



Division of Provider Services & Quality Assurance
P.O. Box 8059, Slot S409, Little Rock, AR 72203-8059

MEMORANDUM

TO: Nursing Home Administrators, Nursing Facilities, ICFs/MR 16 Beds and Over, HDCs, ICFs/MR Under 16 Beds, Interested Parties, DHS County Offices

FROM: Martina Smith, JD, Director, Division of Provider Services and Quality Assurance

DATE: May 28, 2021

RE: Background Checks for Employees of Long-term Care Facilities During the COVID-19 Outbreak

Effective May 30, 2021, the Governor's public health emergency declaration will expire; thus, any rules suspended during this time will be reinstated. As a result, long-term care facilities will no longer be able to use Purpose Code X to conduct background checks.

Additionally, when the Governor declared the public health emergency, the Department of Human Services (DHS) suspended parts of Section 304 of the Rules for Conducting Criminal Background Checks for Employees of Long-term Care Facilities. Specifically, DHS suspended the following:

- 1) The requirement that an applicant provide to law enforcement DMS Form-736, a pre-printed fingerprint card, and Form FBI-1 DHS Verification; and
- 2) The requirement that law enforcement complete the forms, place the form in a sealed envelope, and return it to the applicant.

By suspending these rules, long-term care facilities were able to hire individuals pending the results of criminal background checks as allowed by § 20-38-103 of the Arkansas Code, including individuals who require a national, fingerprint-based check without initially sending in a fingerprint card and Form FBI-1 DHS Verification form. Effective May 30, 2021, this will again be a required part of the process as discussed in Sections 303 to 305 [Rules and Regulations for Conducting Criminal Record Checks for Employees of LTC facilities](#). Specifically, each applicant should proceed as follows:

1. For each background check where Purpose Code X was used for processing, the applicant is now required to be fingerprinted within 180 days.
2. A pre-printed fingerprint card and FBI-1 DHS Verification form can be obtained from the Arkansas Department of Human Services (DHS), Division for Provider Services and Quality Assurance, attention: Brigham Gibson Oliver.
3. Long-term care facilities must continue to ensure that employees successfully pass employment clearance checks, state criminal background checks, and have no prior criminal convictions listed on a DMS-736 form before the facility can make a conditional offer of employment.

4. The pre-printed fingerprint card and FBI-1 DHS Verification form should be submitted along with any payments/fees that apply to: **DHS, Division of Provider Services and Quality Assurance, P.O. Box 8059, Slot S405, Little Rock, Arkansas 72203-8059.**
5. Please keep all required records as required by Medicaid and long-term care rules.

If you have any questions, please contact Brigham Gibson-Oliver at Brigham.Gibson-Oliver@dhs.arkansas.gov .