

APRIL 2025

KMAP GENERAL BULLETIN 25091

HCBS Background Check Policy

Effective retroactively to April 1, 2025, the Kansas Department for Aging and Disability Services (KDADS) has updated the Home and Community-Based Services (HCBS) background check policy to clarify the processes and procedures for conducting background checks. These revisions provide comprehensive guidance on background check procedures, provisional employment, and self-directing participant responsibilities.

Key Policy Enhancements and Clarifications Include:

- **Prohibited Direct Access Prior to Clearance:** Applicants may not provide direct access services to HCBS participants until they have passed a full and clear background check.
- **Defined Provisional Employment Standards:** Strict conditions now govern provisional employment, including limitations on training activities, required documentation, and mandatory termination upon adverse findings.
- **Expanded Background Check Components:** The policy now includes checks of the National Sex Offender Registry, Child and Adult Abuse, Neglect, and Exploitation registries, in addition to criminal and credential verifications.
- **Ongoing Disclosure Requirements:** Employees must promptly report arrests, convictions, and any disciplinary actions affecting licenses or certifications. Employers are required to initiate follow-up background checks when appropriate.
- **Reinforced Frequency and Documentation:** All background checks must be completed prior to an employee working independently and repeated every two years. Employers must retain proper documentation in each employee's file.
- **Procedural Clarity and Restrictions:** The policy outlines detailed, state-specific processes for conducting background checks and explicitly prohibits the use of third-party vendors.

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HCBS Background Check Policy continued

- **Self-Directing Participant Responsibilities and Flexibility:**
 - Self-directing participants are now provided with a structured decision-making process to assess candidates with criminal convictions, including documentation of rationale, risk mitigation strategies, and attestation forms.
 - Hiring is prohibited if the applicant is listed on the Office of Inspector General (OIG) Exclusion List.
 - Participants are encouraged to pursue training in understanding background checks, assessing risk, and working with risk management professionals.
- **Newly Defined Terms:** The updated policy includes definitions for key terms such as Agency-Direct, Assessing Entities, Direct Access, Direct Supervision, and Self-Directing, providing greater clarity for all entities/individuals involved.

For full policy details and guidance, please refer to the General Policies found on the HCBS Policies page of the Kansas Department for Aging and Disability Services (KDADS) website: [KDADS HCBS Policies](#).

Note: The effective date of the policy is April 1, 2025. The implementation of State policy by the KanCare Managed Care Organizations (MCOs) may vary from the date noted in the Kansas Medical Assistance Program (KMAP) bulletins. The **KanCare Open Claims Resolution Log** on the KMAP [Bulletins](#) page documents the MCO system status for policy implementation and any associated reprocessing completion dates once the policy is implemented.

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