

## BACKGROUND CHECK REQUIREMENTS FOR VENDORS, CONTRACTORS AND SUPPLIERS

### 1. DEFINITIONS

- 1.1. “Healthcare Worker” means a contractor or employee of Supplier if one or more of the following criteria are met:
- The individual has duties that require a regular presence (50% or more of work time) in a health care facility, including a medical office or skilled nursing facility; or
  - The individual provides health care services to KP members or patients or is in direct physical contact with KP members or patients.
- 1.2. “PHI” means member records and other Protected Health Information under HIPAA.
- 1.3. “PII” means personally identifiable information, data or records relating to or concerning any patient, member, plan participant, employee, or contractor of KP, including PHI, employee records and, if applicable, Cardholder Data as defined under the Payment Card Industry data security standards.
- 1.4. “PII/PHI Worker” means a contractor or employee of Supplier who has access to PII or PHI of KP employees, members or patients.
- 1.5. “KP” means an entity participating in the integrated health care delivery organization doing business as Kaiser Permanente®, including Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, the Permanente Medical Groups, and all subsidiaries and successors of the foregoing, and Risant Health, Inc., and its subsidiaries, partners, and successors.
- 1.6. “Supplier” means a vendor, contractor or supplier who is providing goods and/or services to KP.
- 1.7. “Worker” means a Healthcare Worker or a PII/PHI Worker.

### 2. REQUIREMENTS

Supplier shall screen each Worker in accordance with the following requirements<sup>1</sup>:

<u>Type of Background Check</u>	<u>When Required</u>
Felony and Misdemeanor Criminal Record Search	✓ Always
Federal Criminal Record Search	Only required if individual will be working in one of the following roles: Executive, Internal Audit, Purchasing, Legal, Finance, Compliance, Pharmacy, Patient Care, Patient Business Services, Home Health and Hospice, and Human Resources
Excluded Individuals FACIS – Level 3 Search (includes LEIE/SAM/OFA)	✓ Always
Employment Verification	Only required if individual needs a certain amount of employment experience for the work
Education Verification – Highest Degree Earned	Only required if individual needs a certain amount of education experience for the work

<sup>1</sup> “Offshore” vendors must comply with the background check requirements, as applicable and permitted by law.

<u>Type of Background Check</u>	<u>When Required</u>
Registered Sex Offender List	Only required if individual has direct physical contact with KP members or patients
Social Security Number Verification (SSNV)	✓ Always

## 2.1. CRIMINAL RECORD SEARCH

2.1.1. Felony and Misdemeanor Criminal Record Search. Criminal records are public documents from municipal and state courts of competent jurisdiction where criminal offenses are confirmed and described. A criminal record check (felony and misdemeanor) encompassing the five (5) years preceding the conditional offer of employment will be conducted for all Workers unless a greater or lesser search period is required by law.

2.1.1.1. NOTE: Effective August 1, 2022, and in response to significant delays in completion of criminal records searches, KP is implementing a temporary adjustment to its practice and may permit Supplier’s personnel to conditionally begin work prior to the clearance of county criminal records, as described below:

- After seven (7) days following the initiation of the criminal record search by Supplier’s employment screening vendor, Supplier may permit an employee to conditionally begin work at KP if:
- the vendor has completed ALL elements of the Federal/ National search without identifying derogatory information, and
- all other contingencies for the Worker to begin work (e.g., education verification, drug test, health screen, etc.) have been lifted.
- If the county criminal record search subsequently returns results that would preclude the Supplier’s personnel from working at KP or otherwise produces evidence that the Supplier personnel failed to disclose prior convictions on their application, Supplier will notify KP for further investigation and corrective action, up to and including removing the Worker from working at KP.

2.1.2. Federal Criminal Records Search (as required). Jobs that require a Federal Criminal Record Search are all Executive, Internal Audit, Purchasing, Legal, Finance, Compliance, Pharmacy, Patient Business Services, Home Health and Hospice, and Human Resources jobs.

## 2.2. EXCLUDED INDIVIDUALS

All Workers will be screened to determine if they are currently excluded from participation in Medicare, Medicaid or other federal health care programs and in federal procurement or non-procurement programs. A search of federal and/or state databases that identify excluded individuals will be conducted, to include: (1) U.S. Office of Inspector General’s List of Excluded Individuals/Entities, (2) Specially Designated Nationals (SDN) list, (3) Palestinian Legislative Council (PLC) list, (4) Medicare Opt-Out, and (5) U.S. General Services Administration’s Excluded Parties List System (EPLS).

## 2.3. PRIOR EMPLOYMENT VERIFICATION AND REFERENCES

All Workers will be screened to verify dates of employment in previous jobs if the Workers needs a certain amount of employment experience for the work.

## **2.4. EDUCATION VERIFICATION**

All Workers will be screened to validate all education reported on the employment application, including the diploma or highest degree listed on the application, whether it is a job requirement or not, if the Worker needs a certain amount of employment experience for the work.

2.4.1.NOTE: Effective August 1, 2022, and in response to significant delays in completion of education verification, KP is implementing a temporary adjustment to its practice and may permit Workers to conditionally begin work prior to the verification of some education, as described below:

- After seven (7) days following the initiation of the education verification by Supplier's employment screening vendor, Supplier may permit a Worker to conditionally begin work at KP if:
- the vendor has verified all education required for the job,
- the vendor has completed ALL elements of the Criminal Records search without identifying derogatory information, and
- all other contingencies for the Worker to begin work (e.g., drug test, health screen, etc.) have been lifted.
- If the education verification produces evidence that the Worker falsified education information on their application, Supplier will notify KP for further investigation, up to and including removing the Worker from working at KP.

## **2.5. LICENSURE/CERTIFICATE/REGISTRATION (LCR)**

All LCRs are screened to confirm that listed or required licenses, certificates, and registrations are valid and current. NOTE: Primary source verification is the required process to determine the validity of a professional license, certification, and registration.

## **2.6. SOCIAL SECURITY NUMBER VERIFICATION**

All Workers are required to provide a valid social security number, and the number will be verified.

## **2.7. DRUG TESTING**

All Workers are required to complete pre-employment drug testing demonstrating that illegal drugs have not been used and that legal drugs have not been misused. See Drug Screening Requirements: <https://supplier.kp.org/formsreqs/>

## **2.8. HEALTH SCREENING**

All Workers are required to complete applicable Health Screening Requirements. See Health Screening Requirements: <https://supplier.kp.org/formsreqs/>

## **2.9. EMPLOYMENT ELIGIBILITY**

All Workers are required to complete the I-9 E-Verify process to verify that they are eligible to work in the United States.

## **2.10. PERIOD OF VALIDITY**

Results of employment screening performed by Supplier's vendor remain valid for 90 days.



### **3. ADVERSE FINDING**

The following will constitute an adverse finding:

- 3.1. information that reveals that the Worker falsified, misrepresented, or omitted facts on any portion of the employment application form or other documents submitted in the employment process, or
- 3.2. information that is factual and confirmed, or self-disclosed, that the Worker presents a safety or negligent risk.
- 3.3. information that reveals that the Worker is on a government list of excluded individuals.
- 3.4. If the results from the criminal background check described above reveal misdemeanor or felony convictions, an individual assessment should be completed by the Supplier based on the U.S. Equal Employment Opportunity Commission guidelines to determine whether a conviction is job related and consistent with business necessity. The analysis should include: the nature and gravity of the offense and conduct, the time that has passed since the offense or conduct and/or completion of the sentence; and the nature of the position. The individual has not "passed" if the conviction demonstrates behavior that could adversely affect safety in KP's workplace or healthcare facility or the security of KP's PHI/PII.

### **4. FREQUENCY**

Supplier must repeat the criminal background check for each individual that is an independent contractor or contingent/temporary staff if the individual has not provided services to KP during the previous six (6) months.

### **5. AUDIT**

Supplier is responsible to maintain readily accessible background check records that would permit a reasonable audit by KP for a period of three (3) years.

### **6. MODIFICATIONS**

The background check requirements set forth herein are subject to change by KP from time to time to reflect changes in KP's background check policy for its employees. These requirements shall not be construed to require any violation of federal or state law or collective bargaining agreements.