

LTC PROTOCOLS:



LTC Issues and Insights in 250 Words or Less

Week of April 6, 2003

ISSUE: CNA Felony Conviction For Terrorist Threats

Recently, a question was raised regarding whether a facility might employ a CNA with a federal felony conviction for making threats. The Older Adult Protective Services Act contains a list of Pennsylvania criminal offenses which disqualifies a CNA from employment. The offenses listed in the Act generally involve physical or sexual assault and property crimes. The Act also prohibits a CNA from employment if the CNA has had a federal conviction or a conviction from another state, that is equivalent to the offenses listed in the Act.

However, the Act does not disqualify aides who are convicted of making terroristic threats. Therefore, the Act does not disqualify an aide who has a federal felony conviction, that is equivalent to a Pennsylvania conviction for terroristic threats, from working as an aide.

PROTOCOL: Employment Screening Should Be Individualized

Do not rely solely on the Registry to screen applicants. Depending on circumstances, some facilities may not wish to employ persons with a felony conviction pertaining to threatening behavior. Other facilities may offer the aide employment based on extenuating circumstances. It must be noted that authorities are insisting on prosecutions for threats that prior to 9/11 would not have merited the expenditure of prosecutorial resources. Therefore, it is essential that facilities: 1) have a flexible policy specifying the employment factors that the facility will consider, 2) stick to the policy, and 3) be able to document compliance.

Brought To You By:

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