



# BACKGROUND CHECKS

## HHSA CONTRACTOR REQUIREMENTS

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Agency Compliance Office

County of San Diego – Health and Human Services





## DISCLAIMER

This slide deck is intended as a resource to assist HHSA contractors with common topics related to their contractual requirements. This slide deck is not intended to be a comprehensive set of contract requirements nor legal advice. For a comprehensive description of your contractual requirements, review your contract language.



## WHAT ARE THEY?

- Background Checks are a review of an individual's criminal history
- HHSA Background Checks also require subsequent arrest notification (SAN). SAN differs from a standard background check in that standard background checks include convictions while SAN provides arrest information
  - SAN provides a benefit to HHSA Contractors in that SAN proactively informs Contractors of arrests without Contractors having to perform routine checks themselves



## WHAT ARE CONTRACTORS' REQUIREMENTS?

- Contractual requirements related to Background Checks and SAN are typically found in the County contract template, section 16.21
- Contractors need to:
  - Ensure Background Checks are completed on all Workforce Members prior to them performing any work on County contracts.
    - 'Workforce members' include:
      - Positions paid by the contract, including those paid through indirect funds or overhead
      - Those with access to County clients or County client data, even if the position is unpaid
  - Utilize a SAN service for all Workforce Members
  - Maintain records related to the review and consideration of the Background Check/SAN
    - HHSA does not suggest Contractors maintain actual Background Check/SAN results after hiring decision has been made
  - Pass down these requirement to all subcontractors, consultants, and other agents



## WHERE CAN I FIND SOMEONE TO PERFORM THE CHECKS?

- There are several agencies that will provide background checks. HHSA does not recommend a particular agency
- SAN is offered by fewer agencies, mainly the California Department of Justice (CA DOJ)
  - Sometimes the SAN process is referred to by other terms, such as 'Livescan'
  - More information on the CA DOJ SAN can be found here: <https://oag.ca.gov/fingerprints>
  - If a Contractor has trouble obtaining a SAN service, in some circumstances, County SAN requirements can be replaced with a comprehensive annual background check. Reach out to your COR for more information.



## HOW DOES A CONTRACTOR REVIEW THE RESULTS?

- Contractors should have a policy or procedure that outlines how the Background Check and SAN results are reviewed
- It is important to remember that a criminal history does NOT disqualify a workforce member from working on an HHSA contract or with HHSA clients. Instead, the Contractor should review the criminal history and determine whether criminal history demonstrates behavior that could create an increased risk of harm to clients
  - Contractors should pay special attention to workforce members who work with minors, vulnerable adults, and/or who have access to clients' finances



## CHECKS FOR LICENSED STAFF

- Many licensed workforce members have ongoing background checks run by their licensing board. Assuming licensure's background check requirements are the same as or stricter than HHSA's, Contractors may be able to verify that workforce members are still licensed in lieu of running a background check themselves – check with your COR
- Because the CA Department of Health Care Services must suspend health care workers from providing Medi-Cal services when the worker has been convicted of any felony or certain misdemeanors or lost or surrendered their license, Contractors may be able to use the monthly checking of the Medi-Cal Sanction List to satisfy the background check requirements – check with your COR



## MORE QUESTIONS? ASK US!

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