



1900 South Main Street  
Lexington, NC 27292

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www.arcdavidson.org

March 5, 2020

To: Mental Health Licensure and Certification Section  
NC Division of Health Service Regulation  
2718 Mail Service Center  
Raleigh, NC 27699-2718

DHSR - Mental Health

MAR 9 2020

Lic. & Cert. Section

From: Lyndsay Martin, Residential Program Director  
Renee Bellemore, Cynthia Morris, Qualified Professionals  
The Arc of Davidson County, Inc.  
1900 South Main Street  
Lexington, NC 27292  
Email Address: lyndsaymartin@arcdavidson.org

Re: Annual Survey and Complaint Survey completed 02/18/2020  
Davidson #2, 434 Shannon Drive, Lexington, NC 27292  
MHL#029-027

Enclosed is the Plan of Correction for the deficiencies listed on the Statement of Deficiencies form dated February 24, 2020

**Time Frame for Compliance:**

Standard level deficiencies identified during Annual Review dated February 18, 2020, were corrected immediately on March 5, 2020.

A Formal plan of correction has been implemented and will be completed by March 5, 2020.

Thank you in advance for your review of this plan of correction and for assisting us as we strive at all times to provide quality services and health care to the individuals residing in residential homes operated by The Arc of Davidson County, Inc.



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor  
MANDY COHEN, MD, MPH • Secretary  
MARK PAYNE • Director, Division of Health Service Regulation

February 24, 2020

Teresa McKeon, Executive Director  
The ARC of Davidson County, Inc.  
1900 South Main Street  
Lexington, North Carolina 27292

DHSR - Mental Health

MAR 9 2020

Lic. & Cert. Section

Re: Annual Survey completed February 18, 2020  
Davidson #2, 434 Shannon Drive, Lexington, NC 27292  
MHL # 029-027  
E-mail Address: [teresamckeon@arc davidson.org](mailto:teresamckeon@arc davidson.org)

Dear Ms. McKeon:

Thank you for the cooperation and courtesy extended during the annual survey completed February 18, 2020.

Enclosed you will find all deficiencies cited listed on the Statement of Deficiencies Form. The purpose of the Statement of Deficiencies is to provide you with specific details of the practice that does not comply with state regulations. You must develop one Plan of Correction that addresses each deficiency listed on the State Form and return it to our office within ten days of receipt of this letter. Below you will find details of the type of deficiencies found, the time frames for compliance plus what to include in the Plan of Correction.

**Type of Deficiencies Found**

- All tags cited are standard level deficiencies.

**Time Frames for Compliance**

- Standard level deficiencies must be **corrected** within 60 days from the exit of the survey, which is April 18, 2020.

**What to include in the Plan of Correction**

- Indicate what measures will be put in place to **correct** the deficient area of practice (i.e. changes in policy and procedure, staff training, changes in staffing patterns, etc.).
- Indicate what measures will be put in place to **prevent** the problem from occurring again.
- Indicate **who will monitor** the situation to ensure it will not occur again.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

LOCATION: 1800 Umstead Drive, Williams Building, Raleigh, NC 27603  
MAILING ADDRESS: 2718 Mail Service Center, Raleigh, NC 27699-2718  
[www.ncdhhs.gov/dhsr](http://www.ncdhhs.gov/dhsr) • TEL: 919-855-3795 • FAX: 919-715-8078

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

February 24, 2020  
Teresa McKeon  
The ARC of Davidson County, Inc.

- Indicate **how often** the monitoring will take place.
- Sign and date the bottom of the first page of the State Form.

Make a copy of the Statement of Deficiencies with the Plan of Correction to retain for your records. **Please do not include confidential information in your plan of correction and please remember never to send confidential information (protected health information) via email.**

Send the original completed form to our office at the following address within 10 days of receipt of this letter.

Mental Health Licensure and Certification Section  
NC Division of Health Service Regulation  
2718 Mail Service Center  
Raleigh, NC 27699-2718

A follow up visit will be conducted to verify all violations have been corrected. If we can be of further assistance, please call Barbara Perdue, North Piedmont Team Leader at 336-861-6283.

Sincerely,

*Barbara Perdue*

*Kathy Young*

Barbara Perdue  
Facility Compliance Consultant II  
Mental Health Licensure & Certification Section

Kathy Young  
Facility Compliance Consultant II  
MHL & Certification Section

Cc: [gmemail@cardinalinnovations.org](mailto:gmemail@cardinalinnovations.org)  
Pam Pridgen, Administrative Assistant



Division of Health Service Regulation

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>MHL029-027</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>02/18/2020</b>
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NAME OF PROVIDER OR SUPPLIER  <b>DAVIDSON #2</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>434 SHANNON DRIVE LEXINGTON, NC 27292</b>
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
V 000	INITIAL COMMENTS  An annual survey was completed on February 18, 2020. Deficiencies were cited.	V 000	This rule is not met as evidenced by: Based on records review and interviews access the Health Care Rigistry (HCPR) Prior to hire for 2 of 2 staff #1, #2	
	This facility is licensed for the following service category: 10A NCAC 27G .5600C Supervised Living for adults whose primary diagnosis is a developmental disability.	V131	V 131 G.S. 131E-256 (D2) HCPR- Prior Employment Verification (d2) Before hiring health care personnel into a health care facility or service, every employee at a heath care facility shall access the Health Care Personnel Registry and shall note each incident of access of the appropriate business files. Not Met	
V 131	G.S. 131E-256 (D2) HCPR - Prior Employment Verification  G.S. §131E-256 HEALTH CARE PERSONNEL REGISTRY (d2) Before hiring health care personnel into a health care facility or service, every employer at a health care facility shall access the Health Care Personnel Registry and shall note each incident of access in the appropriate business files.  This Rule is not met as evidenced by: Based on record reviews and interview, the facility failed to access the Health Care Personnel Registry (HCPR) before hire for 2 of 3 audited staff (Staff #2 and the Qualified Professional (QP)). The findings are:  Review on 2/13/20 of staff #2's record revealed: -Hired 11/17/14 as a Direct Support Professional -Left employment and was re-hired on 8/6/18 -Again, left employment and was re-hired on 6/26/19 -There was no documentation the HCPR was accessed for staff #2	V 131	Plan of Correction  1. The Executive Director or The Residential Program Director will assure/make the access to the Health Personnel Registry bu using the NC DHHS Automated Background Checks Management System (ABCMS) at the time an individual makes application for employment. Verification will be printed aand the copy of the access will be placed into individuals personnel record along with their application. The date of access be documented on the requirement for Employment Checklist to verify the access was made prior to hire.  2. The Requirement for Employment checklist will be reviewed prior to hiring and no individual will be hired without access to the HCPR being made. Copies of accessed information will be filed as a permanent part of the individual's personnel record.  3. If and when an employee should leave employment and is re-hired, a new Health Care Personnel Registry check will be completed in the (ABCMS) byThe Executive Director or Residential Prgram Director. The verified documentation will be placed in the individual's personnel record.  4. A letter has been placed in Staff #1, Staff #2 personnel file that the agency was cited on 02/18/2020 for missing HCPR check.	

Division of Health Service Regulation  
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

MAR 9 2020

Lic. & Cert. Section

Division of Health Service Regulation

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V 131	Continued From page 1  Review on 2/13/20 of the QP's record revealed: -Hired 11/5/07 as the Qualified Professional -The HCPR was accessed on 12/5/07  Interview on 2/13/20 with the QP revealed: -Was sure the HCPR was accessed for staff #2 but could not find documentation to support this -Had worked for the agency for a long time and was not sure why the HCPR was accessed a month after her hire date	V 131		
V 133	G.S. 122C-80 Criminal History Record Check  G.S. §122C-80 CRIMINAL HISTORY RECORD CHECK REQUIRED FOR CERTAIN APPLICANTS FOR EMPLOYMENT. (a) Definition. - As used in this section, the term "provider" applies to an area authority/county program and any provider of mental health, developmental disability, and substance abuse services that is licensable under Article 2 of this Chapter. (b) Requirement. - An offer of employment by a provider licensed under this Chapter to an applicant to fill a position that does not require the applicant to have an occupational license is conditioned on consent to a State and national criminal history record check of the applicant. If the applicant has been a resident of this State for less than five years, then the offer of employment is conditioned on consent to a State and national criminal history record check of the applicant. The national criminal history record check shall include a check of the applicant's fingerprints. If the applicant has been a resident of this State for five years or more, then the offer is conditioned on consent to a State criminal history record check of the applicant. A provider shall not	V 133		

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V 133	<p>Continued From page 2</p> <p>employ an applicant who refuses to consent to a criminal history record check required by this section. Except as otherwise provided in this subsection, within five business days of making the conditional offer of employment, a provider shall submit a request to the Department of Justice under G.S. 114-19.10 to conduct a criminal history record check required by this section or shall submit a request to a private entity to conduct a State criminal history record check required by this section. Notwithstanding G.S. 114-19.10, the Department of Justice shall return the results of national criminal history record checks for employment positions not covered by Public Law 105-277 to the Department of Health and Human Services, Criminal Records Check Unit. Within five business days of receipt of the national criminal history of the person, the Department of Health and Human Services, Criminal Records Check Unit, shall notify the provider as to whether the information received may affect the employability of the applicant. In no case shall the results of the national criminal history record check be shared with the provider. Providers shall make available upon request verification that a criminal history check has been completed on any staff covered by this section. A county that has adopted an appropriate local ordinance and has access to the Division of Criminal Information data bank may conduct on behalf of a provider a State criminal history record check required by this section without the provider having to submit a request to the Department of Justice. In such a case, the county shall commence with the State criminal history record check required by this section within five business days of the conditional offer of employment by the provider. All criminal history information received by the</p>	V 133		



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V 133	<p>Continued From page 3</p> <p>provider is confidential and may not be disclosed, except to the applicant as provided in subsection (c) of this section. For purposes of this subsection, the term "private entity" means a business regularly engaged in conducting criminal history record checks utilizing public records obtained from a State agency.</p> <p>(c) Action. - If an applicant's criminal history record check reveals one or more convictions of a relevant offense, the provider shall consider all of the following factors in determining whether to hire the applicant:</p> <ol style="list-style-type: none"> <li>(1) The level and seriousness of the crime.</li> <li>(2) The date of the crime.</li> <li>(3) The age of the person at the time of the conviction.</li> <li>(4) The circumstances surrounding the commission of the crime, if known.</li> <li>(5) The nexus between the criminal conduct of the person and the job duties of the position to be filled.</li> <li>(6) The prison, jail, probation, parole, rehabilitation, and employment records of the person since the date the crime was committed.</li> <li>(7) The subsequent commission by the person of a relevant offense.</li> </ol> <p>The fact of conviction of a relevant offense alone shall not be a bar to employment; however, the listed factors shall be considered by the provider. If the provider disqualifies an applicant after consideration of the relevant factors, then the provider may disclose information contained in the criminal history record check that is relevant to the disqualification, but may not provide a copy of the criminal history record check to the applicant.</p> <p>(d) Limited Immunity. - A provider and an officer or employee of a provider that, in good faith, complies with this section shall be immune from</p>	V 133		

Division of Health Service Regulation

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V 133	<p>Continued From page 4</p> <p>civil liability for:</p> <p>(1) The failure of the provider to employ an individual on the basis of information provided in the criminal history record check of the individual.</p> <p>(2) Failure to check an employee's history of criminal offenses if the employee's criminal history record check is requested and received in compliance with this section.</p> <p>(e) Relevant Offense. - As used in this section, "relevant offense" means a county, state, or federal criminal history of conviction or pending indictment of a crime, whether a misdemeanor or felony, that bears upon an individual's fitness to have responsibility for the safety and well-being of persons needing mental health, developmental disabilities, or substance abuse services. These crimes include the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public</p>	V 133		



Division of Health Service Regulation

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V 133	Continued From page 5  Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.  (f) Penalty for Furnishing False Information. - Any applicant for employment who willfully furnishes, supplies, or otherwise gives false information on an employment application that is the basis for a criminal history record check under this section shall be guilty of a Class A1 misdemeanor.  (g) Conditional Employment. - A provider may employ an applicant conditionally prior to obtaining the results of a criminal history record check regarding the applicant if both of the following requirements are met:  (1) The provider shall not employ an applicant prior to obtaining the applicant's consent for criminal history record check as required in subsection (b) of this section or the completed fingerprint cards as required in G.S. 114-19.10.  (2) The provider shall submit the request for a criminal history record check not later than five business days after the individual begins conditional employment. (2000-154, s. 4; 2001-155, s. 1; 2004-124, ss. 10.19D(c), (h); 2005-4, ss. 1, 2, 3, 4, 5(a); 2007-444, s. 3.)	V 133		

Division of Health Service Regulation

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V 133	<p>Continued From page 6</p> <p>This Rule is not met as evidenced by: Based on record reviews and interview, the facility failed to submit a request for a criminal history record check within 5 business days of making the conditional offer of employment for 1 of 3 audited staff (Staff #2). The findings are:</p> <p>Review on 2/13/20 of staff #2's record revealed: -Hired 11/17/14 as a Direct Support Professional -Left employment and was re-hired on 8/6/18 -Again, left employment and was re-hired on 6/26/19 -A criminal history record check was completed on 11/17/14 but no subsequent checks were completed at the time of the two re-hire dates</p> <p>Interview on 2/13/20 with the Qualified Professional revealed: -She was unsure why subsequent criminal history record checks were not completed on staff #2</p>	V 133	<p>This rule is not met as evidenced by: Based on record reviews and interview, the facility failed to submit a request for a criminal history record check within 5 business days of making the conditional offer of employment for 1 of 3 audited staff (Staff #2)</p> <p>Plan of Correction</p> <ol style="list-style-type: none"> <li>The Executive Director who is designated by the State Bureau of Investigation will complete a criminal history record check within 5 business days of making the conditional offer of employment. This process will be accessed with the NC DHHS Automated Background Checks Management System (ABCMS). A copy of report will be placed into the individual's personnel record.</li> <li>If an employee leaves employment and is eligible for re-hire, a new criminal record check will be completed within 5 business days of employment. This process will be completed in the NC DHHS Automated Background Checks Management System (ABCMS) and a copy placed into the personnel record.</li> <li>If applicant's criminal history record reveals one or more convictions of relevant offense, the agency will consider the following in determining whether to hire the individual:             <ol style="list-style-type: none"> <li>The level of seriousness of the crime</li> <li>The date of the crime</li> <li>The age of the applicant at the time of conviction</li> <li>the relation between the criminal conduct of the applicant and the job duties of the position being filled.</li> <li>The prison, jail, probation, parole, rehabilitation and employment records of the applicant since the date of the crime.</li> </ol> <p>The determination for factors listed above will have final approval or denial from the Board of Directors.</p> </li> <li>The agency will not hire any applicant who refuses to consent to a criminal history record check.</li> <li>All criminal history information is confidential and may only be disclosed to the applicant as stated in the State Bureau of Investigation consent to release letter.</li> <li>A letter has been placed into Staff #2 personnel record that agency was cited on 02/18/2020 that a re-check of criminal history check was not completed at time of re-hire.</li> </ol>	

<b>Policy Area:</b> Human Resources	<b>Title of Policy:</b> Criminal History Record Check
<b>Effective Date:</b> 3-11-2013	<b>Number:</b> HR4
<b>Revision Date:</b> 10-12-2012	<b>Approved by:</b> Board of Directors
<p><b>Policy:</b> An offer of employment to an applicant is conditioned on consent to a state and national criminal record check.</p> <p>If the applicant has been a resident of the state of North Carolina for less than five years, the offer of employment is conditioned on consent to a state and national criminal record check. The national criminal history record check will include the applicant's fingerprints. If the applicant has been a resident of the state of North Carolina for five years or more, the offer is conditioned on consent to a state criminal history record check.</p> <p>The agency will not hire any applicant who refuses to consent to a criminal history record check.</p> <p><b>Procedures:</b> The agency will apply for and receive an access agreement with the State Bureau of Investigation to request state and national criminal history record checks.</p> <p>Within five days of making an offer of employment, the administrative staff person designated by the State Bureau of Investigation will submit a request for a record check of the applicant. The request will be made following State Bureau of Investigation guidelines and procedures.</p> <p>All criminal history information is confidential and may only be disclosed to the applicant as stated in the State Bureau of Investigation consent to release letter.</p> <p>If the applicant's criminal history record check reveals one or more convictions of relevant offense, the agency will consider the following in determining whether to hire the individuals:</p> <ul style="list-style-type: none"><li>• The level of seriousness of the crime</li><li>• The date of the crime</li><li>• The age of the applicant at the time of the conviction</li><li>• The relation between the criminal conduct of the applicant and the job duties of the position being filled.</li><li>• The prison, jail, probation, parole, rehabilitation and employment records of the applicant since the date of the crime.</li></ul> <p>The fact of a conviction of a relevant offense alone will not be a bar to employment; however, factors will be considered by the Board of Directors. If the Board of Directors disqualifies an applicant after consideration of the factors, the agency may disclose information contained in the criminal history record check to the applicant that is relevant to the disqualification, but may not provide a copy of the criminal history record check to the applicant.</p>	



<b>Policy Area:</b> Human Resources	<b>Title of Policy:</b> Health Care Registry
<b>Effective Date:</b> 3-11-2013	<b>Number:</b> HR5
<b>Revision Date:</b> 12/26/2013	<b>Approved by:</b> Board of Directors

**Policy:** Prior to employment, applicants will be screened through the North Carolina Health Care Personnel Registry.

**Procedures:** The Executive Director and the Residential Program Director are designated to complete the North Carolina Health Care Personnel Registry pre-employment screening.

Individuals with a substantiated finding are ineligible for employment.

A printout of Registry checks will be filed in the Administrative office, noting the date, findings, and a confirmation number verifying the registry check has been completed.

Administrative and/or other agency staff will report to the Registry and to the Department of Social Services any suspected abuse, neglect or exploitation after the internal investigation.

If an allegation is substantiated, the agency will inform the Registry, even if the employee is no longer employed by the agency.

Registry checks may be conducted at any time on new and/or long-term employees.

This policy is in place for the protection of the individuals receiving services from The Arc of Davidson County.

10A NCAC 27G .0202 (b) (4)



1900 South Main Street  
Lexington, NC 27292

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F 336 224-2173  
[www.arcdavidson.org](http://www.arcdavidson.org)

\_\_\_ The Arc of Davidson County was cited by NC DHSR on February 18, 2020 that this employee was missing a Health Care Registry Check prior to hire/rehire.

\_\_\_ The Arc of Davidson County was cited by NC DHSR on February 18, 2020 that this employee was missing a Criminal History Check prior to hire/rehire.

**Achieve with us.**

*For people with intellectual  
and developmental disabilities*

