

**DATE:** 09/18/19

**TO:** ALTCS Managed Care Organizations and Providers

**FROM:** Dara Johnson, Program Development Officer

**SUBJECT:** AHCCCS Medical Policy Manual, Direct Care Services, 1240-A Policy  
Guidance regarding background check requirements effective 10/01/19.

The following questions and answers are intended to provide additional policy guidance regarding the background check requirements outlined in AHCCCS policy for Direct Care Workers effective 10/01/19. The document also provides guidance pertaining to the definition of a family member as it relates to the provision of services to members.

1. **Q: Is a provider required to comply with both the background check and fingerprint check?**  
A. *Service provider agencies required to comply with Fingerprint Clearance Card requirements as specified in A.R.S. Title 41, Chapter 12, Article 3.1, categorically comply with the criminal background check requirements. Said provider agencies are still required to comply with Adult Protective Services (APS) Registry screening requirements.*
  
2. **Q: Does the new background check policy apply to all employees/contractors or just apply to new employees/contractors starting on/after 10/01/2019?**  
A. *As of 10/01/2019, the requirements apply to all employees/contractors whether they are current employees/contractors as of that date or they begin working after that date.*
  
3. **Q: Are providers expected to complete the background checks and APS Registry screening for all current employees on or before 10/01/19?**  
A. *The provider must complete the background checks and APS Registry screening for all employees/contractors hired/contracted on or after 10/01/19. For employees/contractors who were hired/contracted prior to 10/01/19, the provider has until 12/31/19 to complete the background checks and APS Registry screening.*
  
4. **Q: Is AHCCCS going to create a standardized notarized attestation for the DCW to attest upon hire/initial contract and annually thereafter that he/she is not:**
  - i. Subject to registration as a sex offender in Arizona or any other jurisdiction, or
  - ii. Awaiting trial on or has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any criminal offense listed in A.R.S. §41-1758.03(B) or (C), or any similar offense in another state or jurisdiction.

- A. *No, AHCCCS is not going to create a standardized notarized attestation. The required elements of the attestation are outlined in the AHCCCS Medical Policy Manual, Direct Care Services, 1240-A Policy.*
5. **Q: Will the new background check and APS Registry screening requirements be monitored retroactively or will they be only monitored going forward?**
- A. *Providers will only be monitored prospectively beginning 10/01/19. AHCCCS MCOs will incorporate the new requirements into the annual quality monitoring and include a review of the provider's policies to ensure adherence to the background check and APS Registry screening requirements in AHCCCS policy and a review of a representative sample of DCW personnel files to verify the policies are implemented in practice.*
6. **Q: Is the provider required to document the APS Registry screening? If yes, what is the documentation standard?**
- A. *Documentation must be maintained in the DCW's personnel file, at a minimum, to include the date and outcome of the APS Registry screening check.*
7. **Q: For providers that are contracted with DDD, DES performs a Central Registry Check on every DCW and that includes the APS Registry. Is AHCCCS going to require providers to perform another check?**
- A. *No, AHCCCS is not going to require providers to duplicate the check. However, providers must maintain documentation in the DCW's personnel file of the date and outcome of the APS Registry screening check.*
8. **Q: The AHCCCS policy defines what relationships constitute as a family member as it relates to the provision of services to members. Prior to 10/01/18, if a currently employed/contracted DCW has self-identified as a family member with a relationship that is not included in the definition in policy and has not passed a Level 2 module competency tests to provide care, are they now required to pass the Level 2 competency test or can they be grandfathered?**
- A. *Those employees/contractors employed/contracted as a DCW who self-identified prior to 10/01/18 as a family member with a relationship that is not included in the policy definition may be grandfathered and, therefore, not required to pass the Level 2 competency test in order to continue to provide care. On or after 10/01/18, all new DCWs must meet the definition of a family member in AHCCCS policy in order to be exempted from the Level 2 module training and competency testing. Nevertheless, it is the provider's responsibility to ensure all employees/contractors are competent to provide care and meet the member's support needs.*
9. **Q: Is the provider required to verify the relationship between the member and the DCW in order to ensure compliance with the family member definition in AHCCCS policy?**
- A. *Providers are expected to document the DCW's self-attestation of the familial relationship with the member.*