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Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

August 1, 2019

Dear Licensee,

Please read the following information related to the out-of-state background check implementation. This is the same information emailed to you previously from your local licensing surveyor.

### **Who is Required to be Submitted for Out-of-State Background Checks?**

Out-of-state background checks are required per the 2014 Federal Childcare Reauthorization Bill. The rule requires the Kansas Department of Health and Environment (KDHE) to run out-of-state background checks for any new or existing affiliate whose role requires a comprehensive background check, including fingerprints, and has lived in a state other than Kansas in the past 5 years. An out-of-state background check in each state of residence is required.

The out-of-state background check consists of two requirements: state child abuse neglect registry and state criminal background check.

It is the responsibility of the licensee to submit the name of any individual who has lived in any state other than Kansas in the last five years. The information may be submitted on the paper background check form, CCL.002 - *revision 07/2019* or online through the Provider Access Portal at: <https://claris.kdhe.state.ks.us:8443/claris/public/publicAccess.3mv>

All fees charged by other states for background checks will be paid by KDHE.

The individual submitted for the out-of-state background check will be contacted by the KDHE Legal Department. KDHE legal staff will provide the individual the documents that are required for the out-of-state request(s).

**DISREGARD IF YOU DO NOT HAVE CURRENT AFFILIATES THAT HAVE LIVED IN ANOTHER STATE IN THE PAST 5 YEARS OR IF YOU HAVE ALREADY SUBMITTED THE OUT-OF-STATE INFORMATION THROUGH THE PROVIDER ACCESS PORTAL.**

### **When can an affiliate work unsupervised?**

#### **New Affiliates**

Any individual who has lived in another state and is added to the facility *on or after* August 1, 2019 may not work unsupervised until the required in-state and out-of-state clearances have been issued. The individual may work *\*provisionally\** after the fingerprint card, waiver and payment for Kansas and FBI fingerprints have been received by KDHE Child Care Licensing.

*\*Authorization to work provisionally means that the individual is working under the direct supervision/direct line of sight of an individual who has cleared the required background checks.*

**Affiliates Added Prior To the August 1, 2019 Out-of-State Background Check Implementation**

- Any individual who was affiliated prior to December 1, 2018 and has not been submitted for a comprehensive background check (ex. August Renewal) and has lived in any other state besides Kansas in the past five years must be submitted for the out-of-state background checks but may continue to work unsupervised.
- Any individual who was added on or after December 1, 2018 and has cleared in-state background check and has lived in any other state besides Kansas in the past five years must be submitted for the out-of-state background checks but may continue to work unsupervised.
- Any individual currently working provisionally will not be granted unsupervised access to children in care until the in-state and out-of-state clearances have been issued.

**Please contact your local licensing surveyor with any questions you may have.**

Regards,

A handwritten signature in black ink that reads "L Steelman". The signature is written in a cursive style with a large initial "L" and a long, sweeping underline.

Lorrena Steelman  
Program Director  
Child Care Licensing  
Bureau of Family Health