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Long-Awaited Background Check Law Requires More Waiting. Advocates Call on Legislature to Hasten Implementation

We wholeheartedly support the passage and reach of a new national background check law in Massachusetts, which was signed by Governor Deval Patrick on August 5, 2014.

The new law authorizes national criminal background checks for persons hired to work unsupervised with people with intellectual and developmental disabilities, and requires that new and current employees of the Department of Developmental Services and its state-funded providers submit their fingerprints to a federal FBI database. The law applies to workers in state and private provider settings.

We strongly oppose, however, provisions inserted in the law that will delay the full implementation of the national background check requirements – by 4 years for current employees and 1.5 years for new hires.

In addition, as noted by the Massachusetts Coalition of Families and Advocates (COFAR), ambiguity in the language of another provision in the law may result in certain new hires working unsupervised with individuals with intellectual and developmental disabilities before their background checks are completed:

“Department-licensed, funded or approved programs and providers of transportation services on behalf of any department-licensed, funded or approved program may hire individuals without first obtaining the results of a state and national fingerprint-based criminal history check.”

Much harm can be done to vulnerable people due to the delayed implementation and the ambiguous language that we hope was not the intent of the Legislature. While the vast majority of direct care workers provide highly compassionate and competent care, it takes just one bad actor to do unspeakable harm; and the likelihood of these same individuals to “float” – move from one provider to another, or even cross state lines – is high.

We call on the Legislature to fix the unnecessary delay provisions and ambiguity in this long-awaited law which affords such significant protection to the most vulnerable citizens in our state.

For more information, please contact David Hart, President of CCMR, VOR Board Member, and Chair, VOR Legislative Committee and VOR Board Member at 781-718-7799 cell; djhartd@verizon.net

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