



**North Carolina Department of Health and Human Services  
Division of Facility Services • Mental Health Licensure and Certification Section**

Tel 919-855-3795 • Fax 919-715-8078  
2718 Mail Service Center • Raleigh, North Carolina 27699-2718

Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

Stephanie M. Alexander, Chief

March 28, 2005

Re: Criminal Background Checks

Dear Provider:

The North Carolina General Assembly has passed a new law which expands your responsibility to conduct criminal background checks on unlicensed employees. Effective March 23, 2005, you will be responsible for doing a criminal background check on all prospective employees who may have direct access to clients you serve. This includes direct care positions, administrative positions and any other support positions that have contact with clients.

The law requires that, for those prospective employees who have lived in North Carolina less than five consecutive years, a national criminal records check must be obtained. For those prospective employees who have lived in North Carolina for more than five years, only a state criminal records check is required. In addition, the law requires that all contract agencies whose employees have direct access to your clients must comply with this new law.

The State Bureau of Investigation (SBI) is the state agency designated in the new law to perform the national criminal record checks. As with the earlier law, state criminal record checks on prospective unlicensed employees that have direct access to your clients can be either sent to the SBI or you may contract with a private provider to complete these checks for you.

**IMPORTANT:** In order to send requests for checks to the SBI, you must first contact them to obtain information on what they require from you to register for this new process. It is our understanding that you must obtain the SBI Access Agreement and sign it before the new process is implemented. You can call them at 919-662-4509 or send a request for information to the following address: State Bureau of Investigation, Criminal Information and Identification Section, P.O. Box 29500, Raleigh, NC, 27626-0500.

Federal law currently prohibits the sharing of national criminal records with providers other than federally certified skilled nursing homes or federally certified home health agencies. Consequently, the new state law requires that the results of the federal record check (for employees listed in paragraph two above) be sent to the Department of Health and Human Services' centralized Criminal Records Check Unit (CRCU). The CRCU will review the results and notify you either that there is no criminal history or that a positive "hit" has occurred requiring your follow-up. When no national check is required, the state results will continue to be sent directly to you from the SBI if you use them to conduct these checks.

If you have questions concerning any of the above information, please contact the central Criminal Records Check Unit at 919-773-2856 or 1-800-859-0829 (in-state calls only).

Sincerely,

Stephanie M. Alexander, Chief  
MH Licensure & Certification Section

Cc: Jim Jarrard, Division of MH/DD/SAS  
Kevin Kelley, Division of Social Services  
Division of Medical Assistance  
Carol Duncan-Clayton, NC Council of Community Programs



Location: 701 Barbour Drive • Dorothea Dix Hospital Campus • Raleigh, N.C.

An Equal Opportunity / Affirmative Action Employer

