

BACKGROUND SCREENING LAWS FOR LONG TERM CARE PROVIDERS BY STATE 2018

The following is a list of State Agencies and their respective laws regarding background screening for long term care direct access employees. The information was gathered through public web sites and

STATE	Agency Background Screening Website	State Laws and Administrative Rules	Definition of Direct Access Employee	Providers Screened		Registry Checks			Criminal History					Appeals	
				LTC Only	LTC and Other types	OIG LEIE	Nurse Aide	Other	State Demographic	State Fingerprint	National Fingerprint	State Rap Back	Federal Rap Back	Correctness	Rehabilitation
Alabama	http://www.alabamapublichealth.gov/providerstandards/index.html	http://www.alabamaadministrativecode.state.al.us/docs/hlth/420-5-10.pdf					X								
Alaska*	http://dhss.alaska.gov/dhcs/Pages/cl/bgcheck/default.aspx	http://dhss.alaska.gov/dhcs/Documents/NABCS%20Deployment%20Documents/Background_Statutes.pdf http://dhss.alaska.gov/dhcs/Documents/NABCS%20Deployment%20Documents/Background%20Check%20Regulations%20Effective%206.29.2017.pdf	X	X	X	X	X		X	X	X			X	X
Arizona	http://www.azdhs.gov/licensing/ltc-facilities/index.php https://www.azdps.gov/services/public/fingerprint	https://codes.findlaw.com/az/title-36-public-health-and-safety/az-rev-st-sect-36-411.html https://www.lawserver.com/law/state/arizona/az-laws/arizona laws title 41 chapter 12 article 3-1 https://www.lawserver.com/law/state/arizona/az-laws/arizona laws title 41 chapter 3 article 12	X	X	unk	unk	unk		X	X				X	X
Arkansas	https://www.healthy.arkansas.gov/programs-services/topics/criminal-background-checks http://humanservices.arkansas.gov/about-dhs/dms/long-term-care-information-for-providers	https://law.justia.com/codes/arkansas/2010/title-20/subtitle-2/chapter-38/20-38-103/ https://humanservices.arkansas.gov/images/uploads/dms/crc.pdf https://www.healthy.arkansas.gov/images/uploads/rules/CriminalBackgroundChecks.pdf	X	X		X			X	limited	limited			X	

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				LTC Only	LTC and Other types	OIG LEIE	Nurse Aide	Other	State Demographic	State Finger-print	National Finger-print	State Rap Back	Federal Rap Back	Correctness	Rehabilitation	
California*	http://www.cdss.ca.gov/inforesources/Community-Care/Caregiver-Background-Check https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/CNA.aspx#	http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=2.&title=&part=&chapter=2.&article=9 . https://govt.westlaw.com/calregs/Document/IF1B56477BA73427197322BC095A07D2E?originationContext=document&transitionType=StatuteNavigator&needToInjectTerms=False&viewType=FullText&contextData=(sc.Default) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1337.&lawCode=HSC	X		X	X	X	X			X	X	X		X	X
Colorado	https://www.colorado.gov/pacific/cdphe/categories/services-and-information/health/health-facilities	https://leg.colorado.gov/sites/default/files/images/olls/crs2017-title-25.pdf https://www.sos.state.co.us/CCR/NumericalCCRDList.do?deptID=16&agencyID=144	X		X	X	X	X			X	X	X		unk	unk
Connecticut*	http://portal.ct.gov/DPH/ABCMS/LongTerm-Care-Background-Search-Program-Applicant-Background-Check-Management-System-ABCMS	https://www.cga.ct.gov/current/pub/cha_p_368v.htm#sec_19a-491c	X	X		X	X				X	X		X	X	
Delaware*	https://backgroundcheckcenter.dhss.delaware.gov/	http://www.delcode.delaware.gov/title16/c011/sc04/index.shtml http://delcode.delaware.gov/title16/c011/sc05/index.shtml	X	X		X	X	X			X	X	X		X	

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Florida*	http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/index.shtml	http://www.flsenate.gov/Laws/Statutes/2017/408.809 http://www.flsenate.gov/Laws/Statutes/2017/Chapter435 https://www.flrules.org/gateway/ruleNo.asp?id=59A-35.090	X		X	X	X	X			X	X	X		X	X
Georgia*	https://dch.georgia.gov/georgia-criminal-background-check-system-gchexs	http://www.legis.ga.gov/Legislation/20172018/178876.pdf	X			X	X				X	X	X		X	X
Hawaii*	http://health.hawaii.gov/ohca/home/how-to-obtain-a-background-check/	https://www.lawserver.com/law/state/hawaii/hi-statutes/hawaii_statutes_846-2-7 https://ag.hawaii.gov/hcjdc/files/2017/11/CHRC-for-NCJ-Purposes-Policy-Manual-2017-10.pdf		X		X	X				X	X	X		X	X
Idaho*	http://healthandwelfare.idaho.gov/AboutUs/CriminalHistoryBackgroundChecks/tabid/851/Default.aspx https://chu.dhw.idaho.gov/	https://chu.dhw.idaho.gov/documents/Rules16-05-06.pdf	X			X	X	X			X	X			X	
Illinois*	http://dph.illinois.gov/topics-services/health-care-regulation/health-care-worker-registry http://dph.illinois.gov/topics-services/prevention-wellness/patient-safety-quality/identified-offenders-program	http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1303&ChapAct=225%A0ILCS%A046/&ChapterID=24&ChapterName=PROFESSIONS%20AND%20OCCUPATION%20S&ActName=Health%20Care%20Worker%20Background%20Check%20Act http://ilga.gov/commission/jcar/admincode/077/077009550001600R.html	X			X	X	X			X	X	X		X	X

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Indiana	https://secure.in.gov/isdh/23260.htm	Indiana Code Title 16 Article 28 Chapter 13 http://iga.in.gov/legislative/laws/2018/ic/titles/016#16-28	X		X		X	X	X	limited	limited			X		
Iowa	http://dhs.iowa.gov/dhsforms	https://www.legis.iowa.gov/docs/code/2017/135C.33.pdf	X	X			X	X	X					X	X	
Kansas*	https://www.kdads.ks.gov/commissions/survey-certification-and-credentiaing-commission/health-occupations-credentialing	http://kslegislature.org/li/b2017_18/statute/039_000_0000_chapter/039_009_0000_article/039_009_0070_section/039_009_0070_k/ http://kslegislature.org/li/b2017_18/statute/065_000_0000_chapter/065_051_0000_article/065_051_0017_section/065_051_0017_k/ http://kslegislature.org/li/b2017_18/statute/039_000_0000_chapter/039_020_0000_article/039_020_0009_section/039_020_0009_k/	X	X		X	X				X	X	X		X	X
Kentucky*	https://chfs.ky.gov/agencies/os/oig/Pages/kares.aspx	http://kyrules.elaws.us/rule/906kar1:190	X	X			X	X	X		X	X		X	X	
Louisiana	http://www.ldh.la.gov/index.cfm/directory/detail/12468/catid/154	Statute text begins at link below and extends through subsection 40:1203.6 http://legis.la.gov/Legis/Law.aspx?d=964762	X		X				X	limited	limited					
Maine*	https://backgroundcheck.maine.gov/DHHS/MBC/	http://legislature.maine.gov/statutes/22/title22ch1691sec0.html	X		X	X	X	X		X	X	X		X	X	

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Maryland*	https://health.maryland.gov/ohcq/ltc/Pages/home.aspx	http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=ghg&section=19-1901&ext=html&session=2019RS&tab=subject5 http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gcp&section=10-201&ext=html&session=2019RS&tab=subject5	X	X					X	X				X	X
Massachusetts	https://www.mass.gov/circular-letter/circular-letter-healthcare-abuse-and-neglect https://www.mass.gov/service-details/nurse-aide-registry-information-for-employers	https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section71 https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section172	X	X			X		X						
Michigan*	https://miltcpartnership.org/longtermcareportal	http://www.legislature.mi.gov/(S(ycc4gkw2zifp1u4y2a2a2nj0))/mileg.aspx?page=GetObject&objectname=mcl-333-20173a http://www.legislature.mi.gov/(S(ycc4gkw2zifp1u4y2a2a2nj0))/mileg.aspx?page=getobject&objectname=mcl-333-20173b	X	X	X	X	X			X	X	X		X	
Minnesota*	https://mn.gov/dhs/general-public/background-studies/	https://www.revisor.mn.gov/statutes/?id=245C	X		X	X	X			X	limited	non biometric		X	X
Mississippi*	https://msdh.ms.gov/msdhsite/static/30,0,83,60.html	https://msdh.ms.gov/msdhsite/static/resources/341.pdf	X	X						X	X			X	provider determines

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Missouri*	https://health.mo.gov/safety/edl/ https://health.mo.gov/seniors/nursinghomes/pdf/backgroundchecks.pdf	http://revisor.mo.gov/main/OneSection.aspx?section=192.2495&bid=33810&hl	X		X		X	X	X	limited	limited			X	X
Montana	https://dphhs.mt.gov/sltc	http://www.mtrules.org/gateway/RuleNo.asp?RN=37%2E40%2E408 https://aspe.hhs.gov/system/files/pdf/110526/15alcom-MT.pdf https://leg.mt.gov/bills/mca/title_0520/chapter_0030/part_0050/sections_index.html			X		X								
Nebraska	http://dhhs.ne.gov/licensure/_layouts/15/osssearchresults.aspx?u=http%3A%2F%2Fdhhs%2Ene%2Egov%2Flicensure&k=background%20screening	https://nebraskalegislature.gov/laws/statutes.php?statute=71-401 http://dhhs.ne.gov/Pages/Title-175.aspx	X	X			X	X	X						
Nevada*	http://dphh.nv.gov/Reg/HealthFacilities/HealthFacilities-Home/	https://www.leg.state.nv.us/NRS/NRS-449.html#NRS449Sec241 https://www.leg.state.nv.us/NAC/NAC-449.html#NAC449Sec74511	X		X		X			X	X	X		X	
New Hampshire	https://www.dhhs.nh.gov/oos/bhfa/index.htm	http://www.gencourt.state.nh.us/rsa/html/XI/151/151-mrg.htm https://www.dhhs.nh.gov/oos/bhfa/documents/he-p803.pdf	X		X	X	X		X					X	X

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New Jersey	https://www.nj.gov/health/healthfacilities/certification-licensing/criminal-background/ https://www.nj.gov/health/healthfacilities/about-us/facility-types/index.shtml	http://www.pharmacareinc.com/files/201711_NJAC_8_39_Long-Term_Care_Facilities.pdf https://lis.njleg.state.nj.us/nxt/gateway.dll/statutes%2F1%2F21378%2F22413	X	X					X	limited	limited				X
New Mexico*	https://nmhealth.org/about/dhi/cchsp/	https://www.nmlegis.gov/sessions/98%20Regular/FinalVersions/SB0207.html http://164.64.110.134/parts/title07/07.001.0012.html	X	X		X	X			X	X				X
New York	https://www.justicecenter.ny.gov/criminal-background-check-cbc-process https://osc.state.ny.us/audits/allaudits/093017/16s65.pdf	https://law.justia.com/codes/new-york/2015/exc/article-35/845-b/ https://www.nysenate.gov/legislation/laws/PBH/A28-E https://govt.westlaw.com/nycrr/Document/I50393067cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)	X	X			unk			X	X	X		X	
North Carolina*	https://www.ncdhhs.gov/divisions/dhsr https://ncchildcare.ncdhhs.gov/Home/DCDEE-Sections/Criminal-Background-Check-Unit/NC-DHSR-Senate-Bill-41-Background-Checks	http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2013%20-%20nc%20medical%20commission/subchapter%20f%20rules.html	X	X	X	X	X	X	X	limited	limited				provider determines
North Dakota	http://www.ndhealth.gov/HF/North_Dakota_nurse_aide_registry.htm	https://www.legis.nd.gov/information/acdata/html/33-03.html	unk	X			X		unk	unk	unk				

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Ohio*	http://medicaid.ohio.gov/Provider/EnrollmentandSupport/ProviderEnrollment http://medicaid.ohio.gov/Portals/0/Providers/Enrollment%20and%20Support/AnnualCheck/BCIFAQs.pdf https://www.ohca.org/uploads/news/Unofficial_Background_Check_Guide.pdf https://odh.ohio.gov/wps/portal/gov/odh/about-us/offices-bureaus-and-departments/bureau-of-regulatory-operations/bureauofregulatoryoperations	http://codes.ohio.gov/orc/5164.341 http://codes.ohio.gov/orc/3721.121v1 http://codes.ohio.gov/oac/5160-45-08 https://www.odh.ohio.gov/rules/final/3701-10-19/f3701-17.aspx	X	X				X	X	X	X	X	limited	X		provider determines
Oklahoma*	https://www.ok.gov/health/Protective_Health/Health_Resources_Development_Service/Oklahoma_National_Background_Check_Program/	https://www.ok.gov/health2/documents/310-002%20EME%20Pre%20and%20Adopted%20Rule%20122013.pdf	X		X	X	X						X	X	X	X
Oregon*	https://www.oregon.gov/DHS/BUSINESS-SERVICES/CHC/Pages/CRIMS.aspx	https://www.oregonlaws.org/ors/chapter/443	X		X	X	X	X	X	X	limited	limited			X	X

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Pennsylvania	https://www.health.pa.gov/topics/facilities/Pages/Facilities-Licensing.aspx	http://www.qups.org/med_errors.php?c=internal&id=220 https://www.pacode.com/secure/data/028/chapter201/chap201toc.html https://www.health.pa.gov/topics/Documents/Facilities%20and%20Licensing/Chapter51.pdf https://www.health.pa.gov/topics/Documents/Laws%20and%20Regulations/Rules_Regulations.pdf														
Rhode Island*	http://health.ri.gov/licenses/ http://www.riag.state.ri.us/homeboxes/BackgroundChecks.php	http://webserver.rilin.state.ri.us/Statutes/TITLE23/23-17/23-17-34.HTM	X	X						X	X					provider determines
South Carolina	http://www.scdhec.gov/Health/FHPP/HealthFacilityRegulationsLicensing/HealthcareFacilityLicensing/FacilitySpecificInfo/NursingHomes/	South Carolina Code Section 44-7-2910 https://www.scstatehouse.gov/code/t44c007.php http://www.scdhec.gov/Agency/docs/health-regs/61-17.pdf	X		X	unk	unk	unk	X	limited	limited	limited		unk	Unk	
South Dakota	https://doh.sd.gov/providers/ https://doh.sd.gov/boards/nursing/NurseAid.aspx	https://sdlegislature.gov/statutes/Codified_laws/DisplayStatute.aspx?Statute=34-12&Type=StatuteChapter https://sdlegislature.gov/rules/DisplayRule.aspx?Rule=44:73:04:04	X													
Tennessee	https://www.tn.gov/health/health-program-areas/hcf-professionals.html	https://publications.tnsosfiles.com/rules/1200/1200-08/1200-08-06.20180718.pdf https://publications.tnsosfiles.com/rules/1200/1200-08/1200-08.htm	X		X				X	limited	limited					provider determines

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Texas	https://apps.hhs.texas.gov/providers/employability/	https://statutes.capitol.texas.gov/Docs/HS/htm/HS.250.htm https://statutes.capitol.texas.gov/Docs/HS/htm/HS.253.htm	X	X			X	X	X					X	provider determines
Utah*	http://www.health.utah.gov/hflcra/ http://health.utah.gov/hflcra/DACS/DACS_Overview.pdf	https://le.utah.gov/xcode/Title26/Chapter21/26-21-P2.html?v=C26-21-P2_1800010118000101 https://rules.utah.gov/publicat/code/r432/r432-035.htm#T7	X		X	X	X	X		X	X	X	X	X	X
Vermont	http://dlp.vermont.gov/	https://legislature.vermont.gov/statutes/section/33/069/06914 https://legislature.vermont.gov/statutes/section/33/069/06911 http://dail.vermont.gov/sites/dail/files/documents/Nursing_Home_Regulations_2018.pdf http://dail.vermont.gov/sites/dail/files/documents/BackgroundCheckPolicy_v2_0.pdf	X		X	X	X	X	X						X
Virginia	http://www.vdh.virginia.gov/licensure-and-certification/	https://law.lis.virginia.gov/vacode/19.2-392.02/ https://law.lis.virginia.gov/vacode/title63.2/chapter16/section63.2-1601.1/ https://law.lis.virginia.gov/vacode/title32.1/chapter5/section32.1-126.01/ https://law.lis.virginia.gov/admincode/title12/agency5/chapter371/section140/	X								X	X			

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				LTC Only	LTC and Other types	OIG LEIE	Nurse Aide	Other	State Demographic	State Finger-print	National Finger-print	State Rap Back	Federal Rap Back	Correctness	Rehabilitation
Washington	https://www.dshs.wa.gov/esa/background-checks	http://app.leg.wa.gov/RCW/default.aspx?cite=74.39A.056 http://app.leg.wa.gov/RCW/default.aspx?cite=43.43.830 http://app.leg.wa.gov/RCW/default.aspx?cite=43.43.832 http://apps.leg.wa.gov/wac/default.aspx?cite=388-113-0020	X		X			X	X		X	X			
West Virginia*	http://www.wvdhhr.org/oig/wvcares.html	http://code.wvlegislature.gov/16-49/ http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=50215&Format=PDF	X		X	X	X	X		X	X	X		X	X
Wisconsin*	https://www.dhs.wisconsin.gov/caregiver/index.htm	http://docs.legis.wisconsin.gov/statutes/statutes/50/1/065/1/ag/1/a http://docs.legis.wisconsin.gov/code/admin_code/dhs/001/12	X		X		X	X	X	limited	limited				X
Wyoming	https://health.wyo.gov/ https://health.wyo.gov/aging/hls/facility-types/nursing-care-facility-nursing-home-wyoming-licensure-information/ https://health.wyo.gov/admin/background-screening/	https://health.wyo.gov/wp-content/uploads/2016/11/HLS-Rule-Ch-9-Home-Health.pdf	X	limited		X		X		X	X				X

* Denotes a National Background Check Program (NBCP) Grantee State.

Limited – means requirement applies to a specific provider type, position, or residency status (i.e. – has not lived in the State for the previous 5 years).