

TO: Providers within Justice Center SEL Check Jurisdiction
FROM: Jeff Wise, Executive Director
DATE: August 6, 2013
SUBJECT: Interim Process: Provider Staff Exclusion List Checks

As you know, the Justice Center is responsible for maintaining a statewide register known as the Staff Exclusion List (SEL) which will contain the names of individuals found responsible for serious or repeated acts of abuse and neglect. Individuals on the SEL are subject to hiring restrictions as prescribed by law for any state operated, certified or licensed agencies or providers that serve people with special needs. As of June 30, 2013, the law requires most providers to check the SEL prior to allowing a prospective applicant to have regular and substantial contact with a service recipient.

We are cognizant of the fact that no one is currently on the SEL. The Justice Center values the input from the provider community as we work to ensure that people with special needs are protected from abuse, neglect and mistreatment. To alleviate the processing burden associated with checking the SEL, the Justice Center has considered suggestions for changing the SEL check request protocol and has decided to make available an Interim Request for Staff Exclusion List Check page on the Justice Center's website for providers to access, instead of requiring a SEL check for each individual applicant, until such time as someone is placed on the SEL.

Until a person is placed on the SEL, providers may comply with Social Services Law §495(2), which requires a check of the SEL, by visiting www.justicecenter.ny.gov and clicking on the red banner near the top of the home page, then printing and saving a copy of the dated Interim Request for Staff Exclusion List Check page along with the employment application for each applicant for whom a provider or agency is mandated to conduct a SEL check. This document must be available for auditing purposes by your program's State oversight agency.

When someone is placed on the SEL, the webpage will change to reflect that fact and providers will then be required to submit an SEL Check Request form for every applicant and receive a Justice Center response before proceeding with the hiring process or otherwise allowing that person to have regular and substantial contact with a service recipient.

Please note: the Justice Center has interpreted the relevant statutory language to provide that an SEL Check Request should only be submitted on a person a provider is seriously considering hiring or otherwise permitting to have regular and substantial contact with a service recipient. An SEL Check Request form should not be submitted for everyone that a provider may interview.