



Interim Guidance Regarding Modified Background Check Requirements for Existing and New Staff of OASAS Operated and Certified Providers During COVID-19 Emergency

In response to increasing concerns regarding staffing shortages related to COVID-19, and pursuant to Executive Order No. 202.13, issued March 30, 2020, the background check process required of a provider approved by the NYS Office of Addiction Services and Supports (OASAS) has been temporarily modified. The interim process, described in this document, is designed to enable providers to obtain new staff members more quickly to maintain critical staffing ratios, while ensuring the safety of the individuals that they serve. The following guidance is applicable to all facilities and programs operated, certified, approved or funded by OASAS, and is in effect on a time limited basis, subject to revocation without notice. **Nothing herein shall preclude any provider from requiring all regularly required pre-employment checks of any prospective staff members.**

A. Staff Members Currently Employed by an OASAS Provider

An OASAS provider may hire a staff member who is currently employed by another OASAS provider, without the need to perform a new Criminal Background Check (CBC) or State Central Register (SCR) check. **The provider must check the Staff Exclusion List (SEL) for each prospective staff member.** The following steps must occur:

1. Conduct a check of the Staff Exclusion List (SEL) through the NYS Justice Center.
2. Submit the **OASAS Criminal Background Check Waiver Form** <https://oasas.ny.gov/system/files/documents/2019/12/pas-123-nov.-2019.pdf> to the OASAS CBC Unit at cbc@oasas.ny.gov.
3. The OASAS CBC Unit will review the request and notify the provider, via email, if the request is granted or denied.

Once the process is complete and a response is received, the staff member may be hired at the discretion of the hiring provider and may work unsupervised in his or her new position.

This is a temporary measure. A full background check (a check of the Statewide Central Registry and fingerprinting) through the OASAS criminal background check process must be completed, as soon as practicable, but before the expiration of Executive Order No. 202.13.

B. Staff Members Currently Employed by a Provider of Another State Oversight Agency

An OASAS provider seeking to hire a prospective staff member currently employed by a provider operated, licensed, certified, or approved by the Office of Mental Health (OMH), the Office for People With Developmental Disabilities (OPWDD), or the Office of Children and Family Services (OCFS), must follow the above protocol (see A.).

Once the waiver is granted by OASAS, the provider must work to complete a full background check. During this time, the staff member may work unsupervised in his or her new position.

This is a temporary measure. A full background check (a check of the Statewide Central Registry and fingerprinting) through the OASAS criminal background check process must be completed, as soon as practicable, but before the expiration of Executive Order No. 202.13.

C. New Staff Members Not Otherwise Employed by an Approved Provider

An OASAS provider seeking to hire a prospective staff member who has not previously completed an OASAS criminal background check with an OASAS provider, or with a provider approved by OMH, OPWDD, or OCFS, is required to complete an OASAS background check, including a SEL check, SCR check, and fingerprinting. Once the results for the SEL checks are received, and the SCR check and fingerprinting have been submitted, the individual may be hired at the provider's discretion. The new staff member must work with supervision while the results of the fingerprinting are pending.

The new staff member may work without supervision, at the provider's discretion, once the results of the SEL check and fingerprinting are received, but the results of the SCR check are pending.

For further information on the interim background check requirements, please contact the OASAS Criminal Background Check Unit at cbc@oasas.ny.gov.