

## Title 404 NAC Staff Review Form

Provider: \_\_\_\_\_

Surveyor: \_\_\_\_\_

On-site review dates: \_\_\_\_\_

Title 404 NAC #	Regulation:	Regulation met or not met?			Evidence		
		Yes	No	N/A	If no, describe how the regulation was not met (cite specific documents, etc.):		
4.004	<b>Staff Requirements:</b> <i>The staff sample should include new hires since the last certification review and employed at least 180 days if possible. The staff sample should include an EFH provider, if the provider delivers that service. It is helpful to review staff providing both residential and vocational services, if applicable.</i>				Staff A-	Staff B-	Staff C-
					Date of hire-	Date of hire-	Date of hire-
4-004.01	Specialized providers must comply with the employee verification requirements of Neb. Rev. Stat. § 4-114. <i>(Please note, the presence of an I-9 form is not sufficient; there must be a verification code documented. Otherwise, e-verify (the electronic version of this same process) can be completed to obtain a confirmation page to verify if a staff is able to legally work in the United States. Please also note that legal communicated that e-verify can be done for EFH providers, but it must be done by the EFH providers themselves. A surveyor should look for an e-verify confirmation page for EFH providers as well.)</i>						
4-004.02	<b>Age Requirements:</b> Staff providing direct services must be at least 18 years of age.						
4-004.03A	<b>Register/Registry Check:</b> The provider must: <ol style="list-style-type: none"> <li>1. Check the Central Register of Child Protection Cases and the Adult Protective Services Central Registry in the Department. <b>The provider must initiate</b></li> </ol>						

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	<p><b>checks with the Department within ten calendar days of employment</b> and as necessary to verify a staff person is not on the registry/register. The provider must initiate checks on all staff. <b>The provider must initiate checks on household members</b> (excluding individuals served) of a household in an extended family home or respite provider's home (if services are delivered in the provider's home) as follows:                      checks on the Central Register of Child Protection Cases for members age 13 or older and checks on the Adult Protective Services Registry for members age 18 or older; <i>(It is helpful to record the date the provider initiated the check and when they received the results.)</i></p> <p>2. Check the Nebraska State Patrol Sex Offender Registry; and <i>(see 4.004.03B)</i></p>				<p><b>Staff A-</b>  <b>Date of hire-</b></p>	<p><b>Staff B-</b>  <b>Date of hire-</b></p>	<p><b>Staff C-</b>  <b>Date of hire-</b></p>
<b>4-004.03B</b>	<p><b><u>Criminal History Check:</u></b> <i>Please reference the regulation for additional criminal history check requirement. (In a memo sent to providers on 3/31/14, providers can use Accurate Background, Inc. in lieu of fingerprints. Other approved companies include (note- this list changes): Secured Data Services; HireRight, Inc. Corporate Headquarters; Protec Systems; One Source Background Check Co; Intellicorp Records, Inc.; CompuFACT Background</i></p>						

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	Checks; and Essential Screens. <i>If the surveyor finds that a provider is using another company not listed here, please contact Kim McFarland, Contract Coordinator, at 402-471-8783 to verify the sufficiency of that company.</i>				Staff A-  Date of hire-	Staff B-  Date of hire-	Staff C-  Date of hire-
4-004.03C	Employees who provide direct support services may not work alone with individuals served until the results of the registry checks and the criminal history background checks as specified in 404 NAC 4-004.03A and 4-004.03B are reviewed by the provider.						
4-004.03D	The provider must document any provider decision to maintain a staff person listed on a registry or found to have a criminal history as outlined in 404 NAC 4-004.03F, including how that decision was made and the provider's plan to reduce risks to individuals and to provide protections, as necessary.						
4-004.03F	<b>Specific Crimes:</b> The provider must not allow employees found to be convicted of the following crimes to work alone with individuals served by the provider: 1. Child pornography; 2. Abuse of a child or vulnerable adult; 3. Felony domestic assault;						

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	4. Misdemeanor domestic assault within the last five years; 5. Shoplifting after age 19 and within the last three years; 6. Felony fraud within the last ten years; 7. Misdemeanor fraud within the last five years; 8. Possession of any controlled substance within the last five years; 9. Possession of any controlled substance with intent to deliver within the last ten years; 10. Felony assault without a weapon within the last ten years; 11. Felony or misdemeanor assault with a weapon in the last 15 years; 12. Prostitution or solicitation of prostitution within the last five years; 13. Felony or misdemeanor robbery or burglary within the last ten years; 14. Rape or sexual assault; or 15. Homicide.				Staff A-  Date of hire-	Staff B-  Date of hire-	Staff C-  Date of hire-
<b>4-004.03G</b>	All employees must notify the provider immediately if convicted of any of the crimes listed in 404 NAC 4-004.03F or if his/her name is placed on any of the Department's registries.						
<b>4-004.04</b>	<b>Staff Training and Competency:</b> <i>(It is helpful to review the provider's training plan, as some providers title and group the training</i>						

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	<i>requirements differently than the regulations have them listed.)</i>				<b>Staff A-</b>	<b>Staff B-</b>	<b>Staff C-</b>
<b>4-004.04A</b>	<p><b>Initial Orientation Requirements:</b> Initial orientation must be completed by all new employees prior to working alone with individuals. Employees must complete the following training requirements: (<i>follow provider P&amp;P</i>)</p> <ol style="list-style-type: none"> <li>1. Individual's choice;</li> <li>2. Individual's rights in accordance with state and federal laws;</li> <li>3. Confidentiality;</li> <li>4. Dignity and respectful interactions with individuals; and</li> <li>5. Abuse, neglect, and exploitation and state law reporting requirements and prevention.</li> </ol>				<b>1</b>		
					<b>2</b>		
					<b>3</b>		
					<b>4</b>		
					<b>5</b>		
<b>4-004.04B</b>	<p><b>Required Training:</b> Employees must be trained to respond to injury, illness, and emergencies, and competency verified <b>within 30 days of hire or before working alone with an individual.</b> (interpreted as whichever comes first) The following training areas must be addressed:</p> <ol style="list-style-type: none"> <li>1. Emergency procedures;</li> <li>2. Cardiopulmonary resuscitation;</li> <li>3. Basic first aid;</li> </ol>				<b>1</b>		
					<b>2</b>		
					<b>3</b>		

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		Yes	No	N/A	If no, describe how the regulation was not met (cite specific documents, etc.):			
	4. Infection control; 5. Individuals' medical protocols as applicable; and 6. Individuals' safety protocols as applicable;					<b>Staff A-</b>	<b>Staff B-</b>	<b>Staff C-</b>
					4			
					5			
					6			
<b>4-004.04C</b>	Employees must be trained and demonstrate competency <b>within 180 days of hire</b> regarding the implementation of the provision of services to individuals. This training must include: <ol style="list-style-type: none"> <li>1. Implementation and development of the IPP and interdisciplinary process;</li> <li>2. Positive support techniques;</li> <li>3. Approved emergency safety intervention techniques;</li> <li>4. Concepts of habilitation, socialization, and age-appropriateness, depending on the needs of the individual;</li> <li>5. Use of adaptive and augmentative devices used to support individuals, as necessary;</li> <li>6. Other training required by the provider; and</li> </ol>				1			
					2			
					3			
					4			
					5			
					6			

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4-004.04C	7. Other training as required by the specific service options.					Staff A-	Staff B-	Staff C-
					7			
4-004.04E	The provider must document in the staff personnel record that training and demonstration of competency were successfully completed. Documentation must include: 1. Topic; 2. Date staff attended training; 3. Date competencies verified; 4. Name of person conducting training; and 5. Verification of competencies.				1			
					2			
					3			
					4			
					5			
4-004.05	<b>Staff Credentials:</b> Any person who provides a service for which a license, certification, registration, or other credential is required must hold the license, certification, registration, or credential in accordance with applicable state laws. The provider must maintain documentation of the staff credentials.							
4-004.06	<b>Sufficient Staff:</b> The provider must at all times maintain enough staff to provide services, supports, and supervision to meet the needs of each individual served.							
4-004.07	<b>Direction and Supervision of Unlicensed Staff Providing Non-Complex Nursing Interventions:</b> When the provider intends to have unlicensed staff provide non-complex nursing interventions to individuals served, the provider must comply with 172 NAC 99.							

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					Staff A-	Staff B-	Staff C-
4-004.08	<b>Medication Aides:</b> When the provider is responsible for provision of medication to individuals as identified in the IPP and uses unlicensed staff, the provider must comply with 172 NAC 95 and 96.						
4-004.09B	<b>Staff Employment Records:</b> The provider must maintain a current employment record for each staff person that includes: <ol style="list-style-type: none"> <li>1. Date of hire;</li> <li>2. Initial and ongoing training;</li> <li>3. Certification or licensing information, if applicable;</li> <li>4. Background checks as specified at 404 NAC 4-004.03;</li> <li>5. Job qualifications; and</li> <li>6. Personnel actions, if applicable.</li> </ol>			1			
				2			
				3			
				4			
				5			
				6			
11-002	<b>11-002 SUBCONTRACTS:</b> Only agencies and programs certified by the Department may enter into subcontracts for specialized services.						
	<b>11-002.01 Provider Responsibility Regarding Subcontracts:</b> The provider must ensure that: <ol style="list-style-type: none"> <li>2. Policies and procedures include a section that addresses development, training, oversight, and service monitoring components for subcontracted services; <ol style="list-style-type: none"> <li>a. Subcontractors will have the same qualifications, staff training and service provision expectations as employees of the provider.</li> </ol> </li> </ol>						