

## **POLICY: DOCUMENTATION OF CRIMINAL HISTORIES**

**POLICY STATEMENT:** It is the policy of the Bureau of Developmental Disabilities Services (BDDS) that prior to any owner, director, officer, employee, contractor, subcontractor, or agent performing any management, administrative or direct service to an Individual, on behalf of a Provider company, the Provider shall obtain and retain as part of the personal history for each proposed owner, director, officer, employee, contractor, subcontractor or agent, findings from a background check.

### **DETAILED POLICY STATEMENT:**

1. Prior to any owner, director, officer, employee, contractor, subcontractor or agent performing any management, administrative or direct service to an Individual on behalf of a Provider company, the Provider shall obtain and retain as part of the personal history for each proposed owner, director, officer, employee, contractor, subcontractor or agent, findings from:
  - a. a verification of identification;
  - b. a criminal history search;
  - c. a professional registry search, including a state nurse aide registry search; and
  - d. verified residency status in the United States.
2. The criminal history search shall include a search from each state and county, wherever located, in which an owner, officer, director, employee, contractor, subcontractor or agent involved in the management, administration, or provision of services has resided and/or worked during the three (3) years before the criminal history investigation is requested from the county.
3. The criminal history shall include information regarding felony convictions of the following:
  - a. A sex crime;
  - b. Battery;
  - c. Neglect;
  - d. Abuse;
  - e. Exploitation of an endangered adult or of a child;
  - f. Failure to report:
    - i. Battery;
    - ii. Neglect;
    - iii. Abuse; or

- iv. Exploitation of an endangered adult or of a child;
  - g. Theft if the person's conviction for theft occurred less than ten (10) years before the person's employment application date, except as provided in IC 16-27-2-5(a)(5).
  - h. Criminal conversion;
  - i. Criminal deviate conduct;
  - j. Murder;
  - k. Voluntary manslaughter;
  - l. Involuntary manslaughter;
  - m. Offense relating to alcohol or a controlled substance.
4. The professional registry searches shall verify that the owner, officer, director, employee, contractor, subcontractor or agent has not been cited for malpractice, malfeasance or other unprofessional actions.
  5. When a Provider has cause to investigate an owner, officer, director, employee, contractor, subcontractor or agent for whom a previously acceptable verification of identification, legal residence and criminal history is on record, the Provider shall investigate the criminal history to the extent that cause exists.
  6. Information as described in this section shall be maintained by the Provider in a manner that allows for review at the time a verbal or written request is made by Division of Disability and Rehabilitative Services (DDRS), and Office of Medicaid Policy and Planning (OMPP).

## **DEFINITIONS**

"Bureau of Developmental Disabilities" or "BDDS" means bureau of developmental disabilities services as created under IC 12-11-1.1-1.

"Division of Disability and Rehabilitative Services" or "DDRS" means the division of disability and rehabilitative services established in IC 12-9-1-1.

"Exploitation" means: unauthorized use of the personal services, the property, or the identity of an individual; or any other type of criminal exploitation, including exploitation under IC 35-46-1-1 for one's own profit or advantage or for the profit or advantage of another.

"Individual" means an individual with a developmental disability who has been determined eligible for services by a service coordinator pursuant to IC 12-11-2.1-1. If the term is used in the context indicating that the individual is to receive information, the term also includes the individual's legal representative.

"Neglect" means failure to provide supervision, training, appropriate care, food, medical care, or medical supervision to an individual.

"OMPP" means the Office of Medicaid Policy and Planning as established by IC 12-8-6-1.

"Provider" means a person or Entity approved by DDRS to provide an Individual with agreed upon services where the Provider is providing Medicaid funded waiver services, OMPP will have authority for final approval of the Provider under 460 IAC 6-6.

## **REFERENCES**

460 IAC 6-10-5  
IC 12-8-8-4  
IC 12-9-2-3  
IC 35-42-4  
IC 35-42-2-1  
IC 35-42-2-1.3  
IC 35-42-1-3  
IC 35-42-1-4  
IC 35-42-1-1  
IC 35-43-4-2  
IC 35-43-4-3  
IC 35-43-5

Approved by: Julia Holloway, DDRS Director -

