

Note: This document is several pages long and contains important information regarding your rights during a background check; [what is potentially disqualifying](#), how a decision is made, and possible outcomes.

This document contains links to further information online which can still be used if you save this document. If you print this document, all links to online information are written out on the last pages.

### **SUBJECT INDIVIDUAL AUTHORIZATION STATEMENT FOR BACKGROUND CHECK**

**You, as the subject individual, are authorizing the following:**

My submission of this background check authorizes the Background Check Unit (BCU), serving the Oregon Department of Human Services (ODHS) and the Oregon Health Authority (OHA), to initiate a criminal records check, which may include a national criminal records check requiring fingerprints, and to receive the results from Oregon State Police and the FBI.

My submission of this background check authorizes BCU to conduct an adult abuse check on me. If required by my position (any ODHS provider, a personal support worker for OHA, or an OHA provider with direct contact with children), my submission of the background check authorizes BCU to conduct a child abuse check on me. Any information from these abuse checks may be shared with the licensing authority associated with this application.

My submission of this background check authorizes BCU to request and receive any juvenile, police, court or investigation reports needed to complete this background check. In the event BCU discovers potentially disqualifying convictions or conditions, including abuse, BCU may notify me at the address, phone number, or email I have given to request additional information.

My submission of this background check authorizes BCU to release information given in this background check request or position information to any criminal justice agency or investigative body as needed for investigation, outstanding warrants or supervision requirements.

**I authorize BCU to process this background check request. This authorization covers this background check application and any subsequent applications connected to it to allow for portability. I certify that all statements I make regarding this background check are currently accurate. I understand that I need to disclose any new potentially disqualifying criminal history or abuse history that occurs after I provide authorization for this background check and while the background check is still pending. I understand that in the event of changes, I need to provide any updates to my personal information (name, address, contact information), to BCU, while this background check is still pending. I understand that if I provide false or incomplete information for this background check, my application may be closed or I may be denied the position this background check is for. I understand that information and documents collected for this background check may be used in subsequent fitness determinations.**

## SUBJECT INDIVIDUAL RIGHTS AND NOTIFICATIONS REGARDING THE BACKGROUND CHECK

As an applicant who may be the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, a placement as a volunteer in a facility), you have certain rights. The Background Check Unit (BCU), serving the Oregon Department of Human Services (ODHS) and the Oregon Health Authority, must provide you with certain notifications.

You are having this background check through BCU to determine your suitability to hold a certain position regarding the care or services to vulnerable individuals.

**Authority** — BCU is authorized by state law to complete background checks on subject individuals (SIs) who work, volunteer or live with individuals who are vulnerable to abuse (ORS [181A.195](#), [181A.200](#), [181A.215](#), [409.027](#), and [413.036](#); OAR [125-007-0200 to 125-007-0330](#), [407-007-0200 to 407-007-0370](#), and [943-007-000 to 943-007-0501](#)). Vulnerable individuals include children, seniors and individuals with physical disabilities, developmental disabilities or mental illness. A check may be required even if you do not have direct contact with vulnerable individuals.

Depending on the position for which you are having the background check, there may also be federal authority for the background check under one of the following. Please check with your employer or placement contact to see if you are subject to these:

- [42USC 1320a – 7\(a\)](#) - Exclusion of certain individuals and entities from participation in Medicare and state health programs. Requires certain mandatory exclusions based on convictions involving abuse or fraud. If you are subject to a check of the [Office of the Inspector General's \(OIG\) Exclusion list](#), this federal law applies to you.
- [42USC 12645g](#) - Criminal history checks under the National and Community Service State Grant Program, requiring mandatory exclusions for certain volunteers meeting specific criteria. If your position or placement is funded or granted under the National Community and Services Act, this federal law applies to you.

**Providing Social Security number is voluntary** — Providing your Social Security Number (SSN) for this background check is voluntary. BCU is requesting it under the authority of the federal and state codes and statutes listed in this document to complete the background check. If you provide your SSN, BCU uses it as a unique identifier to help confirm your identity if there are other individuals with the same name and date of birth. ORCHARDS will also keep all your background check records collected under your SSN which may speed the background check process and also allow background check portability and immediate hirability for some positions.

**Placement during background check** — Oregon Administrative Rules (OAR), Oregon statutes, or federal directives determine if you can work or hold the position prior to the completion of the background check. If allowed to hold the position, you may be required to be under active supervision ([OAR 407-007-0315](#)). Prior to the completion of the background check, BCU may revoke your ability to hold the position if BCU finds potentially disqualifying crimes or conditions which may indicate risk to vulnerable individuals.

**Sources checked** — BCU checks information from the Oregon Driver and Motor Vehicle Services Division, Oregon Department of Corrections, and Oregon State Police. BCU may use information from other criminal justice, corrections and law enforcement agencies and other state and local government agencies, including the Federal Bureau of Investigation (FBI) and local, state and federal courts. If required for this background check, your fingerprints will be used to check the criminal history records held by the FBI.

For abuse checks, BCU may check information from the ODHS Office of Training, Investigations, and Safety; the ODHS Office of Safety, Oversight and Quality; the ODHS Central Abuse Management system; and the ODHS child abuse system, ORKids. BCU may also check information through local, state, and federal courts.

BCU shall use the information received only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

**FBI Privacy act statement** – You may be subject to a fingerprint-based criminal records check for this application. The following information is a required statement regarding fingerprinting. This privacy act statement is also located on the back of the [FD-258 fingerprint card](#).

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under [28USC 534](#). Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Please note: Oregon has statutes in place that require the destruction of fingerprint cards or capture. See [ORS 181A.195](#).

**Challenging criminal information** — You have the right to challenge your criminal record if you believe it is not correct. If BCU has completed a fingerprint-based national background check on you, you may request a copy of the national FBI report from BCU. Alternatively, if you want to obtain a copy of your record, or challenge information in the record, you must contact:

- The Oregon State Police, 503-378-3070, extension 330 or Oregon State Police, Identification Services Section, 3565 Trelstad Ave SE, Salem, OR 97317 (for Oregon criminal records); [OAR 257-010-0035](#) provides further information on obtaining and challenging your Oregon Record.
- The FBI, following the instructions of the [FBI Identity History Summary Checks website](#) (for national criminal records). The procedure for obtaining a change, correction, or updating an FBI record are set forth in [Title 28 CFR 16.34](#).

You have the right to a reasonable amount of time to confirm the accuracy or completeness of your criminal records, or decline to do so, before you are denied for the position that is the reason for the background check. Depending on your previous contacts with law enforcement and courts, you may need to contact several sources to find your complete criminal records. Contact information for law enforcement and courts is available online using search engines.

**Challenging abuse information** — At the time of the abuse outcome, you may have been given notification of the outcome and any due process rights, such as appeal or hearing rights. To determine if you have any rights to challenge abuse information, you must go to the originating agency where the abuse was investigated for more guidance.

The following information gives you details about the background check. Please review this information.

## SUBJECT INDIVIDUAL FURTHER INFORMATION REGARDING THE BACKGROUND CHECK

**What is potentially disqualifying** — Review the detailed information in the links: [Potentially Disqualifying Criminal List](#) and the [Potentially Disqualifying Abuse List](#). In general, the following are potentially disqualifying:

- All criminal convictions depending on how long ago. Details about how long a conviction is considered potentially disqualifying (permanently, ten years, or less) are in BCU's administrative rules ([OAR 407-007-0281](#)).
- Other current or recent criminal actions, including but not limited to sex offender registration, parole or probation, parole or probation violations, etc., if associated with any potentially disqualifying conviction ([OAR 407-007-0290](#)).
- Adult protective services history of neglect, physical or sexual abuse or financial exploitation assessed on or after Jan. 1, 2010 for which you were found to be responsible, based on severity ([OAR 407-007-0290\(11\)](#)).
- Child protective services history held or received ODHS, regardless of the type of abuse or the date of the initial report for which you were found to be responsible ([OAR 407-007-0290\(11\)](#)).

Review the Department of Administrative Services (DAS) and the ODHS and OHA Provider background check rules available at [Background Check Unit website, Rules and Policy page](#).

If BCU finds any potentially disqualifying convictions or conditions, it will conduct a weighing test to make a final fitness determination. This [weighing test flyer](#) gives you details about the weighing test. When you disclose any potentially disqualifying convictions or conditions for this background check, you will also find additional documents to help you provide information BCU can use in the weighing test. Please save or print out these documents for your reference. You also have the opportunity to upload or email documents regarding your disclosures.

**Possible outcome of your background check** – The background check can have one of the following outcomes:

- **Approved:** Your background check is approved for the position this background check is for. An approval does not guarantee employment or placement.
- **Approved with restrictions:** Your background check is approved for the position this background check is for, but you are restricted to a specific client, a specific work site or a set of duties. This decision may be appealed. A restricted approval does not guarantee employment or placement.
- **Denied:** Based on the background check, you are denied. You may not hold the position this background check is for, and you must be terminated immediately. This decision may be appealed, but you may not hold the position during the appeal.
- **Ineligible:** If you have any convictions or conditions that would make you subject to a federal exclusion (*for example, positions subject to the Centers for Medicare and Medicaid Services [CMS], etc.*), BCU will issue you a notice and you may not hold the position this background check is for and must be terminated immediately. You may have hearing rights if allowed under federal law. More details are available at the following links:
  - The National Community and Services Act, available in the Code of Federal Regulations, [Part 2540 Subpart B](#) (specifically eligibility in [Section 2540.202](#)).
  - Centers for Medicaid and Medicare Services (CMS) exclusions, available in the United States Code, [42 USC 1320a-7](#).
  - BCU Provider rules (see specifically [OAR 407-007-0279\(1 and 2\)](#)).
- **Case closed:** If you do not provide a complete and accurate disclosure of your criminal history or you do not cooperate with this background check process, your application may be closed without a final decision. There are no appeal rights, but you may be able to reapply immediately.

If you have questions or need this form in large print or in a different format, contact the agency for which you are completing this background check.



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LINKS USED IN THIS DOCUMENT

ORS [181A.195, 181A.200, 181A.215](#):

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors181A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181A.html)

ORS [409.027](#): [https://www.oregonlegislature.gov/bills\\_laws/ors/ors409.html](https://www.oregonlegislature.gov/bills_laws/ors/ors409.html)

ORS [413.036](#): [https://www.oregonlegislature.gov/bills\\_laws/ors/ors413.html](https://www.oregonlegislature.gov/bills_laws/ors/ors413.html)

OAR [125-007-0200 to 125-007-0330](#):

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=227>

OAR [407-007-0200 to 407-007-0370](#):

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1626>

OAR [943-007-000 to 943-007-0501](#):

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4201>

[42USC 1320a – 7\(a\)](#): <https://www.govinfo.gov/app/details/USCODE-2021-title42/USCODE-2021-title42-chap7-subchapXI-partA-sec1320a-7>

Office of the Inspector General's (OIG) Exclusion list: <https://exclusions.oig.hhs.gov/>

[42USC 12645g](#): <https://www.govinfo.gov/app/details/USCODE-2021-title42/USCODE-2021-title42-chap129-subchapl-divsnF-sec12645g>

OAR [407-007-0315](#):

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=284407>

FD-258 fingerprint card: <https://www.fbi.gov/file-repository/identity-history-summary-request-fd-258-110120/view>

[28USC 534](#): <https://www.govinfo.gov/app/details/USCODE-2021-title28/USCODE-2021-title28-partII-chap33-sec534>

ORS [181A.195](#): [https://www.oregonlegislature.gov/bills\\_laws/ors/ors181A.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181A.html)

OAR [257-010-0035](#):

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280197>

FBI Identity History Summary Checks website: <https://www.edo.cjis.gov/#/>

Title 28 CFR 16.34: <https://www.ecfr.gov/current/title-28/chapter-I/part-16/subpart-C>

Potentially Disqualifying Criminal List: <https://www.oregon.gov/odhs/background-checks/Documents/pdq-criminal-tier-3.pdf>

Potentially Disqualifying Abuse List: <https://www.oregon.gov/odhs/background-checks/Documents/pdq-abuse-provider.pdf>

OAR 407-007-0281: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=287263>

OAR 407-007-0290: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=284293>

Background Check Unit website, Rules and Policy page: <https://www.oregon.gov/odhs/background-checks/Pages/Policy-Rules.aspx>

weighing test flyer: <https://www.oregon.gov/odhs/background-checks/Documents/bcu-weighing-test-providers.pdf>

Part 2540 Subpart B: <https://www.ecfr.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B>

Section 2540.202: <https://www.ecfr.gov/current/title-45/subtitle-B/chapter-XXV/part-2540/subpart-B/section-2540.202>

42 USC 1320a-7: <https://www.govinfo.gov/app/details/USCODE-2021-title42/USCODE-2021-title42-chap7-subchapXI-partA-sec1320a-7>

OAR 407-007-0279(1): <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=284291>