

# Record Checks: Pre-hire Isn't the Only Record Check You Need

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Prospective employees at a healthcare facility are subject to a significant number of record checks as part of the post-offer and pre-employment process. Employers are required to do a SING check, which incorporates a review of the Iowa Dependent Adult and Child Abuse listings, check criminal records, and determine if the OIG and state Medicare/Medicaid list show the potential employee as debarred.

Employees and prospective employees with a SING “hit” may be cleared to work by a DHS application. Things start to get more complicated from there.

For healthcare facilities, pre-hire/post-offer checks are not the end of the process. Ongoing checks for employees are necessary.

## **Debarred provider list - check monthly**

For both State and Federal Debarred Provider Lists, employers are required to check if ongoing existing employees have been added to those lists. This is typically required on a monthly basis and can be done through the Office of Inspector’s General’s (OIG) system, List of Excluded Individuals/Entities (LEIE), and the state process at the Iowa Department of Human Services.

Being listed as a debarred provider would disqualify the applicant or an existing employee from ongoing employment. There is no SING clearance process for employees or potential employees who are listed as Debarred Providers and otherwise prohibited from participating in federal programs like Medicare and Medicaid.

Removal from these lists is a more complex process than SING and relates to the individualized agencies. If an employee shows up on the Debarred Provider list, you must take immediate action in order to ensure that the employee is not providing services related to any state or federal program. The employee will also need to be suspended pending investigation and clearance. However, many employers simply terminate employees who are listed on the Debarred List as the process for clearance from such a list can be time-consuming.

## **Child or dependent abuse registry**

In addition, facilities are required to have a policy in compliance with Iowa Code § 135C.33(8) which provides notification that if any employee is “convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person’s employment application date, the person shall inform the employer of such information within 48 hours of the conviction or entry of the record of founded child or dependent adult abuse.” The statute also notes that if an employee fails to inform the employer of a conviction or entry into the abuse registry,

the employee will be guilty of a serious misdemeanor.

If there is a conviction or entry on to the child or dependent adult abuse registries, the employer is required to run the employee back through the same record check system (SING) and determine whether a clearance may be received from DHS.

While the employer can continue to employ the person pending DHS clearance, this can in some circumstances create additional liability risks for the employer if additional issues occur.

## Failure to inform

One problem that frequently occurs is that an employee has failed to inform their employer of a conviction or similar issue. However, employers tend to find out either because of the employee's own social media posts, which are often shared with managers by co-employees or because many co-employees, families, residents, patients, and others follow the local listings of the sheriff and police departments. The infamous arrest lists are common viewing.

Finally, local news coverage may simply alert the facility that the employee has been convicted of a crime.

Employers have seven calendar days to verify any credible information regarding the conviction or entry into the abuse records. If or when verified, the same rules apply and if the employer chooses to keep the employee employed, that person would need to be cleared through the SING and DHS process. If they choose to do so, the statute allows the employer to notify the county attorney of the failure to report the crime or conviction.

## The Big Picture: Policies and Training

Employers should incorporate policies into their employee handbooks and provide training so employees are aware of the obligations to report convictions and abuse registry listings as well as the ongoing checks.

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