

CRIMINAL BACKGROUND CHECKS HR.C25

Regulation(s): 42 CFR 418.114(d)(1); 418.114(d)(2)
L-Tag(s): 795, 796

POLICY: Lifesong Hospice and Palliative Care obtains a criminal background check as required by State laws and regulations. In the absence of State requirements for any individuals/disciplines that have contact with patients or access to patient records, Federal criminal background check requirements are followed.

PROCEDURE:

1. Criminal background checks are required for all employees (including volunteers) and contracted staff who provide direct patient care or who have access to patient records.
2. Written agreements with contracted entities include a provision that a criminal background check must be provided for any contracted staff providing services for the hospices or having access to patient records.
3. Applicants for positions at Lifesong Hospice and Palliative Care are required to:
 - a. complete and sign a consent form to allow the hospice to request a criminal records review from all states in which the individual has lived or worked for the three (3) years prior to application for employment;
 - b. disclose any criminal history including, but not limited to:
 - i. any conviction or a plea of guilt to any charges;
 - ii. any suspended imposition of sentence;
 - iii. any suspended execution of sentence or any period of suspension or parole;
 - c. disclose if s/he is listed on the employee disqualification list.
4. Offers of employment contain a written statement that employment is conditional upon acceptable results from the criminal background check.
5. The criminal background check is obtained for all states in which the individual has lived or worked for the past three (3) years prior to patient contact or access to any medical records.
6. An offer of employment may be withdrawn, or an employee may be terminated if a criminal background check reveals a criminal record that includes a conviction for an illegal activity that could potentially compromise the welfare and safety of the hospice’s patients or if the findings of a

Created:	Reviewed:	Revised:	Effective:
6/18	2/19		4/2019
Reviewed:	Reviewed:	Reviewed:	Reviewed:

Policy Number: HR.C25, Page 2 of 2

background check are not consistent with what the applicant has disclosed. Specific activities are delineated in 6 PA Code §15.143 (b).

7. Lifesong Hospice and Palliative Care does not hire individuals for direct patient care or who have access to patient records who have a criminal history in accordance with in accordance with 6 Pa. Code §15.144(b), or who have been excluded from participating in programs that receive Federal funding.

CMS defers to the state regulation on criminal background checks. This policy is written to be compliant with 28 The Pennsylvania Code 611.52.

Created:	Reviewed:	Revised:	Effective:
6/18	2/19		4/2019
Reviewed:	Reviewed:	Reviewed:	Reviewed: