

CRIMINAL HISTORY CHECKS

STATE STATUTES IC-16-27-2 – IC 20-26-2-1.5

Dear Applicant or Agency:

This letter sets forth the requirements for criminal history check requirements for personal services agencies for owners, managers and employees providing services. Review State statutes IC 16-27-2-3, IC 16-27-2-4, IC 16-27-2-5 and IC 20-26-2-1.5 to ensure compliance.

An expanded or national criminal history check must be conducted on the owners, manager and alternate managers and included in the initial, change of ownership application and a staff change. If there are any changes in owners, officers and managers after receiving the initial license the agency must submit these changes to the Department on agency's letterhead along with applicable criminal history check.

The agency shall submit current (within the past 3 months) lifetime expanded or national criminal history report.

Expanded Criminal History Checks

An expanded criminal history report shall contain the results of the search (i.e. no record found, clear; or if a record, the results of the record) and include the requirements of IC 20-26-2-1.5. The agency is responsible to ensure the expanded criminal history reports meets the State statute IC 20-26-2-1.5 and include all the requirements of A-G and lifetime or unlimited search on the report.

Indiana State Police National Criminal History Checks

To receive information on how to request a national criminal history check access the **Indiana State Police** website at www.in.gov/isp and click on inkless. If you have problems accessing the **Indiana State Police** website or cannot find the answer to your question in the FAQs call 317/234-2717 or 317/233-5037 for assistance.

Owner Criminal History Checks

The Indiana Code at 16-27-2-3 specifies that an owner or operator may not operate a home health agency or personal services agency if the person has been convicted of any of the following: rape, criminal deviate conduct, exploitation of an endangered adult, failure to report battery, neglect or exploitation of an endangered adult, or theft.

Employees Criminal Checks

The Indiana Code at 16-27-2-5 specifies that a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 1-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent resident if that person's expanded criminal history check or a national criminal history check indicates that the person has convicted of any of the following: rape, criminal deviate conduct, exploitation of an endangered adult, failure to report battery, neglect or exploitation of an endangered adult, or theft.