



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR AGING AND INDEPENDENT LIVING**

Steven L. Beshear
Governor

275 E Main St. 3E-E
Frankfort, KY 40621-2321
(502) 564-6930
Fax: (502) 564-4595
<http://chfs.ky.gov/dail/>

Audrey Tayse Haynes
Secretary

Deborah S. Anderson
Commissioner

To: ADD and CMHC Executive Directors
DD and AAAIL Directors
Consumer Directed Option Support Brokers

From: Tonia A. Wells
Community Options Branch Manager

Date: April 27, 2012

Subject: CDO Background Check Responsibilities

Due to changes within the Administrative Office of the Courts, background checks can no longer be provided free of charge for Consumer Directed Option (CDO) employees.

Effective May 1, 2012, all CDO consumers and/or representatives must obtain required background checks as specified per Medicaid Waiver regulations for all potential CDO employees prior to employment. Since background checks are not a Medicaid reimbursable service, the CDO consumer, representative or the potential employee will be responsible for the payment of any required fees for background check processing and documentation. Support Broker Agencies may assist with the processing of background checks; however, any required costs must be paid prior to submission.

While any additional cost to the consumer, representative or employee is regrettable, one of the core principles of CDO is that the consumer is the employer of record. Typically with any employment opportunity the employer or employee is responsible for obtaining required background checks. The Cabinet is not directing who must pay for this background check. This cost could be shared between employers, employees, their representatives, or any other entity willing to provide funding for the criminal background check.

The consumer or representative must secure and submit original background check documentation to their designated Support Broker Agency prior to services being initiated by the potential employee. The Support Broker Agency shall verify that the background check documentation meets the CDO employee eligibility requirements. Documentation must be filed in the consumer or employee chart by the Support Broker Agency.

Thank you for your timely implementation of this provider guideline.

cc: Eric Friedlander, Deputy Secretary
Deborah S. Anderson, DAIL Commissioner
Neville Wise, DMS Commissioner
Steve Hall, BHDID Commissioner
Karen Martin, DMS Division Director