90-110(o)*

- ▶ Denied Exemption = 2 year exclusion

- HCSCPA Directives 90-110(p)*

Background Check Process

- ▶ Why are the fingerprint results taking so long?
 - ▶ Incomplete or incorrect forms
 - ▶ DOJ delay
 - ▶ Fingerprint reject

Background Check Questions & Answers

References

- ▶ Home Care Services Bureau

<http://www.cdss.ca.gov/inforesources/Community-Care/Home-Care-Services>

- ▶ Caregiver Background Check Bureau

<http://www.cdss.ca.gov/inforesources/Community-Care/Caregiver-Background-Check>

- ▶ Health and Safety Code

http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml

Acronyms

Acronym	Term
AB	Assembly Bill
CBCB	Caregiver Background Check Bureau
CCLD	Community Care Licensing Division
CDPH	California Department of Public Health
CDSS	California Department of Social Services
DDS	Department of Developmental Services (California)
DOJ	Department of Justice (California)
DRA	Domestic Referral Agency
EM	Evaluator Manual
FAQ	Frequently Asked Questions
H&SC	Health and Safety Code
HCA	Home Care Aide
HCO	Home Care Organization
HCS	Home Care Services
HCSB	Home Care Services Bureau
HCSCPA	Home Care Services Consumer Protection Act
IHSS	In Home Supportive Services
LPA	Licensing Program Analyst
RO	Regional Office
SB	Senate Bill
TL	TrustLine

Contact Us

For more information regarding the Home Care Services Consumer Protection Act, please contact the Home Care Services Bureau by e-mail at HCSB@dss.ca.gov or by telephone at (916) 657-3570 or (877) 424-5778.

You can contact the Caregiver Background Check Bureau by email at CBCBHCA@dss.ca.gov or telephone at (888) 422-5669.