

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health
Addiction Prevention and Recovery Administration



Guidance Bulletin for
Substance Abuse Facilities and Programs Certified by
the Addiction Prevention and Recovery Administration

Bulletin
Number: 2010-001

Effective
Date: April 8, 2010

Subject: Staff Background Screening Pursuant to CDCR 29-2326.3(b)

Purpose: To provide guidance and set forth APRA's interpretation of CDCR 29-2326.3(b) – Administrative Services: Human Resources – Personnel Policies and Procedures

Statement: CDCR 29-2326.3(b) states:

“2326.3 A substance abuse treatment facility or program shall develop and implement policies and procedures to ensure that staff:

“(b) Have been screened through established facility mechanisms to determine that the staff is not known to have committed physical abuse, sexual abuse, child abuse/neglect, or a felony involving crimes against a person.”

The Addiction Prevention and Recovery Administration (APRA) defines “staff” as any employee, full-time, part-time or temporary, or volunteer working or providing services at the direction of the treatment facility or program. Screening of staff through an established facility mechanism is accomplished by a criminal background check administered by the United States Federal Bureau of Investigation.

Any person being considered for employment or as a volunteer at a treatment facility or program shall be required to submit to screening through the established facility mechanism before being offered employment or an opportunity to volunteer. Subsequent to this initial screening, staff at treatment facilities and programs shall be required to submit to periodic screening while employed by, or volunteering at, the treatment facility or program. Periodic screening of staff at treatment facilities and programs shall be conducted annually. Periodic screening shall also occur as needed when information about the staff

member that will impact his/her suitability to continue to work at the treatment facility or program is disclosed by a credible source, or is independently discovered by the treatment facility or program.

APRA defines the phrase “known to have committed” as any conviction, plea of nolo contendere, plea of guilty, or equivalent within a court of competent jurisdiction or a substantiated finding by an administrative body. If it is determined that an individual is known to have committed physical abuse, sexual abuse, child abuse/neglect, or a felony involving crimes against a person, that individual shall not be offered employment at any treatment facility or program. If that individual is already a member of the staff at a treatment facility or program he/she must immediately be discharged from employment from the substance abuse treatment facility or program.

A “felony involving crimes against a person” includes, but is not limited to, battery, assault, assault with a deadly weapon, and aggravated assault. Because terminology varies across jurisdictions, certain crimes will need to be evaluated on a case-by-case basis to determine if they preclude an individual from employment at a substance abuse treatment facility or program.

For assistance in determining if a certain crime is covered by CDCR 29-2326.3(b), please contact APRA’s Office of Certification and Regulation at (202) 535-1829.

Any information obtained through the screening process is considered confidential and for the exclusive purpose of making employment related decisions. The information shall not be released or disclosed to any person, except when authorized by the written consent of the individual being screened, to the Department of Health, or when ordered by a court of competent jurisdiction. Any individual making an application for employment or to volunteer at a treatment facility or program shall be informed that prior to being offered employment they must submit to screening through an established facility mechanism.

This Guidance Bulletin will remain in effect until it is revised or superseded by a subsequent APRA Guidance Bulletin.

Approved by:
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Signature _____ Date 4/8/10