

**National Background Check Program (NBCP)
State Technical Assistance Quarterly Webinar Meeting Minutes**

Date: Thursday, February 23, 2017; 3:00 p.m. to 4:30 p.m. (ET)

Attendees¹:

NBCP Grantee States

- Alaska: Karen Benson, Jane Urbanovsky
- California: Madelyn Childs
- Connecticut: Matthew Antonetti, Pat Trella
- Delaware: None
- District of Columbia: None
- Florida: Taylor Haddock
- Georgia: Denise Matthews, David Ostrander
- Hawaii: Jennifer Bishop, Priscilla Thode
- Illinois: George Logan
- Kansas: Brenda Dreher, Steve Irwin
- Kentucky: David McMahan
- Maine: Alex Netten
- Maryland: None
- Michigan: Stephen Gobbo, Julia Johnson, Adam Krajniak, Sarah Swierenga
- Minnesota: None
- Missouri: M. Madore
- Nevada: Leticia Metherell
- New Mexico: None
- North Carolina: None
- Ohio: Jane Lengel
- Oklahoma: James Joslin
- Oregon: Jeff Akin, Frank Miles
- Puerto Rico: Lourdes Borres
- Rhode Island: None
- Utah: Carmen Richins, Chris Turner, Angela Anderson
- West Virginia: None

*Centers for Medicare & Medicaid Services
(CMS) NBCP*

- Jan Tarantino, NBCP Lead
- Don Howard, NBCP Core Team
- Je'Annine O'Malley, NBCP Core Team
- Melissa Rice, NBCP Core Team
- Scott Manley, NBCP Core Team
- Rebecca Ward, NBCP Core Team
- Karen Johnson, CMS-OAGM
- Francis Adanuty
- Michelle Long
- David Lum

CNA Technical Assistance Team

- Delilah Barton
- Ernie Baumann
- Ann Casey
- Mary Gabay
- Joyce McMahan
- Jessica Oi
- Liz Raistrick
- CaraLee Starnes
- Allison Dudziak, IA
- Beth Myers, IA
- Robert Fletcher, RCS

University at Albany, SUNY

- Megan Denver, Guest Presenter

Additional Participants

- Katelyn Evans
- Tom Novak
- Todd South

¹ The Attendee List may not be complete because some participants did not log into the Webinar as directed. CNA was unable to capture those participants who only called in.

1. Welcome to the States

Delilah Barton with the CNA Technical Assistance (TA) Team welcomed participants to the State Technical Assistance Quarterly Webinar. She informed participants that the objective of the quarterly webinar is to provide all stakeholders with relevant information for their programs.

2. Facilitator Introduction

Facilitator Robert Fletcher reviewed the meeting agenda and ground rules. He noted that discussion would focus on existing regulations and guidance and encouraged participants to engage in the discussion and share observations, as appropriate. He asked that participants raise their hands to be recognized and make recommendations for process and product improvements.

3. CMS News and Announcements

Melissa Rice with the CMS Survey & Certification Group and Karen Johnson with the CMS Office of Acquisitions and Grants Management presented CMS news and announcements.

3.1. State Participation Status

Melissa Rice introduced herself as the Project Officer for West Virginia, Minnesota, and recently graduated New Mexico. She provided the following update on NBCP State participation status:

- Ten States have graduated
- Ten States are live with registries, several of which also have criminal history records of information and/or statewide Rap Back programs
- Three States are in the pilot phase
- Two States are in the planning and development phase

3.2. Grant Closeout Application of Grant Funds

Karen Johnson introduced herself as the Grant Management Specialist for the NBCP. She noted that there has been significant confusion about the period of availability for funds. She informed participants that once a grant period ends, funds may no longer be obligated. Costs incurred after the grant period will no longer be reimbursed, per 45 CFR Part 92, Sec. 92.23.

3.3. OAGM Guidance: Grants and Application of Funds

Karen informed participants that expenditures must be allowable, allocable, necessary, and reasonable.

3.4. Grant Extensions

Karen noted that there has been significant confusion about no-cost grant extensions. She explained that grantees are usually only allowed a one-time, up to one-year, no-cost grant extension. In 2010, a class deviation was requested and approved to allow background checks to be extended to a 36-month budget period instead of the original 24-month period. In 2013, approval was granted for States to extend the budget period to 48 months. No further class deviations have been approved since 2013, and extension requests are now examined on an individual basis. Karen emphasized that all grantees seeking an extension must provide a justification. Grantees cannot expect to receive an extension solely because other grantees have received extensions. Furthermore, the fact that funds remain at the expiration of the grant is not, in itself, sufficient justification for a no-cost extension. Grantees must provide a justification for why they were unable to complete the project. Karen noted that grantees have a 90-day period to liquidate all obligations, draw down funds, and submit final reports for closeout.

Karen encouraged participants to reach out to her with any questions about the grant closeout process. Questions may be emailed to Karen directly at karen.johnson1@cms.hhs.gov.

4. NBCP TA Announcements

Delilah Barton with the CNA TA Team and Allison Dudziak with Innovative Architects presented NBCP TA announcements.

4.1. BGCheckInfo Website Updates

Delilah Barton highlighted several features of the updated BGCheckInfo website, including the new log-in location, quick access link bar, and location of the quick-link for the National Forum webpage. Delilah also noted that the capacity to hold videos is a new feature of the website. Interviews with graduating States were recorded last summer, and three videos are currently rotating through the Featured Content section on the BGCheckInfo home page.

4.2. NBCP Nurse Aide Registry Status

Allison Dudziak provided an update on the NBCP Nurse Aid Registry (NNAR). She noted that the NNAR has been in development since the spring of 2015. Eight States are currently fully participating in the NNAR. A system has been developed that allows users to automatically check registries of all participating States. Allison noted that her team is still in negotiation with States that are not currently participating in the NNAR. One key benefit of the new system is the ability to ensure that individuals applying for positions are not only cleared using the in-State registry but also all other registries in the system.

5. Forum Announcements

James Joslin (OK), Chair of the National Forum for Background Checks, presented forum announcements. James noted that 15 States, including graduated States, are involved with the Forum. The Forum has established a series of monthly calls in which several States have participated. The Forum plans to discuss a number of business points and topic areas during the calls. The next call will feature a briefing on audits.

James noted that the Association of Health Facility Survey Agencies (AHFSA) has extended an invitation of affiliation to the Forum. Further discussion with AHFSA regarding affiliation will take place in the coming weeks.

The Forum has been working to facilitate the Nurse Aide Registry with graduated states. The Forum is collecting information on various service contracts in order to show graduating States how the contracts are structured.

Additionally, the Forum has developed its own online library that can be accessed from the BGCheckInfo website. James thanked CMS and CNA for their support and provided participants with the URL for the Forum's library:

<http://bgcheckinfo.cna.org/resources/information-sharing-events/national-forum>.

Questions about the Forum and its activities may be emailed to James directly at james@health.ok.gov.

6. Child Care Background Checks Pilot Program

Steve Gobbo (MI), Deputy Director of the Bureau of Community and Health Systems within the Michigan Department of Licensing and Regulatory Affairs, provided an overview of the Child Care Background Checks Pilot Program. He explained that the Administration for Children and Families, a division of the U.S. Department of Health and Human Services, initiated the program as a result of a reauthorization of child care development funds. Upon promulgation, a group of stakeholders from various State agencies was convened. The State of Michigan was asked to participate, and a number of stakeholders at the State level have been working through the pilot proposal. The initial processing model requires States to conduct background checks for another State for a five-year look-back period. Per the model, confidential information would be stored in a database maintained by a contractor. This practice does not comply with Michigan regulations that prevent the sharing of fingerprints and information from positive hits. Further action on the development of the system has been suspended until information-sharing issues are addressed. Michigan has suggested that each State run its own background check through a portal established by Office of Child Care.

7. Presentation: State Mandated Criminal Background Employment Screenings: The New York State Department of Health

Megan Denver, Ph.D. candidate at the University of Albany, SUNY School of Criminal Justice, presented the findings of a recent background check study funded by the National Institute of Justice. The presentation is available on the BGCheckInfo website.

7.1. Questions & Answers

- Frank Miles from Oregon asked Megan if any articles related to the study have been published. Megan noted that a couple of papers were recently published. NIJ grantees house their data in an online collection.
 - The recently published papers have been posted to the BGCheckInfo webpage.
- Ernie Baumann with CNA asked Megan to explain how risk was defined in the study. Megan explained that risk was defined as the likelihood of being rearrested due to a misdemeanor or felony in the State of New York. The research team excluded technical violations and infractions. Ernie noted that in reality risk would be more narrowly defined. Megan agreed and noted that the dataset available unfortunately did not allow the research team to see which types of crimes happen in the workplace, for example. The team considered looking at only felonies, or violent felonies. One problem with using violent felonies as an outcome is that they are a rare event. It can be challenging to accurately predict the likelihood of a rare event. In one paper, Megan and her collaborators discuss crimes that should particularly concern employers. Automatically disqualifying crimes are the rarest of crime types and are therefore difficult to track.
- Ernie asked Megan to explain an earlier assertion that criminal records are more useful in predicting risk than the crime type. Megan responded that thinking about as many factors as possible helps predict risk. Another factor that was not discussed during the presentation but may be a helpful predictor is evidence of rehabilitation. Using as much criminal record information as possible, including rehabilitation information, will help researchers more accurately predict risk. Ernie asked if State police officers should therefore refrain from filtering the criminal record for certain convictions. Megan noted that her team used convictions to model the approach currently used by the New York Department of Health. Adding prior arrests did not provide the team with much new information. Megan recommended using prior convictions and not prior arrest information. Her team excluded open arrest cases from their study because the outcomes were still pending.
- Becky Ward commented that she has heard much about recidivism in recent years.

She thanked Megan for explaining it in such a digestible way. Becky noted that she found the differences between men and women particularly interesting.

8. Upcoming News and Events

The next Quarterly State TA Webinar will take place on April 20, 2017, from 3:00 p.m. to 4:30 p.m.