



# BACKGROUND CHECKS

## Requirements for HHSA Providers

County of San Diego – Health and Human Services

Business Assurance and Compliance

March 2025

# Disclaimer



This slide deck is intended as a resource to assist HHSA providers 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.

# Background Checks



## What are they?

- Background Checks are a review of an individual's criminal history.
- HHSA Background Checks also require *either* subsequent arrest notification (SAN) *or* an annual check. 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 Providers in that SAN proactively informs Providers of arrests without Providers having to perform routine checks themselves, but not all organizations are eligible for SAN services.



# Background Checks



## What are Providers' Requirements?

- Contractual requirements related to Background Checks and SAN are typically found in the County contract template, section 16.21 and 16.21.1. Providers 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 or other annual check for all Workforce Members



Maintain records related to the review and consideration of the Background check/SAN

- HHSA does not suggest Providers maintain actual Background Check/SAN results, such as face sheets, after hiring decision has been made



Pass down these requirements to all subcontractors, consultants, and other agents

# Background Checks



## 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 Provider 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.

# Background Checks



## How does a Provider review the results?

- Providers 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 Provider should review the criminal history and determine whether criminal history demonstrates behavior that could create an increased risk of harm to clients.
  - Providers should pay special attention to workforce members who work with minors, vulnerable adults, and/or who have access to clients' finances.



# Background Checks



## 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, Providers 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, Providers may be able to use the monthly checking of the Medi-Cal Sanction List to satisfy the background check requirements – check with your COR.



# Background Checks



More questions? Ask us!



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