

Safe at Home? Developing Effective Criminal Background Checks and Other Screening Policies for Home Care Workers

States increasingly require criminal background screening for home care workers who help millions of Americans with everyday activities. However, the evidence base for adopting specific screening practices is often thin. This paper highlights key policy considerations and offers guidance on approaches that show promise.

This In Brief summarizes a new PPI research report on federal and state approaches to background check screening of home care workers to protect vulnerable adults from harm.

The report, *Safe at Home? Developing Effective Criminal Background Checks and Other Screening Policies for Home Care Workers*, addresses challenges to effective criminal background screening, discusses complementary screening strategies and special considerations for self-directed care, and suggests promising practices and policy options.

State Laws and Practices Vary Widely, with Limited Research Basis

The Medicaid program defers to the states on how to screen home care workers. Currently, forty-six states and the District of Columbia mandate pre-employment criminal background checks for defined categories of in-home workers (according to research by the National Conference of State Legislatures commissioned for the report by AARP). Most of these states enumerate criminal offenses that preclude employment, although the list of disqualifying crimes and length of disqualification varies

widely. Only six states exempt family members or other relatives from criminal background screening.

Criminal background screening faces challenges. The multiple options for screening—state and county records, FBI checks, adult protective services registries and others—are not integrated and may have gaps and errors. Costs and staffing burdens are substantial. A federally-funded seven-state pilot project yielded some useful ideas.

There has been no robust scholarship on the relationship between general criminal behavior and the risk of elder mistreatment. The evidence basis for determining disqualifying offenses is limited—although criminology research could provide a scientific basis for specifying troublesome criminal histories and an appropriate length of disqualification after criminal behavior.

Promising Practices, Policy Options and Future Research

Policy-makers, program managers and researchers should consider these suggestions:

Increase the accuracy, speed and cost-effectiveness of criminal background checks by implementing promising state practices.

- Integrate data sources on criminal and other relevant history
- Share information among state agencies conducting checks
- Capture fingerprints electronically
- Use a tiered system, checking low-cost state records before conducting higher-cost FBI checks

Avoid unnecessary disqualifications to increase fairness and reduce unnecessary effects on the workforce.

- Base disqualifying crimes and length of disqualifications on solid evidence from criminology research
- Provide waiver or “rehabilitation review” process for consideration of individual applicant fitness

Use multiple, complementary tools to enhance the safety of the workforce.

- Consider reference checks, credit histories, thorough interviews, drug and alcohol screening, and training and supervision of workers pre- and post-employment

Empower consumers and employers through education and other resources.

- Explain the benefits and limitations of criminal background screening, including under- and over-inclusiveness in identifying appropriate workers
- Explain complementary screening tools
- Develop registries of pre-screened individuals

Recognize that self-directed programs (in which participants recruit, hire and supervise their own workers) raise distinct issues.

- Allow more decision-making choice and risk-taking for participants when screening and hiring
- Make background checks available but allow flexibility in acting on results, especially for family members and friends

Conduct additional research on key issues.

- Assess the efficacy of criminal background check screening in reducing risk to home care participants
- Evaluate the efficacy of other screening tools at enhancing safety
- Investigate the deterrent effect of criminal background check requirements on potential applicants
- Develop the evidence for identifying disqualifying offenses and the length of disqualification
- Determine whether criminal background screening improves the retention of workers.

In Brief 177, September, 2009

This In Brief is a synopsis of the AARP Public Policy Institute Research Report of the same title, number 2009-12, by Sara Galantowicz and Suzanne Crisp of Thomson Reuters, and Naomi Karp and Jean Accius of the AARP Public Policy Institute. AARP Public Policy Institute, 601 E Street, NW, Washington, DC 20049 www.aarp.org/ppi. 202-424-3890, ppi@aarp.org
© 2009, AARP.
Reprinting with permission only.