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Maine Background Check Center Use of an Alternate Vendor

The Maine Background Check Center (MBCC), in accordance with 10-144 C.M.R. Ch. 60, Maine Background Check Center Rule, Section 3(D)(5), will allow the continued use of an alternate vendor contingent upon approval from the Department. This letter has been sent to you as you have expressed interest in using an alternate vendor and it will explain the requirements.

Rule:

Your facility's approval to use an alternate vendor is based on the following conditions, from section 3(D)(5)(a) of the rule:

- i.** The employer was using an alternate vendor to conduct comprehensive background checks for his or her direct access workers on, or before, February 6, 2017;
- ii.** The employer applies to the Department for the use of a vendor within the 14-business day period following the notification described in Section 3(D)(1) of this rule;
- iii.** The vendor produces 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);
- iv.** The employer provides an attestation of continued use of the approved background check vendor to the Department every 365 calendar days following the initial approval;
- v.** The employer maintains a master list of all direct access workers and the status of their comprehensive background checks and provides access of this list to the Department, upon request, during regular business hours;
- vi.** The employer complies with all other standards put forth in this rule and remains liable to sanctions for violations of this rule; and
- vii.** The direct access worker may not be employed in a direct access position, if the employer receives a disqualifying report from their approved alternate vendor, and the Department will not accept waiver requests from employers using an alternate vendor.

Approval:

These conditions are split into two distinct parts: items that you as the provider must furnish to the MBCC in order for the request to be granted, and rules that providers must abide by. Failure to perform any of the requirements will result in the denial of use of the alternate vendor.

The following items must be presented to the MBCC before use of an alternate vendor is considered:

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, on a current employee (chosen at random), to be used as a sample of what the alternate vendor provides.
3. A completed application.
4. A rap back rule waiver request. (See appendix A of application form.)

Rap back information:

Rap back monitoring of criminal convictions is a statutory requirement (22 M.R.S. §9056). If the alternate vendor your facility is using does not have the capacity for rap back monitoring, you may still apply for approval of that vendor. The MBCC will be providing a 'rap back only' service in the future. This feature will require that employee data be entered into the MBCC, and there will be a minimal fee to cover costs associated with this service. Until this service becomes available, the Division will delay enforcing the rap back requirement in rule for approved alternate vendors. Appendix A will have to be filled out and submitted with the application until such time as this service is available. Notification will be sent by mail to providers when the 'rap back only' service is available and use becomes mandatory. Providers may also opt to immediately cease use of the alternate vendor and use the MBCC for mandated background checks.

Attestation:

Your facility will need to provide an annual attestation of continued use of the alternate vendor to the MBCC every 365 days after the initial approval. Any background check performed without an attestation in place will be considered to be not in compliance with the standards set forth in 10-144 CMR Ch. 60, Maine Background Check Center Rule, and will place alternate vendor approval at risk.

Additional information may be obtained by telephone at 888-572-5839, by visiting our web site at <https://backgroundcheck.maine.gov/DHHS/MBC/>, or by contacting the MBCC center via email at MBCC-Admin.DHHS@maine.gov.