



Expiration of Interim Guidance Regarding the Criminal Background Check Process for Staff Members

June 24, 2021

Please be advised that the document entitled *Interim Guidance Regarding Modified Background Check Requirements for Existing and New Staff Members of OPWDD Operated and Certified Providers During COVID-19 Emergency*, issued by OPWDD on April 10, 2020 will be expiring June 24, 2021.

This guidance was issued pursuant to Executive Order No. 202.13 and the issuance of a State of Emergency, which are also expiring June 24, 2021. The interim process was created in response to the COVID-19 Pandemic and was designed to provide flexibility to OPWDD providers to obtain new staff members more quickly and to maintain critical staffing ratios while ensuring the safety of the individuals that they serve.

The interim process applied to all facilities and programs certified, approved, or funded by OPWDD. It outlined parameters for abbreviated Criminal Background Check (CBC), Staff Exclusion List (SEL) check, State Central Register (SCR) check, and Mental Hygiene Law 16.34 (MHL 16.34) check under certain specified circumstances. In those instances where these background checks were required, the process allowed staff members to work unsupervised while certain background checks were pending.

In those instances where background checks were abbreviated, interim guidance required that *“any employee that continues to work in this program on a regular basis, shall be required to complete an updated CBC, as soon as practicable, after the commencement of their employment.”*

Effective June 25, 2021, OPWDD providers must resume routine processing of background checks, in accordance with OPWDD regulations in 14 NYCRR Sections 633.22 and 633.24, for all prospective employees. This applies to all staff members hired on and after June 24, 2021.

In those instances where background checks were abbreviated, in accordance with the Interim Guidelines, all required background checks must be submitted as soon as practicable but no later than August 25, 2021.

Staff members with abbreviated background checks in place, who have regular and substantial contact with individuals served, must be supervised in accordance with OPWDD rules and regulations, beginning no later than September 25, 2021.

For further information on background check requirements, please contact Leslie Fuld, Deputy Commissioner, Division of Quality Improvement, at imu.project@opwdd.ny.gov.