



OPERATIONAL MEMO

Title: Personnel Screening Requirements for Eligibility Staff	Topic: County Staffing
Audience: County Departments of Human/Social Services and Eligibility Sites	Sub-Topic: Personnel Screening and System Access
Supersedes Number: N/A	Division: Partner Relations and Administration
Effective Date: May 21, 2024	Office: Policy, Communication & Administration
Expiration Date: May 21, 2026	Program Area: County Administration
Key Words: Background Check, Personnel Screening, Hiring, Eligibility Staff, CBMS Access	
Legal Authority: Federal Information Security Modernization Act (FISMA) of 2014 and 20 CFR § 401.30 and the Social Security Administration’s Electronic Information Exchange Security Requirements and Procedures for state and local agencies Exchanging Information with the Social Security Administration (IEA) and Computer Matching and Privacy Protection Agreements (CMPPA)	
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Approved By: Rachel Reiter	

HCPF Memo Series can be accessed online: <https://www.colorado.gov/hcpf/memo-series>

Purpose and Audience:

The purpose of this Operational Memo is to inform County Departments of Human/Social Services and Medical Assistance and Eligibility Application Partner Sites (“Eligibility Sites”) of the obligation to conduct personnel screenings on staff to ensure compliance with federal regulations. This sub-regulatory guidance requires counties and eligibility sites to conduct criminal history background checks on their staff who will have access to Colorado Benefits Management System (CBMS).

Information:

Per 10 CCR 2505-5 1.020.4.4, statewide systems data used by counties and eligibility sites shall be protected at a minimum according to the Colorado Information Security Policies as determined by the Chief Information Security Officer in the Governor's Office of Information Technology or a higher federal standard, if applicable.

As a result of a Social Security Administration (SSA) audit, Health Care Policy and Financing (HCPF) must implement adequate internal controls for access to CBMS. These controls must include personnel screening of staff who have access to CBMS and member confidential information. The personnel screening must be conducted by the Eligibility Site; the Eligibility Site must complete a criminal background check on all eligibility staff who have access to CBMS (including read-only access) prior to access being granted to CBMS.

Action To Be Taken:

Eligibility Sites are required to create documented internal controls that include a process to conduct personnel screenings prior to granting CBMS access. Some Eligibility Sites may need to work with their internal human resources or hiring teams to create these internal controls. Those personnel screenings must include criminal background checks on all staff with access to CBMS; this includes existing and ongoing staff whose tenure precedes this memo's issuance.

This internal control (policy) should include specific steps hiring teams must follow when they conduct background checks, including lookback period and elements that will disqualify an applicant. The policy must include, at minimum, a name-based Colorado Bureau of Investigation (CBI) criminal check. The CMS exclusionary list must also be reviewed and is linked below; finally, a review of the List of Excluded Individuals/Entities (LEIE) must be included in the procedure. All internal controls must follow all State and Federal Employment Laws. Eligibility Sites are encouraged to select a trusted screening provider to conduct criminal background checks.

From the publication date of this memo all newly hired staff must have a background check completed prior to completing CBMS certification training and requesting access to CBMS.

For staff hired prior to this memo publication, the Eligibility Site is required to review their Human Resources employee records to check if a criminal background check was completed.

- a. If yes, and the employee was hired as passing the background check, this employee is okay to continue to with CBMS access.

- b. If no, the Eligibility Site has 12 months from memo issuance to complete the necessary background checks. The employee may continue with CBMS access until the background check is completed.

Non-Compliance with Background Check Requirements

HCPF staff responsible for oversight activities may review employment screenings, documented internal controls, written policies, and other related records during the Eligibility Site's Management Evaluation (ME) or during other necessary Desk Reviews. Findings of non-compliance may result in the issuance of a Management Decision Letter (MDL). The MDL acts as a formal non-compliance notice and will require the eligibility site to address the root cause of non-compliance and correct internal procedures to prevent future non-compliance. If an eligibility site is selected for a Desk Review of personnel screenings, hiring practices, access procedures or other related actions subject to review, the Eligibility Site will be notified of selection.

Definition(s):

Background Check: a set of required records that are obtained and analyzed to determine whether the individual meets legal and safety criteria when considering employment and system access.

Desk Review: HCPF's non-compliance and gap analysis review that complies with regulatory requirements as set forth in HCPF's administration regulation (rule), sub-regulatory guidance, HCPF Memo Series, training, and contracted program requirements. A Desk Review may review any aspect of the Eligibility Site's administration of the medical assistance program.

Eligibility Site(s): defined in 10 CCR 2505-10 8.100. This includes county departments of human/social services (counties), Medical Assistance (MA) Sites and Eligibility Application Partner (EAP) Sites.

Internal Controls: documented processes and procedures designed to provide reasonable assurance of compliance with applicable laws, rules, regulations, contracts, policies or procedures.

Management Evaluation (ME) Review: HCPF's non-compliance review program to evaluate eligibility sites' compliance with rules and guidance governing the administration of medical assistance programs.

Personnel Screening: analysis of a person employed in an organization based on specific criteria established.

Attachment(s):

<https://exclusions.oig.hhs.gov/>

<https://oig.hhs.gov/exclusions/index.asp>

https://oig.hhs.gov/exclusions/exclusions_list.asp

Template Policy

HCPF Contact:

County Relations Team

<https://hcpfcc.my.salesforce-sites.com/HCPFCountyRelations>