



Dear Colleague:

This letter is the second of our series of informational letters to the field regarding changes to the criminal history background check process as a result of the creation of the Justice Center for the Protection of People with Special Needs (Justice Center), which becomes operational on June 30, 2013. You are receiving this letter because you are a provider of mental health services that is currently subject to the criminal history background check requirements set forth in Section 31.35 of the Mental Hygiene Law.

In our first letter to you dated May 8, we shared information about the creation of the Justice Center, via the Protection of People with Special Needs Act, or PPNA (Chapter 501 of the Laws of 2012). Among its provisions, the PPNA centralizes within the Justice Center the criminal background check process for facilities or providers under the jurisdiction of the Office of Mental Health (OMH), the Office for People With Developmental Disabilities (OPWDD) and certain Office of Children and Family Services (OCFS) providers.

I. Anticipated “Black Out Period” for Fingerprint Submissions

As noted in our previous correspondence to you, we expect only minimal change to the existing criminal background check process. However, in order to effectively ensure that the Justice Center’s Criminal Background Check system is fully operational on June 30, 2013, ***THE OMH CHITS SYSTEM WILL BE “BLACKED OUT” FROM 3 PM ON JUNE 21, 2013, THROUGH 9 AM ON JULY 1, 2013.*** This will allow fingerprint submissions made prior to the “black out” period to cycle through the OMH CHITS system. The “black out period” is critically important, as it will enable the Justice Center Implementation Team and the affected State Agencies to input all necessary data to ensure that Justice Center Criminal Background Check system replicates the effective operation and timely response times that have been the hallmark of the CHITS system.

WE ARE PROVIDING YOU WITH THIS NOTICE SO THAT YOU CAN EFFECTIVELY PLAN AHEAD TO ENSURE THAT YOU ARE APPROPRIATELY STAFFED DURING THIS BRIEF TRANSITIONAL PERIOD. During the “black out period,” you will not be able to enter data into CHITS and request a criminal history record check from OMH. While we will make every effort to ensure that any subject individual entered into CHITS prior to the “black out” period will be processed in a timely manner, we can make no such assurances with respect to any attempted submissions during the time of the “black out.”

Although you will not be able to submit data and request criminal history record checks during this period, you will still be able to access CHITS to view information throughout the period of



the “black out,” including existing determinations and any arrest notifications that OMH receives during the “black out” period. As always, you will be notified via e-mail about any arrests that may occur during the “black out” period.

II. Changes to the Criminal History Record Check Letters

You may notice a few changes from our current correspondence in the Justice Center Criminal Background Check communications:

1. You will continue to receive determination letters that will include a summary of the New York State criminal history record. A summary of criminal history information obtained from the FBI nationwide criminal history record search will no longer be included. The Justice Center has been advised by DCJS that the FBI has recently directed that the results of its nationwide criminal history record search may not be re-disclosed to private, non-governmental agency providers. As such, letters will indicate that any reported information is limited to New York State criminal history information, and that no information regarding the existence (or lack thereof) or content of out-of-state criminal history information is being disclosed.
2. Any criminal history information reported as a result of the FBI nationwide criminal history record search will be received and reviewed by the Justice Center Criminal Background Check Unit.
3. Applicants who are notified that their applications may be denied as a result of the New York State and/or FBI criminal history record information will be directed to address the matter and submit rehabilitation and other requested information directly to the Justice Center Criminal Background Check Unit. The summary provided by Justice Center to the applicant will contain both a summary of New York State criminal history record information and, if applicable, FBI criminal history record information
4. Prospective employees may, if they desire, re-disclose the summary results of an FBI criminal history record search to anyone they choose. However, providers cannot require that the prospective employee provide them with a copy of the results of the FBI nationwide criminal history record search.

The Justice Center recognizes that these changes to OMH’s longstanding process may cause some initial concern. However, consistent with current practice, the Justice Center Criminal Background Check legal staff will continue to review the applicant’s entire criminal history record and render its employment suitability determinations in accordance with Article 23-A of the Correction Law. We are committed to working with the Justice Center to facilitate a smooth transition and to maintain a timely and efficient process.



We thank you in advance for your patience and cooperation as we move forward with this endeavor. Please do not hesitate to contact the OMH Bureau of Criminal History Information should you have any specific questions or concerns.

Sincerely,



Kevin Honikel
Director, Bureau of Criminal History Information
New York State Office of Mental Health

