Office of the Assistant Secretary for Planning and Evaluation
Ensuring a Qualified Long-Term Care Workforce:
From Pre-employment Screens to On-the-Job Monitoring

This study examined different state approaches to screening and monitoring long-term care workers for criminal background and history of elder abuse and the efficacy of these approaches.

Lead Agency:

Office of the Assistant Secretary for Planning and Evaluation
U.S. Department of Health and Human Services

Agency Mission:

The Assistant Secretary for Planning and Evaluation advises the Secretary of the Department of Health and Human Services on policy development in health, disability and aging, human services, and science and data policy, and provides advice and analysis on economic policy. The Office of the Assistant Secretary for Planning and Evaluation (OASPE) leads special initiatives, coordinates the Department's evaluation, research and demonstration activities, and manages cross-Department planning activities such as strategic planning, legislative planning and review of regulations. Integral to this role, OASPE conducts research and evaluation studies, develops policy analyses, and estimates the cost and benefits of policy alternatives under consideration by the Department or Congress.

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Partner Agencies:

HHS Office of the Inspector General,
Centers for Medicare and Medicaid Services (CMS)
Federal Bureau of Investigations (FBI)
US Department of Justice, Nursing Home Initiative
US Health Resources and Services Administration (HRSA)
Kansas Department of Health and Environment
San Diego Prosecutors Office

General Description:

Ensuring a Qualified Long-Term Care Workforce: From Pre-employment Screens to On-the-Job Monitoring

There has been renewed focus on reducing the incidence of elder abuse, especially in long-term care facilities. One commonly suggested solution is more rigorous background screenings and monitoring of long-term care workers. However, the efficacy and cost effectiveness of such interventions is not known.

This project examined the efficacy of various approaches to pre-employment screening and on-the-job monitoring of nurse assistants to prevent resident abuse in nursing homes. The goal was to inform policymakers, providers, consumers and other interested parties about the relative contributions and perceived effectiveness of existing federal mandates and state and provider-based strategies for preventing or reducing the abuse of vulnerable adults.

Federal and state governments, education and training centers, and employers have created a variety of formal mechanisms aimed at preventing incidences of abuse, neglect and exploitation in nursing homes and other long-term care settings. These mechanisms can include certification and licensure of paraprofessional long-term care workers, various pre-employment screenings, (e.g., nurse aide registries, criminal background checks and drug tests), and on-the-job training and monitoring.

The two primary methods used for pre-employment screening include checking nurse aide registries and conducting criminal background checks. Federal guidelines require each state to establish and maintain a registry of nurse aides that includes certification information and substantiated findings of abuse, neglect, or financial exploitation in nursing homes. Federal guidelines require nursing facilities to check their State nurse aide registry to ensure that hired nurse aides are certified to work and meet all state requirements, and that they do not have any substantiated findings of abuse, neglect or misappropriation associated with their license. In addition, long-term care facilities may check other relevant databases they believe will include any information on the potential employee (e.g., criminal background database).

Some states, either through law or by choice, collect data beyond the scope mandated by federal requirements for maintaining nurse aide registries. For example, states registries may include data on certified and non-certified health care workers in addition to nurse aides, along with additional demographic information such as race/ethnicity, education level, or current employer.

Previous studies have examined rates of abuse in nursing facilities, direct service worker capacity issues, and compliance of states to maintain nurse aide registries. This study looked across all of these issues, by examining the process states go through to collect and maintain information in their registries, state and employer mandated background check procedures, reporting and investigating policies/practices when abuse allegations are made, and the impact of such processes on the direct service workforce, employers and state agencies.

Excellence: What makes this project exceptional?
Significance: How is this research relevant to older persons, populations
                         and/or an aging society?
Effectiveness: What is the impact and/or application of this research to
                         older persons?
Innovativeness: Why is this research exciting or newsworthy?

Examining the efficacy of long-term care worker employment screening mechanisms (such as state nurse aide registries and criminal background checks) comes at a particularly relevant time. Recent federal studies highlight the urgency for the study from both a long-term care staffing perspective and from a quality care perspective. The Medicare Prescription Drug, Improvement, and Modernization Act (MMA) authorized a background check pilot program in seven states. Additionally, there have been numerous legislative proposals in recent years to address long-term care worker screenings to prevent elder abuse in long-term care. However, the efficacy and cost effectiveness of such interventions is not clear. Nor is there information on the impact that more rigorous background screenings might have on the supply of long-term care workers.

The goal of this study was to examine current practices at the state and facility levels regarding pre-employment screening and on-the-job monitoring, and how these influence the quality of the long term care workforce.

Extensive variation across states affected the ability of the researchers to make a definitive statement about the efficacy of these strategies to ensure a qualified workforce. The study's in-depth examination of four states revealed that some aspects of these systems work well, but limitations exist in each state that affects the overall utility of these practices. The technology, coordination capabilities and infrastructure exist through on-line registries, fingerprint databases and abuse registries to help employers make the best hiring decisions possible to protect the elderly in their care. States are building on their knowledge, experience, and capabilities to streamline these processes, but there is still room for improvement while balancing the resource intensiveness of making these changes.

Key findings from the study:

Criminal background checks are a valuable tool for employers during the hiring process and their use does not limit the pool of potential job applicants. None of the nursing facilities experienced any negative impact on their applicant pool as a result of this requirement.

A correlation exists between criminal history and incidences of abuse. Based on data from Arizona and Kansas, it does appear that nurse aides who had a previous criminal conviction (non-disqualifying offense) had higher rates of substantiated abuse than nurse aides without a criminal history.

Criminal background checks are only one component of preventing abuse. Other effective strategies for preventing abuse include: adequate supervision/monitoring, presence of managers on the floor, decreasing staff burnout, adequate staffing levels, rotating nurse aides on the floor to alleviate pressure of difficult residents, increased education and training, obtaining meaningful employment references (beyond verification of employment dates), instituting a drug-free workplace policy, minimizing temporary hires, and pointing out negative behaviors in the moment and using them as a staff development opportunity.

There are fewer policies in place that support or reinforce post-employment strategies to ensure a qualified workforce. Most states have no process in place to notify employers if an active employee commits a crime that would have prohibited them from working during their background check prior to employment. One innovative state program monitors criminal behavior of individuals working in positions of direct care and service of potentially vulnerable populations (nursing facilities, home health, child care agencies, etc.) While the program is an exemplar, it also illustrates that such on-going monitoring requires significant commitment of resources and participation across agencies.

Previous studies on this issue have examined rates of abuse in nursing facilities, direct service worker capacity issues, and compliance of states to maintain nurse aide registries. This study is unique because it looked across all of these issues and provides valuable information to states considering changes to their long-term care worker requirements to prevent elder abuse.