

ORGANIZATION UNIT (DEPARTMENT): Human Resources	POLICY DESCRIPTION: Background Investigations
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APPROVED BY: Ethics and Compliance Policy Committee	

SCOPE: All Company-affiliated subsidiaries including, but not limited to hospitals, ambulatory surgery centers, outpatient imaging centers, physician practices, HealthTrust Workforce Solutions, Corporate Organization Units (Departments), Groups, and Divisions (collectively, "Affiliated Employers" and individually, "Affiliated Employer").
PURPOSE:
<ol style="list-style-type: none"> 1. To ensure a standard requirement and process for obtaining and evaluating background information on: <ol style="list-style-type: none"> a. Candidates for employment; b. Individuals who provide clinical services at the Affiliated Employer (e.g., students), other than individuals who are solely privileged practitioners of the medical staff; c. Individuals who provide clinical services under contract with the Affiliated Employer (e.g., independent contractors, colleagues or agents of staffing agencies); d. Individuals who are reasonably expected to interact with patients or members of the public at the Affiliated Employer (e.g., volunteers); and e. Individuals who provide services not in scope for other licensure or certification policies (e.g., COG.PPA.002, COG.PPA.003) that require access to an Affiliated Employer's network and/or information systems regardless of whether services are provided virtually or at a facility or involve non-clinical operations (e.g., HR outsourcing partners, ITG contingent workforce). <p style="margin-left: 40px;">Such individuals are collectively referred to as "Subjects" and individually as "Subject."</p> 2. To ensure that all contractors sending individuals other than Subjects to perform services in or on the premises of an Affiliated Employer (e.g., colleagues of contracted lawn service or contracted repair services) provide the Affiliated Employer with an attestation that the individuals sent to work in or on the premises of an Affiliated Employer are legally permitted to work in the United States. Such individuals are collectively referred to as "Other Contract Workers" and individually as "Other Contract Worker."
RESPONSIBILITIES:
<ol style="list-style-type: none"> 1. The HR Operations Center (HROC) will receive background investigation results for processing. The background investigation results must be reviewed prior to the Subject's first day of employment; reference the Employment policy. 2. Prior to an acquisition that includes the employment of the seller's colleagues, the Employee Relations Center of Excellence (ER COE) will compare the seller's background investigation policy to this policy in the required due diligence process. The ER COE will make a recommendation to the Affiliated Employer expected to operate the newly acquired

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business based on that comparison. Without regard to the background investigation decision, all colleagues of the acquired business will be checked against the GSA List and OIG Sanction Report prior to the transaction close date to determine any match of an Ineligible Person. After the transaction close date, colleagues of the newly acquired business will be subject to new or updated background investigations in accordance with this policy.

3. Because background investigations depend upon the job description for minimum requirements, e.g., experience, prior to reducing or removing a job description's minimum requirements, the revised job description must be reassessed and approved by the Affiliate Employer's HR Vice President in consultation with the Compensation Center of Excellence.

REQUIREMENTS:

1. An Affiliated Employer may permit a Subject to begin employment or provide services in an Affiliated Employer's facility without initial confirmation of education. However, all other elements of the background investigation must be completed/verified before the Subject begins employment or provides services. A final determination on education will be made within a reasonable period of time after initial clearance to start work.
2. Subjects shall be provided with notice of the Affiliated Employer's policy and practice of conducting background investigations and, if required by state or local laws or regulations, a copy of this policy. A signed authorization for the procurement of a background investigation is required prior to initiating the background investigation. The authorization for the procurement of a background investigation should indicate the relationship of the Subject of the investigation and the Affiliated Employer.
3. Unless restricted by state or local laws and regulations, minors may sign, with or without the co-signature of a parent or guardian, an authorization for the procurement of a background investigation.
4. The Affiliated Employer that orders a background investigation for a Subject in compliance with this policy retains ownership of the report of the investigation. The signed authorization for procurement and the background investigation report will be filed in the Employee Record part of the "Approved List" or for applicants not employed, in a master verification file; reference the Employee Records policy.
5. Rehires: Subjects previously employed by an Affiliated Employer must obtain a background investigation report in accordance with the position level defined below in § 7. Subjects previously employed by an Affiliated Employer who are **not eligible for rehire** may be considered on a case by case basis and, prior to employment, must receive written approval for employment by the Affiliated Employer's CEO or equivalent senior leader and HR Vice

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President.

6. HealthTrust Workforce Solutions: Any Subject provided to an Affiliated Employer by HealthTrust Workforce Solutions (HWS), the Company's subsidiary staffing agency, is subject to a background investigation completed either by HWS or by the subcontracted staffing vendors with which HWS contracts. If a Subject does not have a satisfactory background investigation or is missing other information required by policy, law or regulation, the Subject shall not be permitted to be scheduled for work. HWS audits its own colleagues and staffing vendors pursuant to the audit requirements articulated under Attestations, and other Affiliated Employers are not required to audit HWS employees or HWS subcontracted staffing vendors.
7. All Subjects will have a Level I background investigation. Additional background investigation information may be required depending on the responsibilities identified in the job description:
 - a. **Level I**
 - Social Security Number (SSN) Verification (non-colleague student SSN's will not be verifiable with the Social Security Administration);
 - *Criminal Search (seven (7) years or up to five (5) criminal searches or other period as required by law or regulation);
 - **Employment Verification to include the reason for separation and eligibility for re-employment for each employer, when available, will be required for positions with minimum experience requirements as outlined in the job description;
 - Violent Sexual Offender and Predator Registry Search;
 - OIG List of Excluded Individuals/Entities;
 - GSA List of Parties Excluded from Federal Programs;
 - U.S. Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nationals (SDN);
 - Applicable [State Exclusion List](#) on Atlas Connect;
 - Department of Motor Vehicle Driving history, based on responsibilities; and a
 - Consumer Credit Report, based on responsibilities.
 - b. **Level II** (All licensed or certified caregivers, finance personnel, managers, and Subjects in roles designated as requiring a privileged user account and/or access to data classified as restricted or proprietary)
 - Social Security Number (SSN) Verification;
 - *Criminal Search (seven (7) years or up to five (5) criminal searches or other period as required by law or regulation);
 - **Employment Verification to include reason for separation and eligibility for re-

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employment for each employer, when available, will be required for positions with minimum experience requirements as outlined in the job description. Additionally, background investigations for positions in the following Skill Mix classifications must cover the minimum experience outlined in the job description or the prior 12 months of employment, whichever is longer:

- Management & Supervision (01), e.g., Administrator, AVP, Director, Clinical Educator;
- Clinical Specialists/Professionals (02), e.g., Case Manager, Clinical Instructor, Occupational Therapist, Pharmacist;
- RN, Direct Care (03);
- LPN/LVN, Direct Care (04);
- Physicians (08), e.g., Anesthesiologist, Family Medicine, Hospitalist;
- Non-physician Medical Practice (09), e.g., Advance Practice Nurse, CRNA, Nurse Practitioner;
- Clinical Technicians (11), e.g., Cardiac Cath Lab Tech, EMT/Paramedic, OR Tech, Pharmacy Buyer;

- Violent Sexual Offender and Predator Registry Search;
- OIG List of Excluded Individuals/Entities;
- GSA List of Parties Excluded from Federal Programs;
- U.S. Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nationals (SDN);
- Applicable [State Exclusion List](#) on Atlas Connect;
- Education Verification;
- Professional License Verification;
- Certification & Designations Check;
- Professional Disciplinary Action Search;
- National Practitioner Data Bank (NPDB) search (physicians only);
- Department of Motor Vehicle Driving history, based on responsibilities; and a
- Consumer Credit Report, based on responsibilities.

c. **Level III** (All senior level management to include Vice Presidents and above, Affiliated Employer CEO, COO, CFO, CMO, CNO)

- Social Security Number (SSN) Verification;
- *Criminal Search (seven (7) years or up to five (5) criminal searches or other period as required by law or regulation);
- **Employment Verification to include reason for separation and eligibility for re-employment for each employer, when available, will be required and must cover the minimum experience outlined in the job description or the prior twelve months of employment, whichever is longer Violent Sexual Offender and Predator Registry Search;

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- OIG List of Excluded Individuals/Entities;
 - GSA List of Parties Excluded from Federal Programs;
 - U.S. Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nationals (SDN);
 - Applicable [State Exclusion List](#) on Atlas Connect;
 - Education Verification;
 - Professional License Verification;
 - Certification & Designations Check;
 - Professional Disciplinary Action Search;
 - Department of Motor Vehicle Driving history, based on responsibilities;
 - Consumer Credit Report;
 - Newspaper Articles & Clippings; and a
 - Bankruptcy and Federal District Court Search.
- * A properly documented U.S. Visa, issued December 31, 2007 or later, satisfies the criminal search component of this background investigation policy for the time period prior to entering the United States.
- ** This element of the Level I investigation is NOT required for students younger than 21 years of age. For students over 21 years of age, the school may eliminate employment verification provided there is language included in the school affiliation agreement indemnifying the Affiliated Employer and specifying that the school assumes full liability for any/all performance and/or behavior of the student during the clinical rotation.
8. Contracts or service agreements must be entered into with all third parties providing temporary, PRN, agency or contract colleagues who provide clinical services, have access to patient records, or could otherwise come into contact with patients or members of the public, or provide ITG services requiring access to the Affiliated Employer's network and/or information systems. Similarly, such contracts or service agreements must be entered into with third parties (other than State agencies or State colleagues) providing assistance to individuals in pursuing and/or obtaining Medicaid coverage. The contracts or agreements must address:
- a. Stipulation to background investigations based on standards herein;
 - b. Stipulation to perform initial and ongoing monthly comparisons with the following lists based on the Limitations on Employment Policy:
 - General Service Administration's exclusion records in the System for Award Management (SAM);
 - HHS/OIG List of Excluded Individuals/Entities; and
 - Any applicable state exclusion list;
 - c. Liability insurance coverage;

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- d. Indemnification;
- e. Retention and Audit requirements for files for policy compliance;
- f. Electronic Security Access Form (eSAF) approval for services requiring access to the Affiliated Employer's network and/or information systems;
- g. Notification by the next business day of a change in a Subject's role, status, contract, rotation, or statement of work; and
- h. If the third party may provide services from a location outside of the United States, the third party must: (1) acknowledge that it has reviewed Information Protection & Security's (IPS's) list of prohibited and/or restricted countries, which, due to security and safety concerns, prohibits and/or restricts individuals (including the third party's employees and contractors) from accessing HCA Healthcare's (and its affiliated employer's) network infrastructure from certain countries; and (2) agree that no individual providing services to HCA Healthcare will access such network from within those prohibited and/or restricted countries. Any exceptions to these requirements will be determined by IPS.

A background investigation report shall be completed in accordance with the position levels described for Subjects who provide services pursuant to contracts with Staffing Agencies, Contracted Service Entities, or Independent Contractors. The contractor must have the completed background investigation report prior to the Subject reporting for duty or accessing the Affiliated Employer's network and/or information systems. A Contracted Service Entity, Independent Contractor, or Staffing Agency must comply with the terms of Ownership of the Background Investigation Report and Audit Requirements. A colleague of the contractor with derogatory information in the report shall not be presented for utilization by the Affiliated Employer.

Management with responsibility for a Subject contracted to provide ITG services with access to the Affiliated Employer's network and/or information systems must notify appropriate ITG staff by the next business day of a change in a Subject's role, status, contract, rotation, or statement of work to trigger modification or removal of the user's account.

- 9. Volunteer organization and School Affiliation Agreements should include language consistent with this policy. The cost of the background investigation may be negotiated between the Affiliated Employer and the volunteer organization or school. If a volunteer organization or school refuses to assume responsibility either for obtaining or paying for background investigations, the Affiliated Employer must make other arrangements for obtaining and paying for the background investigation prior to the Subject's start date. Students who are not serving in a clinical rotation and will not be on the Affiliated Employer's premises on a recurring basis (e.g., one-day job shadow by a high school student), should be treated like a visitor. All privacy and safety requirements of visitors must be met.

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ANALYSIS OF THE BACKGROUND INVESTIGATION:

1. Affiliated Employers may not employ or contract with, and staffing agencies may not refer, any Subject identified as an Ineligible Person; reference the Limitations on Employment policy.

2. The HR Operations Center, ER COE, or third party owner of the background investigation report, as applicable, will notify the HR Business Partner if a discrepancy arises between disclosed credentials, as required by the position requirements, and the verified information or if the Subject is disqualified based upon the results of the background investigation.
 - a. Derogatory information of the following nature as the result of a background investigation is the basis to no longer consider a Subject qualified:
 - Inclusion on the list of Ineligible Persons;
 - For positions that require prior experience:
 - Ineligibility for re-employment by a former employer not affiliated with HCA Healthcare, unless an exception is approved by the ER COE;
 - Termination from a previous job related to any of the following reasons, unless an exception is approved by the ER COE:
 - Behavior which flagrantly or intentionally fails to conform to expected standards of conduct;
 - Flagrant or intentional policy violation;
 - Performance which flagrantly or intentionally fails to conform to legal or clinical standards;
 - Misuse, abuse, or theft of information or electronic data; or
 - Identity theft or criminal activity involving abuse of system access privileges.
 - b. Derogatory information of the following nature as the result of a background investigation may be the basis to no longer consider a Subject qualified (the list is not exclusive or exhaustive):
 - Conviction of a felony or misdemeanor offense, based on responsibilities;
 - Providing a false statement on credentials;
 - A documented financial problem or issue, based on responsibilities;
 - A documented traffic violation, based on responsibilities;
 - Failure to maintain a required license;
 - Restriction on a required license;
 - For positions that require prior experience:
 - Job abandonment;
 - Refused assignment;

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- Quit without notice; or
 - Absenteeism.
3. Use of information obtained from a background investigation report must be taken in context with the responsibilities intended for the Subject. Derogatory information learned from a background investigation report should be considered with all other information known, and a case-by-case determination should be made. The ER COE and/or Affiliated Employer's HR Business Partner may seek clarification from the Subject regarding the derogatory information. Information obtained from a background investigation report should remain confidential and not be shared with anyone except on a need-to-know basis.
 4. Before conveying an adverse action based on any information in a background investigation (otherwise known as an investigative consumer report), the Subject must first be provided five (5) business days (or other timeframe as required by regulatory statute, local, or state law) to advise their intent to dispute and provided the following information:
 - a. A copy of the background investigation (otherwise known as an investigative consumer report);
 - b. A written description of the Subject's rights as prescribed by the Federal Trade Commission (FTC);
 - c. The name, address and phone number of the consumer reporting agency that provided the report;
 - d. A notice of the Subject's right to dispute the accuracy or completeness of the report with the consumer reporting agency; and
 - e. Other notices, forms or information as required by regulatory statute, federal, state or local law.
 5. If the Subject elects not to dispute, or elects to dispute, but the dispute has not been sufficiently resolved on or around five (5) business days (or other timeframe as required by regulatory statute, local, or state law), then the Subject must be provided with the following required disclosure:
 - a. A notice of the adverse action;
 - b. The name, address and phone number of the consumer reporting agency that provided the report;
 - c. A statement that the consumer reporting agency did not make the decision to take the adverse action and thus cannot tell the Subject the specific reason for the adverse action;
 - d. A notice of the right to dispute the accuracy or completeness of any information furnished by the consumer reporting agency, and the right to obtain an additional free report from the reporting agency if requested no later than 60 days; and
 - e. Other notices, forms or information as required by regulatory statute, federal, state, or local law.

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ATTESTATIONS:

1. Background investigations:

- a. In lieu of providing a copy of a satisfactory report to the Affiliated Employer, a volunteer organization, school, contract service entity, or staffing agency may attest in writing to the Affiliated Employer (including HWS) that it owns a satisfactory report (see Requirements and Model Attestation).

Volunteer organizations, schools, contract services entities, and staffing agencies that order a background investigation in compliance with this policy retain ownership of the report of the investigation.

- b. If attestations are accepted, the Affiliated Employer (including HWS) must annually audit a sample of files for one-third of those organizations that provide attestations. To permit Affiliated Employer review of files, the authorization for the procurement of a background investigation (otherwise known as an investigative consumer report) that the third party obtains must include the Affiliated Employer as well as the volunteer organization, school, contracted service entity, or staffing agency.

2. Individuals legally permitted to work in the United States:

The Affiliated Employer must not permit contract staff to provide services in or on the premises until the contract staff's employer ("Vendor") provides an attestation that such individuals are legally permitted to work in the United States. The following provisions should be included:

- Vendor will not employ or use any individual to perform Services who is not legally authorized to work in the United States in the capacity required to perform the Services.
- Vendor certifies that all colleagues and other individuals it assigns to perform Services are legally authorized to work in the United States in the capacity required to perform the Services and will provide upon request written documentation to support such certification.
- Vendor agrees that if the status of any colleague or other individual so assigned by Vendor changes such that that person is not legally authorized to work in the United States in the capacity required to perform the Services, Vendor shall provide notice thereof to the Affiliated Employer ("Purchaser") and remove such colleague or individual from performing any Services.
- Vendor agrees to defend, indemnify and hold Purchasers harmless in the event of any claim made against the Affiliated Employer ("Purchaser") related to any alleged failure of Vendor to comply with its warranties, representations, and certifications. Such failure

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shall constitute a material breach of the contract.

DEFINITIONS:

1. **Background Investigation:** The background investigation (also known as an “investigative consumer report”) is a report on an individual’s history. Components of the background investigation are based on responsibilities outlined in the job description (see *Requirements*). A qualified individual evaluated to be the best candidate for a position may be extended an offer of employment contingent upon a satisfactory background investigation. Once employed, events that will trigger a new or updated background investigation include a change in Social Security Number (SSN) for any reason; a change of name for any reason (other than marital status or gender transition); a promotion to a 101 management job level; a promotion/transfer to or within a position involving the physical handling of money or financial transactions requiring a Consumer Credit Report; or when required by law or regulation; reference the Promotions/Demotions policy and Transfers policy. The Third Party Vendor/owner of the background investigation report will Primary Source Verify (PSV) where possible for education in addition to position required licensure.
2. **Ineligible Person:** An ineligible person is any individual or entity who is currently excluded, suspended, debarred, or otherwise ineligible to participate in federal health care programs; is currently excluded on a state exclusion list; or has been convicted of a criminal offense related to the provision of health care items or services and has not yet been excluded, debarred, or otherwise declared ineligible or has not been reinstated in federal health care programs after a period of exclusion, suspension, debarment, or ineligibility.
3. **Federal health care program:** Any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded directly, in whole or in part, by the U.S. Government or a state health care program (with the exception of the Federal Employees Health Benefits Program) (section 1128B[f] of the Social Security Act). The most significant federal health care programs are Medicare, Medicaid, Blue Cross Federal Employee Program (FEP)/Tricare, and the Veterans programs.
4. **General Services Administration (GSA)’s exclusion records in the System for Award Management (SAM):** The exclusion records in SAM (the "GSA List") identifies those parties excluded throughout the U.S. Government (unless otherwise noted) from receiving federal contracts or certain subcontracts and from certain types of federal financial and nonfinancial assistance, and benefits. The GSA List is maintained by the GSA for the use of federal programs and activities.
5. **HHS/OIG List of Excluded Individuals/Entities:** The Department of Health and Human Services' Office of Inspector General's (OIG) List of Excluded Individuals/Entities (the “OIG Sanction Report”) provides information to health care providers, patients, and others

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APPROVED BY: Ethics and Compliance Policy Committee	

regarding individuals and entities that are excluded from participation in Medicare, Medicaid, and other federal health care programs.

6. **Attestation:** An attestation is a written and certified confirmation or acknowledgement. For attestations applicable to this policy, see *Attestation*; reference Model Attestation.

REFERENCES:

1. Substance Use in the Workplace, [HR.ER.060](#)
2. Transfers, HR.TA.004
3. Promotion and Demotion, HR.TA.002
4. Limitations on Employment, [HR.ER.019](#)
5. Reference Inquiries, [HR.ER.022](#)
6. Drivers Safety
7. Employment, HR.TA.001
8. Employment Application
9. Fair Credit Reporting Rights
10. Fair Credit Reporting Act Background Research Form
11. Fair Chance Initiative for Hiring Ordinance
12. Enhanced Border Security and Visa Entry Act of 2002
13. Model Attestation
14. Licensure and Certification, [COG.PPA.002](#)
15. Vetting Dependent Healthcare Professionals and Other Non-Employees, [COG.PPA.003](#)
16. Information Security Program Requirements Policy, [IP.SEC.001](#)
17. Information Confidentiality and Security Agreements Policy, [IP.SEC.005](#)
18. Information Security –Electronic Data Classification [AM.IC.01](#)
19. Information Security – User Access Controls, [AC.UAM.01](#)
20. Information Security – Termination Notification, [WS.TCE.01](#)
21. Information Security – [Common Terminology Supporting Document](#)

WORK INSTRUCTIONS:

See process maps.

PROCESS MAPS:

To be completed at a future date.