

**Care for Elders' Enhanced Screening Initiative  
Final Report**

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### **Background**

In 2002, Care for Elders undertook a community-wide assessment and planning process involving its partner organizations, its 30-member consumer advisory council, 753 individuals in the community who gathered at 29 public meetings and more than 800 respondents to two surveys. With funding received through a competitive grant from The Robert Wood Johnson Foundation Community Partnerships for Older Adults Program, Care for Elders completed a four-year strategic plan meant to address issues of access, availability, affordability and quality in long-term care. Improving quality in long-term care and supportive services, particularly as it related to the caliber of the hands-on workforce providing direct care to vulnerable adults, was the highest priority for consumers and providers who participated in the Care for Elders planning process. One of the greatest concerns from a consumer's perspective is that workers are not sufficiently screened even though the state requires that all applicants for direct care work undergo Texas Department of Public Safety (D.P.S.) background checks prior to hiring. To address this specific concern, Care for Elders launched an Enhanced Screening pilot program with five home care agencies which are members of Care for Elders' Direct Care Provider Network.

### **Implementation**

The Enhanced Screening initiative officially launched in September 2005 when Care for Elders contracted with Liberty Screening Services, LTD. Liberty Screening provides pre-employment screening using a web-based tool to retrieve customized background checks. It was required that all network partners continued to follow their agency's screening procedures on all applicants prior to placing an applicant through Liberty Screening. Every other applicant's information was submitted to Liberty Screening for enhanced screening. All agencies agreed not to hire a new applicant with convictions barring employment as stated in Chapter 250 of the Texas Health & Safety Code. The participating agencies agreed to five additional offenses beyond the state requirements, for not hiring an applicant. These offenses included:

1. An offense under Section 21.08, Penal Code (indecent exposure);
2. An offense under Section 22.07, Penal Code (terroristic threat);
3. An offense under Section 37.12, Penal Code (false identification as peace officer);
4. An offense under Section 38.02, Penal Code (failure to identify (if a fugitive));
5. An offense under Section 42.01, Penal Code (disorderly conduct (firearm in public place)).

In addition, the Direct Care Network Partners agreed to provide justification for deciding to hire an applicant with any of the following offenses:

1. An offense under Section, 28.03, Penal Code (criminal mischief(\$60-\$100));
2. An offense under Section 33.04, Penal Code (theft of telecommunications services (less than \$500));
3. An offense under Section 37.08, Penal Code (false report to police officer);
4. An offense under Section 42.07, Penal Code (harassment).

The enhanced screening did provide a more extensive background check than using only the DPS database to screen employees (see attachment B). The total enhanced screening package cost a total of \$25.00 for each individual screened. There were a total of 136 individuals screened, and 98% were processed through all three background checks. Each applicant that was screened went through a series of checks in the following sequence:

1. **Quick Check Criminal History- Southwest Region<sup>1</sup> (\$10.00)** - Statewide Criminal History/Records, Sex Offender Records, Department of Correction Records from the specific region searched
2. **Personal Identifiers (\$3.50)** - Verifies full name and/or alias(s), social security number, date of birth, and current address.
3. **Current County of Residence Criminal Records Verification (\$12.00)** - Criminal misdemeanor, felony and deferred adjudication charges in the preceding seven year period.

### **Evaluation**

Agencies tracked and reported the total number of applicants screened through Texas D.P.S., the total number of applicants not hired as a result of Texas D.P.S. screening, the total number of applicants screened by Liberty Screening and the total number of those applicants not hired. A total of 136 out of 373(36%) applicants from October 2005-May 2006 were screened through this program. The Liberty Screening background checks identified 16 applicants with a felony, or a Class A or Class B conviction; 13 of these applicants were hired (see attachment B). During the screening it was discovered that 8 of the applicants had criminal records that were not reported by the Texas D.P.S report requested by the agency.

### **Moving Forward**

After reviewing the outcome of each individual screened, the Quality & Workforce work group recommended to the Governing Council that the enhanced screening initiative be discontinued. Continuing the enhanced screening would not allow Care for Elders to assure consumers that individuals working in their homes were more trustworthy. It was approved by the Governing Council to discontinue the enhanced screening program and that Care for Elders would move forward by educating and advocating for changes to be made to Chapter 250 of the Texas Health & Safety Code.

### **Summary of Lessons Learned**

1. Regardless of the source used to conduct a background check, **applicants with criminal convictions will be hired unless prohibited by Chapter 250 in the Texas Health & Safety Code.**
2. **A more restrictive tolerance of hiring practices is resisted** by some agencies due to workforce shortages and lack of otherwise-qualified applicants.

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<sup>1</sup> The regional check includes: Arizona (Courts, Corrections & Sex Offenders), California (LA, Riverside, San Bernardino & Ventura counties ONLY), Colorado (Courts & Sex Offenders), Nevada (Corrections), New Mexico (Corrections & Sex Offenders), Oklahoma (Courts, Corrections & Sex Offenders), Texas (Courts, Corrections, Sex Offenders & these counties: Bexar, Dallas, Denton, Fort Bend, Gregg, Harris, Jefferson, Nueces, Potter, Travis, Victoria) and Utah (Courts, Corrections & Sex Offenders). DOES NOT INCLUDE OTHER STATES.

3. Texas Department of Criminal Records Database - Texas law requires that all 254 counties report all crimes to the state every 30 days. **In 2001, Dallas County reported only 19 percent of their criminal convictions to the state. That same year D.P.S reported that Montgomery County has only reported 24 percent of their criminal convictions.** Although there are still holes in the system Harris County sets the pace, reporting 96 percent. Reasons cited include lack of technology and manpower in the counties to keep up with the workload.
4. **There is no complete database of criminal convictions available in any state.** The most extensive check the public can access is through the FBI's National Criminal File. Only 38 of 50 states send their records to the FBI to be stored in this database.
5. **There was a lack of access to the Internet to ensure that every other applicant was screened in a timely manner.** Liberty Screening provides pre-employment screening using a web-based tool. It was discovered soon after the project started that some of the agency representatives did not have reliable access to a computer or the internet.

**Attachment A**

Screening Categories	TX Dept. of Public Safety	Liberty Screening (CFE Enhanced Screening)		
		Personal Identifiers \$3.50	Current County Criminal Record \$12.00	Quick Check Regional \$10.00
<b>Search each county by full name, date of birth and SSN</b>	Yes	Yes	Yes	No;-name only
<b>Verification of applicant's SSN</b>	No	Yes	No	No
<b>Verification of applicant's full name, and/or alias, DOB</b>	Yes	Yes	No	No
<b>Felony convictions – County</b>	Yes	No	Yes	Yes
<b>Felony convictions – Texas</b>	Yes	No	No	Yes
<b>Pending felony convictions</b>	No	No	Yes	Yes
<b>Felony Convictions for all places lived in past 7 years</b>	No	No	No	No
<b>Incomplete deferred, diverted, or withheld judgments</b>	No	No	Yes	Yes
<b>Any non-prosecuted or No billed criminal felony and misdemeanor cases within 7 years of arrest date in current county of residence</b>	No	No	Yes	No
<b>Any dismissals or acquittals within 7 years of arrest date in current county of residence</b>	Yes	No	Yes	Yes
<b>Any successfully completed and dismissed deferred, diverted, or withheld judgments within 7 years of arrest date in current county of residence</b>	No	No	Yes	No
<b>OFAC – Specially designated nationals and blocked persons with whom U.S. Companies No cannot have dealings with</b>	No	No	No	Yes
<b>All felony dismissal or acquittals with 7 years of arrest date on a statewide repository</b>	Yes	No	No	Yes
<b>All serious misdemeanor convictions dealing with violence or theft, available at the source of the statewide central repository</b>	Yes	No	No	Yes
<b>All pending convictions, dealing with violence or theft, available at the source of the statewide central repository</b>	No	No	No	Yes
<b>Any incomplete deferred, diverted, or withheld serious misdemeanor judgments, dealing with violence or theft at the statewide central repository</b>	Yes	No	No	Yes
<b>State felony and misdemeanor records from the regional database</b>	No	No	No	Yes

**Attachment B**

**Care for Elders' Enhanced Screening Program  
Applicants Criminal History Record Findings**

<b>Liberty Screening</b>	<b>Record Source</b>	<b>Offense</b>	<b>Disposition</b>	<b>Category</b>	<b>Hired/ Not Hired</b>
County Criminal	Not given	Felony	Convicted-state jail 8 months	Possession Controlled Substance	Hired
County Criminal	Not given	Misdemeanor	Convicted	Theft-second offender	Hired
County Criminal	Not given	Misdemeanor	Convicted	Fail to identify	Hired
County Criminal	Not Given	Misdemeanor	Convicted	DWI first offender	Hired
Quickcheck	Harris County Courts	Misdemeanor	Convicted	Terroristic Threat	Not Hired
Quickcheck	Dept. of Criminal Justice	Felony	8 years/ parole until 4/2/2011	Aggravated Robbery	Not Hired
Quickcheck	TX DPS Dept of Criminal Justice	Felony-	Convicted	Theft Property<\$1500	Hired
Quickcheck	Dept. of Criminal Justice Harris County Courts	Felony	Parole/Incarceration Parole/ Incarceration Parole/Incarceration Convicted	Forgery Financial Instrument Theft>=\$1500<\$20 Theft \$1500-20K Forgery Commercial Instrument	Not Hired
Quickcheck	TX DPS	Misdemeanor	Convicted	Driving while license suspended	Hired
Quickcheck	TX DPS	Misdemeanor	Convicted	Selling Alcohol to minor	Hired
Quickcheck	TX DPS	Misdemeanor	Convicted	Theft >=\$50<\$500	Hired
Quickcheck & County Criminal	TX DPS	Felony	Guilty-state jail 2 yrs	Forgery Financial Instrument	Hired
Quickcheck & County Criminal	Harris County Courts	Misdemeanor	Convicted	Assault-Bodily Injury	Hired
Quickcheck & County Criminal	TX DPS	Misdemeanor	Convicted	Driving while license suspended	Hired
Quickcheck	TX DPS	Misdemeanor	Convicted	Driving while license suspended	Hired
Quickcheck & County Criminal	TX DPS	Misdemeanor	Convicted	False statement to get credit	Hired