

# Criminal History Checks State Statutes

## IC-16-27-2 and 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 received information on how to request a national criminal history check see below.

If you are a new applicant seeking licensure for a personal services agency and have not yet obtained your license, you will need a national background check. While you may choose any applicable vendor of choice, to utilize The Indiana State police, please follow the steps below in order.

- Please contact the FBI to register for the background check. The telephone number is 304-625-5590 or their email address [www.fbi.gov/checks](http://www.fbi.gov/checks). You must register with the FBI prior to mailing the fingerprint card.
- If you need fingerprint cards, please email your address to [msommers@isp.in.gov](mailto:msommers@isp.in.gov) and they will be mailed to you. Include on the subject line: FINGERPRINT CARD REQUEST
- Review instructions on the card and ask questions if necessary, regarding where to send the fingerprint cards when completed.

Please make sure the reports are sent back to you (the applicant) when they are completed. The background reports should not be sent to any other agency or individual. Include the results of the background report WITH your initial application.

Once you are licensed, and /or if you are an existing agency, to be added **to the inkless registration site we must have a copy of your licensing**. Please email a copy of the license to the Indiana State Police, Martha Sommers at [msommers@isp.in.gov](mailto:msommers@isp.in.gov) and we will send you a form to fill out and return to get your new agency added to the list of agencies in our system.

For questions regarding this process, please contact Martha Sommers, Indiana State Police, Criminal Justice Information Services Section, [msommers@isp.in.gov](mailto:msommers@isp.in.gov) 317-234-2717 or Ken O'Hare, 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.

