

Frequently Asked Questions (FAQ): **HB576 and Conditional Employment**

1. What types of background checks must be completed before employment begins?

Answer: Employment cannot begin until the following checks are completed and cleared:

- State and national fingerprint-based criminal background checks
- North Carolina Sex Offender Registry check
- North Carolina Child Abuse and Neglect Registry check
- Out-of-state child abuse/neglect registry checks, if the applicant has lived outside NC within the past 5 years

2. What if we are short-staffed and need to hire someone immediately to supervise children?

Answer: State law requires that all background checks be fully completed before an employee may begin work. If you need immediate coverage, consider exploring temporary staffing agencies who already meet the clearance requirements listed above. This will allow your agency to remain compliant while ensuring supervision needs are met.

3. Can new employees begin orientation before their background checks are complete, if they are not working directly with children?

Answer: No. Even if staff are in orientation and do not have direct child contact, all required checks must be completed before employment can begin. Orientation, training, or onboarding cannot occur until this requirement has been met.

4. Does the probationary period (30 – 90 days) allow staff to start working before background checks are finalized?

Answer: No. The probationary period does not change this requirement. All required background checks must be completed before the first day of employment, regardless of whether the employee is considered probationary or permanent.

5. Can an applicant reuse fingerprints from a previous residential group home or another employer?

Answer: No. Even if an applicant recently submitted fingerprints for a different agency, each new employer must ensure that required background checks are current and conducted under their agency. This ensures that the background check is current and meets agency's standards.

6. What if we are unable to reach ABCMS for assistance?

Answer: If you are experiencing difficulty contacting ABCMS, please:

- Email: ABCMSSUPPORT@IMPROVING.COM
- Call: the ABCMS support line at 919-754-6000
- Review the ABCMS Provider Portal Guide, which contains troubleshooting steps and escalation contacts. [FFPSASubmitApplication.pdf](#)

7. What if the Sheriff's Department is booked for fingerprinting appointments for several weeks or months?

Answer: If the local Sheriff's Department has long delays, you may:

- Contact sheriff departments in surrounding counties to check availability.
- Use approved private vendors or electronic fingerprinting services. Explore mobile fingerprinting services that may be able to come to your agency.

These options can often reduce wait times and help prevent hiring delays.

8. What if applicants do not have computer access to create an online account for fingerprinting?

Answer: Applicants without personal computer access can:

- Use public computers at libraries, community centers, or workforce development offices.
- Seek help from family or friends to complete the online setup.

Agencies are encouraged to support applicants by providing guidance and ensuring this step is not a barrier to employment.

9. What if the Sheriffs' Department only fingerprint county residents and nearby counties and they are also booked?

Answer: If your local Sheriff's Department limits services to county residents and nearby counties are unavailable, you may:

- Contact approved private or mobile fingerprinting vendors.
- Ask regional law enforcement offices if special arrangements can be made for urgent cases.

10. What about volunteers, interns, or contact staff who do not provide direct services?

Answer: All individuals employed with a residential facility must undergo all required background checks.

11. Are there any exceptions for emergencies or urgent circumstances?

Answer: No. HB576 removed conditional employment, and there are no exceptions for emergencies or urgent circumstances. All background checks must be completed before employment begins.

12. Does this change affect existing employees, or only new hires?

Answer: The repeal applies to new hires moving forward. Existing employees who were conditionally employed before HB576 became law are not required to stop working if their checks have since cleared. However, agencies should review all active staff to ensure compliance with current standards and renewal timelines.

14. Who can we contact at NCDHHS Division of Social Services for assistance if barriers persist?

Answer: If barriers persist, please contact your assigned Private Agency Licensing Consultant.