

EMPLOYER VERIFICATION ACCEPTANCE OF RESPONSIBILITY **CRIMINAL HISTORY BACKGROUND CHECK**

The consumer who chooses to be the employer of attendants is required to have criminal history background check performed during the hiring process. Conducting a criminal history background check and its cost is the responsibility of PALCO, not the employer. The employer will be informed of the background check results by PALCO. An employer may choose to hire an attendant who has a criminal history; however, doing this may put the client's health and safety at greater risk.

Colorado Consumer-Directed Attendant Support Services (CDASS) High-Risk Crimes

In Colorado, if an individual has been found guilty of any of the crimes listed on the "CDASS Background Check Crimes of High Risk: Employer Hiring Guide", that individual will not be eligible for hire as a CDASS attendant. An individual will also be ineligible for hire if their background check report does not contain a disposition, crime class, or offense date for any high-risk crime. In certain cases, the CDASS employer may request an exception from the Department of Health Care Policy & Financing (HCPF) to hire this individual. Please review the attached CDASS Background Check Crimes of High Risk: Employer Hiring Guide for a list of the high-risk crimes and exception requirements.

Employer Selection of Criminal History Background Check Option

I have read the above policy and I understand that a criminal history background record check on all attendants is mandatory.

I understand that I may choose to hire an attendant who has a criminal history.

I have been informed of my employer responsibilities to employ quality and safe attendants and I accept responsibility for my decision should I choose to hire an attendant with a criminal history.

Employer Acceptance of Responsibility for Employment

As the employer, I have the right to choose to hire an attendant with a criminal record. In doing so, I accept responsibility for my decision and potential consequences of my decision.

I choose to hire the below named Attendant.

Attendant Name

Case ID#

Consumer Name

Case ID#

Authorized Representative (AR), if applicable

Case ID#

Consumer or AR (if applicable) Signature

Date

Please return this form to Palco via email: enrollment@palcofirst.com or via fax to 1.877.859.8757.



CDASS Background Check Crimes of High Risk: Employer Hiring Guide

Effective March 2023

Any individual interested in working as a Consumer-Directed Attendant Support Services (CDASS) attendant is required to undergo a criminal background check through the Colorado Bureau of Investigation (CBI). The Financial Management Services (FMS) contractors conduct this check and will report the results to the CDASS employer (member or their Authorized Representative) and prospective attendant.

A prospective attendant will not be found initially eligible for hire by the FMS if their CBI Colorado Criminal Background Check (CBC) report shows they have been found guilty of any of the crimes within the specified time frames listed below. An individual will also be found initially ineligible if their report does not contain disposition, crime class, or offense date information. A CDASS employer may request the individual clarify their record through CBI if this information is missing from a report. The steps to clarify a CBC report can be found on the Participant Directed Programs webpage (hcpf.colorado.gov/participant-directed-programs) under Attendant Background Checks.

A CDASS employer may request an exception from Participant Directed Programs (PDP) to hire an individual initially found ineligible. CDASS employers must complete the CDASS Background Check Exception Request Form (sites.google.com/state.co.us/CDASSException) or contact PDP at 303-866-5638 to make a request. Exception requests are approved based on employers completing the process and creating a safety plan that is actionable. Not all requests are guaranteed to be approved if these criteria are not met.

| High-Risk Crimes | Not initially eligible for hire | Eligible for hire with an exception | Exception requirement | No exception allowed |
|---|---------------------------------|-------------------------------------|--------------------------------------|----------------------|
| Felony Drug Offenses ⁱ | ✓ | ✓ | Conviction must be 3 years or older | |
| Felony Fraud ⁱⁱ within the last 5 years | ✓ | ✓ | Conviction must be 5 years or older | |
| Felony Theft ⁱⁱⁱ | ✓ | ✓ | Conviction must be 5 years or older | |
| Abduction / Kidnapping ^{iv} | ✓ | ✓ | Conviction must be 10 years or older | |
| Hate Crimes ^v within the last 10 years | ✓ | ✓ | Conviction must be 10 years or older | |
| Felony Arson ^{vi} within the last 10 years | ✓ | ✓ | Conviction must be 10 years or older | |
| Neglect or Abuse by a Caregiver ^{vii} | ✓ | ✓ | Conviction must be 10 years or older | |



| | | | | |
|--|---|---|---|---|
| Any Violent Felony ^{viii} | ✓ | ✓ | Conviction must be 20 years or older | |
| Child or At-Risk Person Abuse, Neglect, or Exploitation ^{ix} | ✓ | ✓ | Misdemeanor conviction must be 10 years or older. Felony conviction must be 20 years or older | |
| Crimes Against a Child or At-Risk Person that Causes Harm ^x | ✓ | ✓ | Misdemeanor conviction must be 10 years or older. Felony conviction must be 20 years or older | |
| Felony Involving an Act of Domestic Violence ^{xi} | ✓ | ✓ | Conviction must be 20 years or older | |
| Sexual Offenses ^{xii} | ✓ | ✓ | Conviction must be a misdemeanor | |
| Health Care Fraud ^{xiii} | ✓ | | | ✓ |
| Purchase or Sale of a Child ^{xiv} | ✓ | | | ✓ |
| Sexual Exploitation Against a Child or At-Risk Person ^{xv} | ✓ | | | ✓ |
| Murder / Homicide ^{xvi} | ✓ | | | ✓ |

Resources related to assessing background checks reports and the best practices for hiring individuals with criminal histories are available to CDASS employers through the Training and Operations contractor. Contractor contact information can be found on the Participant Directed Program [webpage](#).

Questions related to this document or CDASS background check exception process should be directed to:

Participant Directed Programs Unit
Office of Community Living
HCPF_PDP@state.co.us
Phone: 303-866-5638 | Fax: 303-866-2786

-
- ⁱ C.R.S. Title 18, Art. 18, Pt. 4
 - ⁱⁱ C.R.S. Title 18, Art. 5
 - ⁱⁱⁱ C.R.S. Title 18, Art. 4, Pt. 4
 - ^{iv} C.R.S. Title 18, Art. 3, Pt. 3
 - ^v C.R.S. Title 18, Art. 9, Pt. 1-121
 - ^{vi} C.R.S. Title 18, Art. 4, Pt. 1
 - ^{vii} C.R.S. Title 18, Art. 6.5
 - ^{viii} C.R.S. Title 18, Art. 3, Pt. 2
 - ^{ix} C.R.S. Title 18, Art. 6, Pt. 4, C.R.S. Title 18, Art. 6.5
 - ^x C.R.S. Title 18, Art. 6, Pt. 4, C.R.S. Title 18, Art. 6.5
 - ^{xi} C.R.S. Title 18, Art. 6, Pt. 8
 - ^{xii} C.R.S. Title 18, Art. 3, Pt. 4
 - ^{xiii} C.R.S. Title 24, Art. 31, Pt. 8
 - ^{xiv} C.R.S. Title 18, Art. 6, Pt. 4
 - ^{xv} C.R.S. Title 18, Art. 6, Pt. 4, C.R.S. Title 18, Art. 6.5
 - ^{xvi} C.R.S. Title 18, Art. 3, Pt. 1

