




United Behavioral Health

|   |  |   |  |
|---|--|---|--|
| <b>Criminal Background Checks</b>                                       |  |   | <b>Policy Identifier/Number:</b><br>AD-15  |
| Annual Review Completed Date: April 2016                                |  |   |  |
| <b>Policy Category:</b><br>Government – Pierce Regional Support Network | <b>Applicable Lines of Business:</b><br>Medicaid | <b>Entity/Plan:</b><br>Optum Pierce Behavioral Health Organization                                      | <b>State:</b><br>Pierce County, Washington |
| <b>Approved by:</b><br>Bea Dixon, Executive Director                    |  | <b>Signature:</b><br> |  |

**Policy Statement and Purpose**

- Optum Pierce Behavioral Health Organization (BHO) requires that a criminal conviction history check from the Washington State Patrol Identification and Criminal History Section be conducted on all prospective employees and volunteers of the BHO, and of contracted providers who may have unsupervised contact with children less than 16 years of age or developmentally disabled persons or vulnerable adults.
- Optum Pierce BHO monitors compliance with provisions of this policy through its annual provider review.
- “Background checks” refers to how the agency conducts Washington state background checks on each agency employee and volunteer whom has contact with individuals receiving services, consistent with RCW 43.43.830 through 43.43.842 and WAC 388-865.
- "Criminal background check" means a search for any record of an individual’s conviction or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults. A background check includes a search and review of current and past background check applicant self-disclosures, Washington State Patrol criminal history data, Washington courts criminal history data, civil adjudication proceedings, Department of Health disciplinary board final decisions, out-of-state court or law. Pierce Behavioral Health Organization Criminal Background Checks enforcement records and Department of Corrections information. A background check may include a national fingerprint-based background check, including a Federal Bureau of Investigation criminal history search.

To comply with Washington State laws and regulations regarding protection of children under 16 years of age, developmentally disabled persons and vulnerable adults from unsupervised contact with BHO employees or behavioral health care provider staff who may have a history of child/adult abuse or Medicaid fraud.

**Policy Audience and Applicability**

Optum is responsible for adhering to all applicable state and/or federal laws governing activities within the scope of this policy, including the Mental Health Parity and Addiction Equity Act (MHPAEA ) and the Health Insurance Portability and Accountability Act (HIPAA) privacy requirements, as well as the applicable requirements, standards and regulations as set forth by the Employee Retirement Income Security Act (ERISA), the Center for Medicare and Medicaid Services (CMS), the Department of Labor (DoL), and any applicable accrediting organizations.

This policy is applicable to the Optum Pierce BHO and benefits administered through the Washington State Department of Social and Health Services (DSHS) current Prepaid Inpatient Health Plan (PIHP).

#### Policy Definitions

N/A

#### Policy Provisions

1. Optum Pierce BHO requires that its hiring managers and those of contracted providers to complete the Washington State Patrol *Request for Criminal History Information* (<https://fortress.wa.gov/wsp/watch/on> all prospective employees, volunteers,
  - 1.1. Criminal background checks should be performed on a yearly basis. If yearly background checks are performed after the initial hire, the contracted providers should ensure that all prospective employees and volunteers who may have unsupervised contact with children under age 16, developmentally disabled persons, or vulnerable adults, consistent with RCW 43.43.830 through 43.43.842 have at least signed attestation that they have not been involved in any criminal activity in the last year.
  
2. Optum Pierce BHO hiring managers and those of contracted providers are to prepare a disclosure statement to be signed by the applicant before a background check may be conducted. This statement requires each applicant to disclose whether he/she has been:
  - 2.1. Convicted of any crime against children or other persons;
  - 2.2. Convicted of crimes relating to financial exploitation if the victim was a vulnerable adult;
  - 2.3. Convicted of crimes related to drugs as defined in *RCW 43.43.830*;
  - 2.4. Found in any dependency action under *RCW 13.34.040* to have sexually assaulted or exploited any minor or to have physically abused any minor;
  - 2.5. Found by a court in a domestic relations proceeding under *Title 26 RCW* to have sexually abused or exploited any minor or to have physically abused any minor;
  - 2.6. Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; and/or
  - 2.7. Found by a court in a protection proceeding under *Chapter 74.34 RCW*, to have abused or financially exploited a vulnerable adult.
  
3. Applicants are to be notified by a written letter of the Washington State Patrol's response within 10 days after Optum Pierce BHO's receipt of the information. The applicant is to be provided a copy of the response and is to be notified of such availability. The Washington State Patrol's response and a copy of the notification letter are to be filed in the applicant's record.

#### Related Policies, Procedures & Materials

- Pierce Behavioral Health Organization policy: AD-06 - *Screening and Hiring of Employees*

#### Attachments

N/A

#### Approval History

- Policy created and effective: 09/2009
- Policy and Procedure Committee review and approval: 10/26/2009
- Policy and Procedure Committee review and approval: 08/23/2010
- Policy and Procedure Committee review and approval: 08/27/2012
- Policy and Procedure Committee review and approval: 12/02/2013
- Policy and Procedure Committee review and approval: 09/22/2014
- Policy and Procedure Committee review and approval: 09/28/2015
- Policy and Procedure Committee review and approval: 02/24/2016
- Operational Procedures and Standards Committee Reviewed and Accepted: 01/25/2017
- Optum Pierce BHO reviewed and accepted: 02/2018