

Staff Exclusion List Checks

Before determining whether to hire or otherwise allow any person, as an employee, administrator, consultant, intern, volunteer, or contractor, with the potential to have regular and substantial contact with a service recipient; or before approving an applicant for a license, certificate, permit, or other approval to provide care to a service recipient, the following entities must request the Justice Center to conduct a check of the Staff Exclusion List (SEL).

After obtaining the results of a check of the SEL, a criminal background check (CBC), if authorized, and an inquiry of the State Central Register for Child Abuse and Neglect (SCR) must be conducted if the applicant is **not** on the SEL.

Entities that must request an SEL check	SEL check	CBC¹ by Justice Center	SCR check	If on SEL - mandatory no hire	If on SEL - discretion to hire²
1) Facility/Provider Agency (defined SSL 488[4]):					
a) Facility or program operated, licensed or certified by OMH, ³ OPWDD and OASAS	X	X	X	X	
b) Facility or program operated by OCFS for JD/JO in OCFS custody & residential programs or facilities licensed or certified by OCFS ⁴	X	X	X	X	
c) DOH adult care facilities (80+ beds with at least 25% residents with serious mental illness)	X		X	X	
d) Overnight summer camps for DD children regulated by DOH	X		X	X	
e) State schools for deaf/blind, residential schools deaf/blind, special act schools, in-state private special education schools with residential programs	X		X	X	
2) Other providers of services in programs licensed or certified by State Oversight Agency (SOA)	X		X	X	

¹The standard for conducting a CBC is regular and substantial unsupervised or unrestricted physical contact with service recipients as provided for in Mental Hygiene Law §§16.33, 19.20, 19.20-a and 31.35.

² Discretion in determining whether to hire is to be made in accordance with guidelines developed by OCFS for evaluating the subject of an indicated report of child abuse or maltreatment.

³ Except for MLH Art 10 secure treatment facilities and programs operated by OMH located in DOCCS' facilities.

⁴ Except for foster family homes and residential programs for victims of domestic violence.

3) Other providers of services in programs funded by SOA	X		X		X
4) Provider or provider agencies defined in Social Services Law §424-a(3) that are not otherwise covered by 1 or 2 above, such as⁵:					
a) Authorized agencies defined Social Services Law §371(10)	X		X		X
b) OCFS	X		X		X
c) Licensed child day care centers	X		X		X
d) Early intervention service	X		X		X
e) Preschool services	X		X		X
f) School-age child care programs	X		X		X
g) Residential schools operated/supervised/approved by SED	X		X		X
5) Licensing Agency defined in Social Services Law §424-a(4) not otherwise covered in 1 or 2 above, such as⁶:					
a) an authorized agency which:					
<i>i) has received an application to become an adoptive parent; or</i>	X		X		X
<i>ii) has received an application for a certificate or license to receive, board of keep any child; or</i>	X		X		X
<i>iii) has received an application from a relative of parent or step-parent; or the child's legal guardian for approval to receive, board or keep such child</i>	X		X		X
b) A state or local government agency that receives an application to provide:					
<i>i) child day care services in a child day care center, or</i>	X		X		X
<i>ii) school age child care program, or</i>	X		X		X
<i>iii) family day care home or group family day care home</i>	X		X		X

⁵ If a provider agency included in Social Services Law §424-a(3) is otherwise covered in category 1 or 2 on this chart, it is not included under category 4 of this chart.

⁶ If a provider agency included in Social Services Law §424-a(4) is otherwise covered in category 1 or 2 on this chart, it is not included under category 5 of this chart.

c) NYC DOHMH when it receives an application for certificate of approval to provide:					
i) <i>child day care services in a child day care center</i>	X		X		X
d) OMH or OPWDD when it receives an application for an operating certificate to operate a family care home serving children	X	X	X	X	
e) A state or local government official who receives an application for a permit to operate a camp which is subject to Public Health Law Article 13-A or 13-B	X		X	X If state official is DOH, then mandatory	X
f) OCFS when it has received an application for a certificate to receive, board or keep any child at a foster home (Executive Law Articles 19G and H)	X		X	X	