

**DIVISION OF DEVELOPMENTAL SERVICES
BACKGROUND CHECK POLICY
(Revised April 2003)**

I. Requirements for Background Checks

- A. Background checks are required for all workers who are paid with state or federal funds administered by the Division of Developmental Services (DDS), and who:
1. Provide care to a person with a developmental disability; or
 2. Handle funds on behalf of a person with a developmental disability.
- “Care” includes community supports, housing and home supports, service planning and coordination, respite care, clinical or other mental health services; crisis services, supported employment services, transportation, nursing, or any other kinds of care.
- B. Background checks are recommended for adults who reside in a home (such as a developmental home or shared living provider) that receives DDS funding to provide residential care to a person with a developmental disability, *and* who may on occasion provide care or supervision voluntarily to the person with a developmental disability or who may sometimes be alone with the person.
- C. Exception. Background checks shall be offered and encouraged, but are not required for respite workers hired by families with state funds provided through the Flexible Family Funding program. Respite workers paid with Medicaid funds are required to have the same background checks as all other caregivers paid with funds administered by DDS.

II. Components of a Background Check

A background check includes:

- A. A request for information about all complaints of abuse, neglect, and exploitation. Requests shall be made to the Department of Social and Rehabilitation Services (SRS)¹, Division of Licensing and Protection of the Department of Aging and Disabilities (DAD), previous employers, and the prospective worker;
- B. A request for information about all criminal convictions. Requests shall be directed to the Vermont Crime Information Center (VCIC), previous employers, and the prospective worker;
- C. Personal contact with people of independent judgment who can attest to the character of the prospective worker; *and*,

¹ As of April 2003, the SRS abuse registry is not yet available to employers. The Division of Developmental Services will notify designated agencies, specialized service agencies, independent employers and the ISOs when it becomes available.

- D. For workers who will be paid to transport a consumer by car or van, a motor vehicle record check. A motor vehicle check includes a complete history request for information about all motor vehicle convictions. Requests shall be made to the Department of Motor Vehicles, and the prospective worker.

III. Responsibility for Assuring the Background Checks Are Completed

- A. The developmental services agency that receives funding from the Division of Developmental Services is responsible for assuring that the requisite background checks are completed.
- B. A DDMHS-sponsored Intermediary Services Organization (ISO) shall conduct the mandatory background checks with VCIC, SRS, DAD, and DMV on behalf of developmental homes/shared living providers, individual consumers, and families who employ or contract with workers.
- C. Developmental services agencies shall conduct the mandatory background checks for workers they employ or contract with.

IV. Employment Pending Completion of Background Checks

- A. An offer of a contract or employment may be made contingent upon a satisfactory background check.
- B. A worker may, at the discretion of the employer, begin working with a person pending receipt of the results of the background checks; but, under no circumstances may a worker be paid with DDS funds for longer than sixty (60) days without receipt of satisfactory background checks.

V. Restriction Upon Hiring Persons with History of Substantiated Abuse, Neglect, or Exploitation, or History of Certain Crimes

DDS funds may not be used to employ or contract with a person who has:

- A. A record of abuse, neglect, or exploitation of a child, a disabled adult, or an elderly person; or,
- B. Medicaid fraud; or,

C. A criminal history of violence, which includes conviction for:

aggravated assault	hate motivated crime
aggravated stalking	kidnapping
aggravated sexual assault	lascivious conduct
assault and robbery	L & L with a child or adult with a disability
simple assault	manslaughter
assault upon law enforcement	murder
cruelty to children	sexual assault
domestic assault	stalking
elderly abuse	sexual assault on a minor
abuse of a person with a disability	arson
extortion	recklessly endangering another person while driving

DDS may grant a waiver of this policy under exceptional circumstances. A request for a waiver shall be made in writing to:

Director, Division of Developmental Services.
103 South Main Street
Waterbury, VT 05671-1601

VI. Questionable Background Checks

If a background check reveals a conviction or motor vehicle violation in the past, and the employer wishes to hire or contract with the worker, the results of the questionable background check must be shared with and discussed with the consumer and the consumer's guardian (if any). Sharing the results requires written consent from the prospective worker.