

Background Check Requirements for all Direct Support Workers

The Kansas Department on Aging and Disability Services has notified all Financial Management Service (FMS) providers that **all Direct Support Workers (new and existing) must undergo and pass certain background checks in order to be eligible to provide any Medicaid funded services, including, but not limited to, Personal Care Services, Enhanced Care Services, etc.**

Resource Center for Independent Living, Inc. (RCIL) will be sending forms and background check cost information to you in a separate mailing.

The following background checks will need to be completed:

- Kansas Bureau of Investigations
- Kansas Department on Aging - Survey, Certification, and Credentialing Commission for Findings of Abuse, Neglect or Exploitation
- Driver's License Records through the Kansas Department of Revenue
- Department of Children and Families – Adult Abuse, Neglect, and Exploitation (ANE) Central Registry
- Department of Children and Families – Child Abuse and Neglect Central Registry
- Kansas State Board of Nursing
- Office of Inspector General

This process goes into effect January 1, 2017. DSWs hired after that date **cannot work until all background checks have been returned** and the State of Kansas has determined that the DSW applicant is eligible to provide Home and Community Based Services. Please be aware that it has been taking some of the background checks up to **three weeks or more** to be completed. Backup plans are more important than ever.

Existing workers will have background checks conducted during the anniversary date of their hire in 2017. Existing workers that do not clear the background check will not be allowed to continue to work as a DSW.

Please note – This background check policy is in the Kansas' Medicaid Waiver program approved by the US Federal Agency "Centers for Medicare and Medicaid Services". This is not RCIL's policy, but as your FMS provider we are required to run the background checks.

Please see the other side of this notice for a list of Prohibited Offenses.

KSA 39-970 & 65-5117: Prohibited Offenses

Below is the list of prohibited offenses. This list of prohibited offenses is subject to modification by the Kansas Legislature.

Assisting suicide, Murder in the first degree, Murder in the second degree, Voluntary manslaughter, Mistreatment of a dependent adult (misdemeanor or felony), Capital murder, Rape, Indecent liberties with a child, Aggravated indecent liberties with a child, Aggravated criminal sodomy, Indecent solicitation of a child, Aggravated indecent solicitation of a child, Sexual exploitation of a child, Sexual battery, Aggravated sexual battery

The following types of convictions are prohibited until five years have passed since the terms of the conviction (sentencing) have been completed. The DSW will need to provide official documentation to demonstrate the terms of conviction have been completed:

Involuntary manslaughter; Aggravated assault; Aggravated assault on a law enforcement officer; Domestic Battery (felony); Battery against a law enforcement officer (felony); Aggravated battery; Aggravated battery against a law enforcement officer; Criminal threat; Aggravated criminal threat; Kidnapping; Aggravated kidnapping; Interference with parental custody (felony); Aggravated interference with parental custody; Robbery; Aggravated robbery; Blackmail; Exposing another to a life threatening communicable disease; Stalking (felony); Involuntary manslaughter while driving under the influence; Trafficking; Aggravated Trafficking; Battery against a mental health employee; Terrorism; Illegal use of weapons of mass destruction; Furtherance of Terrorism or Illegal Use of Weapons of Mass Destruction; Criminal sodomy (felony); Lewd and lascivious behavior (felony); Promoting prostitution (felony); Unlawful sexual relation; Unlawful voluntary sexual relations; Electronic solicitation; Bigamy; Incest; Aggravated incest; Abandonment of a child; Aggravated abandonment of a child; Aggravated endangering a child Abuse of a child; Furnishing alcoholic beverages to a minor for illicit purpose; Contributing to a child's misconduct or deprivation (felony); Theft (felony)

Length of prohibition for the following offenses is subject to underlying offense:

Attempt to commit a prohibited offense
Conspiracy to commit a prohibited offense
Criminal solicitation to commit a prohibited offense

Note - Convictions for attempt to commit, conspiracy to commit, or criminal solicitation to commit any offense listed above which carries a permanent prohibition will result in a permanent prohibition. Convictions for attempt to commit, conspiracy to commit, or criminal solicitation to commit any offense listed above which carries a five year prohibition will result in five year prohibition.

For a complete list, including statute numbers go to: <https://www.kdads.ks.gov/docs/default-source/SCC-Documents/Health-Occupations-Credentialing/crc-offenses-listrevised-7-01-11.pdf?sfvrsn=0>