

BAY-ARENAC BEHAVIORAL HEALTH POLICIES AND PROCEDURES MANUAL

Chapter: 7	Human Resources		
Section: 1	Administration of Personnel Management		
Topic: 15	Good Moral Character and Criminal History		
Page: 1 of 4	Supersedes Date: Pol: Proc: 4-20-16,10-15-09	Approval Date: Pol: 10-15-09 Proc: 8-15-19	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"><i>Board Chairperson Signature</i></div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"><i>Chief Executive Officer Signature</i></div>
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) to ensure the good moral character and verify through primary source, the criminal history of employees and contract providers who have regular, direct access to individuals living in BABHA residential facilities.

Purpose

The purpose of this policy and procedure is to communicate the rationale for conducting criminal background checks and fingerprinting of personnel who have regular, direct access to people living in BABH operated residential facilities.

Education Applies to

- All BABHA Staff
- Selected BABHA Staff, as follows: All Staff who have regular, direct access to consumers residing in BABHA direct operated residential facilities, their property, financial information, medical records, treatment information or any other identifying information
- All Contracted Providers: Policy Only Policy and Procedure
- Selected Contracted Providers, as follows: All contract providers who have regular, direct access to consumers residing in BABHA direct operated residential facilities, their property, financial information, medical records, treatment information or any other identifying information.
- Policy Only Policy and Procedure
- BABHA's Affiliates: Policy Only Policy and Procedure
- Other:

Definitions

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“Direct Access” is defined as access to property, financial information, medical records, treatment information or any other identifying information related to people residing in residential facilities directly operated by BABHA.

Procedure

BABHA is considered a healthcare facility covered under MCL 330.1134a, MCL 3303.20173a and MCL 400.734b. As such, we must comply with Public Act 27, 28 and 29 of 2006 and HB 6057 of 2008. These state statutes mandate the obtainment of extensive criminal history background information, including Federal Bureau of Investigation (FBI) fingerprinting, of all individuals who seek employment, independent contract or clinical privileges in positions that regularly have “direct access” to persons residing in residential facilities directly operated by BABHA while performing the typical functions of assigned responsibilities. This law supplements and reinforces BABHA’s existing policies and procedures relating to requisite good moral character and suitability to work with vulnerable adults.

PA 27, 28 and 29 of 2006 and HB 6057 prohibits individuals with certain conviction histories from regularly providing direct services to consumers. PA 27, 28 and 29 of 2006 also prohibits the employment, independent contract or clinical privileges to individuals who have been the subject of a finding of not guilty by reason of insanity and findings of neglect, abuse or misappropriation of property by state or federal agency pursuant to an investigation conducted in a skilled nursing facility.

The criminal history background information mentioned in this policy and procedure will be obtained by BABHA only after a written good faith offer of employment or contract has been extended, by contacting the Michigan Department of Health and Human Services (MDHHS) to conduct a criminal history check on the applicant through the Michigan State Police, to input the applicant’s fingerprints into the automated fingerprint identification system database, and to forward the applicant’s fingerprints to FBI to make a determination of the existence of any national criminal history pertaining to the applicant. The applicant shall supply a set of fingerprints to the identified vendor. The Department of State Police will provide the MDHHS with a written report of the criminal history check if it contains any criminal history record information. The Department of State Police shall provide the results of their determination along with the FBI determination within 30 days after the request is made. All workers covered under this law must, as a condition of employment, execute any and all consent forms, acknowledgements and releases

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arising from compliance with PA 27, 28 and 29 of 2006 and HB 6057. A prospective employee or independent contractor will not be charged for the cost of an initial criminal history check.

The prospective employee or independent contractor has a right to appeal a decision made by the facility regarding his or her employment eligibility based on the criminal background check.

As a condition of continued employment, all direct access workers must immediately report to this organization any arraignment or conviction of offenses that make them ineligible to work for this agency under PA 27, 28 and 29 of 2006 and/or HB 6057. As an additional condition of employment, all direct access workers must report to BABHA if they have become the subject of an order or disposition finding of not guilty by reason of insanity. Similarly, workers are to report if they are the subject of a substantiated finding of neglect, abuse or misappropriation of property by a state or federal agency pursuant to an investigation arising in a skilled nursing facility.

The provision of false, incomplete, or misleading information during the application and hiring process will result in refusal of employment and/or immediate termination.

Except as otherwise provided, a psychiatric facility or intermediate care facility for people with intellectual disabilities shall not employ, independently contract with, or grant privileges to an individual who regularly has direct access to or provides direct services to people residing in the facility until the facility conducts a criminal history check in compliance with the Act and with this policy and procedure.

Attachments

N/A

Related Forms

MDHS Fingerprinting Form

Related Materials

N/A

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References and/or Legal Authority

HB 6057
 Public Act 27, 28 and 29 of 2006
 MCL 222.20173a
 MCL 330.1134a
 MCL 400.734b

SUBMISSION FORM				
AUTHOR/ REVIEWER	APPROVING BODY/COMMITTEE/ SUPERVISOR	APPROVAL /REVIEW DATE	ACTION (Deletion, New, No Changes, Replacement or Revision)	REASON FOR ACTION - If replacement list policy to be replaced
Rebecca Smith	Robert Blackford	08/05/09		
Rebecca Smith	Rebecca Smith	05/31/13	No Changes	Triennial review
Rebecca Smith	Rebecca Smith	04/20/16	Revision	Triennial review – updated language
Rebecca Smith	Rebecca Smith	08/15/19	Revision	Triennial Review – changed MDHS to MDHHS and updated language and legal references.
Jennifer Lasceski	Jennifer Lasceski	5/12/22	No Changes	Triennial review