

Fitness Determination

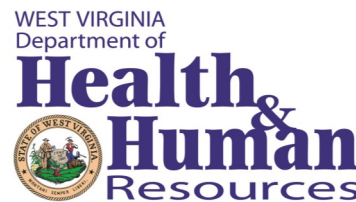
- Fitness determination will be performed by WV CARES staff who have cleared background check requirements.
- Employers will receive a notice of the applicant's employment eligibility once the fingerprint-based background check results are reviewed.
- Applicants disqualified from employment in long-term care facilities due to criminal convictions or negative findings during the required registry checks may file an appeal with the WV CARES Unit within 30 days of notice of employment ineligibility.



WV CARES Program



**Protecting West Virginians
in long-term care.**



Email: wvcares@wv.gov
Phone: 304.558.2278

West Virginia Department of
Health and Human Resources

Bureau for Medical Services
Office of Inspector General

in collaboration with
WV State Police



**West Virginia Clearance
for Access: Registry &
Employment Screening
(WV CARES)**

National Background Check Program

West Virginia is one of 25 states awarded grant funds from the Centers for Medicare and Medicaid Services (CMS) to create a comprehensive background check program for employees who have direct access to patients. Title VI, Subtitle B, Part III, Subtitle C, Section 6201 of the Patient Protection and Affordable Care Act of 2010 (PL 111-148) established the framework for a nationwide program for states to conduct background checks, review the results and provide employers with a fitness determination for potential employees. The program's purpose is to protect patients from neglect, abuse and financial exploitation.

All long-term care facilities and providers licensed by the West Virginia Department of Health and Human Resources are required to conduct employee background checks, including:

- Nursing homes & skilled nursing facilities
- Home health agencies
- Hospice care
- Long-term care hospitals
- Long-term residential care
- Personal care services
- Adult daycare services
- Intermediate care facilities
- Assisted living facilities

Required Background Checks

Two types of background checks are required:

- 1) Registry check
- 2) Fingerprint-based criminal background check (state and federal)



Required Registry Checks

Required registry checks are determined based on state and federal policy and/or legislation. For example, for a West Virginia long-term care provider to hire an individual as a nursing assistant, the Bureau for Medical Services requires the potential employer to check the West Virginia Nurse Aide Registry for any adverse actions on the individual's certification.

Facilities cannot hire an applicant until the applicant has been cleared through the required registry check within the WV CARES system.

Facilities will access the required registry check via the web-based WV CARES system.



Criminal Background Check

The fingerprint-based background check is a report that provides criminal history record information on an applicant.

A facility must request a fingerprint-based background check before hiring an individual. An applicant may be provisionally employed for up to 60 days while the WV CARES fitness determination is pending. All provisional employees must be supervised by an employee who has cleared both the criminal background and the required registry checks.

The West Virginia State Police contracts with a private agency to securely capture and transmit fingerprints to be processed through the State Police and the FBI.

Any nursing home that knowingly hires or retains a person who has been convicted of a disqualifying offense will be in violation of West Virginia State Code §16-5C-21 and 64 CSR 13 Nursing Home Licensure Rules.