

**SUBJECT:** Workforce Background Checks  
**DISTRIBUTION:** All Employees, Physicians, and  
Independent Contractors  
**AUTHORIZED BY:** Maila Tiffany, Administrator

**EFFECTIVE DATE:** 12-21-99  
**REVIEW/REVISIONS:** 10-16-02  
03-13-03, 04-01-06, 05-16-06,  
06-19-06

## I. POLICY/PURPOSE

In accordance with Michigan Public Acts 27, 28, 29 of 2006 and CMS SOM Appendix P PP F225 (483.13), Norlite Nursing Center will NOT employ, independently contract with, or grant clinical privileges to an individual who regularly has direct access to or, provides direct services to residents, if he or she has been:

1. Found guilty of any of the offenses listed in Attachment A.
2. Is the subject of an order or disposition relating to findings of not guilty by reason of insanity.
3. Has been the subject of a substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency pursuant to an investigation arising in a licensed nursing facility.

Norlite Nursing Center will conduct a workforce background check on any individual applying for employment, clinical privileges, and/or independent contractor status. to ensure a safe environment.

## II. PROCEDURE

- A. Each application for employment will include a copy of the Workforce Background Checks policy and procedure, Employment Background Check Authorization, Pre-Employment Investigation, and Job Description.
- B. Applicant will be informed that the facility will conduct workforce background checks on all individuals prior to an offer of employment.
- C. Norlite Nursing Center required each individual seeking to independently contract with us or to be granted clinical privileges, to provide evidence of the workforce background check in accordance with procedures established by the State of Michigan Public Acts 27, 28, 29 of 2006, the facility, and the Business Associate Agreement/Contract. If the individual does not have the evidence, the facility will require the individual to complete the same procedure as potential employees, as listed below, PRIOR to initiating services.
- D. Upon receipt of a completed application for employment, the appropriate Department Head/Manager will:
  1. Ensure employment application, Background Check Authorization, Pre-Employment Investigation form, and Job Description are signed and dated by applicant.
    - a. Verify proof of identity as required by the State of Michigan (Photo Driver's License or Michigan Photo Identity card) and made copy for attachment to Pre-Employment Investigation form.
  2. Review and determine if applicant is employable.
  3. If applicant is viable candidate for position,
    - a. Forward the Employment Background Check Authorization and Pre-Employment

Investigation-Required Applicant Information to the Assistant Bookkeeper for State of Michigan web search to determine applicant eligibility.

- b. Obtain current and prior employment reference checks.
  - c. Schedule interview date and time.
- E. Upon completion of interview with intent to offer employment, the appropriate Department Head will:
1. Obtain background check results from Bookkeeping Dept. and if results meet hiring criteria/eligibility as set forth by the State of Michigan, facility policy, and Federal regulations, will proceed.
  2. Obtain copies of applicable licenses and/or certifications for position.
  3. Obtain appoint date and time for History and Physical Exam.
  4. Potential employee will set up appointment with Identix and provide date and time to the Department Head.
- F. Upon receipt of favorable background checks, current/prior employment references, confirmation of fingerprinting with Identix, and physician release to work full duty, without restrictions, the applicant may be offered employment.
- G. If a Workforce Background check finding reveal an applicant was convicted of one of the offenses listed on Attachment A or otherwise misrepresented information on the job application, the appropriate Dept. Head will deny further consideration.
- H. On the first day of employment, during General Orientation, the Education Coordinator will ensure the employee signs the "Agreement to Notify" (Condition of Continued Employment) form. If the individual is subsequently convicted, or found to have been convicted of a relevant crime or offense, he or she would be subject to the requirements of the legislation and the appropriate Department Head will immediately terminate the employee.
- I. All staff employed before April 1, 2006 are also required to sign the "Agreement to Notify" (Condition of Continued Employment) form. The Education Coordinator is responsible to ensure all staff sign the Agreement to Notify. If the individual is subsequently convicted, or found to have been convicted of a relevant crime or offense, he or she would be subject to the requirements of the new legislation and the corresponding Department Head will immediately terminate the employee.
- J. Staff employed before April 1, 2006 are exempt from the initial prohibitions for employment eligibility. However, each must complete the Employment Background Check Authorization, Pre-Employment Investigation form, and submit fingerprints when/as directed. The Bookkeeping Department will notify employees and ensure compliance.
- K. Independent Contractors and individuals allowed Clinical Privileges will also sign the "Agreement to Notify" (Condition of Continued Independent Contract or Clinical Privileges) to continues services with facility. If the individual is subsequently convicted, or found to have been convicted of a relevant crime or offense, he or she would be subject to the requirements of the legislation and the Administrator or designee will immediately terminate privileges and/or business agreement.
- L. The Medical Records designee will be responsible to ensure independent contractors and those individuals granted clinical privileges are informed, appropriate forms and records obtained, and will maintain documentation and monitoring.

## M. STUDENTS

1. MDCH clarification revision of 06-06-2006; "An individual who is not employed, independently contracted with or granted clinical privileges and does not have regular direct access to the vulnerable population is not covered under Public Acts 27 and 28 of 2006." "If the individual is a student whose training is a one time occurrence that consists of a maximum of 40 hours, and is under direct supervision as defined within the Public Health Code, PA 368 as amended MCLA 333.16109 Subsection (2), the student is exempt from the criminal background check requirements under Public Acts 27 and 28 of 2006."
2. 'Not Exempt': If the training extends beyond 40 hours, the student is subject to a background check as required by Public Acts 27 and 28 of 2006. The covered facility or agency required to conduct background checks should be prepared to assist in making the background check process accessible to the training program if the training program does not have access to the fingerprint check process."
3. "Supervision" except as otherwise provided, means the overseeing of or participation in the work of another individual by a health professional licensed under this article in circumstances where at least all of the following conditions exist:
  - a. The continuous availability of direct communication in person or by radio, telephone or telecommunication between supervised individual and a licensed health professional.
  - b. The availability of a licensed health professional on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records and to further educate the supervised individual in the performance of the individual's functions.
  - c. The provision by the licensed supervising health professional of predetermined procedures and drug protocol.

## N. Retention of Criminal Background Check Information

1. Norlite will retain the records of: applicant consents, disclaimers, and, the reports it receives and reviews, to ensure compliance is documented for each covered employee, independent contractors, and those individuals granted clinical privileges.

## O. Disclosure of Criminal Information

1. Norlite will only use the information provided on a criminal background/conviction report for evaluating an applicant's qualifications to provide direct resident care.
2. Norlite, or its employees, may not disclose the information to any person who is not directly involved in evaluating the applicant's qualifications for employment, independent contract, or clinical privileges.
3. Norlite will provide a copy of the criminal background/conviction report to the applicant upon written request.