



STATE OF NEW YORK DEPARTMENT OF HEALTH

161 Delaware Avenue

Delmar New York 12054

Richard F. Daines, MD
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

Date: June 9, 2009

DRS DAL: #09-05

SUBJECT: CHRC Live Scan Implementation

Dear Administrator:

This letter announces an important change to the Criminal History Record Check (CHRC) program for covered employers.

Starting June 15, 2009, CHRC will require electronic fingerprinting (Live Scan) for all unlicensed prospective employees who are subject to Department of Health criminal history record check review. This new process of electronic fingerprinting greatly enhances the accuracy of fingerprinting and will lead to quicker results and legal determinations. It eliminates providers' responsibility for taking 'ink-and-roll' fingerprints. It also significantly reduces delays produced by inaccurate prints that are rejected by DCJS and the FBI.

A network of Live Scan sites is being established in neutral locations across New York State to meet the needs of your prospective employees. Through a Division of Criminal Justice Services (DCJS) contract, L-1 Enrollment Services, Inc., is responsible for development and operation of this network. Each county will have at least one Live Scan site. Large metropolitan areas and counties with high populations will have multiple sites. In general, services should be available within 20 miles or a 30-minute drive from a provider. It is anticipated that the network will grow to accommodate expanded services, where needed.

Live Scan sites consist of fixed and mobile sites. Fixed sites are open full time and offer extended service hours on two evenings every week and at least every other Saturday. Most mobile sites are operational one day a week at that location. A complete list of site locations is available at www.L-1enrollment.com.

Live Scan also includes an improved payment process. The cost for the criminal record review is \$105.75. This consists of \$94.25 for the DCJS and FBI review and a \$11.50 L-1 processing fee. Reimbursement will be made to each provider as funds are appropriated in any given year. Currently, the entire \$105.75 will be reimbursed.

Payment for the CHRC review will be made directly to L-1. Payment options include escrow account, credit card, debit card, business check, money order and cash. Payment will be taken at the time the appointment is made if the provider pays with credit or debit card. Payment will be made at the time the employee is fingerprinted for all other options. Credit/debit card payments will be reimbursed by L-1 for employees who do not show up for their appointments. An advantage of using the escrow account option is that funds are taken out of the escrow account only when the individual is fingerprinted. **For further information regarding establishment of an escrow account, contact the L-1 Finance Office at www.L-1enrollment.com or call 877 472-6915.**

Many of the CHRC process requirements remain the same with the new Live Scan system. There are however, several changes that will affect you.

The following activities will take place:

1. Authorized Person (AP) requirements remain the same. Only CHRC APs can submit requests and receive legal determinations from the Department.
2. A CHRC 102 form (Employee Consent Form) must be signed by the prospective employee prior to fingerprinting and retained in the employee's file.
3. A CHRC 103E form (Request for CHRC) must be completed and submitted electronically to CHRC by the AP.
4. Upon receipt of the 103E Request for Services, CHRC will determine whether the subject individual had been processed previously or is new to the system. A legal determination will be provided expeditiously for previously processed individuals.
5. **(NEW) Starting June 15, 2009**, for those who are determined to be new to the program (initials), a Request for Scan Services will be posted to the CHRC HPN file viewer.
6. **(NEW)** Upon receipt of the Request for Scan Services by the AP, an appointment must be scheduled for the employee to be fingerprinted, along with indication of the method of payment. This appointment may be scheduled through the web site or by telephone. Appointment scheduling should take 5-10 minutes and can be done by anyone working for the provider. It does not have to be done by the AP.
7. **(NEW)** The AP should provide the prospective employee with a copy of the Request for Scan Services. The prospective employee should give the form to the Live Scan attendant. If the prospective employee arrives at his/her appointment without this form, services will still be provided.
8. **(NEW)** The prospective employee must go to the Live Scan site for the appointment with proper identification (which must meet I-9 standards). Fingerprinting will not be

done without two forms of valid ID. At the time of the appointment a digital photograph will also be taken. L-1 will provide a receipt to the employee.

9. The Live Scan digital fingerprints will be transmitted directly DCJS for review and results will be provided to CHRC by DCJS and the FBI. An employee eligibility determination will be conducted by CHRC Legal and a legal determination letter will be provided to the AP via the VHRC HPN file viewer.

The CHRC program is establishing a Customer Service Help Desk at 518 402-5549 to provide support during this conversion. Trained representatives will assist providers with all questions on Live Scan or general CHRC processes.

Thank you for your attention to this important advancement that will further help protect our most vulnerable frail and elderly population.

Sincerely,

Jacqueline Pappalardi
Director
Division of Residential Services