

1.4 Background Checks on Individuals Providing Services in the Home

1.4.1 Background Checks: Potential Employees and Individual Subcontractors

- A. Questioning Applicants, Proposed Individual Subcontractors, and Applicants with Subcontractor Organizations.
1. Each Area Agency on Aging (AAA), and each organization proposing to contract or subgrant with a AAA to perform in-home services under the Older Americans Act or the Senior Care Act, shall require disclosure of each employee's criminal conviction (misdemeanor and felony) history to the employer, contractor, or subgrantee.
 2. Each AAA subcontractor shall require each organization with which it contracts or subgrants for in-home services to require disclosure from each applicant for employment with the organization about the applicant's criminal conviction (misdemeanor and felony) history to the potential employer, contractor, or subgrantee.
 3. Each AAA/Case Management Entity (CME) proposing to contract or subcontract with an individual to provide services in the home under the Older Americans Act, the Senior Care Act, the CARE Program, or Targeted Case Management shall require disclosure from each applicant about their criminal conviction (misdemeanor and felony) history to the potential employer, contractor, or subgrantee.
- B. Checking References of Applicants, Proposed Individual Subcontractors, and Applicants with Subcontractor Organizations.
1. Each AAA, and each organization proposing to contract or subgrant with a AAA to perform in-home services under the Older Americans Act or the Senior Care Act, shall require and verify the personal and employment references of each applicant for employment.
 2. Each AAA subcontractor shall require organizations with which it contracts or subgrants for in-home services to require and verify the personal and employment references of each applicant for employment with the organization.
 3. Each AAA/CME proposing to contract or subcontract with an individual to provide services in the home under the Older Americans Act, the Senior Care Act, the CARE Program, or Targeted Case Management shall require and verify the personal and employment references of each applicant for employment.

1.4.1 (cont.)

C. Additional Background Checks of Applicants and Proposed Subcontractors.

1. Each AAA, and each organization proposing to subcontract or subgrant with the AAA, may perform any other additional investigation or background check of any applicant who proposes to contract or subgrant with them for the safety and security of its customers.
2. Each AAA/CME that deems it necessary for the safety and security of the customers may require additional investigation or background check of the applicant.

1.4.2 Documentation

A. Each AAA/CME and AAA/CME contractor, subcontractor, or subgrantee shall be required to maintain the following documentation for each individual providing services in the home:

1. Criminal conviction history affidavit or other sworn statements;
2. Documentation of applicant interview questions and responses; and
3. Personal and employment reference documentation, including the names of the individuals contacted, the method(s) of contact, the date(s), and information obtained.

B. Documentation shall be maintained by the AAA/CME or the AAA/CME contractor, subcontractor, or subgrantee for a period of five years after the last day on which employment or the contract, subcontract, or subgrant ends.