

(a) The Criminal Identification Bureau of the West Virginia State Police shall establish a Central Abuse Registry, to contain information relating to criminal convictions involving child abuse or neglect, abuse or neglect of an incapacitated adult or an adult receiving behavioral health services and misappropriation of property by individuals specified in subsection (b) of this section and information relating to individuals required to be registered as a sex offender.

(b) The Central Abuse Registry shall contain, at a minimum, information relating to: Convictions of a misdemeanor or a felony involving abuse, neglect or misappropriation of property, by an individual performing services for compensation, within the scope of the individual's employment or contract to provide services, in a residential care facility in a licensed day care center in connection with providing behavioral health services, or in connection with the provision of home care services; information relating to individuals convicted of specific offenses enumerated in subsection (a), section three of this article with respect to a child or an incapacitated adult or an adult receiving behavioral health services; information relating to all individuals required to register with the Child Abuse and Neglect Registry established pursuant to article thirteen chapter fifteen of this code; and information relating to all individuals required to register with the West Virginia State Police as sex offenders pursuant to the provisions of article twelve, chapter fifteen of this code. The Central Abuse Registry shall contain the following information:

(1) The individual's full name;

(2) Sufficient information to identify the individual, including date of birth, social security number and fingerprints if available;

(3) Identification of the criminal offense constituting abuse, neglect or misappropriation of property of a child or an incapacitated adult or an adult receiving behavioral health services;

(4) For cases involving abuse, neglect or misappropriation of property of a child or an incapacitated adult or an adult receiving behavioral health services in a residential care facility or a day care center, or of a child or an incapacitated adult or an adult receiving behavioral health services receiving home care services, sufficient information to identify the location where the documentation of any investigation by the Department of Health and Human Resources is on file and the location of pertinent court files; and

(5) Any statement by the individual disputing the conviction, if he or she chooses to make and file one.

(c) Upon conviction in the criminal courts of this state of a misdemeanor or a felony offense constituting child abuse or neglect or abuse or neglect of an incapacitated adult or an adult receiving behavioral health services, the individual so convicted shall be placed on the Central Abuse Registry.

#### Chapter 300—Older Americans Act Policy Manual

#### 300.7.5 Criminal Investigation Background Checks

At a minimum, a state level criminal investigation background check (CIB) which includes fingerprints must be initially conducted by the West Virginia State Police contracted entity and again every three (3) years for all direct-care workers, RN's, respite staff, home-delivered meal staff, van drivers, financial staff and anyone who has direct access to service recipients in their homes and/or access to confidential service recipient information, including volunteers. If the prospective employee has lived out of state within the last five (5) years, the agency must also conduct a fingerprint Federal Bureau of Investigation (FBI) background check.

Prior to providing services, the prospective employee or the employer must have initiated the fingerprint check process with the West Virginia State Police contracted entity. "Initiated" means the prospective employee has had a live fingerprint scan taken at an approved location or, if submitting hard copies of fingerprints, the day the copies are mailed for processing. Providers may do a preliminary check utilizing on-line internet companies and use these results until the fingerprint results are received.

An individual who is providing services or is employed by a provider cannot be considered to provide services nor can be employed if ever convicted of:

- 1) Abduction;
- 2) Any violent felony crime including but not limited to rape, sexual assault; homicide felonious physical assault;
- 3) Any type of felony battery;
- 4) Child/adult abuse or neglect;
- 5) Crimes which involve the exploitation of a child or an incapacitated adult, including financial exploitation;
- 6) Felony arson;
- 7) Felony or misdemeanor crime against a child or incapacitated adult which causes harm;
- 8) Felony drug related offenses within the last ten (10) years;
- 9) Felony DUI within the last ten (10) years;
- 10) Hate crimes;
- 11) Kidnapping;
- 12) Murder/homicide;
- 13) Neglect or abuse by a caregiver;
- 14) Pornography crimes involving children or incapacitated adults including but not limited to, use of minors in filming sexually explicit conduct, distribution or exhibition of material depicting minors in sexually explicit conduct or sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian or custodian, depicting a child engaged in sexually explicit conduct;
- 15) Purchase or sale of a child;
- 16) Sexual offenses including but not limited to incest, sexual abuse, or indecent exposure;
- 17) Healthcare fraud; or,
- 18) Felony forgery.

This list is not an all-inclusive list of CIB results that may exclude an individual from employment. Providers must consider any results which include a history of fraud or abuse that could be a health and safety risk.

If the prospective employee is a Nurse Aide, the provider agency must also check that he/she has no charges of resident abuse, neglect or misappropriation on the Office of Health Facility Licensure & Certification Long-Term Care Nurse Aide Abuse Registry at <https://ohflac.wv.gov/>.

The provider agency should also consider checking the surrounding states' nurse aide registries (Ohio, Pennsylvania, Virginia and Maryland).



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ATTN: KVSS Applicants/Employees

RE: Employee Background Check Acknowledgement

All County Senior Aging Providers, including Kanawha Valley Senior Services, Inc. are required, per the West Virginia Department of Health and Human Resources and the Older Americans Act, to submit to a Central Abuse Registry verification and criminal background check (fingerprinting) through the WV State Police. In addition, it is policy of KVSS to perform pre-employment, random, post-accident, suspicious cause and employment sustainability drug and alcohol screenings.

Please complete the section below—this information is required to complete the fingerprint order through the WV State Police vendor MorphoTrust and drug/alcohol screenings through MedExpress.

Print Full Name \_\_\_\_\_

Address (NO P.O. BOX) \_\_\_\_\_

Telephone \_\_\_\_\_

Date of Birth \_\_\_\_\_ SS# \_\_\_\_\_

City & State of Birth \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

Race/Ethnicity \_\_\_\_\_

This is a mandatory provision set forth by the State of West Virginia. I have read and understand the above statements.

\_\_\_\_\_  
Employee Signature Date