|  |  |
| --- | --- |
| **Provider:** |  |
| **Surveyor:** |  |
| **Review dates:** |  |

If reviewing more than 3 staff, use an additional review form, and change headings on the 2nd form to reflect “Staff D”, “Staff E”, etc.

| **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.):** | | | |
|  |  |  |  |  | **Staff A-**  **Date of hire-**  **Date first worked alone-** | | **Staff B-**  **Date of hire-**  **Date first worked alone-** | **Staff C-**  **Date of hire-**  **Date first worked alone-** |
| **4-003** | **STAFF REQUIREMENTS**. When recruiting, training, managing, and retaining staff, the provider must:  (1) Recruit, train, manage, and retain qualified staff with the skills necessary to meet the  needs of participants and respond to emergencies;  (2) Comply with the employee verification requirements of Neb. Rev. Stat. § 4-114;  (3) Only hire staff who are at least 18 years of age if they will be providing direct services alone;  (4) Obtain a National Criminal background check prior to working alone providing direct support to a participant, and annually thereafter, on all staff members, and subcontractors, if providing direct support to a participant, and, if in provider owned or  operated residential settings, on household members age 18 and older;  (5) Obtain a check of the Central Registry of Child Protection cases and Adult Protective Services prior to working alone providing direct support to a participant, and annually thereafter, on all staff members, and subcontractors, if providing direct support to a participant, and, if in provider owned or operated residential settings, on household  members age 13 and older;  (6) Obtain a check of the Nebraska State Patrol Sex Offender Registry prior to working alone providing direct support to a participant, and annually thereafter, on all staff members, and subcontractors, if providing direct support to a participant, and, if in provider owned or operated residential settings, on household members age 18 and older; and  (7) Retain results of registry or background checks for one year following the termination of the staff person’s employment. |  |  |  |  | |  |  |
| **4-003.01** | **EMPLOYEE BACKGROUND CHECKS.** Employees who provide direct support services may not work alone with participants until the results of the registry checks and the criminal history background checks are reviewed by the provider. Background checks cannot be completed more than 180 calendar days before the staff person’s hire date. Employees listed on the Central Abuse and Neglect Registry, Nebraska State Patrol Sex Offender Registry, or who have been charged pending disposition or convicted of crimes set forth in this chapter may not provide direct support services. |  |  |  |  | |  |  |
| **4-003.02** | **CRIMES**. The provider must not allow employees or independent contractors to work with participants served by the provider when charged pending disposition or convicted of a crime:  (1) Against a child or vulnerable adult;  (2) Of a nature, duration, or pattern that calls into question their regard for the law;  (3) Involving the illegal use, possession, or distribution of a controlled substance; or  (4) That, if repeated, could injure or harm a participant.  **003.02(A)** All employees must notify the provider immediately if charged or convicted of any of the crimes listed above or if placed on any of the Department’s registries or State Patrol Sex Offender Registry. |  |  |  |  | |  |  |
| **4-003.03** | **Staff Training and Competency**: The provider must ensure that employees, including subcontractors and management, responsible for providing supports and services to individuals with developmental disabilities are trained on the minimum requirements necessary to address the individual’s needs prior to working with individuals in services. Staff responsible for providing direct services must demonstrate the competence to support individuals as part of a required and on-going training program. The provider must ensure staff receive training and demonstrate competencies under the guidance of an already trained and proficient staff member prior to working alone with individuals. For staff responsible for providing direct services to participants served under a Risk Endorsement, the provider must ensure staff receive training from the provider-employed clinician on the participant’s Individual Support Plan and any behavioral and safety plans and demonstrate competency in the implementation of these plans prior to working alone with a participant served under a risk endorsement. The provider must document in the employee’s personnel record that required orientation and training was completed and competency was demonstrated. It is the responsibility of the provider to ensure that training and verification of such is completed by persons with expertise who are qualified by education, training, or experience in those areas. |  |  |  |  | |  |  |
|  |  |  |  |  | **Staff A-**  **Date of hire-**  **Date first worked alone-** | | **Staff B-**  **Date of hire-**  **Date first worked alone-** | **Staff C-**  **Date of hire-**  **Date first worked alone-** |
| **4-003.03A** | **Initial Orientation Requirements**: Initial orientation must be completed by all new employees **prior to working alone** with individuals. Employees must complete the following training requirements:  (i) Individual’s choice;  (ii) Individual’s rights in accordance with state and federal laws;  (iii) Confidentiality;  (iv) Dignity and respectful interactions with individuals;  (v) Individual support plan and any medical, behavioral, or safety protocols for all  participants to whom the staff provides direct services; and  (vi) Abuse, neglect, or exploitation and state law reporting requirements and |  |  |  | **(i)** |  |  |  |
| **(ii)** |  |  |  |
| **(iii)** |  |  |  |
| **(iv)** |  |  |  |
| **(v)** |  |  |  |
| **(vi)** |  |  |  |
| **4-003.03B** | **Required Training**: Employees must be trained to respond to injury,  illness, and emergencies, and competency **verified within 30 calendar days of hire or**  **before working alone** with an individual. The following training areas must be completed:  (i) Emergency procedures;  (ii) Cardiopulmonary resuscitation (CPR);  (iii) Basic first aid; and  (iv) Infection control. |  |  |  | **(i)** |  |  |  |
| **(ii)** |  |  |  |
| **(iii)** |  |  |  |
| **(iv)** |  |  |  |
| **4-003.03C** | Employees must be trained and demonstrate competency **within 180 calendar days** of hire regarding the implementation of the provision of services to individuals. This training must include:  (i) Implementation and development of the individual support plan (ISP) and interdisciplinary process;  (ii) Positive support techniques;  (iii) Division approved emergency safety intervention techniques;  (iv) Concepts of habilitation, socialization, and age-appropriateness, depending on the needs of the individual;  (v) Use of adaptive and augmentative devices used to support individuals, as necessary;  (vi) Other training required by the provider; and  (vii) Other training as required by the specific service options. |  |  |  | **(i)** |  |  |  |
| **(ii)** |  |  |  |
| **(iii)** |  |  |  |
| **(iv)** |  |  |  |
| **(v)** |  |  |  |
| **(vi)** |  |  |  |
| **(vii)** |  |  |  |
| **4003.03D** | For employees providing direct services to individuals served under a risk endorsement, all training requirements outlined in 404 NAC 4-003.03 must be completed prior to working alone with a participant served under a risk endorsement. |  |  |  |  |  |  |  |
| **4-003.03E** | Training and verification of competencies in the above areas must be conducted by persons with expertise who are qualified by education, training, or expertise in those areas.  **4-003.03E (i)** Staff training and demonstration of competency must be documented  and maintained by the provider, and must include:  (1) The training 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** |  |  |  |
| **4-003.04** | **STAFF CREDENTIALS**. The provider must maintain documentation of all current credentials of individuals providing services for which credentialing is required. |  |  |  |  | |  |  |
| **4-003.05** | **SUFFICIENT STAFF.** The provider must at all times maintain enough persons providing services, supports, and supervision to meet the needs of each participant served. |  |  |  |  | |  |  |
| **4-003.06** | **STAFF RECORDS**. All agency providers of services under the Developmental Disabilities Services Act must meet the staff records requirements in this section.  **003.06(A) WORK RECORDS**. The provider must maintain a record of hours worked by staff who provide direct services. The record must include the:  (i) Name of the staff person;  (ii) Staff person’s position title;  (iii) Date and specific time period worked; and  (iv) Location the staff person worked for the specified period of time. |  |  |  | **(i)** |  |  |  |
| **(ii)** |  |  |  |
| **(iii)** |  |  |  |
| **(iv)** |  |  |  |
|  | **003.06(B) EMPLOYMENT RECORDS.** The provider must maintain a current employment record for each staff person. The record must include:  (i) Date of hire;  (ii) Initial and ongoing training;  (iii) Credentialing information, if applicable;  (iv) Background checks;  (v) Job qualifications; and  (vi) Personnel actions, if applicable. |  |  |  | **(i)** |  |  |  |
| **(ii)** |  |  |  |
| **(iii)** |  |  |  |
| **(iv)** |  |  |  |
| **(v)** |  |  |  |
| **(vi)** |  |  |  |
| **6-003** | **003. FISCAL ACCOUNTABILITY.** Each provider must have fiscal and budgetary financial systems that provide accounting for funds received from the Department. Fiscal accountability must be consistent with generally accepted accounting principles and standards acceptable to the Department.  **003.01 ACCOUNTING RECORDS.** The provider must maintain accounting records that allow the provider to:  (A) Produce a complete annual financial report in a format specified by the Department;  (B) Provide copies of source documents and work papers;  (C) Maintain records for each employee that:  (i) Are prepared at the end of each pay period;  (ii) Show the employee’s:  (1) Name;  (2) Position title or description;  (3) Gross salary;  (4) Taxes; and  (5) All other deductions or contributions;  (iii) Are the final, approved copies;  (iv) Document when personnel are compensated in whole or in part with room and board; and  (v) Show charges for employee benefits; |  |  |  |  | |  |  |

A. go to [J:\DDD\1.5 Central Office.Contracts\Electronic GSC Audits\](file:///J:/DDD/1.5%20Central%20Office.Contracts/Electronic%20GSC%20Audits/Provider%20list%20-%20404%20Audits.xlsx)SFY2021 Provider 404 Audit Tracking

C (ii) Do not collect records of compliance that would include employee information such as SS#s, home address, etc. If you examine evidence of compliance, check “yes” and make a brief comment about the documents examined.