**Purchased Client Services Background Check Exemption Chart**

The following contract types are exempt from the DFPS PCS Background Check Policy except as otherwise noted below:

| **Program Area** | **Subject**  **(i.e., Primary Service)** | **Description** | **Are there variables or other policies to consider regarding background checks?** |
| --- | --- | --- | --- |
| All | Interagency Contracts (IACS) | Contracts with other state agencies for various purposes, including research projects. | Yes. If the Contractor Staff under the IAC do not have access to clients but do have access to the DFPS network or any DFPS application, background checks are required through [DFPS Operating Policy 2104 (Background Checks for External User Access to Information Resources).](http://intranet/CPI/Handbooks_and_Operating_Policies/Operations_Division/OP-2104.asp)  If the Contractor Staff are not required to conduct checks under the above referenced policy, then the Regional Director or designee of the relevant DFPS program area must complete an evaluation to determine if background checks should be conducted through the PCS Background Check Policy. The evaluation should focus on the protection of clients and their information. |
| HHSC | Superior Heath Plan | Behavioral/Medical Professionals | No. |
| APS and CPS | Claims Processing | Contracted check writing services for the purpose of processing payment to persons and entities (who do not have an existing contract with the Department) that delivered goods or services to eligible clients. | No. |
| APS and CPS | Translator Services | Provide language translation services to DFPS clients. These services are either billed under administrative contracts, or sometimes under a Client Services Contract. | No. |
| APS | Nursing Home Care | Temporary emergency nursing home care for APS clients. The care is provided in licensed DADS facilities, and the contract is only needed until either Medicaid or private pay resources take over. | No |
| APS | Personal Care Assistance | Temporary attendant care in the client’s home to assist the client in daily living activities. Only DADS contracted agencies are used, and the contract is only needed until the client is accepted for services by DADS. | No |
| CPS | Community and Parent Groups | Support and education based councils, associations, and organizations that develop and expand the activities of groups that promote services to abused and neglected children or their caregivers (e.g. Council on Adoptable Children, and Texas Foster Family Associations). | No. |
| CPS | Drug Testing | Substance abuse testing for clients when/if the worker has reason to believe the client has a substance abuse problem and the client denies the problem and/or refuses to participate in substance abuse assessment and/or treatment. | No. |
| CPS | Out of State Contractors | Such as Adoption Services, Placement Services, CPAs, and hospital sitters. | Yes. It is the responsibility of the State Office CPS Director or the CPS Regional Director or their designee to complete an evaluation to determine if background checks are needed to protect clients and their information.  If it is determined that the Contractor has already conducted background checks on their staff in their home state, then additional background checks through the PCS Background Check Policy will not be required. |
| CPS | Contractors for Child-Specific Contracts | Contracts obtained by Non-competitive Procurement Waivers. Approved waiver types are:  1. Exigent waivers  2. Sole Source Waivers  3. Emergency Waivers  4. Court Ordered Waivers | Yes. The Assistant Commissioner for CPS may approve the decision to require the completion of background checks through DFPS for particular types of child specific contractors such as HCS facilities, or for an individual child specific contract. Requests to require background checks for specific contractors should be obtained by Action Memo directed to the Assistant Commissioner for CPS.  Contractors have background checks completed by other operations, either required by the entity, the State, or license type. |
| CPS - Administrative Contract | Title IV-E (Legal) Funded Services | A contract with a county government to reimburse the county for eligible Title IV-E legal expenses. | No. |
| CPS - Administrative Contract | Title IV-E (Child Welfare - Financial) Funded Services | A contract with a county government to establish and maintain a child welfare board and reimburse that county for eligible Title IV-E expenditures for the child welfare board and/or foster children. | Yes. If volunteers have regular access to clients, a background check is required through the [DFPS Volunteer and Community Engagement Policy Handbook, 6400 Background Checks.](http://intranet/Handbooks/Volunteer/Files/VCE_pg_6400.asp#VCE_6400) |
| Residential Services | Paid substitute care services to children in DFPS custody. | These include residential treatment centers, child placing agencies, general residential operations. | Yes. Due to the additional financial and management responsibilities assigned to principals on the contract, ***persons identified as a principal on the contract MUST complete the PCS background checks*** and will be held to the same standards as other PCS contractors. For all other employees, subcontractors, and volunteers, these contractors must only complete background checks as required by Child Care Licensing under [40 Texas Administrative Code Chapter 745, Subchapter F](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=40&pt=19&ch=745&sch=F). |
| Residential Services | Non-financial contracts for substitute care services to children in DFPS custody | These include residential treatment centers, child placing agencies, and general residential operations which do not receive payment for services. | Since these contractors do not receive funds for services, only the background checks as required by Child Care Licensing under [40 Texas Administrative Code Chapter 745, Subchapter F](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=40&pt=19&ch=745&sch=F) are required. |
| Residential Services | Supervised Independent Living | SIL provides independent living in apartment, non-college dorm, college dorm, shared housing, and host home settings for young adults (ages 18-22) in Extended Foster Care. Young adults in these settings are provided minimal supervision and case management services, allowing them to practice necessary independent living skills and achieve self-sufficiency in a supportive environment. | If the residential services provider is also contracted with DFPS to provide Supervised Independent Living services to young adults, background checks must be conducted on this contractor’s employees, subcontractors, and volunteers as outlined in [2340](http://www.dfps.state.tx.us/Handbooks/CBCU/Files/CBCU_pg_2000.asp#CBCU_2340) Background Checks for Residential Operations Regulated by Child Care Licensing. |
| CPS and PEI | Various client services | A residential services contractor who also has additional client-services contracts. For example: a residential treatment facility that also contracts with DFPS to provide STAR services. | Yes. Due to the additional financial and management responsibilities assigned to principals on the contract, ***persons identified as a principal on the contract MUST complete the PCS background checks*** and will be held to the same standards as other PCS contractors. |