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New York Should Improve Its Oversight of Nursing Homes' Compliance With Background Check Requirements

Why OIG Did This Audit

- Employee background checks are an important safety measure that can help protect long-term care residents. Approximately 1.2 million people reside in nursing homes, with more than half of them relying on Medicare and Medicaid to pay for their long-term care.
- This audit assessed whether New York ensured that selected nursing homes complied with Federal requirements that prohibit the employment of unlicensed individuals and those with disqualifying backgrounds during calendar year 2023. We reviewed 10 staff members at each of 10 nonstatistically selected nursing homes.

What OIG Found

New York did not ensure that 6 of the 10 selected nursing homes complied with Federal requirements that prohibit the employment of individuals with disqualifying backgrounds during our audit period. In total, these 6 nursing homes did not comply or did not document compliance with background check requirements for 8 of the 100 employees reviewed. Specifically:

- Four nursing homes allowed a total of six staff members to provide care before their required background checks were completed.
- One nursing home did not provide enough information for us to determine whether a staff member's background check was completed before the staff member began providing care.
- One nursing home allowed a clinical staff member to provide care before completing its verification of the staff member's license.

These deficiencies and potential deficiencies occurred because New York's monitoring was not adequate to prevent nursing homes from employing individuals with disqualifying backgrounds. Also, nursing homes did not comply with their internal policies and procedures to ensure that background checks and license verifications were completed as required. This put residents at risk of abuse, neglect, exploitation, or mistreatment.

What OIG Recommends

We made two recommendations to New York, including that it improve its procedures for monitoring nursing homes' compliance with background check requirements and reinforce guidance to nursing homes to follow policies and procedures for completing background checks and license verifications.

New York did not indicate concurrence or nonconcurrence with our recommendations but detailed steps it has taken in response to our recommendations.