
Covered California Background Check Policy

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California Health Benefit Exchange Board Meeting
March 21, 2013



Background Check Overview

- Federal guidance requires that state Exchanges protect and safeguard customers from unauthorized and illegal access to, or disclosure of, their sensitive information.
- Sensitive information includes:
 - Personal Identifying Information
 - Personal Health Information
 - Federal Tax Information

Background Check Program: Recommendations

- Background checks are recommended to be required for Covered California personnel with access to sensitive customer information
 - Personnel includes all Covered California employees, prospective employees, contractors, subcontractors, volunteers and vendors
 - Assistors are considered contractors or volunteers
 - California Department of Insurance will continue to handle background checks for insurance agents
- **Method:** fingerprint-based background checks are recommended to comply with federal requirements
 - Fingerprint-based background checks provide necessary federal and state criminal background information
- **Frequency:**
 - Background checks would be performed prior to hiring
 - Periodic rescreening requirement would be satisfied by subsequent arrest notifications
 - Individuals would not need to undergo additional fingerprinting after the initial background check



Background Check Program: Recommendations

- **Potentially disqualifying offenses:**
 - Covered California would use the judicially created standard of crimes of moral turpitude for potentially disqualifying offenses
 - This standard is used by other state departments that require background checks
- **Mitigating factors:**
 - Mitigating factors will include evidence of rehabilitation and the age and specifics of the offense
 - Covered California will develop an appeals process for Assister applicants
- **Cost:**
 - Covered California will pay background check costs for employees
 - Covered California will pay background check costs for certified Assistors through 2014 and then review the policy

Background Check Program: Next Steps

- Provide technical assistance to the Legislature to draft statutory authorization language
- Revise regulations with stakeholder input for Board consideration in May