

**CHAPTER 407
DEPARTMENT OF HUMAN SERVICES**

**DIVISION 7
CRIMINAL RECORDS AND ABUSE CHECK RULES**

Long Term Care Registry

407-007-0600

Purpose

- (1) The purpose of these rules, OAR 407-007-0600 to 407-007-0640, is to provide for procedures and standards for the Background Check Registry pursuant to 2014 Oregon Laws Chapter 104.
- (2) These rules apply to subject individuals (SIs), as defined in OAR 407-007-0210, who work or seek to work in facilities and positions subject to these rules.

Stat. Auth.: Or Laws 2014, ch 104; ORS 181.534, 181.537, 183.459, 409.025, 409.027, 409.050, 410.020, 411.060, 413.036, 443.725 & 443.735

Stats. Implemented: Or Laws 2014, ch 104; ORS 181.534, 181.537, 183.459, 409.010, 409.025, 409.027, 411.060 & 443.004

407-007-0610

Definitions

In addition to the definitions in OAR 407-007-0210, the following definitions apply to OAR 407-007-0600 to 407-007-0640:

- (1) "Background check" means a criminal records check and an abuse check pursuant to OAR 407-007-0210 to 407-007-0370 and any additional checks as required per federal code or Oregon statute.
- (2) "Background Check Registry (Registry)" means a comprehensive listing of subject individuals who meet the requirements of these rules.
- (3) "Criminal Records Information Management System (CRIMS) user" means an individual who has been approved to use CRIMS.
- (4) "Facility" means:
 - (a) A long term care facility in Oregon as defined in ORS 442.015 including skilled nursing facilities and intermediate care facilities.
 - (b) A residential care facility as defined in ORS 443.400 including but not limited to assisted living facilities and intermediate care facilities.
 - (c) An adult foster home as defined in ORS 443.705. This definition does not apply to adult foster homes licensed by the Department to provide care and services to

adults with intellectual or developmental disabilities, or to adult foster homes licensed by the Oregon Health Authority (Authority) to provide care to adults with mental illness.

- (5) “Homecare worker” has the same meaning given in ORS 410.600, including but not limited to personal support workers and personal care attendants.
- (6) “Permanent hire date” means:
 - (a) For an employee, temporary worker or contractor of a facility, the date the qualified entity (QE) considers the SI to be permanently hired, after the background check approval date and when the SI is no longer considered provisional or working under active supervision pursuant to OAR 407-007-0315.
 - (b) For a volunteer of a facility, the date the QE considers the SI to be approved to volunteer for the QE, after the background check approval date.
 - (c) For a homecare worker, the date the Department of Human Services (Department) or Authority enrolls the SI as a homecare worker and the homecare worker enrollment number is approved and active. For medical assistance programs this date is called the “enrollment” contract active dates.
- (7) “Position” means the position listed in the background check request which determines whether the individual is an SI under OAR 407-007-0210.
- (8) “Qualified entity (QE)” means:
 - (a) A facility;
 - (b) An Area Agency on Aging (AAA) office or a Department or Oregon county Aging and People with Disabilities program branch which enrolls homecare workers;
 - (c) An agency, program or county office in Oregon serving individuals with intellectual or developmental disabilities which hires, enrolls, or contracts personal support workers;
 - (d) An agency, program or county office in Oregon serving individuals with mental illness which assists an individual to complete personal support worker enrollment; or
 - (e) The Department’s Children’s Intensive In-home Services program.

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407-007-0620

Background Check Registry

- (1) The background check registry includes SIs who work or seek to work as:
 - (a) An employee, contractor, temporary worker, or volunteer in a facility; or

- (b) A homecare worker, including the position of personal support worker.
- (2) The registry includes SIs who have a record of a background check with an outcome of approved or approved with restrictions in CRIMS dated on or after January 1, 2015 with no subsequent background check with an outcome other than approved or approved with restrictions.
- (3) The registry shall include information regarding the SI including but not limited to:
 - (a) Name and other identifying information.
 - (b) Date of background check approval.
 - (c) Current position.
 - (d) QE for each current position.
 - (e) Permanent hire date with each QE.
 - (f) Permanent hire date in the position at each QE.
 - (g) Last day of work for each position at each QE.
- (4) An SI shall complete a new background check:
 - (a) At least every two years.
 - (b) If the Department requires a new background check due to a change in position by the SI.
 - (c) If the Department has reason to believe a new background check is needed.
- (5) BCU shall immediately remove an SI from the registry if a subsequent background check results in any outcome other than approved.

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407-007-0630

Reporting Requirements for Qualified Entities

- (1) CRIMS users for facilities and homecare workers may access the registry online through CRIMS.
- (2) If an SI is not found in a search of the registry, CRIMS users may enter a background check request in CRIMS to determine if the SI may be placed on the registry to work.
- (3) QEs shall provide BCU with the following information regarding an SI on the registry including but not limited to:
 - (a) Permanent hire date of SI for each position.
 - (b) Initiation of a new background check due to report of any potentially disqualifying convictions or conditions (see OAR 407-007-0280 to 407-007-0290).

- (c) Change of position with the QE.
- (d) The SI's last day of work once the SI leaves a position.

Stat. Auth.: Or Laws 2014, ch 104; ORS 181.534, 181.537, 183.459, 409.025, 409.027, 409.050, 410.020, 411.060, 413.036, 443.725 & 443.735

Stats. Implemented: Or Laws 2014, ch 104; ORS 181.534, 181.537, 183.459, 409.010, 409.025, 409.027, 411.060 & 443.004

407-007-0640

Access and Release of Information

- (1) BCU shall maintain the registry through CRIMS. CRIMS users for facilities and homecare workers may access the registry online through CRIMS.
- (2) An SI may request in writing that BCU provide documentation of information included in the registry about the SI.

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