



Office of Inspector General/Office of Health Facility Licensure & Certification

Public Comments on the WV CARES Rule (71CSR11)

#	Rule Section	By Whom?	Comment	Response to Comment
1	None specified	Crittenton Services	The current variance process is cumbersome, noting that waiting up to 60 days for determinations on minor charges has become the norm rather than the exception. Because her facility must obtain fully cleared background checks prior to onboarding and cannot utilize provisional hiring status, qualified candidates frequently abandon the process to find work elsewhere, particularly with higher-paying competitors. The commentor feels the 60-day timeframe for a variance submitted with the initial application is a loophole and all variances should be decided in 30 days if not quicker. The commentor also stated that all variances should follow applicants everywhere for similar roles at new organizations or agencies.	The Office of Inspector General has reviewed this comment. Existing provisions in this rule address this issue sufficiently and are consistent with authorizing statutes, therefore, no changes were made. Initial determinations allow for 60 days because criminal histories often back incomplete which requires WV CARES to research disposition and other missing information in an individual criminal history prior to being able to make a determination. Variances submitted at the time of application cannot be determined earlier than the determination is given which is why the authorizing statute allows for the same 60-day timeline. Additionally, not all variances are full grant variances which would follow the person between facilities. Many variances are limited variances which only apply to the facility and job applied for various reasons. Job titles and corresponding job duties and responsibilities are not standard through all areas run through the WV CARES system and there is no intuitive way to know all sectors which jobs are similar and under what criteria that should be judged. This is why part of the variance procedure involves reviewing a job title along with job duties and responsibilities. Currently the average duration to approve a variance is at 28.87 days as of June 30, 2026. Additionally, in June 2026 alone the WV CARES Division processed over 3,300 application determinations.



Whitmore, Jessica Y <jessica.y.whitmore@wv.gov>

West Virginia Clearance for Access: Registry and Employment Screening W. Va. Code 16B-15-9 Public Comment

1 message

Amy Smith <asmith@crittentonwv.org>

Fri, Jul 31, 2026 at 6:57 AM

To: "jessica.y.whitmore@wv.gov" <jessica.y.whitmore@wv.gov>

Cc: Jessica Smith <JSmith@crittentonwv.org>, Jennifer Spencer <jspencer@crittentonwv.org>

I would like to make the following public comment regarding the WVCARES code:

I have been working for over 25 years in field of HR at Crittenton Services. The WVCARES system is a significant improvement over the background check process from years past, however, there are several areas that need to be evaluated and changed. Specifically, the variance process is cumbersome and takes entirely too long. I completely understand that there are certain convictions or situations that need extra attention, but taking up to 60 days to make a determination on a minor charge is detrimental to our company and to the prospective employee.

As a facility that must have a fully cleared check prior to allowing new hires to work and not being able to use the provisional status, we have lost good potential candidates because when someone is looking for a job, they need a job sooner rather than later. Telling someone they may have to wait up to 2 months (actually more because they have already interviewed and fingerprinted which has taken time) is not going to be attractive to a candidate. We can't pay as much as some for-profit businesses and then tack on a 2-month wait is too much for a new hire, who then find other work before I even get them in the door for orientation. There are open beds in residential facilities throughout the state that can be used because there are not enough employees and this long variance process is a contributing factor.

There must be a quicker way to streamline this process to get these people into jobs. It isn't even a rare occasion to have someone wait 60 days; it is the norm. I'm glad to see the potential change to 30 days, however, the proposed verbiage still leaves it open to an up to a 60 day wait.

I am disappointed that some of the other proposed changes didn't make it to this final draft. We have also had several potential candidates who have been fully through the variance process at another facility, but that waiver won't travel with them which is also a flaw in the system. If a person is moving to a similar position or company, the process has already been completed and needs to follow them to their new organization. WVCARES should be able to see the waiver that has been previously granted and allow the person to work rather than repeating the process again. This would again, cut down on the time a potential employee would have to wait to start work and may cut down on the time a WVCARES employee must use to clear a person who has already cleared with a waiver previously. The WVCARES employee could move on to their next candidate more quickly if candidates with a previous waiver wouldn't have to be examined a second time.

Thank you for your time.



Crittenton Services

AMY L. SMITH, MS

Chief Operating Officer

P: 304.242.7060 ext. 169

F: 304.242.7076

crittentonwv.org