

CHAPTER 2: Background Checks

ALTSA Residential Care Services, Standard Operating Procedures Manual

Overview

This policy describes procedures for background check authorizations conducted by DSHS for the Aging and Long-Term Care Support Administration for Residential Care Services (RCS).

- [Chapter 74.39A RCW](#) requires all long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a criminal history that would disqualify them from working with vulnerable persons.
- [RCW 43.43.830-845](#) requires DSHS to conduct background checks on persons who may have unsupervised access to children or vulnerable adults.
- [RCW 74.15.030](#) requires DSHS must only use national and state background check information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of persons or agencies.
- [RCW 74.39A.056](#) requires all long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a criminal history that would disqualify them from working with vulnerable persons.

This policy applies to RCS facilities that employ, directly or by contract, any agency or person that may involve unsupervised access to adults and minors who are receiving services in a Residential Care Services program under chapters.

- A. [RCW 74.39A.056 CRIMINAL HISTORY CHECKS ON LONG-TERM CARE WORKERS](#)
- B. [RCW 43.43.830-845 BACKGROUND CHECKS-ACCESS TO CHILDREN & VULNERABLE ADULTS](#)
- C. [CHAPTER 70.128 RCW ADULT FAMILY HOMES \(AFH\)](#)
- D. [CHAPTER 18.20 RCW ASSISTED LIVING FACILITIES \(ALF\)](#)
- E. [CHAPTER 18.51 RCW NURSING HOMES \(NH\)](#)
- F. [CHAPTER 70.97 RCW ENHANCED SERVICES FACILITIES \(ESF\)](#)
- G. [CHAPTER 388-76 WAC ADULT FAMILY HOMES \(AFH\)](#)
- H. [CHAPTER 388-78A WAC ASSISTED LIVING FACILITIES \(ALF\)](#)
- I. [CHAPTER 388-97 WAC NURSING HOMES \(NH\)](#)
- J. [CHAPTER 388-107 WAC ENHANCED SERVICES FACILITIES \(ESF\)](#)
- K. [CHAPTER 388-113 WAC DISQUALIFYING CRIMES AND PENDING CHARGES](#)

These procedures are not covered by [DSHS Administrative Policies](#) as they are specific to Residential Care Services. These procedures will be reviewed for accuracy and compliance at least every five years.

Contacts

- BCCU General Contact: BCCUInquiry@dshs.wa.gov.
- RCS Policy Unit General Contact: RCSPolicy@dshs.wa.gov
- RCS Quality Improvement Unit General Contact: ImproveRCS@dshs.wa.gov

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Part I: [Background Check Process Guidelines](#)

This section contains the Standard Operating Procedures (SOPs) that licensed facilities are required to conduct in accordance with program WACs. These steps will help licensors/surveyors/investigators to understand the processes for two types of background checks: Washington State Patrol (WSP) and Federal Bureau of Investigations (FBI).

A. [Applicant/Employee Required to Obtain a Background Check](#)

Background

Background checks are required for employees, volunteers, and contracted staff of licensed facilities. Always review program WACs for prescribed regulations.

Procedure

1. Background checks must be renewed at least every two (2) years or as required by program rule or contract.
2. Beginning January 7, 2012, all new long-term care workers, must have fingerprint-based background checks.
3. Individuals who may have unsupervised access to vulnerable adults or minors must complete a DSHS background check.
4. Individuals who may have unsupervised access to vulnerable adults and minors in licensed RCS facilities must pass a background check, using the [Background Check Authorization Form \(DSHS 09-653\)](#) (BAF) or online at <https://fortress.wa.gov/dshs/bcs/>.
5. Individuals may not work in a capacity that involves unsupervised access to residents until non-disqualifying background check results are received from the department.
6. Long-term care workers must have fingerprint-based checks.
7. Background checks must be renewed according to program rules. If the background check is expired, the individual may not have unsupervised access to residents in RCS facilities.
8. All individuals who have resided less than three (3) continuous years in Washington State must have fingerprint-based background checks, since a Washington name and date of birth check will not be available. Individuals who reside out of state but work in Washington State, must have fingerprint-based background checks, since a Washington name and date of birth check will not be available.

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B. Washington State Name and Date of Birth (WANDO) Check

Background

The initial background check completed by authorized facility representatives is run through the Washington State Patrol (WSP) for the Name and Date of Birth results.

Procedure

1. Applicant must complete their background check authorization form using the online form at <https://fortress.wa.gov/dshs/bcs/> or provide a signed paper copy of the [Background Check Authorization Form \(DSHS 09-653\)](#).
2. Requestor must verify that the applicant has completed the form correctly and confirm that there is no information missing.
3. Requestors must check the applicant's photo identification (i.e., driver's license, government identification card (ID), tribal ID, or passport) to verify the applicant's identity and that the name, date of birth, and signature match the information provided on the [Background Check Authorization Form \(DSHS 09-653\)](#).
4. If the applicant completed their background check authorization form using the online form, the applicant needs to provide you with their confirmation code and their date of birth. Enter the online form confirmation code and applicant date of birth into the background check system to submit to BCCU.
5. If the applicant provided a signed paper copy of the background check authorization form, enter the information from the form into the background check system and submit it to BCCU.
6. Nursing Home regulations permit background checks to be run through a law enforcement agency at cost to the Nursing Home. The results from these background checks do not include the negative actions information prescribed in [WAC 388-97-1820](#). It is the responsibility of the facility to verify this information and document it in the applicant/employee personnel file.

C. Fingerprint-Based Check Procedures

Background

The second background check completed by authorized facility representatives is run through the Federal Bureau of Investigation (FBI) for the fingerprint-based results. You do not need to submit a name and date of birth request and then a fingerprint request. You will have the opportunity to decide if you want to continue the fingerprint-based background check after the interim result or WA State Name and Date of Birth is available to review in the background check system (BCS).

Procedure

1. Applicant must complete their background check authorization form using the online form at <https://fortress.wa.gov/dshs/bcs/> or provide a signed paper copy of the [Background Check Authorization Form \(DSHS 09-653\)](#).
2. If the applicant completed their background check authorization form using the online form, the applicant needs to provide you with their confirmation code and their date of birth. Enter the online form confirmation code and applicant date of birth into the background check system to submit to BCCU.
3. If the applicant provided a signed paper copy of the background check authorization form, enter the information from the form into the background check system and submit it to BCCU.
4. When an interim result notification is available for review in BCS, the status for the inquiry will change to Interim FP Finished. Once you make the decision to continue with the fingerprint check, BCS will generate the Appointment Form Packet. This contains the information needed to schedule a fingerprint appointment.
5. Either the Requestor or the applicant schedules the electronic fingerprinting appointment at the nearest electronic fingerprinting location:
 - a. Website: Go to <https://wa.ibtfingerprint.com/>, also referred to as Idemia; or
 - b. Call 1-888-771-5097 (Monday –Friday 8:00-5:00)
6. The employee will receive a receipt from the vendor as proof of completion of the fingerprint appointment to affirm the FBI results are pending.
7. The electronic fingerprinting company provides the applicant with an appointment confirmation receipt and sends electronic prints to the Washington State Patrol for completion of the federal check. The requestor must retain a copy of this receipt from the applicant.
8. Nursing Homes applicant/employees are not required to conduct fingerprint-based checks.

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D. [Conditional/Provisional Hires](#)

Background

The applicant/employee has limitations on whether they can work supervised or unsupervised based on the status of their background checks.

Procedure

1. Providers may conditionally hire an applicant/employee provided they are supervised while having access to residents and meet the additional program regulations for conditional hire.
2. Providers may provisionally employ an applicant/employee with unsupervised access to residents, from the date of hire up to 120 days, as allowed under the law when:
 - a. The applicant/employee is not disqualified based on the WNDQB check; and
 - b. The results of the national fingerprint check are pending.
3. Providers making a provisional hire must ensure electronic prints have been submitted prior to the provisional hire by retaining a copy of the fingerprint receipt from the applicant.
4. There are no exceptions to extend the 120-day timeframe.

E. Notification Letters

Background

The BCCU will send to the facility a notification letter that provides the status of a background check. The letter could lead to further action by the facility or applicant/employee within the context of the notification letter.

Procedure

1. BCCU will send one of the following notification letters in response to the background check:
 - a. **“No Record”** This letter indicates that no disqualifying crimes or negative actions were found during the background check. However, the requestor remains responsible to determine the applicant’s/employee’s suitability for employment; or
 - b. **“Review Required”** This letter indicates that the background check found the applicant/employee has a record of criminal conviction(s) or other negative actions that do not automatically disqualify the individual. However, the requestor must review the character, competence, and suitability of the applicant to determine whether or not it would be appropriate to hire the applicant; or
 - c. **“Disqualify”** This letter indicates that the applicant has a record of criminal conviction(s) or other negative actions that may disqualify the applicant/employee from employment. The requestor must compare the specific conviction(s) or negative actions with the applicable list of disqualifying crimes and negative actions in [Chapter 388-113 WAC](#) and ensure that applicants/employees with disqualifying records are not hired. If an existing employee receives this letter the requestor must ensure that they are immediately removed from having unsupervised access to minors and vulnerable adults. For applicants/employees hired prior to July 24, 2014, refer to [WAC 388-113-0025](#) for certain exceptions that may apply.
 - d. **“Additional Information Required”** This letter indicates that more information is needed in order for the background check to be completed. For example, if the Record of Arrests and Prosecutions (RAP) sheet lists the crime of theft but does not include the degree of the theft, the BCCU is unable to determine if the crime is disqualifying or not. Therefore, the applicant/employee must provide the BCCU with a copy of the Final Legal Court from the court of conviction, along with the BCCU affidavit form, to complete the background check.
2. The facility must have in the employee personnel file a copy of the WND0B, and the fingerprint check.
3. Requestor’s must maintain a copy of the notification letters and their attachment(s) according to retention requirements.
4. Fingerprint results for non-governmental agencies do not include FBI RAP sheets (criminal activity found through a fingerprint-based FBI check). The applicant/employee must obtain these from the BCCU and share them with the requestor/employer since FBI documents cannot be provided to the requestor by the BCCU.

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5. The notification letter provided by the BCCU for a fingerprint result is sharable. The FBI RAP sheet is not sharable per federal laws. The applicant/employee is responsible for obtaining the results from the BCCU and providing them to their employer.

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F. [Disqualifications](#)

Background

Disqualifications can be related to a crime, pending charge, or negative action.

Procedure

1. DSHS must automatically disqualify an applicant if their background check reveals criminal convictions and/or pending charges, on the list of disqualifying crimes in [WAC 388-113-0020](#) or negative actions listed in program WACs.
2. An applicant/employee can be disqualified based on their responses on the [Background Check Authorization Form \(DSHS 09-653\)](#), Responses of 'yes' to numbers 12, 13, and 14 are automatically disqualifying. If the applicant/employee disagrees with the disqualification they must submit an [Applicant Affidavit Form \(DSHS 27-109\)](#) to the BCCU explaining their responses to either of these questions that were marked 'yes'. Until a new letter is issued by the BCCU, the applicant/employee cannot work unsupervised.
3. RCS applicants/employees with disqualifying background check results must not have any unsupervised access to clients in the course of their employment duties.
4. There are a few exemptions permitted under [WAC 388-113-0040](#) for criminal convictions. The applicant/employee must meet all the prescribed requirements to be eligible for an exemption approved by the employer.
5. There are no exemptions for negative actions except a finding by the Department of Children Youth and Families that has been accompanied by a Certificate of Parental Improvement (CPI). A negative action that has been issued a CPI is subject to a CC&S.
6. A character, competence, suitability determination cannot be used for any disqualifying crime, pending charge, or negative action.

G. Character, Competency, Suitability (CCS) Determination

Background

A determination of character, competence, and suitability review may be required as directed by the notification letter. This may be required after the WSP check and/or the FBI check depending on the results from either check.

Procedure

1. When the notification letter indicates that an applicant's character, competence, and suitability (CCS) must be reviewed, the following information must be considered:
 - a. The amount of time that has passed since the conviction or negative action;
 - b. The seriousness of the crime that led to the conviction or finding;
 - c. The number and types of other convictions in the applicant's background;
 - d. Age when convicted of the crime or when he or she committed the act that notification in a negative action(s);
 - e. Documentation indicating successful completion of all court-ordered programs and restitution;
 - f. Review of FBI RAP sheets (if applicable)
 - g. Behaviors since the convictions, charges, negative actions, or other adverse behaviors; and
 - h. The vulnerability of those that would be under the applicant's/employee's care.
 - i. Whether he or she self-disclosed the crime(s), pending charge(s), and/or negative action(s).
2. The CCS review must also be conducted when an applicant has convictions, pending charges and negative actions that are not automatically disqualifying.
3. Requesters must report to BCCU any new convictions, pending charges, and negative actions discovered during the CCS review.
4. The CCS review must be documented and maintained in the employee's file according to retention requirements. CCS reviews for renewal background checks can only be used again if there is no new or different information. In these cases, the reviewer should re-sign and date the CCS form, as well as indicate that there have been no changes. If there is new or different information, a new CCS review must be conducted.
5. When the applicant/employee is the owner or designee of a facility:
 - a. The licensors/surveyors are required to review the background checks for the facilities owner(s) or designee.

Note: There are no changes to the background check review process for others who may have unsupervised access to residents.
 - b. When a non-disqualifying crime, pending charges or negative actions are found that have occurred since the last licensing inspection or initial licensing, a Character, Competence and Suitability (CCS) review must be completed.
 - c. When a surveyor is reviewing background checks and discovers an owner or designee has a non-disqualifying crime, pending charges, or negative actions on their background check since

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the facility was licensed or since the last full inspection, they are to complete the following steps:

- i. Determine if the crime is non-disqualifying.
 - ii. If a CCS has been done, review it to ensure it addresses the crime and does not pose concerns. An example of a concern would be if the owner or designee has a pending charge for driving while under the influence and reports they provide transportation to residents.
 - iii. If a CCS review has not been done, the owner or designee must have one completed and it must be reviewed by the licensor/surveyor. You may give them the [Character, Competence, and Suitability \(CCS\) Form \(DSHS 15-456\)](#) to complete the review or they can provide documentation as required by their program WAC.
 - iv. The owner or designee will keep the CCS with their records for future inspections.
- d. When a licensor/surveyor is reviewing background checks and discovers an owner or designee has a disqualifying crime, pending charges, or negative actions on their background check since the facility was licensed, they are to complete the following steps:
- i. Notify the Field Manager (FM) for further direction.
 - ii. The FM will consult with compliance and the Attorney General's Office to determine enforcement action; and
 - iii. Inform licensor/surveyor of enforcement action decision.

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H. [Applicant Self-Disclosure](#)

Background

Both the online and paper [Background Check Authorization Form \(DSHS 09-653\)](#) requires the applicant to disclose their criminal background, licensing, and abuse/neglect information under penalty of perjury.

Procedure

1. If an applicant self-discloses a disqualifying crime, the employment process may end before verifying the disclosure.
2. If the applicant/employee needs to clarify information provided on the disclosure form, they can submit an [Applicant Affidavit Form \(DSHS 27-109\)](#) to the BCCU explaining their responses with supporting documentation, such as a court order or Stipulated Agreement.

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I. Correcting Background Checks

Background

If you disagree with the results of your background check, the notification letter provides directions on how to remedy the error.

Procedure

1. If an applicant/employee reports that the conviction record is incorrect, direct the applicant to contact the WSP to get the conviction record corrected and to contact BCCU to report the error.
2. If an applicant/employee reports that the negative actions on their background check are incorrect, direct the applicant to contact the agency that submitted the negative action and to contact BCCU to report the error.
3. If the applicant/employee disagrees with the BCCU result to 'Disqualify' based on a negative action, the applicant/employee must submit an [Applicant Affidavit Form \(DSHS 27-109\)](#) to the BCCU that states the disagreement with the BCCU decisions, and the circumstances related to the negative action. The applicant/employee remains disqualified until BCCU issues an amended notification letter.
4. The requestor must report to BCCU when the information returned by BCCU does not match the applicant's identifying information provided to BCCU.

J. [BCCU Account Information](#)

Background

A BCCU account number authorizes a facility to run background checks through DSHS as authorized by program regulations.

Procedure

1. The BCCU account number provides authorization for a licensed facility to submit background checks for the specifically identified licensed facility location and designated authorized representative.
2. The BCCU account number is neither transferable nor permitted to be utilized by an unauthorized entity.
3. If changes are needed to an existing BCCU account:
 - a. For BCS account updates, please contact BAAU@dshs.wa.gov.
 - b. Each account must have a Primary Account Administrator (PAA). The PAA is responsible for adding other users to the entity account in BCS. The [DSHS BCS Access Request form](#) is used by external users to request a new Primary Account Administrator, remove PAA access, or update a PAA's email address in BCS. Internal Primary Account Administrators can add additional users in BCS.

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K. [Access to Information](#)

Background

The Washington State Patrol (WSP) and the Federal Bureau of Investigation (FBI) contract with DSHS to allow access to background check results. These agencies have limitations on how, to whom, and when results can be shared.

Procedure

1. Background Check turnaround times may vary due to numerous reasons. Refer to [BCCU Turnaround Times](#) for the most current and accurate information.
2. Only designated and trained staff responsible for the submitting and receiving background checks results are permitted to have access to the background information records. Information must be kept in a secure location.
3. Applicants have the right to expect all background check information will be kept confidential.
4. The FBI does not permit the sharing of an FBI RAP sheet with anyone other than the applicant/employee. Therefore, when BCCU runs a fingerprint check that leads to an FBI RAP sheet, the facility will receive a notification letter, but the employee is then required to request the FBI Rap sheet.

Part II: [Appendices](#)

A. [Glossary of Terms](#)

Applicant/Employee – An individual who has signed the DSHS background check authorization form under penalty of perjury. The individual is also considered the subject of the background check.

Background Check – A review of an individual’s criminal history and a review of any civil adjudication proceedings.

Background Check Central Unit (BCCU) – the office within DSHS responsible to search, process, and report background information for authorized service providers and DSHS administrations.

Character, Competence, and Suitability (CCS) – the screening and assessment of the potential personal and professional capability of an employee or applicant to work with or serve minor or vulnerable adults based on a review of crimes and negative actions.

Civil Adjudication Proceeding – a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to, chapter [13.34](#), [26.44](#), or [74.34](#) RCW, or rules adopted under chapters [18.51](#) and [74.42](#) RCW.

Contractor – an agency or person who contracts with a licensee under DSHS to provide resident care, services, or equipment.

Department – This term refers to the Washington state Department of Social and Health Services (DSHS).

Disciplinary Board Final Decision – A finding issued by the Department of Health (DOH) for violation of the Uniform Disciplinary Act. The Act governs health care providers and individuals licensed, certified, or registered by DOH ([Chapter 18.130 RCW](#)).

Fingerprint Check – means a fingerprint check is considered a positive identification check. The fingerprints of an applicant are reviewed to match fingerprints taken at the time of an arrest or conviction of a crime.

Long-Term care workers – includes all persons providing paid, personal care services for the elderly or persons with disabilities, including individual providers of home care services, direct care workers employed by home care agencies, providers of home care services to persons with developmental disabilities under Title [71A RCW](#), all direct care workers in state-licensed assisted living facilities, adult family homes, respite care providers, community residential service providers, and any other direct care staff providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

Negative action – means any action taken against the applicant, including but not limited to, the following:

- A decision issued after a due process civil adjudicative proceeding by a state agency or an Administrative Law Judge showing a finding of abandonment, abuse, neglect, exploitation, or financial exploitation of a child, juvenile, or vulnerable adult;

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- Termination, revocation, suspension, or denial of a professional license, certification, and/or state or federal contract;
- Relinquishment of a license, certification, or contract in lieu of negative action;
- Revocation, suspension, denial, or restriction placed on a professional license; and
- Disciplinary board final decisions.

OCA Number – the Originating Case Agency number assigned by the BCCU to track individual background checks.

ORI Number – this refers to the number assigned by the FBI and used to identify the origination information for a request for a fingerprint-based check.

Pending Charge – refers to a criminal charge that has been filed in a court of law for which the department has not received documentation showing the disposition of the charge. A pending charge in Washington will show on a RAP sheet for only twelve (12) months after the charge was filed if the court has not made a decision.

Provider – any individual or entity that provides services to DSHS.

Requestor – the requestor is the agency or person who submits the background authorization form to BCCU.

Roll - printing or scanning the applicant's fingerprints on the Washington State Patrol (WSP)/FBI identification card.

Secure Fax Location – (as defined by the WSP) a location accessible only to designated employees responsible to handle and process authorization forms and information related to background checks.

Self-Disclosure – refers to any crimes and/or negative action information provided directly by the applicant.

Unsupervised access – means not in the presence of:

- Another employee or volunteer from the same business or organization; or
- Any relative or guardian of any of the children or individuals with a developmental disability or vulnerable adults to which the employee, student or volunteer has access during the course of his or her employment or involvement with the business or organization ([RCW 43.43.830](#)).

Volunteer – an individual who interacts with residents without reimbursement.

Vulnerable adult – Comprehensively defined in [RCW 74.34.020](#), includes a person:

- a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- b) Subject to a guardianship under [RCW 11.130.265](#) or adult subject to conservatorship under [RCW 11.130.360](#); or
- c) Who has a developmental disability as defined under [RCW 71A.10.020](#); or
- d) Admitted to any facility; or
- e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under [Chapter 70.127 RCW](#); or
- f) Receiving services from an individual provider; or

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Who self-directs his or her own care and receives services from a personal aide under [Chapter 74.39 RCW](#).

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B. [Acronym List](#)

AFH	Adult Family Homes
ALF	Assisted Living Facilities
AL TSA	Aging and Long-Term Support Administration
BAF	Background Check Authorization Form
BC	Background Check
BCCU	Background Check Central Unit
CC	Carbon Copy (in emails)
CCRSS	Certified Community Residential Services and Supports
CCS	Character, Competency and Suitability
DOB	Date of birth
DOH	Department of Health
DSHS	Department of Social and Health Services
ESF	Enhanced Services Facilities
FBI	Federal Bureau of Investigations
FM	Field Manager
ICF/IID	Intermediate Care Facilities for Individuals with Intellectual Disabilities
ID	Identification
NH	Nursing Homes
OCA	Originating Case Agency
ORI	Originating Request for Information
RAP	Record of Arrests and Prosecutions
RCS	Residential Care Services
RCW	Revised Code of Washington
SOP	Standard Operating Procedures
WAC	Washington Administrative Code
WNDOB	Washington State Name and Date of Birth
WSP	Washington State Patrol

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C. [Resources and Forms](#)

1. [AL TSA Background Checks](#)
2. [BCCU Website](#)
3. [CCS Form DSHS 15-456](#)
4. [BCCU Forms](#)
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6. [BCCU Frequently Asked Questions \(FAQs\)](#)

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D. [Change Log](#)

Eff. Date	Chapter/ Section #	Description of Change	Reason for Change	Communication and Training Plan
12/14/2023	Full Chapter	<ul style="list-style-type: none">• Chapter reformatted.• Information updated to capture processes within current IT systems	<ul style="list-style-type: none">• Provide for easier navigation.• Provide guidance and information for RCS staff	MB R23-103
06/2016	Full Chapter	Conversion from OPP to SOP in chapter format	RCS transition to chapter format: all SOPs and staff manuals	Posted for employee review MB R16-048

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