



STATE OF NEW YORK DEPARTMENT OF HEALTH

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CRIMINAL HISTORY RECORD CHECK (CHRC) ADVISORY

Violation of Scanning Requirements

March 21, 2011

Background

A recent audit of CHRC records revealed that many providers have submitted CHRC 103 applications and have failed to schedule an appointment for fingerprinting. Health regulations, 10 NYCRR § 402.6 require providers to ensure the submission of a request for a criminal history check for each temporary employee. Employee fingerprinting is an essential component of a criminal history check. In some cases when persons were scheduled but missed appointments, such appointments were not rescheduled, despite CHRC's monthly reminders to providers.

Please note that CHRC posts a provider-specific weekly roster on the HCS to help providers more easily determine what actions are needed for individuals for whom they have submitted CHRC 103 applications. Providers must ensure that all employees on the roster be promptly scanned.

If you find individuals on your roster who are not in your employ, you must submit a CHRC 105 termination form for each such individual, as required by 10 NYCRR § 402.9. CHRC will then remove the individual from your roster.

Requirement

All employers subject to CHRC requirements are reminded that all temporary employees must be scanned within a reasonable timeframe. Continued supervision is not a substitute for this requirement. Going forward for new CHRC requests, a reasonable timeframe for fingerprinting is within 15 calendar days of the date the employee is first placed on the provider's payroll; or for nursing homes that use agency staff, a reasonable timeframe for fingerprinting is within 15 calendar days of the first day the person works in the nursing home.

Notification Relating to Existing Unscanned Persons on Your Provider Roster

With respect to persons on a provider's roster, providers are hereby notified that any employee (current or past) or potential employee who is subject to CHRC requirements must be fingerprinted by April 4, 2011. If a person is no longer in your employment, a CHRC form 105 must be submitted by April 4th.

Providers who are not compliant with these requirements by close of business on April 4, 2011, will be referred to the appropriate Regional Office surveillance program for investigation and possible citation.

All questions on this Advisory may be directed to chrc@health.state.ny.us or 518-402-5549.