

Date: December 26, 2021

RE: Special COVID -19 Supplement #1: Fingerprinting Guidance REVISED and Rescinding April 1, 2020, guidance UPDATED 12/26/2021

Effective January 1, 2022, the April 1, 2020, guidance “Special COVID-19 Supplement #1: Fingerprinting Guidance” is rescinded.

“The Special COVID-19 Supplement #1 Fingerprinting Guidance was originally jointly issued by the New Mexico Human Services Department, Department of Health (DOH), the Children Youth and Families Department (CYFD), and the Aging and Long-term Services Department (ALTSD) outlining flexibility for fingerprinting requirements for the declaration of the Public Health Emergency (PHE).” This Supplement # 1 is rescinded.

Effective January 1, 2022, via this notice, all new hired “caregiver” employees of licensed health facilities and home and community-based Medicaid waiver programs who are defined as a “caregiver” (see 29-17-4 NMSA and 7.1.12.2 NMAC) and hired on or after January 1, 2022, shall be in compliance with 29-17-2 et seq and 7.1.12 NMAC and complete a background check at time of hire.

Caregivers hired during the Public Health Emergency between April 1, 2020, and December 31, 2021, during the effective period of “Special COVID-19 Supplement #1: Fingerprinting Guidance”, individuals and facilities shall proceed with the following revised process:

Those caregivers who did not receive a CCHSP background check at the time of hire, and all new hire caregivers, must proceed with the following:

1. Caregiver employees previously hired during the Public Health Emergency (PHE) who have not received a clearance and passed the NM Abuse Registry, Caregiver Online Registry (COR), and a background check must complete the background check within 90 calendar days of the date of this notice and must comply no later than March 31, 2022. **If you have not completed a background check with fingerprinting, you must complete it in order to continue working.**
2. Background checks may be completed using the following processes:
 - a. A background check is required for all employees. Due to the public health orders, background checks were suspended in 2020 and 2021. Background checks must be completed by all new employees and employees whose background checks were not completed due to the public health orders. The background check requires fingerprinting.
 - b. If you are a new employee, once Conduent has received your employee packet a fingerprint form and voucher will be sent to you.
 - c. If you are an existing employee who did not complete a background check previously, Conduent will send you a fingerprint form and voucher.

- d. You can take the fingerprint form and voucher to any digital finger printing service center of your choice.
 - e. The background check will take 3-5 business days to process. Once the background check is complete, you'll receive a letter of clearance or disqualification.
 - f. If you receive a letter of disqualification, you will have 20 days in which to come into compliance. Conduent will review your employee packet in parallel with your background check. Conduent will correspond if any discrepancies are discovered with your employee packet.
 - g. Once your employee packet and background check are approved you can begin employment. Attached is list of digital fingerprinting centers. All background checks must be completed by March 31, 2022.
3. Caregivers who do not pass the background check (i.e. disqualified) or who do not comply and complete the background check within 30 calendar days of the date of this notice, **MUST** be removed from employment immediately pursuant to 29-17-5(E) unless reconsideration is sought pursuant to 29-17-5(F).
 4. *CYFD employees only*: must continue to follow CYFD standard background and screening process as per 8.8.3 NMAC 1 Title 8 Social Services.

Reminder:

- The Statute at 29-17-4 NMSA specifically states that it does not apply to hospital caregivers who are licensed New Mexico health care professionals practicing within the scope of a profession's license.
- The regulation 7.1.12.2 NMAC states it does not apply to employees who are licensed health care professionals or certified nurse aides.

Sincerely,



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Department of Health
Acting Cabinet Secretary



Nicole Comeaux, J.D., M.P.H., Director
Medical Assistance Division