



COLORADO
Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

CDASS Background Check Exception, Conditional Hire, and Clarification Process

CDASS Background Check Exception Request Process

Listed below is the exception process that enables you, the CDASS Employer of Record, to make the final hiring decision regarding a prospective attendant who has been found initially ineligible for hire.

To request an exception to hire an individual of your choosing, you must complete the CDASS Background Check Exception Request Form

(<https://sites.google.com/state.co.us/cdassexception>).

It requires you provide:

1. Confirmation that you have received and reviewed the individual's Criminal Background Check (CBC) report.
2. Confirmation that you understand why the individual was initially ineligible for hire.
3. Your request to hire the individual and acceptance of any health and/or safety risks to the CDASS member.
4. A copy of your signed Acceptance of Responsibility form (AOR) provided by your FMS.
5. A copy of the individual's CBC report.

Note: An exception cannot be requested for revoked, suspended or denied nursing license or nurse aide certification discovered through the Board of Nursing checks because it is statutorily prohibited. Prospective attendants who fail the Board of Nursing check are not eligible for hire.

CDASS Background Check Conditional Hire Process

Listed below is the process that enables you, the CDASS Employer of Record, to hire a prospective attendant temporarily until conditions you determine are met.

To request an exception to conditionally hire an individual of your choosing, you must complete the CDASS Background Check Exception Request Form.

It requires you provide:

1. Confirmation that you have received and reviewed the individual's CBC report.
2. Confirmation that you understand why the individual was initially ineligible for hire.

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3. The requirements you have determined the individual must follow in order to be hired permanently.
 - If you request they clarify their CBC report due to missing disposition (guilty, not guilty, dismissed, etc.) and/or crime class (felony, misdemeanor) information regarding a "high risk" crime, please see the CBC Clarification process.
4. Your request to conditionally hire the individual and acceptance of any health and/or safety risks to the CDASS member.
5. Agreement to the Department's conditional hire policies.
6. A copy of your signed Acceptance of Responsibility form (AOR) provided by your FMS.
7. A copy of the individual's CBC report.

Colorado Criminal Background Check (CBC) Clarification Process

If a prospective attendant's CBC report is missing disposition (guilty, not guilty, dismissed, etc.) and/or crime class (felony, misdemeanor) information for any of the crime/s listed on the *Background Check Crimes of High Risk: CDASS Employer Hiring Guide* (visit <https://hcpf.colorado.gov/participant-directed-programs> for this document), the CDASS employer may request the individual clarify their record before they are permanently or conditionally hired.

To clarify a CBC report, the following steps should be followed by the prospective attendant. The CDASS employer must communicate this process to the individual.

1. Contact the presiding district and/or county court to request the applicable court documentation for the crime/s on the CBC that are incomplete or incorrect. If a disposition has been purged, the presiding district and/or county court can provide a letter stating the disposition was purged.
2. Send the documentation to the Colorado Bureau of Investigation (CBI) Disposition Unit:
 1. Fax to 303-239-4405, or email to cdps_cbi_ident_seal@state.co.us
 2. Write "Attn: Dispos." and a call back number or email address for CBI to contact when the CBC report has been updated.

If documentation appropriately clarifies the charge/s, CBI will update the report within 1-2 business days (on average) to include the updated information.

3. The prospective attendant or CDASS employer must notify the FMS that the updated CBC report is available to rerun.



The FMS will reassess eligibility based on the rerun report. If the rerun report shows the individual is ineligible for hire, then the CDASS employer may request an exception to permanently hire the individual. If the report remains unclear, the CDASS employer may still request an exception or extend the conditional hire time frame an additional thirty (30) calendar days.

CDASS employers and prospective attendants can call CBI at (303) 239-4201 for help understanding a CBC report.

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