![TEXAS Department of Aging and Disability Services]

February 24, 2011

To: Adult Day Care Facilities, Assisted Living Facilities, Home and Community Support Services Agencies, Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions, and Nursing Facilities

Subject: **Provider Letter 11-10** – Employment Eligibility Verification Systems

The Texas Department of Aging and Disability Services (DADS) is issuing this letter to deter identity theft in its programs and services. In recent months, facilities and agencies licensed by DADS have experienced an increase in identity issues related to individuals who use Social Security numbers (SSNs) that have not been assigned to them. The illegal use of SSNs puts facilities and agencies at risk of hiring individuals who may not be eligible to work in the U.S., as well as hiring individuals who may not be qualified to work in health care facilities due to their criminal backgrounds.

DADS recommends that you consider the use of E-Verify, an employment eligibility verification system implemented by the U.S. Department of Homeland Security in cooperation with the U.S. Social Security Administration. E-Verify is an internet-based system that allows a U.S. employer, using information reported on an employee's Form I-9, Employment Eligibility Verification, to determine the eligibility of that employee to work in the United States. Employers can access E-Verify online to compare an employee's Form I-9 information with over 455 million records in the Social Security Administration database and more than 80 million records in Department of Homeland Security immigration database. Using E-Verify is quick, easy and free of charge.

However, facilities and agencies should be aware that errors have been reported in the E-Verify system. According to the U.S. Government Accountability Office, "federal agencies have improved E-Verify, but significant challenges remain." For the complete article, see http://www.gao.gov/products/GAO-11-330T.

For most employers, the use of E-Verify is voluntary and limited to determining the employment eligibility of new hires only. E-Verify is mandatory for some employers, such as those employers with federal contracts or subcontracts and employers in certain states. More than 238,000 employers are enrolled in the program. Over 16 million queries were made to the system in fiscal year 2010.

The following link will provide you with additional information about E-Verify and how it can benefit the hiring process of your facility or agency: http://www.dhs.gov/files/programs/gc_1185221678150.shtm.

Numerous fee-based solutions are also available to you. E-Verify or a similar service will improve the quality of identifying information you are required to submit to the Texas Department of Public Safety in compliance with the provisions of Health and Safety Code Chapter 250 (relating to criminal history checks of applicants and employees).

If you have questions about the content of this letter, please contact a policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

VLD:dlm