April 30, 2018

Q: Does an employee who has worked at our facility for many years have to have a fingerprint criminal history records check?

A: An employee who has been at a facility for many years does not have to undergo a new background check as long as he or she stays employed there.

Section 955.180 Criminal History Records Checks after Implementation

a) A fingerprint-based criminal history records check is not required for health care employees who have been continuously employed by a health care employer prior to the implementation of the fingerprint-based criminal history records check as a fee applicant inquiry pursuant to Section 955.115 of this Part, have met the requirements for criminal history background checks prior to the implementation, and have no convictions that were disqualifying at the time that the background check was initiated, or have requested and received a waiver of those disqualifying convictions pursuant to this Part. These employees shall be retained on the Health Care Worker Registry as long as they remain active. Nothing in the Act or this Part shall be construed to prohibit a health care employer from initiating a new criminal history records check for these employees. Should these employees seek a new position with a different health care employer, then a fingerprint-based criminal history records check shall be required and all of the convictions listed in Section 25 of the Act and Section 955.160 of this Part shall be considered disqualifying. (Section 33(a) of the Act)

b) For any employee employed after October 1, 2007, a criminal history records check shall be initiated in accordance with Section 33 of the Act and Sections 955.115 and 955.165 of this Part.