

**POLICY AND PROCEDURES REGARDING CRIMINAL BACKGROUND INFORMATION  
USED FOR DETERMINING FITNESS OF PERSONS SERVING AS VOLUNTEERS OR PARTNERS  
FOR THE SENIOR HEALTH INSURANCE BENEFITS ADVISORS PROGRAM  
ADMINISTERED BY THE IDAHO DEPARTMENT OF INSURANCE**

Pursuant to the Criminal Justice Information System (CJIS) Security Policy and the NCPA Qualified Entity User Agreement entered into between the Idaho State Police Bureau of Criminal Identification (BCI) and the Idaho Department of Insurance Senior Health Insurance Benefits Advisors (SHIBA) Program on September 13, 2010, the following policy and procedures have been adopted by SHIBA for the use, creation, viewing, modification, transmission, dissemination, storage and destruction of Criminal History Record Information (CHRI).

**A. POLICY CONCERNING NATIONWIDE CRIMINAL BACKGROUND CHECKS ON SHIBA VOLUNTEERS AND PARTNERS**

1. Pursuant to the 1993 National Child Protection Act (NCPA), as amended, which federal law authorizes a nationwide criminal background check for persons who work in either an employee or volunteer status with children, the elderly, or individuals with disabilities, it is SHIBA's policy to submit fingerprint cards to BCI for the purpose of receiving state and federal criminal history information concerning any SHIBA volunteer or partner who is or will be certified as a Counselor or Caseworker, prior to such volunteer/partner conducting one-on-one counseling for or on behalf of the SHIBA Program.
2. The September 13, 2010 agreement between BCI and SHIBA sets forth the terms and conditions under which criminal background checks authorized by the NCPA will be conducted.

**B. PROCEDURE FOR FINGERPRINTING**

1. A SHIBA staff member shall provide (by hand-delivery or by mail) to any volunteer/partner who is required to have a background check pursuant to paragraph A(1) above the following documents: (a) a fingerprint card authorized by BCI; (b) a copy of a BCI "Waiver Agreement and Statement"; and (c) a copy of a BCI "Noncriminal Justice Applicant Privacy Statement." Samples of these documents with instructions on how to complete each document are attached hereto.
2. The volunteer/partner who is required to be fingerprinted may be fingerprinted at any law enforcement agency in Idaho that offers fingerprinting services.
  - a. The official taking the fingerprints must sign and date the fingerprint card. The date must be within 180 days of the fingerprint check submission.
  - b. A fingerprint card cannot be bent, folded, highlighted or otherwise marked on in any way.
  - c. If a volunteer/partner is fingerprinted at Idaho State Police, Noncriminal Justice Agency, 700 South Stratford Drive, Meridian, Idaho, no appointment is necessary.

- d. SHIBA will reimburse the volunteer/partner for fingerprinting expenses incurred by the volunteer/partner.
3. After being fingerprinted, the volunteer/partner shall submit to SHIBA the completed fingerprint card, signed "Waiver Agreement and Statement," and signed "Noncriminal Justice Applicant Privacy Statement" as soon as practicable.
4. After a fingerprint card has been checked by the SHIBA Administrative Assistant for completeness, such Assistant shall prepare a "Fingerprint Based Criminal Background Check Request Form."
5. The fingerprint card and any other required documents shall be forwarded to BCI via interoffice mail.
6. No copies of fingerprint cards will be kept by SHIBA.
7. SHIBA will be billed monthly by BCI for all fingerprint card submissions.

**C. VIEWING INFORMATION RELATED TO FINGERPRINTING AND FOLLOW-UP**

1. Any and all mail originating from BCI and addressed to SHIBA shall be opened only by an authorized SHIBA representative. SHIBA shall designate such representative and train all Department of Insurance staff, including SHIBA staff, whose job duties include opening mail, concerning this procedure.
2. Completed fingerprint cards may be viewed by:
  - a. The SHIBA Volunteer Services Coordinator to whom the volunteer/partner is assigned;
  - b. The SHIBA Administrative Assistant;
  - c. The SHIBA Supervisor; and
  - d. The Department of Insurance Consumer Services Bureau Chief (Bureau Chief).
3. After submission to BCI of a fingerprint card and any other required documents, BCI will provide the following information to the Bureau Chief and/or SHIBA Supervisor:
  - a. A notification that the individual described on the fingerprint card does not have a criminal history record; or
  - b. A copy of the individual's criminal history record.
4. Upon receipt of a background check report lacking disposition data, authorized SHIBA personnel may conduct research in whatever state and local record-keeping systems are available to obtain data concerning the fingerprinted individual. The following link contains County District Court contacts: <https://www.idcourts.us/repository/start.do>.
5. If deemed appropriate, SHIBA will perform background checks based on fingerprinting results on the following employees:
  - a. The SHIBA Administrative Assistant;
  - b. The SHIBA Supervisor; and
  - c. The Bureau Chief.
6. All personnel who have been authorized to access CHRI have been trained in security measures with regard to the safeguarding of CHRI.

#### **D. PROCEDURE FOR RE-FINGERPRINTING**

1. If the first fingerprint card submission is rejected by BCI due to poor image quality, fingers out of sequence, or lack of notations concerning amputations, etc., BCI will mail the fingerprint card, along with a rejection form, back to SHIBA.
2. SHIBA will then send a letter through the U.S. Postal Service to the individual whose fingerprints were rejected, along with a new fingerprint card, any other required documents, and instructions as to how to be re-fingerprinted.
3. When a new set of fingerprints is received by SHIBA, both the old and reprint fingerprint cards shall be submitted, together with any other required documents, to BCI via interoffice mail.
4. There is to be no charge for the reprint if the same agency performs the reprint that performed the first fingerprints.
5. If the second fingerprint card submission is also rejected as stated in paragraph D (1) above, BCI will initiate a nationwide name check to the FBI on the individual. The results will be provided to SHIBA.

#### **E. DISQUALIFICATION**

1. The existence of a criminal record is not an automatic disqualifier from service as a SHIBA volunteer/partner. The nature of the offense, when the offense occurred, and other pertinent information are considered in combination with all other information gathered in the screening process, and the decision of whether to accept or reject a person seeking to be a SHIBA volunteer/partner is based on an overall assessment by authorized SHIBA staff of the qualifications and appropriateness of the volunteer/partner for the role in question.
2. The following are categories of offenses that will result in disqualification from service as a SHIBA volunteer/partner:

##### **a. Homicides**

##### **b. Other violent offenses**

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|--------------|----------------|
| i. Assault   | iv. Kidnapping |
| ii. Battery  | v. Stalking    |
| iii. Robbery |                |

##### **c. Sex-related offenses**

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|---------|--------------------|
| i. Rape | ii. Sexual assault |
|---------|--------------------|

##### **d. Offenses against a dependent or vulnerable individual**

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|---|--|
| i. Crime against a child                        | iii. Violation of a position of trust            |
| ii. Violation of Adoption and Safe Families Act | iv. Causing injury to a person 60 years or older |

**e. Drug/alcohol-related offenses**

- i. Sale, manufacture, or use of controlled substances
- ii. Certain DUIs

**f. Fraud-related offenses**

- i. Fraud
- ii. Forgery
- iii. Extortion or blackmail
- iv. Misappropriation of property
- v. Financial exploitation
- vi. Perjury
- vii. Medicaid or insurance fraud
- viii. Larceny or felony banking violations
- ix. Improper credentialing

**g. Property crimes**

- i. Theft or burglary
- ii. Tampering with public records
- iii. Criminal mischief
- iv. Breaking and entering
- v. Arson

3. In the event it is determined that an individual is disqualified from serving as a SHIBA volunteer/partner, the SHIBA Supervisor will communicate that determination directly to the person who is disqualified as soon as practicable. The disqualified individual may challenge the disqualification by submitting a request in writing, addressed to BCI, for a certified copy of his or her criminal background check using the "Fingerprint Based Criminal Background Check Form" found at [http://www.isp.idaho.gov/identification/crime\\_history/fingerprint.html](http://www.isp.idaho.gov/identification/crime_history/fingerprint.html). When information contained in a criminal background check is disputed by the disqualified individual, the fingerprint based check is processed by BCI without charge. After reviewing the criminal background check, the individual may supply supplemental information from the arresting agency or court. All information provided will be reviewed by BCI and added to the individual's record.

**F. PROCEDURE FOR DISSEMINATING CHRI**

1. Upon a written request from the person as to whom a criminal background check was sought and received by SHIBA, a copy of the criminal background check will be provided to such person via the U.S. Postal Service or provided in-person at a site where such person's identity can be verified by authorized SHIBA personnel. The written request must be received within 30 days of the notification of the disqualification.
2. CHRI will not be disclosed to or shared with any person or entity not involved in the fitness determination of a volunteer/partner as outlined herein.

**G. STORAGE OF CHRI**

1. All CHRI will be maintained by SHIBA in a locked file cabinet in the office of the Bureau Chief.
2. Department of Insurance employees have access to the Bureau Chief's office but will not have access to the locked file cabinet where CHRI is stored.
3. All files relating to SHIBA volunteers/partners will be maintained in a locked file cabinet in the SHIBA section of the Boise office of the Department of Insurance.

#### **H. DESTRUCTION OF CHRI**

1. CHRI will be destroyed by authorized SHIBA personnel by document shredding, when it is determined by the SHIBA Supervisor that such information is no longer needed by SHIBA.
2. Originals of signed "Waiver Agreement and Statement" and "Noncriminal Justice Applicant Privacy Statement" forms shall be retained in the SHIBA office for as long as the subject volunteer/partner is providing services for or on behalf of SHIBA, or for five (5) years, whichever is longer, at which time such forms shall be destroyed by shredding. Whenever CHRI is destroyed by shredding, an authorized SHIBA representative shall document such shredding, to include a description of the information shredded, the date of such shredding, and the name of the person who witnessed such shredding.