

U.S. Department of Health and Human Services

Ensuring a Qualified Long-Term Care Workforce: From Pre-Employment Screens
to On-the-Job Monitoring

The Lewin Group

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(<http://aspe.hhs.gov/daltcp/reports/2006/LTCWqual.htm>)

EXCERPT

“The efficacy of nurse aide registries and criminal background checks in preventing resident abuse in nursing facilities is difficult to ascertain. Making an accurate assessment regarding the effectiveness of these practices is difficult because every state has a different process for screening and disqualifying potential workers, documenting information in their registries, tracking subsequent employment or complaint data, investigating abuse allegations, reporting relevant findings, and coordinating efforts across state entities. Extensive variation across states affects the ability to make a definitive statement about the efficacy of these strategies to ensure a qualified workforce. The in-depth examination of four states revealed that some aspects of these systems work well, but limitations exist in each state that affects the overall utility of these practices. There is, however, consensus across stakeholders in all four states that criminal background checks are a necessary element of the hiring process. The technology, coordination capabilities and infrastructure exist through on-line registries, fingerprint databases and abuse registries to help employers make the best hiring decisions possible to protect the elderly in their care. States are building on their knowledge, experience, and capabilities to streamline these processes, but there is still room for improvement while balancing the resource intensiveness of making these changes. It is clear that relying on criminal background checks and nurse aide registries are not enough to prevent or reduce abuse in nursing facilities. Ongoing training, education and supervision for workers providing direct care are also key components to maintaining a quality workforce. A summary of our overall project conclusions are provided below.

“Criminal background checks are a valuable tool for employers during the hiring process and their use does not limit the pool of potential job applicants. Stakeholders agree that conducting criminal background checks on potential employees is an important aspect of the hiring process to reduce the likelihood of hiring someone who has potential to harm residents in long-term care. There is widespread acceptance throughout the long-term care industry (similar to that of the child care industry), that this practice serves to protect vulnerable adults and ultimately prevent abuse. None of the nursing facilities

experienced any negative impact on their applicant pool as a result of this requirement. From the perspective of employers, reducing the amount of time it takes to receive background check results would improve the current system.

“A correlation exists between criminal history and incidences of abuse. Based on data we received from Arizona and Kansas, it does appear that nurse aides who had a previous criminal conviction (non-disqualifying offense) had higher rates of substantiated abuse than nurse aides without a criminal history. While this only represents the experience of two states, this analysis does provide evidence to support the rationale for checking the criminal history of potential direct care workers as a screening mechanism for quality.

“Criminal background checks are only one component of preventing abuse. Despite a connection between past criminal history and subsequent allegations of abuse, stakeholders consistently reported the following as effective strategies for preventing abuse (many of which are not formal state or industry policy): adequate supervision/monitoring, presence of managers on the floor, decreasing staff burnout, adequate staffing levels, rotating nurse aides on the floor to alleviate pressure of difficult residents, increased education and training, obtaining meaningful employment references (beyond verification of employment dates), valuing and respecting staff, creative recruitment incentives to retain committed staff, instituting a drug-free workplace policy, minimizing temporary hires, and pointing out negative behaviors in the moment and using them as a staff development opportunity.

“There are fewer policies in place that support or reinforce post-employment strategies to ensure a qualified workforce. Through this study we have discovered that there is significantly more effort and resources allocated to the pre-employment phase of ensuring a qualified long-term care workforce than the post-employment phase. The policy focus at the state and facility level is on pre-screening applicants before employment and there are structures and regulations in place that support this effort. However, once a worker is hired and working in the field, there is less guidance regarding how best to train, continuously educate and monitor existing employees. As stated before, most states have no process in place to notify employers if an active employee commits a crime that would have prohibited them from working during their background check prior to employment. In the event of employee complaints or allegations of abuse, the effectiveness of state systems often breaks down due to a lack of coordination between multiple state entities involved in the investigation and reporting process. Duplicative efforts waste state resources, prolong investigations and often keep employees out of the workforce unnecessarily”

Abt Associates

Evaluation of the Background Check Pilot Program

Final Report

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The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (PL 108-173) authorized the creation of a pilot program “to identify efficient, effective, and economical procedures” for conducting State and national background checks on prospective direct patient access employees. Seven States (Alaska, Idaho, Illinois, Michigan, Nevada, New Mexico, and Wisconsin), representing metropolitan and rural areas, as well as diverse and ethnic populations, participated in the pilot, which ran from the spring of 2006 through September, 2007. Researchers at Abt Associates and the University of Colorado at Denver and Health Sciences Center (UCDHSC), which were engaged to evaluate the pilot. Based primarily upon qualitative data, they concluded that

- *“nearly all stakeholders viewed a background check program as essential for protecting safety of vulnerable individuals and their property.”*