



PACHC Memo 09-02

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Human Resource Department
Management Team

November 30, 2009

TO: Health Center CEOs

FROM: Cheri Rinehart, President & CEO

SUBJECT: Pennsylvania's Child Protective Services Law

ISSUE: Changes to Pennsylvania's Child Protective Services Law require community health centers and other employers to complete multiple background checks prior to employment on potential employees who would have a likelihood of regular contact with children. PACHC wants to ensure that Pennsylvania health centers are aware of and in compliance with current requirements.

BACKGROUND: Act 179 of 2006 amended Pennsylvania's Child Protective Services Law requiring any prospective employee who engages in an occupation with a "significant likelihood of regular contact with children, in the form of care, guidance, supervision or training," to obtain a Criminal History Record Check through the Pennsylvania Department of Public Welfare. The Department of Health now also requires that all new employees hired after July 1, 2008 obtain these checks.

The Child Protective Services Law was further amended with Act 73 of 2007 requiring a fingerprint-based national criminal history record check. This specific requirement took effect July 1, 2008.

As a result of the revisions to the law, three clearances are required:

- Pennsylvania State Police Clearance
- Department of Public Welfare Childline Clearance
- FBI Criminal Background Check

Forms for both the Pennsylvania State Police Clearance and the Department of Public Welfare Childline Clearance can be downloaded and printed from the Department of Public Welfare's website at <http://www.dpw.state.pa.us/PartnersProviders/ChildWelfare/003671038.htm>. There is

a ten (10) dollar fee for each clearance. For clearances submitted through paper application, the ten dollar fee may only be paid with a money order – no cash or checks.

The PA State Police Criminal Record Check request may be completed online through the State Police website at <https://epatch.state.pa.us/Home.jsp>. A ten (10) dollar fee is also charged, but you can pay by credit card. Processing time for the online clearance is approximately a week quicker than the paper application.

The PA Department of Public Welfare has contracted with Cogent Systems to process the FBI fingerprint background checks. Health centers can apply through the Cogent Systems website, https://www.pa.cogentid.com/index_dpw.htm. The website contains a list of centers where prospective employees can go to have their fingerprints taken. This is an online application and there is a thirty-six (36) dollar fee for the FBI criminal record check that can be paid with a credit card during the application process. When filling out the application, you must provide a reason for the fingerprinting. Health centers can just use the “Employment with a significant likelihood of regular contact with children” tab.

When an employee goes to the center for fingerprinting, they will need to bring identification. Applicants will have to bring either:

- One of the following:
 - US Passport
 - Certificate of Citizenship
 - Certificate of Naturalization
- OR
- TWO of the following (partial list):
 - Birth Certificate
 - Social Security Card
 - Military ID Card
 - Utility Bill with address
 - Voter Registration Card
 - Vehicle Registration Card/Title
 - Pay check stub with name and address
 - School Identification Card

Processing times for the clearances

The processing times for the three clearances varies. The Pennsylvania Department of Public Welfare is required by law to process the Child Abuse History Record Check within fourteen (14) days. Currently, DPW estimates the processing time is eleven (11) days for the Child Abuse History clearance.

The clearance time for the FBI fingerprinting by Cogent systems is about one week from the time the applicant has their fingerprints scanned until the results letter is printed and mailed. For applicants that are requested to provide more information, or whose records are not “clean,” the processing time may take three weeks.

According to the PA State Police, the approximate processing time for the criminal record check is two to three weeks if it is filed electronically. Paper applications take approximately one to two weeks longer. However, as of the date of this memo, it is taking the State Police five (5) weeks to process requests made by mail and four (4) weeks to process electronic applications.

Who must obtain background checks?

- Physicians, dentists, psychiatrists and other medical personnel
- Social workers, counselors and therapists who have regular contact with children
- Volunteers who have regular contact with children

Current employees who were hired by the health center before these provisions took effect do not have to apply for these clearances, unless they change positions within the organization that will result in significant contact with children. If they will have contact with children, they will need to get clearance.

If employees move to a different licensed entity within a bigger organization and have contact with children, then they will have to apply for the clearances. For example, if a pediatrician was employed by a hospital system that also operates a health center that is a separately licensed entity from the hospital, and the pediatrician shifts from the hospital to the health center, then the pediatrician will need to obtain the clearances.

Implications for Health Centers:

- Current employees. All current employees do not have to go through a background check or fingerprinting so long as they do not change jobs within the organization. If the employee changes jobs so that they have significant contact with children, then they will need to get clearance.
- New hires. All new hires will have to obtain the three clearances. New employees may be hired provisionally until the background checks are completed. Pennsylvania residents may be hired on a provisional basis for no more than thirty (30) days until the checks are completed. Out-of-state residents may be hired provisionally for a period of no more than ninety (90) days.

Health centers are advised to process these clearances as quickly as possible given the short provisional hiring period and the uncertain turnaround time for the PA State Police criminal record check.

- Volunteers. All volunteers at health centers are considered employees and must go through the same background checks if they have significant contact with children.

Member Action Needed:

- Review and update personnel and hiring policies as needed to be compliant
- Educate health center staff about changes in the Children Protective Services Law

PACHC Action:

- Continue to monitor human resources law and regulation for changes that impact community health centers

For More Information: Contact Ben Christ, Director Public Policy, at ben@pachc.com or (717) 761-6443, ext. 206. There are also Frequently Asked Questions posted on the PA Department of Health website:

<http://www.dsf.health.state.pa.us/health/lib/health/bcplc/faq7379emprecordchecks0109.pdf>