

# Adult Protective Services Background Checks

**Policy 8.03**

**Effective: April 01, 2023**

## Introduction

The Tennessee Department of Human Services shall conduct a criminal background investigation on all current and prospective Adult Protective Services' employees and interns as required by state statute.

## Scope

This policy provides guidelines for conducting background checks for current and prospective Adult Protective Services' employees, interns, and supervisors who may have a history of criminal convictions or that could pose a safety risk for individuals receiving protective services.

## Policy

### A. Who is Subject to a Background Check?

A background check must be completed on all current and prospective Adult Protective Services (APS) employees, interns, and supervisors whose duties may include serving APS clients.

### B. When will APS Employees Receive a Background Check?

- Prospective employees who will have access to vulnerable adults or their property prior to hire
- Current APS employees who previously had no access to vulnerable persons or their property but now have access due to a change in duties
- APS employees who have changed job title/job duties and will continue to have access

### C. Background Check Process

1. Current employees, prospective employees, interns, and supervisors in positions whose duties may include serving APS clients must comply with the investigation requirements. They must also agree to the release of their records and disclosure of their background information to the Tennessee Department of Human Services (TDHS) on a disclosure form provided by TDHS. The following agency's databases will be utilized to complete the background check:
  - a. Tennessee Bureau of Investigation (TBI),
  - b. Federal Bureau of Investigation (FBI),
  - c. Tennessee Department of Children's Services (DCS) Child Protective Services (CPS) Background Check Portal,
  - d. Tennessee Department of Health's (TDH) Vulnerable Persons' Registry, and
  - e. Tennessee Sex Offender Registry.
2. If a current employee does not consent to the required background check and investigation:
  - a. he or she may be deemed ineligible for employment,
  - b. be subject to disciplinary action up to and including termination, and/or
  - c. discontinuance of internship with APS.

3. If a prospective employee does not consent to the required background check and investigation, he or she may be deemed ineligible for employment.
4. All current and prospective APS employees and interns must supply a fingerprint sample and submit to a state criminal history background check and investigation of offense registries.
5. For current employees, a copy of the Findings/No Findings letter will be placed in the personnel file. TDHS does not provide the applicant, employee, or intern a copy of the FBI criminal history record. He or she may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.
6. For prospective employees, a copy of the Findings/No Findings letter will be placed with the job list/requisition. A copy of the FBI criminal history record may be obtained by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

#### D. Excludable Offenses

1. Discovery of an excludable offense may result in disciplinary action up to and including termination, retraction of a conditional offer of employment, or discontinuance of internship.
2. Excludable offenses include, but are not limited to, the following convictions or adjudication for an offense or lesser included offense involving:
  - The physical, sexual, or emotional abuse of any person,
  - Neglect, financial exploitation or misuse of funds or theft from any person,
  - Violence against any person,
  - Conviction of an offense involving the manufacture, sale, possession, or distribution of any drug, or a no-contest plea to such offenses,
  - Any pending warrants, indictments, presentments, or petitions for such offenses, or
  - The identification of any person on the TDH's Vulnerable Persons' Registry, the Tennessee Sex Offender Registry, or identification as a perpetrator of abuse or neglect of children or adults in the records of DCS or TDHS.
3. No person may be employed by APS whose essential job functions include driving as a requirement if the person is currently charged with or has been convicted of, or pled guilty to, within the last five (5) years to one of the following criminal offenses:
  - Vehicular homicide;
  - Accidents involving death or personal injury;
  - Accidents involving damage to a vehicle;
  - Driving under the influence of intoxicant, drug, or drug producing stimulant; or
  - Any felony involving the use of a motor vehicle while under the use of any intoxicant.
4. The full list can be found on [Excludable Offenses for APS Staff](#).

#### E. Duty to Report Excludable Convictions

1. Any current employee or intern who is arrested for, charged with, or convicted of a crime listed above must report his/her conviction/arrest to the [TDHS Investigative Unit](#) within forty-eight (48) hours.
2. The Office of Inspector General (OIG) will notify APS and OGC upon getting receipt of the results.
3. Failure of an APS employee or intern to report such a crime or conviction may result in disciplinary action, up to and including termination or discontinuance of internship assignment.

**F. Waiver/Appeal Rights of Current Employees**

A current employee who has been found to have an excludable crime and who has been excluded from access to vulnerable adults due to a criminal offense or registry listing can request that TDHS grant a waiver of the exclusion and/or file an appeal regarding this determination. Information regarding how to seek a waiver or an appeal is included on the findings letter sent to the current employee. See [8.03 APS Background Checks Procedures](#).

**Supporting Documents**

[8.03 APS Background Checks Procedures](#)

[Excludable Offenses for Adult Protective Services Staff](#)

## Definitions/Acronyms

Term	Definition
APS	Adult Protective Services
CPS	Child Protective Services
DCS	Tennessee Department of Children's Services
FBI	Federal Bureau of Investigation
HR	Human Resources
OGC	Office of General Counsel
OIG	Office of Inspector General
Prospective Employee	An applicant who has been identified and/or recommended for a position with Tennessee Department of Human Services
TBI	Tennessee Bureau of Investigation
TDH	Tennessee Department of Health
TDHS	Tennessee Department of Human Services
Unsupervised Access	The right or ability of a person to be left alone with the funds, personal property, or personal identification information of an APS client or program participant with no other adults present and includes those whose employment duties include direct supervisory responsibility for individuals with such access.
WAC	Waiver Advisory Committee

## Supersedes


8.03 APS Background Checks, eff. date 09/17/2021

## Approval History

Approved By	Approver Title	Approved Date	Effective Date
Cherrell Campbell-Street	Deputy Commissioner	03/24/2023	04/01/2023
Clarence H. Carter	Commissioner	09/17/2021	10/01/2021

## Revision History

Date	Version	Location of Change	Description/Reason for Change
05/02/2025	04/01/2023	Scope	This policy revision clarified the scope.
03/24/2023	04/01/2023	Policy Section	Second heading revised
09/17/2021	10/01/2021	N/A	New Document

Approved By		Approval Date	03/24/2023
Authority	Tenn. Code Ann. § 71-2-403 Tenn. Rules & Regs. Ch. 1240-07-10-.09	Effective Date	04/01/2023
Application	This policy applies to current and prospective Adult Protective Services employees and interns who may have access to persons served or their property by the Adult Protective Services program.		