

June 27, 2013
DAL#: DAL 13-20 (OCFS Registration)

Dear Administrator:

The NYS Justice Center for the Protection of People with Special Needs (“Justice Center”) becomes operational June 30, 2013. This correspondence provides clarification of the statutory requirements for those facilities under the conjoined jurisdiction of the NYS Department of Health and the Justice Center.

Facilities under the auspices of the Justice Center are required by statute to have pre-employment screening policies in place for potential new employees, volunteers and contractors. Guidance received from the Justice Center is outlined below and should be incorporated into your facility’s existing policies and practices.

Staff Exclusion List Checks for Prospective Staff Hired on or after June 30, 2013

The chart below sets forth the entities that must make a request to the Justice Center for a check of the Staff Exclusion List (SEL) prior to making a determination whether to hire or otherwise allow “any person” with the potential to have regular and substantial contact with a service recipient. “Any person” can include an employee, administrator, consultant, intern, volunteer, or contractor.

If the applicant is **NOT** on the SEL, a criminal background check (CBC), if required, and an inquiry of the Statewide Central Register of Child Abuse and Maltreatment (SCR), if required, must be conducted.

Entities that must request an SEL check	SEL check	CBC ¹ by Justice Center	SCR check ²	If on SEL - mandatory no hire	If on SEL - discretion to hire ³
DOH adult care facilities (80+ beds with at least 25% residents with serious mental illness, and less than 55% ALP beds)	X		X	X	

¹The standard for conducting a CBC is regular and substantial unsupervised or unrestricted physical contact with service recipients as provided for in Mental Hygiene Law §§16.33, 19.20, 19.20-a and 31.35.

² If an applicant has a finding of abuse or maltreatment on the SCR, the provider still has discretion to hire.

³ Discretion in determining whether to hire is to be made in accordance with guidelines developed by OCFS for evaluating the subject of an indicated report of child abuse or maltreatment.

As directed, facilities have authorized a SEL designee to communicate with the Justice Center for pre-employment screening. In addition, facilities must also obtain an account with the NYS Office of Children & Family Services (OCFS) to receive information from the SCR.

To facilitate SCR requests, OCFS has created an **Online Clearance System (OCS)**, which is a web-based application that supports the pre-employment screening under the Justice Center legislation. The facility's designee will have the ability to access the SCR to verify the existence of any reports of child abuse or maltreatment indicated against a job applicant. Electronic submission of the database check provides immediate acknowledgement of that submission.

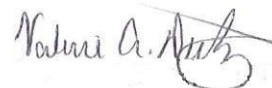
Prior to receiving information from the SCR, facilities must register for an account with OCFS. Following registration, a user name and password will be provided. To register for an account, a facility must first obtain a Resource Identification Number (RID) from the OCFS by sending an electronic e-mail request to the Office of Children and Family Services at ocfs.sm.conn_app@ocfs.state.ny.us. The email **must** include the following information:

- The name, address and telephone number of your organization and a contact person within your organization;
- A statement which provides the legal authority to access SCR information;
- The name and telephone number of a contact person in your licensing agency who can verify the status of your organization; and
- A copy of your current Operating Certificate.

Once an account is established, your facility may begin SCR checks. For your convenience I have attached guidance information and a registration packet prepared by OCFS, with valuable contact information for that agency. Please note, facilities can, and should, authorize more than one person to receive information from the SCR. Although there is no cost to register an account with OCFS, pre-employment checks do carry a charge of \$25 and the method of payment is outlined in the registration package.

Lastly, any change to the SEL Authorized Person must be communicated to the Department of Health and must include a copy of newly executed Justice Center's form. Submission of the completed form should be forwarded electronically to ACFinfo@health.state.ny.us with "SEL designation" typed into the subject line. Again, I would to take this opportunity to thank you for your cooperation in this endeavor.

Sincerely,



Valerie A. Deetz, Director
Division of ACF and Assisted Living
Surveillance

2 attachments:
OCFS SCR registration packet
NYS DOH Statement of Legal Authorization