



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

Med-QUEST Division
Health Care Services Branch
P.O. Box 700190
Kapolei, Hawaii 96709-0190


August 31, 2012

MEMORANDUM

ACS M12-08

[Replaces ACS M09-29 Dtd 12/16/09]

TO: Home and Community Based Service (HCBS) Providers for QExA program
Developmental Disabilities and Intellectual Disabilities (DD/ID) 1915(c) Waiver
Providers

FROM: Kenneth S. Fink, MD, MGA, MPH
Med-QUEST Division Administrator 

SUBJECT: CRIMINAL HISTORY RECORD AND REGISTRY CHECK PROCESS

The Department of Human Services, Med-QUEST Division (MQD) is issuing this memorandum to inform QUEST Expanded Access (QExA) and DD/ID waiver HCBS providers (“providers”) of changes to the process regarding criminal history record and registry checks. This memo replaces ACS M09-29 that was released on December 16, 2009.

General Information

All providers must assure that their employees are reputable and of a responsible character so that the health, welfare, and safety of Medicaid beneficiaries will not be at risk. The providers subject to this requirement include both those providing services through the QUEST Expanded Access (QExA) program and the DD/ID 1915(c) waiver.

Both criminal history record checks and Adult Protective Services (APS) and Child Abuse and Neglect (CAN) registry checks are utilized by the MQD to assure that providers meet the requirements established in §346-97, Hawaii Revised Statutes (HRS), Criminal history record checks and TITLE VI--TRANSPARENCY AND PROGRAM INTEGRITY, PART III--Improving Staff Training, Section 6201 of the Affordable Care Act (ACA) of 2010.

Criminal history record checks are an authorized noncriminal justice fingerprint-based search of the state criminal history record repository and the FBI system. A combination of criminal history

record, APS and CAN Protective Services Central Registry checks are used to determine employment suitability as defined in §346-97, HRS. A copy of the criteria that DHS or its designee uses to determine employment suitability may be found in the Providers section of the Med-QUEST Division website (left side of the webpage) under Criminal History Record Check section at www.med-quest.us.

Criminal History Record Checks and Registry Screens

Providers shall assure that all of their employees have a criminal history record check processed through a fingerprint-based search of the Hawaii Automated Fingerprint Identification System (AFIS) upon hire and one year from the date of hire. Fingerprint data is processed through both the Hawaii and Federal AFIS. In addition, providers shall assure that all of their employees have both an APS and CAN registry screen upon hire and one year from the date of hire.

Beginning in the second year of employment, requirements for screening continue, but the frequency varies depending on whether providing HCBS in the DD/ID or QExA program. For these subsequent screenings, eCrim replaces AFIS. APS and CAN screens continue. Fieldprint will not be performing State Name Checks for providers. Providers shall perform State Name Checks through the eCrim website (<https://ecrim.ehawaii.gov/ahewa/>).

Below is a chart that identifies the frequencies for required checks for providers.

Agency/ Service	FBI and State Fingerprint Check (AFIS)		State Name Check (eCrim)	APS Screen			CAN Screen		
				Upon hire	One year from date of hire	Annually thereafter	Upon hire	One year from date of hire	Annually thereafter
DD/ID Providers	Upon hire	One year from date of hire	Annually thereafter	Upon hire	One year from date of hire	Annually thereafter	Upon hire	One year from date of hire	Annually thereafter
QExA Providers	Upon hire	One year from date of hire	Once every two years thereafter	Upon hire	One year from date of hire	Once every two years thereafter	Upon hire	One year from date of hire	Once every two years thereafter

Process for obtaining Criminal History Record and Registry Checks

MQD has procured a contract with a company named Fieldprint to perform criminal history record checks through fingerprint collection. In addition, Fieldprint will perform APS and CAN registry screens and conduct fitness determination (determination of employment suitability) based upon criteria established by DHS.

Fieldprint utilizes a system that is primarily electronic instead of manual. Both providers and their employees will need access to a computer and e-mail account.

Providers will need to set-up an account with Fieldprint to have access to fitness determination information for potential employees/employees (“applicants”). Providers can begin setting up

their account with Fieldprint starting on September 24, 2012 at the www.fieldprinthawaii.com website.

Once an account has been set up, providers may start to utilize Fieldprint services beginning October 1, 2012. As a transition, the current vendor, Insights to Success (ITS), will continue to initiate criminal history record checks until October 15, 2012 and will complete them by October 31, 2012. Beginning October 15, 2012, all new criminal history background checks shall be initiated through the new vendor, Fieldprint.

Applicants will need to register electronically with Fieldprint to schedule fingerprint collection and can begin doing so after your provider account has been set-up beginning October 1, 2012.

Fitness Determination (or Employment Suitability)

Fieldprint will provide either “green light” or “red light” determination for employment suitability. If an applicant receives a “green light” determination, then the provider is able to employ (or continue to employ) that individual. If the applicant receives a “red light” determination, then the applicant will need to request an appeals process to obtain an exemption from the original fitness determination to become (or continue to be) employed.

Fieldprint will provide the applicant with information on how to appeal their fitness determination (i.e., red light) by requesting an exemption when they receive their results.

Providers may continue to utilize employees that have already started work that have a “red light” determination under the following circumstances:

1. An appeal has been filed with Fieldprint;
2. The employee does NOT perform any direct services to a Medicaid beneficiary; and
3. Anytime that the employee is around Medicaid beneficiaries, they must be under direct supervision or accompanied by another staff member who has a “green light” fitness determination.

Appeals Process

The applicant will need to file an appeal for exemption from their fitness determination within thirty (30) days of receiving the results of the determination. Fieldprint will process the appeal within forty-five (45) days. Forms for filing an appeal may be found in the Providers section of the Med-QUEST Division website under Criminal History Record Check at www.med-quest.us.

If the appeal of the fitness determination is upheld by Fieldprint, then the individual may request a review by the Med-QUEST Division Administrator within thirty (30) days of receiving these results. MQD will process the review within forty-five (45) days. If the review upholds the fitness determination, then the applicant may NOT continue his/her employment with the provider.

Fees

The following is a summary of the fees that will be charged for the criminal history record and registry check processes:

Service	Fees
Criminal history record and registry check (includes fingerprinting, screen of Hawaii and Federal AFIS, APS and CAN screens)	\$99.50
APS/CAN screens (fingerprint collection not included)	\$38.00
Appeals processing fee	\$25.00

Fees may be paid by either the provider or the applicant. The provider may pay for their applicants through one of two methods: through a company credit card or through invoice. Providers shall communicate their preferred method while registering with Fieldprint.

Providers are not required to pay fees for their employees. If the provider is not paying the fees, then the applicant will need to pay them when registering for fingerprint collection with a credit card.

Applicants need to show up for their scheduled appointment. Failure for an applicant to show up for their appointment will result in loss of fees paid for the criminal history record check. Applicants can reschedule their appointment (without loss of fees) at least twenty-four hours prior to the appointment time.

Additional Information

MQD will issue additional information regarding applicant registration and provider training in future memoranda. Please direct any questions to the Med-QUEST Division at 808-692-8099.

Thank you for the care that you continue to provide to the Medicaid beneficiaries. Their lives continue to be enriched by the service that your agencies provide.