

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

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2012 AUG 31 AM 11:35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Bureau of Senior Services TITLE NUMBER: 76

CITE AUTHORITY: 16-5P-15(c)

AMENDMENT TO AN EXISTING RULE: YES NO

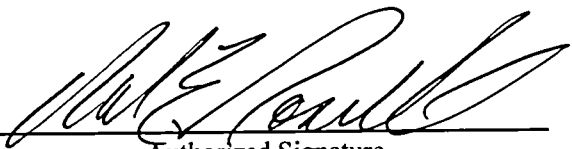
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: In-Home Care Worker Registry

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature



**STATE OF WEST VIRGINIA
BUREAU OF SENIOR SERVICES**

1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0160
Telephone (304) 558-3317
FAX (304) 558-5609
www.wvseniorservices.gov

Earl Ray Tomblin
Governor

Robert E. Roswall
Commissioner

August 31, 2012

Ms. Judy Cooper, Manager
Administrative Law Division
WV Secretary of State
Capitol Complex, Building 1, Room 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305

Dear Ms. Cooper:

The West Virginia Bureau of Senior Services is hereby filing Notice of Agency Approval of a Proposed Rule and Filing with the Legislative Rule-making Review Committee for the In-Home Care Worker Registry. Enclosed are the Notice of Agency Approval of the Proposed Rule, the Fiscal Note for Proposed Rules, the Summary, the Legislative Rulemaking Questionnaire, copies of all comment letters, copy of all comments and responses and fifteen copies of the final rule that reflects changes.

Thank you for your assistance in this matter. If you have any questions or need additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "R. E. Roswall", written over a white background.

Robert E. Roswall
Commissioner

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2012 AUG 31 AM 11:35

OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE

**TITLE 76
INTERPRETIVE RULE
WEST VIRGINIA BUREAU OF SENIOR SERVICES**

**SERIES 2
IN-HOME CARE WORKER REGISTRY**

§76-2-1. General

- 1.1. Scope. – The registry shall provide the public a list of in-home care workers, along with their qualifications, who voluntarily agree to be included and who have completed a criminal background check.
- 1.2. Authority. – W. Va. Code §16-5P-1 et. seq.
- 1.3. Filing Date. –
- 1.4. Effective Date. –

§76-2-2. Application

- 2.1. The Commissioner shall list qualified applicants, who meet the requirements of W. Va. Code §16-5P-1 and this rule, in a central registry.

§76-2-3. Definitions

- 3.1. “Applicant” means a person making application to be included on the registry.
- 3.2. “Commissioner” means the Commissioner of the Bureau of Senior Services or his or her designee.
- 3.3. “In-home care worker” means an unlicensed person who provides personal care or other services and supports to persons with disabilities or to the elderly in order to enhance their well-being and which involves face-to face direct contact with the person. Functions performed may include but are not limited to assistance and training in activities of daily living, personal care services, and job-related supports.
- 3.4. “Registry” means a list maintained for the collection of information.
- 3.5. “Registrant” means an applicant who has passed the application phase and supplied all necessary information.

§76-2-4. Registry Requirements

- 4.1. An applicant for listing on the registry of in-home care workers shall be 18 years old or older and shall submit an application to the Commissioner containing the following:
 - 4.1.a. Last name, first name, and middle initial;
 - 4.1.b. Permanent address;
 - 4.1.c. Previous address, if not a West Virginia resident for 12 months or longer from the date the application is submitted to the Commissioner;

76CSR2

- 4.1.d. Contact information
- 4.1.e. Birth date;
- 4.1.f. Valid Driver's License, if available;
- 4.1.g. Proof of completed West Virginia State Police background check and completed Federal background check.
- 4.1.h. Proof of Adult Protective Services Abuse Registry check;
- 4.1.i. Proof of completed CPR and first aid training;
- 4.1.j. Proof of education level and certification attained;
- 4.1.k. West Virginia Business Registration Number, if applicable;
- 4.1.l. Geographical areas where services could be provided;
- 4.1.m. Registrant's availability;
- 4.1.n. Education/certification;
- 4.1.o. Proposed hourly fee or wage for services;
- 4.1.p. Types of services and specialized fields of service, i.e., Dementia, Autism, Alzheimer's;
- 4.1.q. Employment preferences such as smoking/non-smoking, male or female, weekdays, evenings, etc.;
- 4.1.r. Other requirements as may be specified on the application; and
- 4.1.s. Applicable registration fee;
- 4.2. The Commissioner shall include a note to the applicant concerning privacy issues and the registry with the application.
- 4.3. Applications may be submitted via a secure Web application.
- 4.4. The Commissioner shall review the application for completion and post the information to the registry within 15 calendar days. If the application is not complete, the Commissioner shall notify the applicant within 10 calendar days that his or her application is not complete and will not be posted to the registry until the omitted information is provided.

§76-2-5. Registry

- 5.1. The Commissioner shall maintain a registry on its website which shall provide the public with the following registrant information:
 - 5.1.a. Last name, first name, and middle initial;
 - 5.1.b. Contact information for employment purposes;

76CSR2

- 5.1.c. Gender;
- 5.1.d. Age range;
- 5.1.e. Criminal background check completion and a positive or negative notation indicating the results;
- 5.1.f. Date the criminal background check was completed;
- 5.1.g. Abuse Registry check completion and a positive or negative notation indicating the results;
- 5.1.h. West Virginia Business Registration Number, if applicable;
- 5.1.i. Geographical areas where service could be provided;
- 5.1.j. Registrant's availability;
- 5.1.k. Education/certification;
- 5.1.l. Valid Driver's License; Yes _____ No _____;
- 5.1.m. Proposed hourly fee or wage for services;
- 5.1.n. Types of services and specialized fields of service, i.e., Dementia, Autism, Alzheimer's;
- 5.1.o. Employment preferences such as smoking/non-smoking, male or female, week days only, days, weekends etc.; and
- 5.1.p. Other information the Commissioner finds necessary.

§76-2-6. Renewal

- 6.1. A registrant shall renew his or her registration annually upon his or her registration acceptance date, and ensure the information on the registry is complete and accurate.
- 6.2. To renew his or her registration a registrant shall provide proof of completion of OSHA training; HIPAA training; Abuse, Neglect and Exploitation training and dementia care training.
- 6.3. A registrant shall be able to update certain information via a secure Web application available only to the registrant.
- 6.4. The Commissioner shall remove a registrant from the registry if a registrant does not renew his or her registration.

§76-2-7. Fees

- 7.1. The applicant shall pay an initial registration fee of \$10.00.
- 7.2. The registrant shall pay a fee of \$5.00 to renew the registration.

§76-2-8. Changing, Withdrawing, or Removal From Registry.

- 8.1. A registrant shall update any changes in his or her registration status and any changes in his or her information contained in the registrant's application within 10 days of the change via a secure Web application.
- 8.2. To withdraw from the registry, the registrant shall submit a letter or an email via a secure Web application to the Commissioner requesting his or her name and information be removed from the registry. The Commissioner shall remove the registrant within 15 days of notification.
- 8.3. Upon proof that a registrant's registration status or information contained in the registrant's application has changed and the registrant has not updated the changes via the secure Web application within 10 days of the change, the Commissioner may immediately remove the registrant from the registry.

§76-2-9. Criminal Background Check.

- 9.1. The criminal background check shall be based on fingerprints submitted to the West Virginia State Police for processing via the West Virginia State Police's contracted agent.
- 9.2. If an applicant has lived out of state in the last five years, he or she shall undergo a federal background check in addition to the West Virginia State Police background check. To do a federal background check through the National Crime Information Database (NCID), the applicant must submit his or her fingerprints to the FBI. The applicant is solely responsible for this submission to the FBI. The FBI will process and return the results to the applicant.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: In-Home Care Worker Registry

Type of Rule: Legislative Interpretive Procedural

Agency: WV Bureau of Senior Services

Address: 1900 Kanawha Blvd., East
Charleston, WV 25305

Phone Number: 304-558-3317 Email: robert.e.roswall@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Bring staff on board January 1, 2013 to begin the initiation of the Registry, modified as per the WV Legislature. Refine website and data, \$12,500 and \$3,500 benefits, \$5,000 design and maintenance of the website and Registry, \$2,000 assets, computer and access.

In 2014, staff full-time 12 months \$25,000 and \$7,000 fringe, no equipment necessary, \$5,000 ongoing website costs. The revenues are anticipated to be 4,000 registrants at \$10 = \$40,000 the first year. The fees may be waived on current providers already in the Medicaid system.

Oversight of the Registry will be absorbed by current Bureau staff.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	23,000.00	14,000.00	37,000.00
Personal Services	12,500.00	12,500.00	25,000.00
Current Expenses	5,000.00	0.00	5,000.00
Repairs & Alterations	0.00	0.00	0.00
Assets	2,000.00	2,000.00	0.00
Other	3,500.00	3,500.00	7,000.00
2. Estimated Total Revenues	0.00	40,000.00	40,000.00

Rule Title: In-Home Care Worker Registry

Rule Title:

In-Home Care Worker Registry

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Revenues in the first year is estimated to be \$40,000 with a projected 4,000 registrants at \$10 initial fee. It is anticipated that fees may be waived on existing provider agencies that are in the Medicaid system. The Medicaid system allows at a registrant's request to transfer current data to the Registry.

Current Year represents 2013

Next is Difference Between 2013 and 2014

Fiscal Year column is the full implementation year

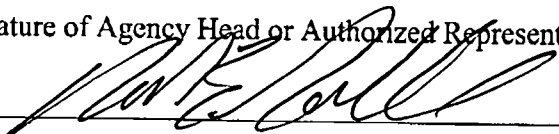
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

The projection of the number of registrants in the initial year is difficult to predict. We are aware of 9,000 current in-home workers in the Medicaid Agency Certification System. An agency may wish to register their workers as a business practice "all workers are in the In-Home Care Worker Registry." If they do not, it would be difficult to predict individual sign-up. The Medicaid Certification System recent modification allows a worker to check a box that will transfer their data to this Registry. It is not anticipated that the renewals at \$5.00 will supply enough revenue to cover expenses of Registry operations.

Date: August 31, 2012

Signature of Agency Head or Authorized Representative





**STATE OF WEST VIRGINIA
BUREAU OF SENIOR SERVICES**

Earl Ray Tomblin
Governor

1900 Kanawha Boulevard East
Charleston, West Virginia 25305-0160
Telephone (304) 558-3317
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www.wvseniorservices.gov

Robert E. Roswall
Commissioner

Summary

In-Home Care Worker Registry

This is the proposed rules for Legislation approved for the development of an “in-home care worker” registry. Includes: requires to be on registry, fee schedule, criminal background check requirements and annual update requirements by in-home care workers.

These rules are in response to HB 4062 of the 2012 WV Legislative Session and will be forwarded to the Legislative Rules Committee.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 31, 2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* WV Bureau of Senior Services
1900 Kanawha Blvd., East
Charleston, WV 25305
304-558-3317

LEGISLATIVE RULE TITLE: ~~In-Home Care Worker Registry~~

1. Authorizing statute(s) citation 16-5P-15(c)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 13, 2012

b. What other notice, including advertising, did you give of the hearing?
N/A

c. Date of Public Hearing(s) *or* Public Comment Period ended:
August 13, 2012 Public Comment Period ended

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached X No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 31, 2012

- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Robert E. Roswall, Commissioner, WV Bureau of Senior Services
1900 Kanawha Blvd., East
Charleston, WV 25305

Phone: 304-558-3317

Fax: 304-558-5609

Email: robert.e.roswall@wv.gov

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

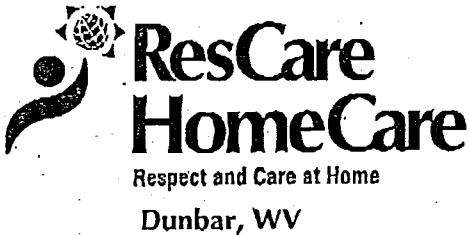
July 13, 2012 - August 13, 2012 comment period

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A



August 13, 2012

Mr. Robert E. Roswall, Commissioner
WV Bureau of Senior Services
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Commissioner Roswall:

Thank you, for the opportunity to provide input to Title 76 Interpretive Rule, West Virginia Bureau of Senior Services, Series 2, In-Home Care Worker Registry. We have been part of the conversation concerning this rule and understand its intent to provide those who require in home support information about the available workforce.

In addition to West Virginia ResCare Home Care has the privilege of providing service in 34 other states. One issue that is often confused is the fact that in home care workers, who are not employed by a provider company, do not meet the test as independent contractors. In fact the family or the person receiving services is the employer of record. From discussions we have been part of we understand that the state is aware of this issue. It is our suggestion that the rule clarifies the families employer responsibilities should they choose to work directly with their home care worker rather than through and agency.

Again, thank you for the opportunity to provide input.

Sincerely,

Mary Herbert

August 6, 2012

Robert E. Roswall, Commissioner
WV Bureau of Senior Services
1900 Kanawha Blvd. E.
Charleston, WV 25305

Dear Commissioner Roswall:

Regarding the In-Home Worker Registry Rule, there are guidelines for withdrawing from the registry and there is a place for results of the criminal background check, good or bad. Is there a way to remove a person from the registry and/or alert visitors to the site that a particular person would be high risk and give the Bureau the authority to recommend that the person not be hired based on pre-established criteria?

Also, will employers be able to send comment on workers to the Bureau, and will that information be added to the workers' profiles on the registry?

Thank you.

Respectfully,


Nancy Cipoletti



**MARSHALL
UNIVERSITY**

JOAN C. EDWARDS SCHOOL OF MEDICINE
FRANK E. HANSHAW, SR. GERIATRIC CENTER
1249 15th. Street, Suite 2000
Huntington, WV 25701
(304) 691-1010
(304) 691-1690 Fax

RECEIVED

AUG 09 2012

Bureau of Senior Services

Robert E. Roswall, Commissioner
WV Bureau of Senior Services
1900 Kanawha Boulevard, East
Charleston, WV 25305

August 7, 2012

Re: In-Home Care Worker Registry Legislative Rule

Dear Mr. Roswall:

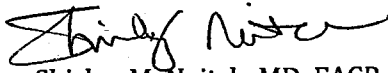
Please consider the following comments regarding the In-Home Care Worker Registry Legislative Rule.

- It looks like confirmation of training in dementia care and other issues will be required for renewal of registration but not for initial registration – is this the intention?
- It says the registrant's contact info will be posted online. May we assume there will be some definition of what kind of information can be used as contact information? My concern would be that registrants would put themselves in a vulnerable position if they allowed address or phone information to be posted on-line. This refers to the unlikely but not impossible scenario that this might reveal information to someone to whom the registrant does not want it revealed, or even that they might become victims of stalkers. Perhaps this should be limited to e-mail alone, or alternatively a clearinghouse function could be added so that inquirers couldn't make direct contact unless information about the caller was also recorded.
- If I were a potential registrant, I wouldn't want to have to post my proposed fee schedule. I think it would be fine to have the Bureau get the information, but in my opinion it should be kept offline.
- I think \$25 for initial sign-up is pricey for people who may be completely out of work when they sign on. They do need to make some investment to indicate that they are really serious, but I would think \$10 to \$15 for initial registration and \$5 for renewal might be more fair.
- And one technical thing – how is 4.1.h different from 5.1.l?

I have also seen an early draft of comments which will be sent from the Alzheimer's Association, and I am in support of their comments as well.

Thank you for the opportunity to review this document.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley Neitch".

Shirley M. Neitch, MD, FACP
Maier Professor of Clinical Research
Department of Internal Medicine
Marshall University/Joan C. Edwards School of Medicine

24/7 Helpline
800.272.3900

West Virginia Chapter
1601 2nd Avenue
Charleston, WV 25387

Mid-Ohio Valley
Regional Office
1218 Market Street
Parkersburg, WV 26101

Northern Regional Office
1299 Pineview Drive, Suite 3
Morgantown, WV 26505

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304.343.2717 p
304.343.2723 f

304.865.6775 p
304.865.6776 f

304.599.1159 p
304.599.6473 f



August 13, 2012

Commissioner Robert Roswall
West Virginia Bureau of Senior Service
1900 Kanawha Blvd. East
Charleston, WV 25305

Dear Commissioner:

Please accept his letter as our official comment on the Interpretive Rule, In Home Care Worker Registry.

Section 76-2-3 Definitions

- We recommend defining the term, "registrant." The term, "registrant," would refer to applicants who have passed the application phase and are listed on the registry. 3.4 defines the term, "registry" as a "list," however, in Section 76-2-5 the registry is described as a database. We recommend clarifying this inconsistent reference.
- Registry definition should also clearly state that all information about registrant is supplied by the registrant.

Section 76-2-4 Registry Requirements

- We recommend registrant should be at least 18 years of age.
- 4.1.h and 5.1.l (both under section 2-4) appear to be duplicative because both address education and certification. 6.2 includes proof of OSHA; HIPAA; Abuse, Neglect and Exploitation; and dementia training as requirements for renewal, but they are not requirements for initial registration. We recommend that all registrants be required to complete the same categories of basic training regardless of whether they are a new registrant or a renewing registrant. We feel that without consistent basic training requirements for all registrants, consumers will be challenged in "comparison shopping" among applicants.
- We recommend the opportunity for an applicant to offer review of their driver's license status. While a valid driver's license should not necessarily be a requirement for inclusion on the registry, it is pertinent information for a consumer to know as that information is not disclosed on a criminal background check.
- 4.2: The language regarding privacy disclosures is vague. We recommend developing a written disclosure to the applicant, this disclosure should address:
 - the nature and use of the registry and the registrant's information;
 - the registry and the Bureau of Senior Services do not act as an agent for the applicant;
 - the applicant is responsible for any personal tax liability accumulated;
 - the applicant is not eligible for unemployment compensation;

- all criminal background check information other than what is required by law to be placed on the registry will be private and maintained as such.

Section 76-2-5 Registry

- 5.1.e.: Further clarification and detail is requested as to what criteria will result in negative notation on a registrant's criminal background check. It is imperative that the consumer be able to understand what offense would be acceptable with a negative notation. This could be an issue in terms of discrimination as well on the part of the registrant. The average consumer may avoid a registrant with a negative note, assuming it is something that would prohibit safe or proper care and would place the state in a litigiously vulnerable position. In terms of consumer protection, the average consumer is not going to know what offense would be acceptable in a negative notation. Thus explicit language and explanation is necessary. The Bureau might consult the Oregon rules that list examples of criminal offenses that might show up on a background check as education to the "consumer."
- We recommend the opportunity for registrants to include the status of their driver's licenses.
- 5.1.h: We recommend modifying "areas" with "geographic" in order to further clarify and differentiate from types of services offered by a registrant.

Section 76-2-6 Renewal

- 6.2: The training requirements for renewal are not consistent with registration requirements. This inconsistency creates inconsistent date for consumers to review. This seems to be inconsistent.
- 6.2: We are happy to see that registrants will be required to show proof of training completion. Will the Bureau of Senior Services approve certain training programs or will registrants be able to complete any training program? Will the Bureau establish requirements around the method of acceptable training, i.e., classroom, hands-on, video etc? Will the Bureau also establish criteria on what constitutes proof, such as a diploma or certificate. Will the Bureau mandate the number of hours needed to satisfy the training requirement? Is the cost of available trainings reasonable enough to make them accessible and affordable to self-employed caregivers? We suggest viewing the Vermont Registry as they list acceptable training sources.
- 6.2: Because this registry is designed for caregivers of individuals of a variety of ages, health conditions, and disabilities, should the registry require, along with the stated trainings, training in other specializations such as caring for those with traumatic brain injury, autism or those who are developmentally challenged?

Section 76-2-8 Changing or Withdrawing from the Registry

- Section 8.1 and 8.2 provide inconsistent detail. We request additional clarification as to the process for making changes to a registrant's information.
- We recommend this section also address the process for a registrant's involuntary removal from the registry. We recommend this section further address enforcement protocol when a registrant has a material change in status and does not update his/her information.
- We recommend this section address the process regarding the receipt, response, investigation and resolution of complaints about registrants, consumers and the registry itself.
- We recommend this section address the infrastructure and protocol regarding reports of abuse involving registrants or consumers. We also recommend you consider adding additional screening against Adult Protective Services' abuse registry.

Other comments:

- The original intent of this registry was to provide information and protection to consumers. It is imperative that the rule be designed to provide consumers and registrants with as much information and protection as possible.
- We highly recommend the rule include specifications regarding the inclusion of a consumer guide explaining the various components of a registrant's listing. This detail should include an explanation of what the education/certification requirements are, what the background check entails, how one might obtain a criminal background check, what types of services are typical for an in home worker to provide, as well as offer practical tips and guides to hiring an in home worker. It should also include links to other organizations or resources that might assist the consumer as they seek quality care workers.
- Similarly, we highly recommend language explaining what the registry does and does not provide, such as the statement that the registry does not directly endorse any registrant, that all consumers should thoroughly interview and investigate any potential hire.
- The protection of registrants, consumers and most importantly those for whom care will be provided is of the utmost importance. In light of the above recommendations, specifically those under Section 76-2-8, we believe that the enforcement authority is a critical element to the success of this registry. We suggest that the Office of Health Facility Licensure and Certification is a more appropriate agency for handling the enforcement aspects of the registry.

Thank you for the opportunity to comment.

Sincerely,



Jane Marks
Executive Director

cc: Secretary of State Natalie Tennant, Administrative Law Division



The Arc of The Three Rivers
1021 Quarrier Street
Suite 200
Charleston, WV 25301
(304) 344-3403

August 13, 2012

Commissioner Robert Roswall
West Virginia Bureau of Senior Service
1900 Kanawha Blvd. East
Charleston, WV 25305

Dear Commissioner Roswall:

On behalf of the Arc of The Three Rivers, please consider these comments/recommendations as you consider further modifications to the Interpretive Rule, In Home Care Worker Registry. We submit these comments in light of the experience and observations we have of the in home care services utilized by our clients, family members and guardians.

Section 76-2-3 Definitions

- We recommend defining the term, "registrant." The term, "registrant," would refer to applicants who have passed the application phase and are listed on the registry.
- The definition should also clearly state that all information about a registrant is supplied by the registrant.

Section 76-2-4 Registry Requirements

- We recommend that a registrant should be at least 18 years of age.
- 4.1.h and 5.1.l (both under section 2-4) appear to be duplicative because both address education and certification. 6.2 includes proof of OSHA; HIPAA; Abuse, Neglect and Exploitation; and dementia training as requirements for renewal, but they are not requirements for initial registration. We recommend that all registrants be required to complete the same categories of basic training regardless of whether they are a new registrant or a renewing registrant. We feel that without consistent basic training requirements for all registrants, consumers will be challenged in "comparison shopping" among applicants.
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 - the registry and the Bureau of Senior Services do not act as an agent for the applicant;

- the applicant is responsible for any personal tax liability accumulated;
- the applicant is not eligible for unemployment compensation;
- all criminal background check information other than what is required by law to be placed on the registry will be private and maintained as such.

Section 76-2-5 Registry

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- We recommend the opportunity for registrants to include the status of their driver's licenses.
- 5.1. H: We recommend modifying "areas" with "geographic" in order to further clarify and differentiate from types of services offered by a registrant.

Section 76-2-6 Renewal

- 6.2: The training requirements for renewal are not consistent with registration requirements. A standardized requirement should be adopted.
- 6.2: We are happy to see that registrants will be required to show proof of training completion. Please clarify the type, nature and source of acceptable training available to an applicant.
- 6.2: Because this registry is designed for caregivers of individuals of a variety of ages, health conditions, and disabilities, individuals should be required to report the "specialized", if any training they may have secured.

Section 76-2-8 Changing or Withdrawing from the Registry

- Section 8.1 and 8.2 provide inconsistent detail. Please clarify.
- We recommend this section also address the process for a registrant's involuntary removal from the registry. We recommend this section further address enforcement protocol when a registrant has a material change in status and does not update his/her information.
- We recommend this section address the process regarding the receipt, response, investigation and resolution of complaints about registrants, consumers and the registry itself.
- We recommend this section address the infrastructure and protocol regarding reports of abuse involving registrants or consumers. We also recommend you consider adding screened against Adult Protective Services' abuse registry.



The Arc of The Three Rivers
1021 Quarrier Street
Suite 200
Charleston, WV 25301
(304) 344-3403

Other comments:

- The original intent of this registry was to provide information and protection to consumers. It is imperative that the rule be designed to provide consumers and registrants with as much information and protection as possible. Consumers will consider the registry as a 'good housekeeping' stamp of approval/endorsement of those on the registry.
- We highly recommend the rule include specifications regarding the inclusion of a consumer guide explaining the various components of a registrant's listing. This detail should include an explanation of what the education/certification requirements are, what the background check entails, how one might obtain a criminal background check, what types of services are typical for an in home worker to provide, as well as offer practical tips and guides to hiring an in home worker. It should also include links to other organizations or resources that might assist the consumer as they seek quality care workers.
- Similarly, we highly recommend language explaining what the registry does and does not provide, such as the statement that the registry does not directly endorse any registrant, that all consumers should thoroughly interview and investigate any potential hire.
- Given the broad spectrum of consumers that will access the registry, consideration should be given to assigning maintenance/oversight responsibility to another agency, i.e. DHHR's Office of Health Facility Licensure and Certification. Many consumers may not understand why the authority is now assigned to the Bureau of Senior Services.

We appreciate the opportunity to comment on the draft rules and hope that our suggestions will be considered as the rules are further refined. We believe the registry has the potential of providing a valuable resource to the citizens of West Virginia. Please be assured of our support once the final rules are adopted and published.

Sincerely,

Scott Borchers,
Human Resources Director

Roswall, Robert E

From: Canaday, Marcus
Sent: Tuesday, August 14, 2012 9:31 AM
To: Roswall, Robert E
Cc: Beane, Cynthia E
Subject: Proposed Rule for In-Home Care Worker Registry - Comments

Commissioner Roswall,

Thank you for the opportunity to review the proposed rule for the In-Home Care Worker Registry. I've presented my comments below. Please let me know if you have any questions.

5.1.l Education/Certification – This appears to be duplicative of 4.1.H.

5.1.m Proposed fee for hourly services –Consider changing this to read “hourly fee or wage”. Also, it might be helpful to distinguish wage with Benefits vs. wage without benefits.

5.1.e Criminal background check completion and a positive or negative notation indicating the results - State and FBI checks are two separate processes. Is it correct to assume that results of both must be received? Who receives and evaluates records? Who provides the criminal history record (assuming that BoSS will not receive criminal history reports directly from the State Police or FBI)? Who determines negative results? Will this process differ for workers currently unemployed vs. those working for an in-home care employer?

5.1.g Business Registration Number, if applicable - Is this number necessary or appropriate for the public to have access to?

5.1.h Areas where service could be provided - This means geographic area? It may be important to consider other preferences as well such as - will only serve males, non-smoking, etc.

6.2 To renew his or her registration a registrant shall provide proof of completion of OSHA, HIPAA, Abuse, Neglect and Exploitation and dementia care training – The proposed initial application requires only proof of completed CPR and First Aid training. Recommend that these requirements for renewal apply to initial applicants as well. While the renewal fee seems reasonable, the initial application fee may be a significant burden to many and limit the number of registrants.

6.3 A registrant shall be able to update certain designated information through the website to ensure accurate information –Recommend that this be accomplished via a secure connection available only to the registrant.

8.1 A registrant shall update any changes in his or her registration status within 10 days – Are there consequences of not updating if BoSS learns of registrant's failure to do so (e.g., removal from registry? For one year? For life)?

8.2 To withdraw from the registry, the registrant shall submit a letter to the commissioner requesting his or her name and information be removed from registry. The Commissioner shall remove that registrant within 15 days of notification - Recommend that this be done via the secure online connection for the registrant to verify identity and minimize the chance for someone else sending notification letter to remove registrant. This would also result in little if any lag time in the removal of the registrant's name.

9.1 The criminal background check shall be based on fingerprints submitted to the West Virginia State Police for forwarding to the Federal Bureau of Investigation - Currently, the State Police does not forward individual fingerprints – it is the responsibility of the individual to submit them to the FBI for processing.

9.2.b Authorizing the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant – This is unclear. Neither the State Police or FBI would “use” fingerprint results in this process. They would process the fingerprints and provide the results to whomever is authorized to receive them.

Marcus Canaday, Director
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**In-Home Care Worker Registry Proposed Rule
Comments/Response**

We are distinguishing between information collected by the Bureau, information provided on the website and additional information on how the website works explaining the policies, procedures and forms on how to go about employing an in home worker.

**Mary Herbert
ResCare HomeCare
One Dunbar Plaza, Suite 100A
Dunbar, WV 25064**

1. COMMENT:

One issue that is often confused is the fact that in home care workers, who are not employed by a provider company, do not meet the test as independent contractors. In fact the family or the person receiving services is the employer of record. From discussions we have been part of we understand that the state is aware of this issue. It is our suggestion that the rule clarifies the family's employer responsibilities should they choose to work directly with their home care worker rather than through an agency.

RESPONSE: Will be addressed on the website

**Nancy Cipoletti
WV Bureau of Senior Services
1900 Kanawha Blvd., East
Charleston, WV 25305**

2. COMMENT:

There are guidelines for withdrawing from the registry and there is a place for results of the criminal background check, good or bad. Is there a way to remove a person from the registry and/or alert visitors to the site that a particular person would be high risk and give the Bureau the authority to recommend that the person not be hired based on pre-established criteria?

RESPONSE:

The phrase has been changed to changing, withdrawing or removal from the registry. The issues of employability, comments on workers and details of criminal check will be left up to the individual looking for an in home worker. Further information detailing that information and explanations will be addressed on the website.

3. COMMENT:

Will Employers be able to send comment on workers to the Bureau, and will that information be added to the workers' profiles on the registry?

RESPONSE:

The Bureau will not be removing workers from the registry except for failure to provide the requested information and updating the information.

Shirley M. Neitch, MD, FACP
Maier professor Clinical Research
Department of Internal Medicine
Marshall University/Joan C. Edwards School of Medicine
1249 15th Street, Suite 2000
Huntington, WV 25701

4. COMMENT:

It looks like confirmation of training in dementia care and other issues will be required for renewal of registration but not for initial registration – is this the intention?

RESPONSE:

Yes. The initial is the minimum requirement to be on the register. This allows for the greatest of in home workers to be able to meet the criteria for the registry. A workers additional training will be listed on the registry.

5. COMMENT:

It says the registrant's contact info will be posted online. May we assume there will be some definition of what kind of information can be used as contact information?

My concern would be that registrants would put themselves in a vulnerable position if they allowed address or phone information to be posed on-line. This refers to the unlikely but not impossible scenario that this might reveal information to someone to whom the registrant does not want it revealed, or even that they might become victims of stalkers. Perhaps this should be limited to e-mail along, or alternately a clearinghouse function could be added so that inquirers couldn't make direct contact unless information about the caller was also recorded.

RESPONSE:

Contact information listed on the registry is not the same contact information supplied to the Bureau. Contact information on the registry will be the information the in home worker wants posted on the registry. Self supplied by in home worker.

6. COMMENT:

If I were a potential registrant, I wouldn't want to have to post my proposed fee schedule. I think it would be fine to have the Bureau get the information, but in my opinion it should be kept offline.

RESPONSE:

In home workers will have the option of listing their hourly fee or wage on the registry, as their option.

7. COMMENT:

I think \$25 for initial sign-up is pricey for people who may be completely out of work when they sign on. They do need to make some investment to indicate that they are really serious, but I would think \$10 to \$15 for initial registration and \$5 for renewal might be more fair.

RESPONSE:

The initial fee will be changed from \$25 to \$10 and renewal will remain at \$5.

8. COMMENT:

How is 4.1.h different from 5.1.1? (4.1.h – Proof of Education level and Certification attained); (5.1.1 – Education/Certification)

RESPONSE:

The difference between 4.1.h and 5.1.1 is 4.1h is information supplied to the Bureau and 5.1.1 is information posted on the registry.

**Jane Marks, Executive Director
Alzheimer's Association
West Virginia Chapter
1601 2nd Avenue
Charleston, WV 25387**

9. COMMENT:

Section 76-2-3: We recommend defining the term, “registrant.” The term, “registrant,” would refer to applicants who have passed the application phase and are listed on the registry.

RESPONSE:

Registrants will be defined as applicants who have passed the application phase and be placed on the registry.

10. COMMENT:

Section 76-2-3: 3.4 defines the term, “registry” as a “list,” however, in Section 76-2-5 the registry is described as a database. We recommend clarifying this inconsistent reference.

RESPONSE:

76-2-3 – 4 The registry means a web based list maintained for the collection of information.

11. COMMENT:

Section 76-2-3: Registry definition should also clearly state that all information about registrant is supplied by the registrant.

RESPONSE:

76-2-3 and 76-2-5: All information on the registry is supplied by the registrant.

12. COMMENT:

We recommend registrant should be at least 18 years of age.

RESPONSE:

76-2-4 & 4.1 An applicant for listing on the registry of in-home care workers shall be 18 years old or older and shall submit an application to the Commissioner containing the following:

13. COMMENT:

Section 76-2-4: 4.1.h and 5.1.l (both under 2-4) appear to be duplicative because both address education and certification. 6.2 includes proof of OSHA; HIPAA; Abuse, neglect and Exploitation; and dementia training as requirements for renewal, but they are not requirements for initial registration. We recommend that all registrants be required to complete the same categories of basic training regardless of whether they are a new registrant or a renewing registrant. We feel that without consistent basic training requirements for all registrants, consumers will be challenged in “comparison shopping” among applicants.

RESPONSE:

The difference between 4.1.h and 5.1.l is 4.1.h is information supplied to the Bureau and 5.1.l is information posted on the registry.

6.2 These are the standards under all medical in home care service. The purpose of the difference of initial and renewal, the initial is to allow the greatest number of workers to be listed on the registry. The renewal training will allow for additional standard educational opportunities to remain listed on the registry.

14. COMMENT:

We recommend the opportunity for an applicant to offer review of their driver’s license status. While a valid driver’s license should not necessarily be a requirement for inclusion on the registry, it is pertinent information for a consumer to know as that information is not disclosed on a criminal background check.

RESPONSE:

We have added under 76-2-4 4.1.f a Valid Driver’s License.

15. COMMENT:

4.2: The language regarding privacy disclosures is vague. We recommend developing a written disclosure to the applicant, this disclosure should address:

- the nature and use of the registry and the registrant's information;
- the registry and the Bureau of Senior Services do not act as an agent for the applicant;
- the applicant is responsible for any personal tax liability accumulated;
- the applicant is not eligible for unemployment compensation;
- All criminal background check information other than what is required by law to be placed on the registry will be private and maintained as such.

RESPONSE:

76-2-4 4.2

The website will address the issues of disclosure by the applicant, it will also address the Bureau is not an agent, applicants legal responsibilities and taxable responsibilities. And will not be part of the registry but part of the website that explains the website and its use.

There will be no detailed information on a registry other than yes or no related to a criminal check.

16. COMMENT:

Section 76-2-5: 5.1.e: Further clarification and detail is requested as to what criteria will result in negative notation on a registrant's criminal background check. It is imperative that the consumer be able to understand what offense would be acceptable with a negative notation. This could be an issue in terms of discrimination as well on the part of the registrant. The average consumer may avoid a registrant with a negative note, assuming it is something that would prohibit safe or proper care and would place the state in a litigiously vulnerable position. In terms of consumer protection, the average consumer is not going to know what offense would be acceptable in a negative notation. Thus explicit language and explanation is necessary. The Bureau might consult the Oregon rules that list examples of criminal offenses that might show up on a background check as education to the "consumer."

RESPONSE:

The Registry will list positive or negative results on the criminal background check. The web site will explain to the individual looking for an in home worker how to handle a positive criminal check and issues surrounding a positive check.

17. COMMENT:

We recommend the opportunity for registrants to include the status of their driver's licenses.

RESPONSE:

We have added under 76-2-4 4.1.f Valid Driver's License.

The website will further explain the issues around a driver's license, the point system and how the individual will handle the hiring of the in home worker.

18. COMMENT:

5.1.h: We recommend modifying "areas" with "geographic" in order to further clarify and differentiate from types of services offered by a registrant.

RESPONSE:

The line will be changed to read: geographic areas where in home worker will provide services.

19. COMMENT:

Section 76-2-6:

6.2 The training requirements for renewal are not consistent with registration requirements. This inconsistency creates inconsistent date for consumers to review. This seems to be inconsistent.

RESPONSE:

The difference between 4.1.h and 5.1.l is 4.1.h is information supplied to the Bureau and 5.1.l is information posted on the registry.

20. COMMENT:

Section 76-2-6

6.2 We are happy to see that registrants will be required to show proof of training completion. Will the Bureau of Senior Services approve certain training programs or will registrants be able to complete any training program?

Response: Training beyond the initial and renewal training is being addressed by an in home worker training committee and working closely with the Department of Education, part of the concept of the registry is a pathway for an in home worker to achieve a greater level of training and to advance their career.

Will the Bureau establish requirements around the method of acceptable training, i.e., classroom, hand-on, video etc.?

Response: Training will be acceptable by classroom, hands-on and video training. The Bureau will be working closely with the in home training committee in establishing further in home training criteria.

Will the Bureau also establish criteria on what constitutes proof, such as a diploma or certificate.

Response: The proof of training will be verified by a diploma or a certificate or a document signed by a certified trainer, as defined by the Department of Education.

Will Bureau mandate the number of hours needed to satisfy the training requirement?

Response: There will be a minimum of four hours which will consist of: Elder Abuse, OSHA, HIPAA and first aid. Training beyond that point will be encouraged for an in home worker to advance their career and that information will be included on the registry.

Is the cost of available trainings reasonable enough to make them accessible and affordable to self-employed caregivers?

Response: The cost is dependent on the provider of the training. An in-home worker will have the ability to shop around for training.

21. COMMENT:

Section 76-2-6

6.2 Because this registry is designed for caregivers of individuals of a variety of ages, health conditions, and disabilities, should the registry require, along with the stated trainings, training in other specializations such as caring for those with traumatic brain injury, autism or those who are developmentally challenged?

RESPONSE:

The website will include information concerning specialized training, the availability of specialized training and explain to in home workers that specialized training can be listed on the registry as one of their trainings and will allow for individuals and caregivers to shop for workers with specific training backgrounds.

22. COMMENT:

Section 76-2-8

Section 8.1 and 8.2 provide inconsistent detail. We request additional clarification as to the process for making changes to a registrant's information.

RESPONSE:

The registrant shall update any changes in his/her required registration data or any additional training within 10 days via secure web connection.

23. COMMENT:

Section 76-2-8

We recommend this section also address the process for a registrant's involuntary removal from the registry.

RESPONSE: The only involuntary removal from the registry is the failure to provide their annual renewal.

We recommend this section further address enforcement protocol when a registrant has a material change in status and does not update his/her information.

RESPONSE: It is the responsibility of the in home worker to provide any changes of the information posted on the registry and it is to their advantage to do so as it makes them accessible and possibly more employable.

24. COMMENT:

Section 76-2-8

We recommend this section address the process regarding the receipt, response, investigation and resolution of complaints about registrants, consumers and the registry itself.

RESPONSE:

This registry is not involved in processing, investigating or resolving complaints.

25. COMMENT:

Section 76-2-8

We recommend this section address the infrastructure and protocol regarding reports of abuse involving registrants or consumers. We also recommend you consider adding additional screening against Adult Protective Services' abuse registry.

RESPONSE:

The website will provide information the Adult Protective Services Abuse Registry and how to access it. It has been added to 76-2-5, 5.1.g (Abuse Registry and results, positive or negative)

26. COMMENT:

The original intent of this registry was to provide information and protection to consumers. It is imperative that the rule be designed to provide consumers and registrants with as much information and protection as possible.

RESPONSE:

The registry will provide as much information as possible and the website will provide information that will allow consumers to research and assist their search to obtain in home services.

27. COMMENT:

We highly recommend the rule include specifications regarding the inclusion of a consumer guide explaining the various components of a registrant's listing. This detail should include an explanation of what the education/certification requirements are, what the background check entails, how one might obtain a criminal background check, what types of services are typical for an in home worker to provide, as well as offer practical tips and guides to hiring an in home worker. It should also include links to other organizations or resources that might assist the consumer as they seek quality care workers.

RESPONSE:

All the issues addressed in Comments 27 and 28 will be part of the website information that will be available to the consumers to assist in their use of the registry and their search for in home service providers, a "how to" and other resources.

28. COMMENT:

Similarly, we highly recommend language explaining what the registry does and does not provide, such as the statement that the registry does not directly endorse any registrant, that all consumers should thoroughly interview and investigate any potential hire.

RESPONSE:

All the issues addressed in Comments 27 and 28 will be part of the website information that will be available to the consumers to assist in their use of the registry and their search for in home service providers, a “how to” and other resources.

29. COMMENT:

The protection of registrants, consumers and most importantly those for whom care will be provided is of the utmost importance. In light of the above recommendations, specifically those under Section 76-2-8, we believe that the enforcement authority is a critical element to the success of this registry. We suggest that the Office of Health Facility Licensure and Certification is a more appropriate agency for handling the enforcement aspects of the registry.

RESPONSE:

The purpose of the registry is to provide a list of available in home workers from which consumers can obtain services. Information on the registry is provided strictly by the in-home worker. It remains the responsibility of the consumer to obtain crucial information and the best available services. At this point, it is not a registry that requires Licensure.

**Scott Borchers, Human Resources Director
The Arc of the Three Rivers
1021 Quarrier Street
Charleston, WV 25301**

30. COMMENT: (Duplicated Comment) See Alzheimer’s Association Comment No. 9
Same comment at Alzheimer’s – registrant term under 76-2-3 3.5

31. COMMENT:

The definition should also clearly state that all information about a registrant is supplied by the registrant. **(Duplicated Comment)See Comment No. 11 and response**

32. COMMENT: (Duplicated Comment) See Comment No. 12 and response

33. COMMENT: (Duplicated Comment) See Comment No. 13 and response
4.1h and 5.1.1

34. COMMENT: (duplicated Comment) See Comment No. 14 and response
Driver’s license/see Alzheimer’s response

35. COMMENT: (Duplicated Comment) See Comment No. 15
4.2 privacy disclosures/see Alzheimer's response

36. COMMENT: (Duplicated Comment) See Comment No. 16
5.1.e negative notation registrant's criminal background check

37. COMMENT: (Duplicated Comment) See Comment No. 17
Status of driver's license/see Alzheimer's response

38. COMMENT: (Duplicated Comment) See Comment No. 18
5.1.h area/geographic/see Alzheimer's response

39. COMMENT: (Duplicated Comment) See Comment No. 19
Section 76-2-6:
6.2 bulleted section all duplicated/see Alzheimer's response

40. COMMENT: (Duplicated Comment) See Comment No. 22, 23, 24, 25
Section 76-2-8: Changing or Withdrawing from the Registry
All bulleted section duplicated/see Alzheimer's response

41. COMMENT: (Duplicated Comment) See Comment No. 26, 27, 28, 29
Other Comments
All bulleted section duplicated/see Alzheimer's response

Marcus Canaday, Director
Take Me Home, WV a Money Follows the Person Initiative
WV Bureau for Medical Services
350 Capitol Street, Room 251
Charleston, WV 25301

42. COMMENT: (Duplicated Comment) See Comment No. 8
4.1.h and 5.1.1 – duplicates; see Alzheimer's response

43. COMMENT:
5.1.m Proposed fee for hourly services – Consider changing this to read “hourly fee or wage”.
Also, it might be helpful to distinguish wage with Benefits vs. wage without benefits.

RESPONSE:
5.1.m has been changed to “Proposed hourly fee or wage for services;

44. COMMENT: (Duplicated Comment) See Comment No. 16

5.1.e. Criminal background check completion and a positive or negative notation indicating the results – State and FBI checks are two separate processes. Is it correct to assume that results of both must be received? Who receives and evaluates records? Who provides the criminal history record (assuming that BoSS will not receive criminal history reports directly from the State Police or FBI)? Who determines negative results? Will this process differ for workers currently unemployed vs. those working for an in-home care employer?

45. COMMENT:

5.1.g. Business Registration Number, if applicable – Is this number necessary or appropriate for the public to have access to?

RESPONSE:

Yes. It is necessary that a business number be provided so that a consumer will know that an individual is registered to provide services in West Virginia.

46. COMMENT: (Duplicated Comment) See Comment No. 18

5.1.H Geographic Area/See Alzheimer's response

47. COMMENT: (Duplicated Comment) See Comment No. 19

6.2 To renew his/her registration a registrant shall provide proof of completion of OSHA, HIPAA, Abuse, neglect and exploitation and dementia care training – The proposed initial application requires only proof of completed CPR and First Aid training. Recommend that these requirements for renewal apply to initial applicants as well. While the renewal fee seems reasonable, the initial application fee may be a significant burden to many and limit the number of registrants.

48. COMMENT:

6.3 A registrant shall be able to update certain designated information through the website to ensure accurate information – Recommend that this be accomplished via a secure connection available only to the registrant.

RESPONSE: 76-2-6 6.3 will read: “A registrant shall be able to update certain information through a secure website available only to the registrant.

49. COMMENT: (See Comment No. 23)

8.1 A registrant shall update any changes in his or her registration status within 10 days – Are there consequences of not updating if BOSS learns of registrant's failure to do so (e.g., removal from registry? For one year? For life?).

50. COMMENT:

8.2 To withdraw from the registry, the registrant shall submit a letter to the commissioner requesting his or her name and information be removed from registry. The Commissioner shall remove that registrant within 15 days of notification – Recommend that this be done via the secure online connection for the registrant to verify identity and minimize the change for someone else sending notification letter to remove registrant. This would also result in little if any lag time in the removal of the registrant’s name.

RESPONSE:

8.2 will read: To withdraw from the registry, the registrant shall submit a letter or an email via the secure online connection, requesting his or her name and information be removed from the registry. The Commissioner shall remove that registrant within 15 days of notification.

51. COMMENT:

9.1 The criminal background check shall be based on fingerprints submitted to the West Virginia State Police for forwarding to the Federal Bureau of Investigation – Currently, the State Police does not forward individual fingerprints – it is the responsibility of the individual to submit them to the FBI for processing.

RESPONSE:

76-2-9 9.1 Will read: The Criminal background check shall be based on fingerprints submitted to the West Virginia State Police for processing via the State Police’s contracted agent.

52. COMMENT:

9.2.b authorizing the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant – This is unclear. Neither the State Police nor FBI would “use” fingerprint results in this process. They would process the fingerprints and provide the results to whoever is authorized to receive them.

RESPONSE:

76-2-9 9.2, 9.2.a, 9.2.b Will read: If an in-home workers has lived out of state in the last five years, they need to have a Federal background check in addition to the WV State Police check. To do a Federal background check through the National Crime Information Database (NCID), the individual submits their fingerprints to the FBI themselves. The FBI processes and returns the results to the individual.