



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 Phone: 573-526-8557 FAX: 573-751-5065
RELAY MISSOURI for Hearing and Speech Impaired 1-800-735-2966 VOICE 1-800-735-2466

Margaret T. Donnelly
Director



Jeremiah W. (Jay) Nixon
Governor

PM-10-06
VM-10-04

December 24, 2009

MEMORANDUM FOR ALL HOME AND COMMUNITY BASED CARE PROVIDERS

FROM: Brenda F. Campbell, Director *Brenda F. Campbell*
Division of Senior and Disability Services

SUBJECT: Criminal Disclosures by Home and Community Based Services Provider Staff

This memo is being issued in response to inquiries received regarding requirements for screening current or prospective employees based on information known to the Provider/Vendor. Generally, questions are related to information disclosed by a prospective employee during the hiring process that is not verifiable through the Family Care Safety Registry (FCSR) or may arise from various news or network sources after the individual is employed.

The FCSR was created to consolidate screening services for designated businesses using an automated system that matches data housed in various Missouri based agencies. Although required by state law for Providers/Vendors, activities performed by the FCSR are not intended to serve as the single source of information in determining employability of a particular individual. The final determination of when information is sufficient to hire an individual is a decision of the prospective employer:

“...completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence.” 660.317 3. (1) RSMo.

Circumstances that disqualify an individual from employment – or require a Good Cause Waiver (GCW) – are applicable regardless of the source of the information or the timeframe in which it is obtained. Information obtained after employment is subject to the same disqualification/GCW requirements for all infractions.

Examples of information that may come from sources other than the FCSR include convictions of crimes in another state or through the federal court system. At the discretion of the provider/vendor, employees subject to GCW requirements may continue to work under guidelines pursuant to 19 CSR 30-82.060 (see PM-09-07/VM-09-08). Providers/Vendors must document in the employee’s record, the operator and confirmation number to verify contact with the FCSR, validating the authenticity of a GCW presented by new employees.

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Violation of FCSR requirements pursuant to state statute constitutes a breach of the Participation Agreement. Adequate safeguards to assure appropriate protocols guards against sanctions and/or termination of the Participation Agreement for noncompliance with screening requirements.

Questions regarding this memorandum should be directed to the Bureau of Program Integrity via email at programintegrity@dhss.mo.gov. or by phone at 573/526-8557.

cc: Distribution Lists 3 & 4