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NASMHPD

SMI and Criminal Justice: How to Hire and Keep People Who Check Both Boxes

NASMHPD Annual Meeting
July 30, 2023

CSS-SMI INITIATIVE

The Clinical Support System for Serious Mental Illness (CSS-SMI) is a Substance Abuse and Mental Health Services Administration (SAMHSA) funded initiative implemented by the American Psychiatric Association (APA).



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SMI ADVISER IS...

A national initiative that serves clinicians and providers across all mental health practice settings

Focuses on the three most common conditions associated with serious mental illness: bipolar disorder, major depressive disorder, and schizophrenia

SMI ADVISER OFFERS...



Educational
Opportunities

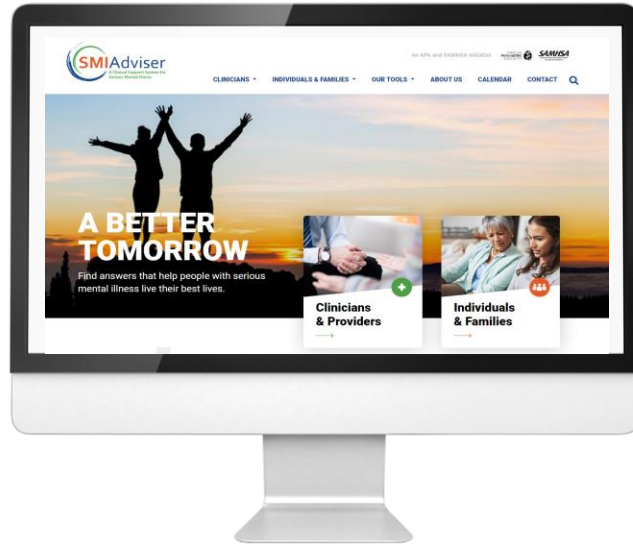


Vetted Resources

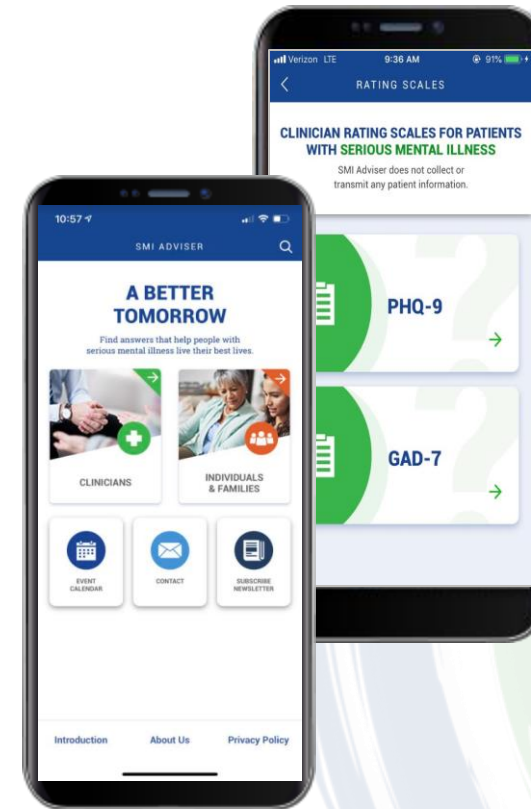


Consultations

MULTIPLATFORM CONTENT DELIVERY



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slido



What is your greatest barrier to hiring peer support workers with a criminal background?

ⓘ Start presenting to display the poll results on this slide.

New Resource

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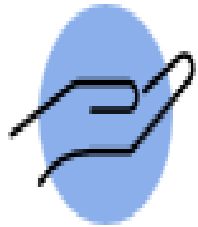


Building New Horizons

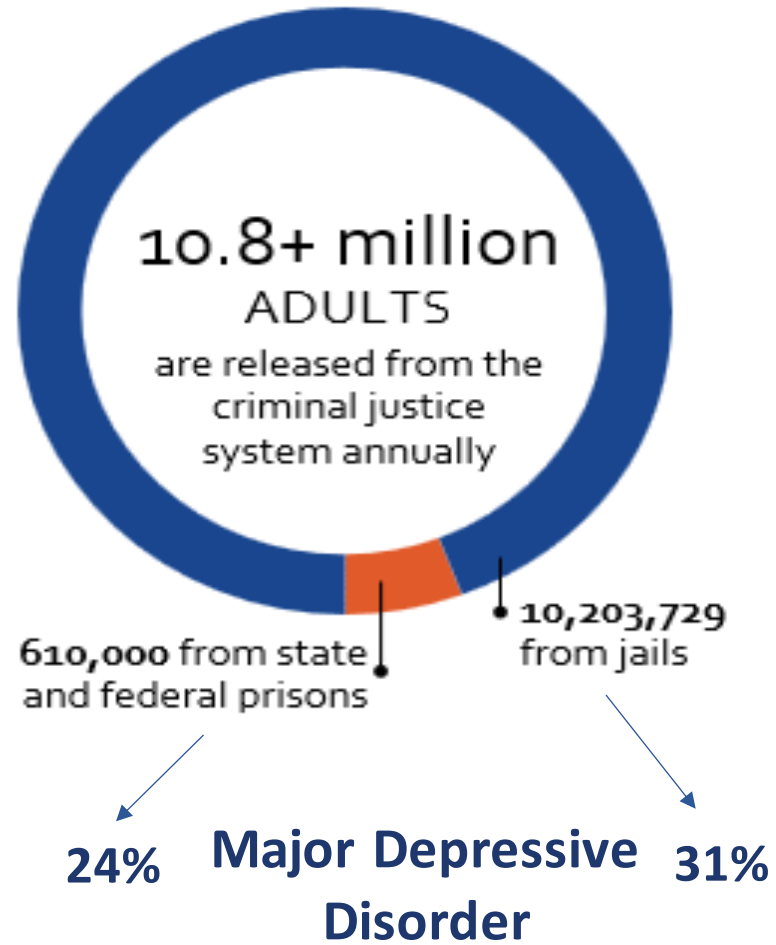
OPENING CAREER PATHWAYS FOR PEERS
WITH CRIMINAL JUSTICE BACKGROUNDS

JULY 2023

Why develop this resource?



1+ million
PEER SUPPORT WORKERS
are needed



60-75%
UNEMPLOYMENT
one year post-incarceration

3 Modules

PRE-HIRING

Overview of federal, state, and local initiatives; peer certification policies; Medicaid funding considerations; and strategies for the recruitment process

HIRING

Tips for reviewing applications, conducting interviews, and onboarding a new peer support worker

POST-HIRING

Best practices regarding integration into the organization, supervision, professional development, and retention

Pre-Hiring Module: Adopting recovery-friendly hiring practices

- Federal incentives—Work Opportunity Tax Credit; Federal Bonding Program; Fair Chance to Compete for Jobs Act of 2019; Fair Credit Reporting Act; and Title VII of the Civil Rights Act of 1964 (*Green* factors):
 - [EEOC](#) recommendations:
 - (1) do not ask about criminal record on job applications**
 - (2) conduct individualized assessment of applicants**
- Local and state policies—Second Chance, Fair Chance, Ban the Box, Clean Slate policies
- Peer certification—criminal background checks
- Funding considerations—Medicaid
- Recruitment—job descriptions and advertisements

Pre-Hiring Module: Peer Certification—Criminal Background Screening

Category of Disqualifying Offenses	Number of State Certifications
Drug Offenses	7
Abuse, Neglect, Exploitation of the Elderly	5
Abuse, Neglect, Exploitation of People with Developmental Disabilities	5
Abuse, Neglect, Exploitation of Children	5
Abuse, Neglect, Exploitation of Clients/Patients	6
Murder	4
Manslaughter/Vehicular Homicide	4
Assault/Battery	5
Sexual Offenses (Adult)	8
Sexual Offenses (Child)	8
Kidnapping, False Imprisonment	7
Child Abduction, Parental Kidnapping, Interference with Custody	5
Human Trafficking	2
Prostitution	2
Robbery, Arson, Burglary	7
Stealing, Forgery, Identity Theft or Financial Exploitation of the Elderly or People with Disabilities	3
Terrorism	2
Aiding Escape of Prisoners	2
Conspiracy of Certain Disqualifying Offenses	4
Animal Abuse	3
DWI/Chronic DUI	2
Any Felony	5
Denial or Revocation of Professional Licenses	1
Active Warrant	0
Domestic Violence	3

Key Takeaways for state government:

- SAMHSA's [National Model Standards for Peer Support Certification \(2023\)](#) recommends:
 - Background checks should be the responsibility of hiring organizations rather than part of the peer certification process.
 - Clear guidance is provided to state certifying bodies if they obtain background checks for peer certification.
- **Encourage state licensing entities to consider implementing policies that allow for provisional or conditional peer support certification** when the certifying body automatically disqualifies or offers a case-by-case review of an applicant based on their criminal background.
- **Doors To Wellbeing--**[Peer Specialists Database](#)
- **Explore Fair Chance Licensing laws**

Source: Peer Recovery Center of Excellence (2023)

Pre-Hiring Module: Funding Considerations—Medicaid Limitations

- CMS Guidance: [42 CFR §455.434](#)—Criminal Background Checks
 - State Medicaid agency: providers must consent to background screening & fingerprinting, per the state’s law or by the level of screening based on risk level.
 - States must establish a fingerprint background screening policy for all Medicaid providers to bill and receive Medicaid reimbursement.
- Innovative Approaches
 - Colorado
 - Georgia
 - Florida

Hiring Module: Making Fair Hiring Decisions

- Review of Applications
 - Risk of using AI-based HR screening tools
 - EEOC (2023) guidance: employment-decision making procedures must be related to the applicant performing the "essential functions of the job and consistent with business necessity."
- Interview Candidates
 - Tips and strategies for inquiring about recovery process
 - Sample interview questions
- Onboard Process—background checks
 - EEOC Guidance—**3 Green factors**: the nature of the crime, time of the conviction, and the relevance of the misconduct to the job
 - [Restoration of Rights Project](#): Limits on Use of Criminal Record in Employment

Post-Hiring Module: Integrating and Retaining



Lens of a peer's career journey



Justin Volpe
Peer Support Coordinator
NASMHPD

Building New Horizons: Opening Career Pathways for Peers with Criminal Justice Backgrounds



A BETTER TOMORROW

Find answers that help people with serious mental illness live their best lives.



Clinicians
& Providers



Individuals
& Families



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CONTINUUM OF CONSULTATIONS

Brief Consultation

In-Depth Consultation

 EMAIL

 LIVE DISCUSSION
WITH AN EXPERT

 IMPLEMENTATION
SITE PROJECT



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