



# Maine Background Check Center Alternate Vendor Application

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Company Name: \_\_\_\_\_

DBA: \_\_\_\_\_

Names of all facilities operated by this company that are required to use the MBCC (attach separate page if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Background Check Vendor Name: \_\_\_\_\_

## **I. Conditions for Approval**

Your facility's approval to use an alternate vendor will be based on the following conditions, in accordance with 10-144 C.M.R. Ch. 60, Maine Background Check Center Rule, Section 3(D)(5)(a):

You were using an alternate vendor to conduct comprehensive background checks for your direct access workers on, or before, February 6, 2017;

You have filed this application with the Department within the 14-business day period following the notification described in Section 3(D)(1) of the rule;

The vendor has produced, and you have provided a sample of, a background check report for each direct access worker that complies with the standards set forth in 22 M.R.S. §9054, including continuous monitoring of convictions (rap back); (See appendix A to request that the Department waive this requirement.)

You agree to provide an attestation of continued use of the approved background check vendor to the Department every 365 calendar days following the initial approval, if granted;

You will maintain a master list of all direct access workers and the status of their comprehensive background checks and understand that you must provide access of this list to the Department, upon request, during regular business hours;

You comply with all other standards put forth in this rule, and understand that you remain liable to sanctions for violations of this rule; and

You may not employ any direct access worker in a direct access position if you receive a disqualifying report from your approved alternate vendor. The Department will not accept waiver requests from employers using an alternate vendor.

**This application and all attachments may be sent by mail to MBCC, Division of Licensing and Certification, 11 State House Station, Augusta, ME 04333-0011; or electronically to [MBCC-Admin.DHHS@maine.gov](mailto:MBCC-Admin.DHHS@maine.gov).**

**II. To be submitted by provider requesting the use of an alternate vendor:**

The following items must be submitted with this initial application:

1. Proof that the alternate vendor was being used by your facility before February 6, 2017. This may be shown by a signed contract or an invoice dated prior to the above date;
2. A completed background check report, completed on an employee chosen at random, to be used as a sample of what the alternate vendor provides;
3. An attestation that use of the alternate vendor will continue for the next year;
4. This signed and dated form; and
5. The signed and dated waiver request (Appendix A), if necessary.

**III. Provider Attestation**

By signing this attestation form and submitting it to the Department, the above listed provider attests to the following:

1. That the above-named company will be using only the alternate vendor named on this application;
2. That the listed alternate vendor meets all criteria laid out in 10-144 C.M.R. Ch. 60, Section 3(D)(5)(a);
3. That the listed alternate vendor was used by this company before February 6, 2017;
4. That this company intends to continue use of the named alternate vendor for the next calendar year from the date this form was signed;
5. This company will maintain a master list of all direct access workers and the status of their comprehensive background checks, and will provide access of this list to the Department, upon request, during regular business hours;
6. This company will not employ any direct access worker in a direct access position, if a report of a disqualifying offense is received from the approved alternative vendor; and
7. If, at any time, this alternate vendor becomes unable to provide background checks that comply with the standards set forth in 22 M.R.S. §9054, or your contract with this vendor is severed for any reason, you will immediately notify the MBCC and begin use of the MBCC for all background checks on that date.

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**IV. For Departmental use only:**

The following requirements have been submitted and comply with the standards established in 10-144 C.M.R. Ch. 60:

- This company has proven they used an alternate vendor before February 6, 2017;
  - This company has submitted a completed background check report from the alternate vendor as a sample and this report meets all standards established in 10-144 C.M.R. Ch. 60;
  - This company has submitted the signed attestation; and
  - This company has submitted a signed and approved waiver request, if necessary.
- The alternate vendor request is granted. This approval expires one year from date the request was approved. This attestation must be renewed annually and, further, any background check performed without an attestation in place will be considered to be not in compliance with the standards set forth in 22 M.R.S. §9054, and will place alternate vendor approval at risk.
- The alternate vendor request is denied. The facility has not reasonably demonstrated that they have fulfilled each of the alternate vendor requirements. The above listed facilities will be required to use, or remain using, the MBCC from this date.

\_\_\_\_\_  
MBCC authorized signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



# Maine Background Check Center Appendix A Alternate Vendor Waiver Request



Company Name: \_\_\_\_\_

DBA: \_\_\_\_\_

Background Check Vendor Name: \_\_\_\_\_

We are requesting a waiver of 10-144 C.M.R. Ch. 60, Section 3(D)(5)(a)(iii), and to continue use of the vendor this agency had in place on or before February 6, 2017, because:

- The vendor conducts searches based on national-level data;
- The vendor provides ongoing searches for new convictions every (time span)\_\_\_\_\_;
- The vendor meets compliance requirements of (regulation or statute) \_\_\_\_\_, and or

Other reason that shows compliance with the intent of 10-144 C.M.R. Ch. 60: \_\_\_\_\_

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The Department has considered your request to waive provision 3(D)(5)(a)(iii) of 10-144 CMR Ch. 60, Maine Background Check Rule. The Department has considered the information provided in your application regarding the alternate vendor you propose to continue to engage to conduct background checks for your organization. The Department recognizes that the national-level search conducted by this vendor for conviction data is broader in scope than the Maine State Bureau of Investigation checks conducted by the Maine Background Check Center (MBCC). The Department also recognizes that rap-back monitoring is a statutory requirement for background checks.

The Department is currently developing an option for providers who use an approved alternate vendor to enroll in rap-back only monitoring through the MBCC. This option will be available to providers at a fee less than the full fee for all functions of the MBCC, but will fall within the range established by statute.

The Department has determined that it will not enforce 10-144 C.M.R. Ch. 60, Maine Background Check Rule, Section 3(D)(5)(a)(iii) until such time as the rap-back-only option is viable on the MBCC. This waiver, if granted, is in place only until the rap-back-only option is implemented on the system, and continued approval of the vendor will be granted contingent upon enrollment of the provider in this option, and all direct access workers are entered in the system for rap-back monitoring.

Approval of the use of the alternate vendor  is granted  is not granted.

\_\_\_\_\_  
MBCC authorized signature

\_\_\_\_\_  
Date