



## OPERATIONAL MEMO

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<b>TITLE:</b>	<b>CHANGES TO CONSUMER-DIRECTED ATTENDANT SUPPORT SERVICES CRIMINAL BARRIER CRIMES LIST</b>
<b>SUPERSEDES NUMBER:</b>	<b>HCPF OM 21-027</b>
<b>EFFECTIVE DATE:</b>	<b>MARCH 22, 2023</b>
<b>DIVISION AND OFFICE:</b>	<b>BENEFITS AND SERVICES MANAGEMENT DIVISION, OFFICE OF COMMUNITY LIVING</b>
<b>PROGRAM AREA:</b>	<b>PARTICIPANT DIRECTED PROGRAMS</b>
<b>KEY WORDS:</b>	<b>CDASS, FMS, BACKGROUND CHECK, ATTENDANT ENROLLMENT, PARTICIPANT DIRECTED PROGRAMS, BARRIER CRIME, CRIME OF HIGH RISK, EMPLOYER GUIDE</b>
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<b>APPROVED BY: CANDACE BAILEY</b>	

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*HCPF Memo Series can be accessed online: <https://www.colorado.gov/hcpf/memo-series>*

### **Purpose and Audience:**

The purpose of this Operational Memo is to inform Consumer-Directed Attendant Support Services (CDASS) stakeholders of updated requirements to the background check process for CDASS attendant enrollments.

### **Information:**

The CDASS program requires that all attendants pass a background check prior to being approved to work and render services. One part of the background check process assesses criminal history. Currently, a prospective attendant is prohibited from hire if their background check identifies conviction of a crime that may create a health and safety risk to the member. These crimes were previously referred to as Criminal Barrier Crimes contained within the Colorado CDASS Criminal Barrier Crimes List.

Through engagement with Participant Directed Programs Policy Collaborative (PDPPC) stakeholders and Centers for Medicare and Medicaid Services (CMS), the Colorado CDASS Criminal Barrier Crimes List has been updated to include new and changed

requirements and has been renamed. This updated document, titled the CDASS Background Check Crimes of High Risk: Employer Hiring Guide, is attached for reference and available through the Participant-Directed Programs webpage ([hcpf.colorado.gov/participant-directed-programs](https://hcpf.colorado.gov/participant-directed-programs)), CDASS Training and Operations contractor, and Financial Management Service (FMS) contractors.

Changes to the previous Criminal Barrier Crimes now contained in the CDASS Background Check Crimes of High Risk: Employer Hiring Guide are:

- Adding time limitations to multiple crimes
- Class limiting fraud to a felony level
- Removal of felony DUI

Additionally, the background check process now provides:

- An exception process for some crimes
- Safety planning for CDASS members who request exceptions

Resources related to assessing background checks and hiring best practices are available to CDASS employers through the Training and Operations contractor. Contractor contact information can be found on the [Participant-Directed Programs webpage](#).

**Attachment:**

CDASS Background Check Crimes of High Risk: Employer Hiring Guide (March 2023)

**Department Contact:**

Participant-Directed Programs Unit  
Office of Community Living  
[HCPF\\_PDP@state.co.us](mailto:HCPF_PDP@state.co.us)  
303-866-5638



## CDASS Background Check Crimes of High Risk: Employer Hiring Guide

### *Effective March 2023*

Any individual interested in working as a Consumer-Directed Attendant Support Services (CDASS) attendant is required to undergo a criminal background check through the Colorado Bureau of Investigation (CBI). The Financial Management Services (FMS) contractors conduct this check and will report the results to the CDASS employer (member or their Authorized Representative) and prospective attendant.

A prospective attendant will not be found initially eligible for hire by the FMS if their CBI Colorado Criminal Background Check (CBC) report shows they have been found guilty of any of the crimes within the specified time frames listed below. An individual will also be found initially ineligible if their report does not contain disposition, crime class, or offense date information. A CDASS employer may request the individual clarify their record through CBI if this information is missing from a report. The steps to clarify a CBC report can be found on the Participant Directed Programs webpage ([hcpf.colorado.gov/participant-directed-programs](http://hcpf.colorado.gov/participant-directed-programs)) under Attendant Background Checks.

A CDASS employer may request an exception from Participant Directed Programs (PDP) to hire an individual initially found ineligible. CDASS employers must complete the CDASS Background Check Exception Request Form ([sites.google.com/state.co.us/CDASSException](https://sites.google.com/state.co.us/CDASSException)) or contact PDP at 303-866-5638 to make a request. Exception requests are approved based on employers completing the process and creating a safety plan that is actionable. Not all requests are guaranteed to be approved if these criteria are not met.

High-Risk Crimes	Not initially eligible for hire	Eligible for hire with an exception	Exception requirement	No exception allowed
Felony Drug Offenses <sup>i</sup>	✓	✓	Conviction must be 3 years or older	
Felony Fraud <sup>ii</sup> within the last 5 years	✓	✓	Conviction must be 5 years or older	
Felony Theft <sup>iii</sup>	✓	✓	Conviction must be 5 years or older	
Abduction / Kidnapping <sup>iv</sup>	✓	✓	Conviction must be 10 years or older	
Hate Crimes <sup>v</sup> within the last 10 years	✓	✓	Conviction must be 10 years or older	
Felony Arson <sup>vi</sup> within the last 10 years	✓	✓	Conviction must be 10 years or older	
Neglect or Abuse by a Caregiver <sup>vii</sup>	✓	✓	Conviction must be 10 years or older	



Any Violent Felony <sup>viii</sup>	✓	✓	Conviction must be 20 years or older	
Child or At-Risk Person Abuse, Neglect, or Exploitation <sup>ix</sup>	✓	✓	Misdemeanor conviction must be 10 years or older. Felony conviction must be 20 years or older	
Crimes Against a Child or At-Risk Person that Causes Harm <sup>x</sup>	✓	✓	Misdemeanor conviction must be 10 years or older. Felony conviction must be 20 years or older	
Felony Involving an Act of Domestic Violence <sup>xi</sup>	✓	✓	Conviction must be 20 years or older	
Sexual Offenses <sup>xii</sup>	✓	✓	Conviction must be a misdemeanor	
Health Care Fraud <sup>xiii</sup>	✓			✓
Purchase or Sale of a Child <sup>xiv</sup>	✓			✓
Sexual Exploitation Against a Child or At-Risk Person <sup>xv</sup>	✓			✓
Murder / Homicide <sup>xvi</sup>	✓			✓

Resources related to assessing background checks reports and the best practices for hiring individuals with criminal histories are available to CDASS employers through the Training and Operations contractor. Contractor contact information can be found on the Participant Directed Program [webpage](#).

Questions related to this document or CDASS background check exception process should be directed to:

Participant Directed Programs Unit  
Office of Community Living  
[HCPF\\_PDP@state.co.us](mailto:HCPF_PDP@state.co.us)  
Phone: 303-866-5638 | Fax: 303-866-2786

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- i C.R.S. Title 18, Art. 18, Pt. 4  
ii C.R.S. Title 18, Art. 5  
iii C.R.S. Title 18, Art. 4, Pt. 4  
iv C.R.S. Title 18, Art. 3, Pt. 3  
v C.R.S. Title 18, Art. 9, Pt. 1-121  
vi C.R.S. Title 18, Art. 4, Pt. 1  
vii C.R.S. Title 18, Art. 6.5  
viii C.R.S. Title 18, Art. 3, Pt. 2  
ix C.R.S. Title 18, Art. 6, Pt. 4, C.R.S. Title 18, Art. 6.5  
x C.R.S. Title 18, Art. 6, Pt. 4, C.R.S. Title 18, Art. 6.5  
xi C.R.S. Title 18, Art. 6, Pt. 8  
xii C.R.S. Title 18, Art. 3, Pt. 4  
xiii C.R.S. Title 24, Art. 31, Pt. 8  
xiv C.R.S. Title 18, Art. 6, Pt. 4  
xv C.R.S. Title 18, Art. 6, Pt. 4, C.R.S. Title 18, Art. 6.5  
xvi C.R.S. Title 18, Art. 3, Pt. 1

