

Background Check Program Summary of Regulation Changes

Changes to the Background Check Program regulations were adopted by the Lt. Governor's office on May 30, 2017 and will be effective on June 29, 2017. Identified below are some important changes to be aware of. This list below does not include all changes incorporated in the regulations. To review all changes, please visit <https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=108302>

1. All 1-year barrier crimes have been repealed and are no longer barriers to employment.
2. Reduction of barrier timeframes for some civil conditions from Permanent to 10-year barriers.
3. Eligible background checks will be valid for a period of up to 5 years. Determinations made prior to June 28, 2017 will receive the current 6-year expiration timeframe. Background check determinations made on or after June 29, 2017 will receive a 5-year expiration timeframe, regardless of when the application was submitted to and deemed complete by the Background Check Program.
4. The timeframe for requesting a redetermination of eligibility has been increased from 30 to 90 days from the date the initial determination was made.
5. Changes were made to the variance regulations to include:
 - a. Increasing the timeframe from 30 to 90 days to submit a request for a variance.
 - b. Upon review and approval from the Department, ability to transfer a variance approval from one provider to another without the need for a new fingerprint based background check and without the submission of a new variance request application.
 - c. Changes variance approval expiration dates to coincide with the applicant's background check renewal date, not the date of provider license/certification expiration, providing a longer period of eligibility.
 - d. Clarifications on how to request a reconsideration of a variance decision from the Commissioner's office.
6. Requires providers to annually verify continued association between the provider and their applicants. The verification process does not include the submission of new applications or fees.

The changes to the Background Check Regulations, including but not limited to the above, will take place on June 29, 2017. Please contact the Background Check Program at BCUnit@alaska.gov or (907)334-4475 if you have any questions or need further clarification.