
NOTES ON COMPLETING BACKGROUND CHECK WEIGHING TESTS

Background Check Weighing Test

The Background Check Unit (BCU) conducts criminal history and abuse history checks on Traditional Healthcare Workers.

What You, the subject individual (SI), will be asked:

- *Identifying information, such as full name, aliases, date of birth, residence now and residence history*
- *Giving your Social Security Number is voluntary, but may help in identifying you correctly*
- *A listing of all your arrests, charges, and convictions, regardless of how long ago or how old you were*
- *If you don't remember all your history, giving a good effort is best! List what you can, and explain if you think there is more and why you don't have all the details.*
- *Other information from you is VERY helpful for the weighing test. It is explained below, so you can decide what you would like to provide.*

Potentially disqualifying convictions and conditions (PDQs) may have time limits for review (5 or 10 years) or may be permanently reviewed. If you have PDQs, BCU must do a weighing test, considering what is good or bad about your history and its impact on your job, and make a fitness determination of approved, restricted approval or denied. If denied, you do have hearing rights.

Factors in the Weighing Test

BCU looks at several different things during the weighing test. The list below includes everything that we usually look at. Some sections may not apply to you.

Details of incidents: What happened according to the SI? According to official documents (police report, court records, etc.)?

- *Helps BCU understand what happened, what led up to the arrest/charge*
- *Gives you an opportunity to explain your story and your history*
- *Sometimes having a police report will help corroborate your story*
- *Court records provide details, such as dates of dismissal or conviction, probation terms, etc.*

Age of SI: List age of SI at the time of the PDQs.

- *Helps the BCU understand if maybe you were young and influenced by others, or could understand what you were doing was a crime*

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Proof of PDQ (usually LEDS, OJIN, or some other document): What are the sources of information (LEDS, FBI, OJIN, other courts, police reports, SI)

- *Shows that the decision we make is based on verifiable documents or people*

Time since PDQ: How much time has it been?

- *Helps in deciding if there has been enough time to demonstrate a change in behavior; enough time to see if repetition is likely or not likely to happen*

Other laws/OARs to consider: Are there federal laws, Oregon laws or rules that will impact the weighing test? If yes, list them.

- *Regulations can impact the weighing test, however, BCU is not aware of any that would currently cause any issues for Traditional Healthcare Workers*

PDQ Abuse:

- *Potentially disqualifying abuse includes serious financial, sexual, or physical abuse against an adult that occurred since 1/1/2010*
- *Determining substantiated abuse does not use the same standards as a court of law for convictions. In addition the quality of investigations and allowance of due process have not been consistent; that is why we have to consider specific factors for PDQ abuse*
- *IF BCU learns of potentially disqualifying abuse you may get a letter about the abuse to get more information from you*

Other criminal activity: Other arrests, charges, or convictions which are not potentially disqualifying

- *Helps determine if there is a pattern*
- *Helps in seeing other behavior that is not PDQ under the rules but could show serious risk to vulnerable individuals*

Incarceration: Amount of time a person was sentenced for a conviction and how much time s/he actually served

- *Helps determine seriousness of convictions/probation violations; If release was early, if release was recent, if SI had time to change behavior, etc.*

Parole or probation/Compliance: Summarize compliance of previous or current probation/parole.

- *Helps in determining the SI's accountability and responsibility, ability to follow laws and rules, and interest/dedication to change behavior*

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A&D issues: Describe issues including criminal activities, treatment, relapses, etc. Does SI appear to have benefited from treatment and succeeded?

- *Traditional Healthcare Workers may have the opportunity to work with diverse populations. If there have been alcohol & drug issues related to the criminal history, the SI's progress and success in treatment are positive things to add to the weighing test.*
- *Addiction is a medical condition, but when there is criminal activity associated with it, it is important to assess the SI's sobriety and commitment to it—further substance use could lead to further activity given the SI's history.*

Other treatment: Describe treatment that is related to criminal history, such as Theft Talk, Anger Management, therapy, counseling etc. Does SI appear to have benefited from treatment and truly changed?

- *Helps to determine change in behavior, if different non-criminal behaviors were learned, and other successful life changes.*

Repetition: Summarize whether the criminal history shows the possibility of repetition.

- *Tell BCU why you believe repetition is or is not likely and why*

Other protective services: During the abuse check, BCU may see other protective services information which may be relevant to the weighing test. Usually the answer to this factor is “none” or “unknown” with no further research.

Change since PDQs: Examples are given below, but you can add any information you have here.

- *Tell BCU what you have done since your PDQs, and how you have decreased the likelihood of risk to vulnerable individuals*
- *Include information that you feel would help BCU make a good decision*

--**Education:** high school, college, or other vocational classes, etc.

- *It is okay to include transcripts, certificates, descriptions of courses, etc.*

--**Work history:** type of work and indication of stability in the workplace

- *It is okay to include a resume*

--**License/certification history:** Particularly if the SI is applying to work in a position requiring Licensing (RN, CNA, etc.)—is the license in good standing or is there a history of actions.

- *It is okay to include copies of your license or certification, or provide information on them*

--**Employer recommendations:**

- *If you have character reference letters, you can send them to BCU. If you have letters from employers showing good work stability, or working in the same field as for this background check, they are very helpful for the weighing test*

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Cooperation/honesty/accountability: Describe, based on the SI's disclosures, manner of explanation, amount of details, etc., how the SI is responding to the background check and being responsible for his/her actions. Does the SI show clear understanding of actions, maybe even remorse for actions? Does the SI blame others rather than being accountable?

- *This can be one of the best indications of risk to vulnerable individuals. If you are showing cooperation, honesty, and accountability, the chance of repetition and risk to vulnerable individuals is decreased.*

Relevancy to position: Describe how the SI's PDQs are relevant or not to the position. Request a position description if more information re duties or work environment is needed. Most SIs are mandatory reporters---meaning they must report unusual incidents (including those they themselves have caused). What contact will SI have with vulnerable individuals, their personal information, possessions, home, funds, medications? Do PDQs show poor judgment about safety of self or others? If PDQs are not relevant, describe why.

- *By statute, we must consider the SI's PDQs and their "nexus" to the position or work environment. If criminal history appears relevant (e.g., hurting others, stealing the identity of others), this shows clear risk to vulnerable individuals.*

Summary and Decision: Having completed all the sections above, BCU now pulls it all together and shows, based on the evidence whether the SI poses a risk to the physical, emotional or financial well-being of vulnerable individuals.