



CHRC PROGRAM

NYS DEPARTMENT OF HEALTH
CRIMINAL HISTORY RECORD CHECK

Agency Rep & Authorized Person

- Agency Representative
 - Owner, officer, NH administrator, or facility/executive director
 - Designated on CHRC 100 form



- Authorized Person
 - Individual who is delegated authority from the Agency Rep. to submit requests and view results
 - Designated on CHRC 101 form and revoked on CHRC 106 form



Changes to Authorized Person

Agency Rep must complete:

- Designation Form (CHRC 101) for the new Authorized Person
- Revocation Form (CHRC 106) to remove the previous AP



CHRC “Policies and Procedures”



Must Include:

- Determining who is subject
- Supervising employees while awaiting results
- Reporting employee terminations & separations
- Timeliness of initial prints and resubmissions
- Charging costs to employees is not permitted



Who is Subject to CHRC?



All non-licensed employees providing direct care to residents/clients pursuant to a plan of care, including those who have access to living quarters.

Examples:

- CNAs
- HHAs
- Dietary Aides
- Hairdressers & barbers
- Housekeepers
- Maintenance workers



Who is Not Subject to CHRC

- Employees licensed under Article 8 of the NYS Education Law
- Nursing home administrators licensed under Article 28-D of the Public Health Law
- Employees without patient contact
 - Groundskeepers, kitchen workers, etc.
- Volunteers



Supervision Needed Until Cleared



- Must be provided until APs receive final results (employment determination) from CHRC
- Alert posted on the CHRC home page:
Supervision Requirements for Temporary Employees (revised 7/2/07)



Supervision Requirements

- Nursing homes
 - Performed by NH employee on the same nursing unit as employee
 - Need not be employed in the same department as employee
 - Must know identity and assignment of each employee being supervised
 - Documented in writing at least weekly and maintained in employee's folder



CHRC Request

- Employee signs consent form CHRC 102
- 103-e Application filed by Provider & DOH sends LiveScan appointment letter
- Termination (CHRC 105) required when employees leaves



CHRC Process

- Provider makes LiveScan appointment
- Applicant is fingerprinted
- DCJS & FBI results to DOH
- CHRC informs provider of results
 - Negative result also mailed to applicant



What is LiveScan ?

- Digital scanning of fingerprints
- Statewide system of LiveScan stations
 - Fixed sites and mobile sites
- Operated by L-1 Enrollment Services (L-1) under contract with DCJS
- Electronic payment at time of appointment



CHRC Results

- Clean results within two days
- Results showing criminal background go to CHRC Legal for determination
- Negative determination instructs provider to “immediately” remove from direct care





Posting CHRC Results

- Results are posted to HPN file viewer
- Email sent to all APs announcing that results are posted on file viewer



HPN File Viewer

The screenshot shows the HPN File Viewer interface. On the left, there is a list of letters with columns for 'To: Address', 'Date Received', and 'Status'. Two callouts point to specific entries: 'Opened Letter' points to a letter with a status of 'OPENED', and 'Unopened Letter' points to a letter with a status of 'UNOPENED'. On the right, a detailed view of a selected letter is shown, with a callout 'Letter' pointing to the header area. The header includes the State of New York Department of Health logo and the title 'LABORATORY AND NURSING LIC'. Below the header, there is a section for 'LABORATORY AND NURSING LIC' with a 'Printable Form' link and a 'View' button. The detailed view also includes a 'Show Agency Assessment Points' section.



Timeliness Requirements

Submit CHRC request	103-e	"...requested, received, reviewed and acted upon in a timely manner" 402.4(a)(1)
Act on legal determination letters	Employee transferred out of direct care	"Upon providers receipt... of notice...." 402.7(a)(2)(i) & (a)(3)(i)
Submit termination	105-e	"... immediately but within 30 calendar days" 402.9(b)(1)



Confidentiality of CHRC Results



- Access to results **must be restricted** only to:
 - Subject individual,
 - Provider's Authorized Person(s), and
 - Others involved in the hiring decision
- Criminal history information **must remain** strictly confidential
 - Even surveyors should not have access to the charge history
 - Access to only the determination letters
- Criminal history results must not be accessible to all HR employees



CHRC Forms Retention



- Documentation must be retained for **six years** after the person ceases to be employed or used by the facility
- Retain files until at least 2012.



Surveyor Assistance From CHRC

- Checklist form to facilitate CHRC survey
- Day of the survey either:
 - Contact us for email list of recent negative determinations; OR
 - Ask provider for recently terminated employees



Sample Subset

- Verify employee was removed from direct care “immediately” upon receipt of negative determination letter.



New Termination Report

- CHRC is working with Regional Directors to develop new report showing employees who should have been terminated:
 - Negative determination letters by provider
 - Individual names and letter dates
 - Covers past 15 months
 - Generated monthly
 - Sent to Regional Director



Criminal History Record Check (CHRC) Process in Nursing Homes

PFI: _____ Name: _____ Survey Date: _____ Surveyor Name: _____

Policy and Procedures include the following YAP?

- Determining who is subject
- Supervising employees while awaiting results
- Reporting terminations
- Terminate
- Prohibit charging employees

TAG Line if missing: R1004

Authorized Persons assigned YAP? Did employee YAP? TAG Line if missing or not employed: R004

Sample of employees hired in Past 4 months	Subject to CHRC?	Consent Form on file?	Submitted for CHRC?	Supervision documented?	Date of last visit?	If not visit employee, termination date?	Results received (if any)?	
1.								
2.								
3.								
4.								
5.								
6.								
	TAG Line	R040	R010	R010	R010	R000	R100	R000

Employees receiving negative determinations letters since last survey (List available from CHRC or request from facility):

	Letter date	Pulled from direct care "immediately" after Pending Denial letter?	Termination form submitted within 30 calendar days?
1.			
2.			
3.			
	TAG Line	R000	R100

DRAFT 11/13/09

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