

**PENNSYLVANIA DEPARTMENT OF AGING
FEDERAL BUREAU OF INVESTIGATION BACKGROUND CHECKS
COVID-19 GUIDANCE**

BACKGROUND

On March 6, 2020, Governor Tom Wolf signed a Proclamation of Disaster Emergency to address the dangers facing the Commonwealth of Pennsylvania from the potential spread of COVID-19. On March 19, 2020, the Governor and Secretary of Health issued Orders prohibiting the operation of non-life sustaining business entities, effective immediately, and enforcement of the Orders started on March 23, 2020. Although non-life-sustaining businesses are not to operate, life-sustaining businesses may remain open but must maintain social distancing and other mitigation strategies.

PENNSYLVANIA DEPARTMENT OF AGING ADVISORY

All Identogo/Idemia federal criminal background check sites have been identified as life-sustaining businesses and therefore may remain open to process Federal Bureau of Investigation (FBI) background checks. Presently several of the Identogo/Idemia fingerprint sites in Pennsylvania are closed. It is anticipated more sites will open, as permitted in the Governor's March 19, 2020 order.

In order to work in a "facility" as defined in the Older Adults Protective Services Act (OAPSA) at 35 P.S. § 10225.103, all applicants must obtain a Pennsylvania State Police (PSP) criminal history background check. 35 P.S. § 10225.502(a)(1). In addition, if the applicant is not and for the two years immediately preceding the date of application has not been a resident of this commonwealth, the facility shall require the applicant to obtain a federal criminal history background check in accordance with 35 P.S. § 10225.502(a)(2). The required background checks are in place to protect dependent and vulnerable adults and older adults who reside in licensed care settings or who are provided care and services by licensed or unlicensed providers and consistent with 35 P.S. § 10225.102.

As provided in 35 P.S. § 10225.506, an applicant needing an FBI background check may be provisionally employed up to 90 days after applying for the criminal history report while waiting for the results of the FBI background check if specified conditions are met. (See also 6 Pa. Code § 15.146(a)(1).) Applicants are to follow the existing background check requirements and processes for seeking employment in a facility by following the current standard procedures/instructions at <https://www.aging.pa.gov/organization/advocacy-and-protection/Pages/Criminal-History-Background-Checks.aspx>.

There is no change to the background check requirements or processes for applicants seeking employment in a "facility". All applicants should follow the current standard procedures in accordance with the statutory and regulatory sections cited above.

An applicant who is unable to obtain an FBI background check due the closure of some Identogo/Idemia sites, may qualify for provisional hiring if the applicant presents verification to the facility that he or she has obtained the Identogo/Idemia generated verification of an application for the criminal history background check. The facility must verify and maintain documentation that the applicant satisfies all other conditions in 35 P.S. § 10225.506 and 6 Pa. Code § 15.146 as applicable.

Information about Idemia background check locations can be found at:
<https://www.identogo.com/>.

Please contact the Criminal History Background Check Unit within the Department of Aging at 717-787-5602 regarding any questions pertaining to this advisory or the background check process.