

# CONNECTICUT LONG-TERM CARE CRIMINAL HISTORY AND PATIENT ABUSE BACKGROUND SEARCH PROGRAM

## FREQUENTLY-ASKED QUESTIONS (FAQs)



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### What is the Authorizing Legislation for the Long-Term Care Background Check Program?

The long-term care background check program is established and authorized pursuant to Section 19a-491c of the General Statutes.

### What is the Applicant Background Check Management System (ABCMS)?

The Department of Public Health (DPH) has established a web-based program referred to as the Applicant Background Check Management System (ABCMS). The ABCMS provides long-term care facilities and providers with a web portal to submit applicants, conduct certain free registry checks, and process and track fingerprint-based criminal history record checks as required under the law. Long-term care facilities subject to the background check program must register with the ABCMS. The DPH hopes that you will find the ABCMS to be a useful database of forms, help files and tools to manage your applicants' background checks throughout the hiring process.

Please visit the DPH's ABCMS website at [www.ct.gov/dph/ABCMS](http://www.ct.gov/dph/ABCMS). Once you have successfully established an account within the ABCMS, you can begin processing new applicants.

### How do I contact the DPH's ABCMS office with questions?

Please send **email** correspondence to: [dph.ABCMS@ct.gov](mailto:dph.ABCMS@ct.gov). Please do not "cc" other employees at DPH. We will get to your email as quickly as possible, and emailing multiple parties may cause confusion within DPH as to who is handling a question, thereby slowing down our responses to providers.

You may also **call** the DPH ABCMS at (860) 509-8366, but the best way to contact the DPH ABCMS office is by email.

**Do I need to conduct a background check on visitors to my facility?**

No. The law only covers a facility's prospective employees, contractors, and certain volunteers who have "direct access" and provide "long-term care services" to patients or residents. *See* C.G.S. §19a-491c(c)(1).

**Do I need to conduct a background check on employees who have been working in my facility before the program became effective?**

No. Long-term care facilities are not required to comply with the law with respect to any individual who is employed, contracting or volunteering with said long-term care facility **prior to the date the long-term care facility is phased in** to the implementation of this program. *See* C.G.S. §19a-491c(c), (g).

**Do I need to conduct a background check on every new employee or contractor who comes on-site at my facility, such as the landscaper or plumber or electrician?**

No, not necessarily. Under the law, background checks are required only for prospective employees and/or contractors who have "direct access" and provide "long-term care services" to patients or residents. The terms "direct access" and "long-term care services" are discussed further, below. *See* C.G.S. §19a-491c(c)(1).

**Who is a "direct access" employee or contractor subject to the required background search under this program?**

"Direct access" means physical access to a patient or resident of a long-term care facility that affords an individual with the opportunity to commit abuse or neglect against or misappropriate the property of a patient or resident. *See* C.G.S. §19a-491c(a)(2).

**What "long-term care services" need to be provided by an employee or contractor to make that individual subject to a background search under this program?**

The DPH interprets "long-term care services" to mean the provision of supportive or health services to a patient or resident of a long-term care facility. This interpretation is consistent with the definition of "long-term care" found in federal law.

**Do all volunteers need to be fingerprinted and subject to the required background search?**

No. Volunteers are only subject to the required background search when the long-term care facility reasonably expects that such volunteer will regularly perform duties that are substantially similar to those of an employee with direct access in the provision of long-term care services. See C.G.S. §19a-491c(c)(1).

**Do students who are receiving clinical training at my facility need to be fingerprinted and subject to the required background search under the law?**

No. Students receiving clinical training at a facility are not employees, individual contractors or volunteers required to submit to background searches as provided pursuant to C.G.S. §19a-491c(c)(1).

**My facility contracts with a corporate entity for various services, such as phlebotomy, x-ray or ambulance service. Does every person used by those corporate entities need to be background checked under this program before entering my facility?**

Under the law, a background search is required if the facility enters into a contract for the provision of long-term care services with any individual who will have direct access to patients or residents. For example, if your facility plans to enter into a contract with an individual to provide certain long-term care services, a background search may be required of that individual under this law. However, if your facility is entering into a contract with a corporate entity, the law does not require that the long-term care facility conduct background searches on each person who might work for that corporate entity and enter your facility at some point. See C.G.S. §19a-491c(c)(1).

**Once I've conducted the required background check and hired an employee, do I need to conduct a new fingerprint-based background check each year?**

No. Under the law, a background check is only required "prior to extending an offer of employment to or entering into a contract for the provision of long-term care services with" any individual who will have direct access to patients or residents. If the employee remains within the employ of your facility, no additional background check is required under the law. See C.G.S. §19a-491c(c)(1).

**I would like to hire someone who is registered within the ABCMS and successfully completed the required background search for another facility *last year*. Do I need to conduct another full background search on this applicant?**

No. Under the law, a long-term care facility is not required to conduct a new background search if the individual successfully submitted to a background search through the ABCMS “not more than three years immediately preceding the date such individual applies for employment . . .” and the prior background search confirmed that the individual did not have a disqualifying offense. See C.G.S. §19a-491c(c)(2). Long-term care facility provider users should update the applicant’s demographic information (e.g., address) in the ABCMS.

**What are the disqualifying offenses under the long-term care background check program?**

A long-term care facility does not disqualify an applicant. The process to disqualify an individual is done by the DPH ABCMS program staff. The law specifies the disqualifying offenses, described in 42 USC 1320a-7(a)(1), (2), (3) or (4), *e.g.*:

1. Conviction of program-related crimes—any criminal offense related to the delivery of an item or service under Medicare or a State health care program (State health care programs include Medicaid, the Title V Federal maternal and child health block grant, Title XX Federal social services block grants, and the State Children’s Health Insurance Program);
2. Conviction related to patient abuse—any criminal offense under Federal or State law relating to neglect or abuse of patients in connection with the delivery of a health care item or service;
3. Felony conviction relating to health care fraud—any felony offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program operated by or financed in whole or in part by any Federal, State, or local government agency, if the offense occurred after August 11, 1996; and
4. Felony conviction relating to a controlled substance—any felony offense under Federal or State law relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance, if the offense occurred after August 11, 1996.

Additionally, applicants are ineligible for employment under the law if the applicant possesses a substantiated finding of neglect, abuse or misappropriation of property by a state or federal agency pursuant to an investigation conducted in accordance with 42 USC 1395i-3(g)(1)(C) or 42 USC 1696r(g)(1)(C). *See* C.G.S. §19a-491c(a)(3).

Pursuant to Public Act 19-166, Section 2 (effective October 1, 2019), the definition of a disqualifying offense under Section 19a-491c(a)(3) has been amended to include “a conviction of any crime described in section 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-321, 53a-322, or 53a-323.” The additional disqualifying offenses pertain to: 1<sup>st</sup> degree, 2<sup>nd</sup> degree, or 3<sup>rd</sup> degree assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability; 2<sup>nd</sup> degree assault with a firearm of an elderly, blind, disabled, or pregnant person or a person with intellectual disability; and 1<sup>st</sup> degree, 2<sup>nd</sup> degree, or 3<sup>rd</sup> degree abuse of an elderly, blind, or disabled person or a person with intellectual disability.

**If an applicant previously was granted a waiver of a disqualifying offense, does the applicant need to be re-fingerprinted if the applicant seeks employment at a new facility?**

Yes. Even if a waiver is granted by the Department of Health, the applicant still has a disqualifying offense on the criminal record. Accordingly, new fingerprints and new waivers must be obtained for subsequent employment. Waivers apply only to a specific employment position at a specific facility.

**I have not yet received a Username and Password and need access to log in to the ABCMS. Whom do I contact?**

Each long-term care facility will designate a facility ABCMS administrator for the ABCMS. This facility ABCMS administrator may create user accounts for additional users at the long-term care facility. The facility’s administrator for the ABCMS will receive a Username and temporary Password, via an email message from the DPH ABCMS program staff. If you are the facility ABCMS administrator at your facility and did not receive this email message or if you need this message resent, please contact the ABCMS program staff.

**As a facility ABCMS administrator for the ABCMS, once I receive my Username and Password, how do I log in to ABCMS?**

1. Type the ABCMS Address into your internet browser: [www.abcms.ct.gov](http://www.abcms.ct.gov)
2. Enter your **Username** and **Password**; Click **Login**.

**As a facility ABCMS administrator for the ABCMS, how do I set up new users in my facility that should be authorized to access the ABCMS?**

As the facility ABCMS administrator, the ABCMS allows you to add, view and manage the user accounts associated with your facility.

You may add a new user to the ABCMS system by clicking **Add New User** from the **User Accounts** screen, and then entering the appropriate information and Click **Save**. For more details, please refer to the ABCMS System User's Manual.

**I received authorization from my facility ABCMS administrator to log in to the ABCMS. How do I log in to the ABCMS?**

1. Type the ABCMS Address into your internet browser: [www.abcms.ct.gov](http://www.abcms.ct.gov)
2. Your facility ABCMS administrator will assign you a **Username** and provide it to you. You will receive your initial system-generated Password via email to the email address you provide to the ABCMS.
3. Enter the **Username** and system-generated Password and click Login.
4. For first-time logins to ABCMS: you will then be prompted to choose a security question, and change and personalize your Password. Click **Submit** and you will be logged in to the ABCMS system.
5. For more details, please refer to the ABCMS System User's Manual.

**I tried to log in to the ABCMS with my Username and Password, but it doesn't work. I am getting this error message: "The Username and/or Password entered is incorrect." How do I log in?**

If you do not remember your Username, and you are not your facility's ABCMS administrator, please ask your facility's ABCMS administrator. Otherwise, please contact the ABCMS program staff.

Your Password is case sensitive. If you are using “copy and paste” to insert your system-generated Password, please do not include any spaces before or after the password.

- If you still can't log in:
  1. At **Login**: click **Forgot Password**.
  2. Enter your **Username**, then click **Next**.
  3. A new system-generated password will be sent to your email address immediately.

**If I type in the last name or Social Security Number (SSN) wrong and saved the data, should I just start a new application?**

No, please do not start a new application. The DPH ABCMS staff can modify a record to correct the information. Please email the ABCMS program staff, so that we may correct the record and you can then proceed with the application.

**Why is accurate data entry in the ABCMS so important?**

Please ensure you enter information correctly, as you cannot correct certain information if you enter it incorrectly. For example, the applicant's name as it appears in the ABCMS **MUST MATCH** the photo identification that the applicant brings to one of the designated Connecticut State Police Troop locations. Please double-check the applicant data you've entered before saving it into the ABCMS.

**Why is there no race selection for “Hispanic” in the ABCMS?**

According to federal documentation for Federal Bureau of Investigations (FBI) background check purposes, “Hispanic” is categorized as an “ethnicity” and not a “race.” Accordingly, for the purposes of the ABCMS, if a person is Hispanic, please list that applicant as “White” (as in, “White, of Hispanic Descent”).

**Where should my applicants go to get fingerprinted?**

Applicants take a Fingerprinting Authorization Form (automatically generated within the ABCMS) to one of the State Police Troops and Districts designated on the Fingerprinting Authorization Form. The listing of designated applicant fingerprint locations may be viewed on the Fingerprinting Authorization Form (Page 4). Please call ahead to troop locations for availability, as hours of operation may differ from location to location.

When calling Connecticut troop locations to inquire about the availability of fingerprinting services, please indicate that this is for a **DPH long-term care applicant** needing to be fingerprinted as a part of the **DPH long-term care** background check program.

Present the “Fingerprinting Authorization Form” to DESPP staff at time of the request, prior to fingerprinting.

**May I send applicants to my local police station to get fingerprinted?**

No. At this time, applicants may only be fingerprinted for this background check program at the designated State Police locations. These locations have enhanced fingerprint scanners specifically used for this program that are designed to expedite the successful processing and completion of the fingerprint-based background checks for your applicants.

**Once I’ve provided an applicant with the Fingerprint Authorization Form that was automatically generated through the ABCMS, how much time does the applicant have to get their fingerprints taken?**

The applicant only has **THIRTY (30) DAYS** from the Date of Authorization (printed on the top right corner of the Fingerprint Authorization form) to have his/her fingerprints collected at one of the designated Connecticut State Police Troop locations. If the applicant fails to do so, the fingerprint criminal history record search is suspended on the Date Authorization is Expired (also printed on the top right corner of the form) and the fingerprint process needs to start again.

**What forms of identification are acceptable for the applicant to bring to the fingerprint location?**

The applicant should bring the Fingerprint Authorization Form and a current, valid, government-issued photo identifications to be fingerprinted (e.g., driver’s license, state ID, military ID or passport) to the fingerprint location.

**What is the cost of the criminal history and patient abuse background searches?**

The registry checks listed within the ABCMS are free, name-based searches. These free

registry searches are conducted before any fingerprints are taken in an effort to possibly save long-term care facilities further time and expense related to the fingerprinting of applicants.

At present, the State Police charge \$15.00 for a fingerprint collection fee, \$75.00 for a State of Connecticut criminal history record search and the FBI charges \$13.25 for the national criminal history record search. Volunteer fingerprint-based criminal history record checks cost slightly (@\$2.00) less. In addition, the state's online payment processing vendor assesses a small service fee (approximately 3%) for each transaction.

**How long should I wait to contact the DPH ABCMS program on the status of an applicant's fingerprint results?**

Before contacting the DPH ABCMS program on the status of an applicant, please check the "At a Glance" table on the Home Screen of your ABCMS page. From that screen, you can monitor the status of an application and see when the applicant had his/her fingerprints taken in the "Determination in Process" queue. The "Determination in Process" queue will take you to applications that have been submitted and are awaiting the results of fingerprints.

Remember, it is important to encourage applicants to arrive at a fingerprint location promptly after receipt of the Fingerprint Authorization Form to get the fingerprinting process started (and finished) as quickly as possible.

**My applicant's fingerprint results have been pending for longer than usual. Why?**

The ABCMS has automated determinations for most applicants. Automated determinations provide greater efficiency in expediting fingerprint results. However, in some cases, requests must be manually processed or reviewed. Your facility's "At a Glance" table will provide you with the most recent status on your applicants, and you will be notified when the criminal history record check is complete.

**May I hire an applicant while I am waiting for the results of the fingerprint-based criminal history record search?**

Yes, with conditions. Under the law, once the fingerprints have been taken, you may hire the applicant on a conditional basis for not more than sixty days. In addition, the applicant must be subject to direct, on-site supervision during the course of such conditional

employment. Under the law, this 60-day period of conditional employment may be extended in certain circumstances to allow for the filing and evaluation of a waiver request. See C.G.S. §19a-491c(f)(2).

**I received a Connecticut State Police “rap sheet” that has a criminal history, but the applicant has been determined eligible for employment in the ABCMS, why?**

Pursuant to Section 19a-491c, only individuals with a disqualifying offense as identified under the law are ineligible for employment in a long-term care facility. See C.G.S. §19a-491c(e).

**Why doesn’t the ABCMS display the federal rap sheets for my applicants?**

Unfortunately, Federal law prohibits the DPH from disclosing any information obtained from federal rap sheets outside of the agency. The DPH may only review the Federal rap sheet for disqualifying offenses as identified under the law.

**Could my facility still use its current background check process (e.g., DMV check) with respect to its applicants?**

Yes, a facility may perform whatever additional background check processes at its discretion, in addition to the required searches through ABCMS.

**As an authorized user of the ABCMS for a facility, how do I get further information navigating through the ABCMS web portal?**

Please refer to the ABCMS System User’s Manual, located by clicking on the **Help** link, on the ABCMS website, [www.abcms.ct.gov](http://www.abcms.ct.gov).