



## **THERAPEUTIC GROUP HOMES – CRIMINAL BACKGROUND CHECK PROCESS**

**Act 243 of the 2019 Regular Session  
Emergency Rule of 9.20.19, LAC Title 48, Part I, Chapter 62, Section 6210**

### **THERAPEUTIC GROUP HOMES (TGH) - INSTRUCTIONS**

#### **SECTION I: INSTRUCTIONS AND REQUIREMENTS FOR TGH**

Pursuant to Act 243 of the 2019 Legislative Session, and pursuant to the Emergency Rule published by the Louisiana Department of Health on September 20, 2019, a new criminal background check process has been implemented for TGHs; each TGH must comply with this new process.

This new criminal background check process will apply to the following:

1. Any person who owns, operates, or manages a licensed TGH;
2. Any person who has applied for a license to operate a TGH;
3. Any person who is employed by, is contracted by, volunteers at, or interns with, a TGH;
4. Any person who has applied to be employed or contracted by a TGH; and
5. Any person who has applied to volunteer or intern with a TGH.

Please note that this new criminal background check will not apply to contractors or other individuals providing a service at the TGH if those individuals are not employees, volunteers, interns, or contracted members of the staff of the TGH. For example, this new criminal background check would not apply to plumbers, landscapers, or visiting resources.

Any person (a) who has been convicted of, or pled guilty to, or pled nolo contendere to a crime listed in Section 6210.C.1-5 of the Emergency Rule, or (b) whose name is recorded on the State Central Registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, or (c) whose name is on any other state's child abuse and neglect registry or repository, CANNOT be the owner, operator, manager, or administrator of the TGH, CANNOT be employed by or contracted with a TGH, and CANNOT be a volunteer or intern (whether paid or not) at a TGH.

#### **A. EXISTING, ACTIVE TGHs LICENSED BEFORE OCTOBER 1, 2019:**

**A.1:** Each existing, active/operational TGH that has a current active license as of October 1, 2019, shall submit to HSS on or before October 15, 2019, the following:

1. A list of all owners, operators, managers, administrators, employees, volunteers, and interns of the TGH as of October 15, 2019; such list shall indicate whether any of the people listed have worked in another state within the last five years, and shall include the states where worked if applicable for each person.
2. A list, or other evidence, that none of the listed individuals are recorded on the State Central Registry for abuse/neglect of a child via DCFS.

Such list and evidence shall be submitted to: Karla Branch at [Karla.Branch@la.gov](mailto:Karla.Branch@la.gov)

**A.2:** Each person on the list submitted by the TGH shall:

1. Submit a signed form/statement by October 15, 2019, granting authorization/permission for a criminal background check to be conducted by the Louisiana Bureau of Criminal Identification and Information ("Bureau") and for such results/reports to be submitted to LDH Health Standards; and
2. Submit his/her fingerprints to the Bureau by October 15, 2019.

3. Submit a signed attestation (see pages 4, 5 & 6) to LDH Health Standards that his/her signed form/statement and fingerprints have been submitted to the Bureau. NOTE: This signed attestation must be received by LDH Health Standards by 4:30 pm, October 18, 2019; an electronic, scanned copy of the signed attestation will be acceptable. The signed attestations shall be submitted to: [Karla.Branch@la.gov](mailto:Karla.Branch@la.gov)

**A.3:** A person who has timely submitted his/her signed form/statement and fingerprints to the Bureau, who has timely submitted the signed attestation to the LDH Health Standards, and who is not on the Louisiana State Central Registry for abused/neglect of a child or any other states' abuse/neglect registry or repository, may continue to own, operate, manage, administer, be employed, be contracted, volunteer, and/or intern with the TGH UNTIL LDH Health Standards receives and reviews the information or report from the Bureau and receives and reviews any information or report from the State Central Registry and any other states' abuse/neglect registry or repository.

**A.4:** Review by LDH Health Standards: Pursuant to Section 6210.K of the Emergency Rule, LDH Health Standards will review the Bureau's information/report, the State Central Registry's information/report, and information from any other applicable states' abuse/neglect registry or repository.

1. If the Bureau's information/report, the State Central Registry, or any other states' abuse/neglect registry or repository reveals that the person cannot be an owner, the LDH Health Standards shall notify the licensed TGH, and the TGH shall immediately remove the person from ownership or shall immediately surrender its license.

2. If the Bureau's information/report, the State Central Registry, or any other states' abuse/neglect registry or repository reveals that the person cannot be an operator, manager, administrator, employee, contractor, volunteer, or intern, the LDH Health Standards shall notify the licensed TGH and the TGH shall immediately terminate the person.

**A.5:** No new owner may be obtained, and no new operator, administrator, manager, employee, contractor, volunteer, or intern may be hired by the TGH after October 15, 2019, until that person has submitted his/her signed form/statement and fingerprints to the Bureau, and LDH Health Standards has:

1. Received and reviewed the information or report from the Bureau;
2. Received and reviewed the information or report regarding the State Central Registry for abuse/neglect of a child or any other states' abuse/neglect registry or repository; and
3. Confirmed that the person can be an owner, operator, administrator, manager, employee, contractor, volunteer, or intern with the TGH.

**A.6:** For the State Central Registry for abuse/neglect of a child referenced in A.5.2 above, the TGH shall submit a copy of the DCFS Registry report for each person hired after October 15, 2019, to LDH Health Standards.

**B. TGHs LICENSED AFTER OCTOBER 1, 2019 (includes TGHs that have an inactive license as of October 1, 2019)**

**B.1:** Any TGH licensed after October 1, 2019, and any TGH that has an inactive license as of October 1, 2019, shall submit with its licensing application to LDH Health Standards, a list of all proposed owners, operators, administrators, managers, employees, contractors, volunteers, and interns.

**B.2:** No new TGH may be licensed after October 1, 2019, and no TGH shall have its license re-activated after October 1, 2019, UNTIL all persons listed have submitted signed forms/statements and fingerprints to the Bureau, and LDH Health Standards has:

1. Received and reviewed the information or report from the Bureau;

2. Received and reviewed the information or report regarding the State Central Registry for abuse/neglect of a child or any other states' abuse/neglect registry or repository; and

3. Confirmed that the person can be an owner, operator, administrator, manager, employee, contractor, volunteer, or intern with the TGH.

**B.3:** No new owner or operator may be obtained, and no new operator, administrator, manager, employee, contractor, volunteer, or intern may be hired by the TGH after submitting the initial license application or application to re-activate its license, UNTIL that person has submitted his/her signed form/statement and fingerprints to the Bureau, and LDH Health Standards has:

1. Received and reviewed the information or report from the Bureau;

2. Received and reviewed the information or report regarding the State Central Registry for abuse/neglect of a child or any other states' abuse/neglect registry or repository; and

3. Confirmed that the person can be an owner, operator, administrator, manager, employee, contractor, volunteer, or intern with the TGH.

**B.4:** For the State Central Registry information/report noted in B.2.2 and B.3.2 above, the TGH shall submit a copy of the DCFS Registry report for each person (owners, operators, administrators, managers, employees, contractors, volunteers, and interns) to LDH Health Standards.

#### **C. COSTS AND FEES OF CRIMINAL BACKGROUND CHECKS:**

**C.1:** The costs of any criminal background checks and reviews/checks of abuse/neglect registries or repositories (Louisiana or other states) shall be the responsibility of the TGH.

#### **D. CONFIDENTIALITY OF CRIMINAL BACKGROUND CHECKS:**

**D.1:** The LDH Health Standards shall maintain the confidentiality of all criminal background check reports/information received from the Bureau; such criminal background checks shall not be deemed a public record pursuant to Act 243 of the 2019 Legislative Session. The LDH Health Standards will also maintain the confidentiality of all abuse/neglect registry or repository information subject to the applicable state and federal laws regarding such information.

**D.2:** The LDH Health Standards shall maintain the criminal background check reports/information and the abuse/neglect registry or repository information for a period of five years; such information may be shared with state or federal agencies with authority to access such information.

**For questions concerning this process or the attached attestation form, please contact Karla Branch at (225) 342-8376.**

**SECTION II: ATTESTATION-SINGLE ATTESTATION - FORM HSS TGH 2019-001**

**Attestation  
Therapeutic Group Home  
Criminal Background Check Process**

In accordance with Act 243 of the 2019 Legislative Session and the Emergency Rule/Final Rule promulgated thereunder by the Louisiana Department of Health, Health Standards Section, (“LDH HSS”), I, \_\_\_\_\_ (printed name), hereby certify and attest that I:

1. Submitted my signed form/statement to the Louisiana Bureau of Criminal Identification and Information (“Bureau”) by October 15, 2019, granting authorization/permission for a criminal background check to be conducted by the Bureau and for such results/reports to be submitted to the LDH HSS.
2. Submitted my fingerprints to the Bureau by October 15, 2019.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

For LDH HSS Office Use Only:  
Attestation Received By LDH Health Standards:  
Date and Time Received: \_\_\_\_\_  
Received by: \_\_\_\_\_

Form HSS TGH 2019-001

**SECTION II: ATTESTATION-MULTIPLE PERSON ATTESTATION - FORM HSS TGH  
2019-002**

Name of Therapeutic Group Home (Printed): \_\_\_\_\_

**Attestation  
Therapeutic Group Home  
Criminal Background Check Process**

In accordance with Act 243 of the 2019 Legislative Session and the Emergency Rule/Final Rule promulgated thereunder by the Louisiana Department of Health, Health Standards Section, (“LDH HSS”), the licensed therapeutic group home listed above, which was licensed, active, and operational on October 1, 2019, submits the following Attestation (en globo) for its listed owners, operators, managers, administrators, employees, contractors, volunteers, and interns who have signed this form; by signing the form below, each person certifies and attests that he/she:

1. Submitted his/her signed form/statement to the Louisiana Bureau of Criminal Identification and Information (“Bureau”) by October 15, 2019, granting authorization/permission for a criminal background check to be conducted by the Bureau and for such results/reports to be submitted to the LDH HSS.
2. Submitted his/her fingerprints to the Bureau by October 15, 2019.

Each person signing below acknowledges that this attestation form must be received by LDH HSS by 4:30pm October 18, 2019, in order for each person to continue to work at this TGH, while his/her criminal background check process is pending.

For LDH HSS Office Use Only:  
Attestation Received By LDH Health Standards:  
Date and Time Received: \_\_\_\_\_  
Received by: \_\_\_\_\_

Form HSS TGH 2019-002

Name of Therapeutic Group Home (Printed): \_\_\_\_\_

### Personnel Information

| Printed/Typed Name | Position with TGH<br>(printed) | Signature | Date |
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