

John Bel Edwards
GOVERNOR



Stephen R. Russo
SECRETARY

State of Louisiana

Louisiana Department of Health
Health Standards Section

MEMORANDUM

DATE: December 7, 2023

TO: Nursing Facility Administrators

FROM: Health Standards Section

SUBJECT: Nursing Home Compliance with Criminal Background Checks

Dear Administrator,

Recently, the Louisiana Department of Health (LDH) was audited by the Department of Health and Human Services (HHS), Office of Inspector General (OIG). The final report (Report Number A-06-21-02000) *Louisiana Should Improve Its Oversight of Nursing Homes' Compliance Requirements That Prohibit Employment of Individuals With Disqualifying Background Checks* was received by LDH on November 29, 2023 with the Department's response attached. The final report will be posted to <https://oig.hhs.gov>.

The final report revealed the following summarized findings:

- 1) Some sampled criminal background checks of nursing home's non-licensed staff did not have statewide criminal background checks as required. These criminal background checks were limited to a geographical area of no more than two parishes.
- 2) Some sampled criminal background checks of nursing home's non-licensed staff were not conducted by a State Police authorized agency or the State Police.
- 3) Two of the nursing homes selected for the audit were found to have allowed resident care by a non-licensed staff prior to having the statewide criminal background checks completed. One non-licensed staff was allowed to work for almost fourteen months without a completed statewide criminal background check.
- 4) The State did not routinely review employee files to monitor criminal background checks to ensure compliance with federal and state regulations

as part of periodic nursing home surveys unless concerns had been identified relative to inadequate staffing; issues of abuse, neglect, exploitation, or misappropriation; or both.

- 5) Some sampled nursing homes did not have certified written assurances from staffing agencies that statewide criminal background checks for contracted non-licensed staff had been conducted, so nursing homes could not provide reasonable assurances that the staff were free from a disqualifying criminal history.

After review of the preliminary report provided by the OIG, the Department concurred with the recommendations and provided the OIG with the State's response (see Attachment A) which stated how the Department would implement the OIG's recommendations. As part of the implementation of the OIG's recommendations, we are including the following attachments with this memo:

Attachment B: A list of current State Police authorized agencies to conduct statewide criminal background checks.

Attachment C: A list of Federal and State requirements that prohibit the employment of individuals with disqualifying offenses and statewide criminal background checks.

In addition to providing the attached information, the Department will conduct a webinar training on January 18, 2024 that will advise the nursing homes of the information provided. A notice will be provided to the nursing homes prior to the training date with a link and scheduled times of the webinar. The webinar will be recorded and posted to our website with a copy of this memo and its attachments for your convenience.


Concurrently, HSS has updated its survey process to improve our oversight of nursing homes' compliance requirements that prohibit employment of individuals with disqualifying background checks. Surveyors will sample 5% of current employed non-licensed staff and/or contracted staff who have been hired since the last standard survey and request those personnel records for review.

Lastly, as part of our response to the OIG recommendations, HSS will require nursing homes to conduct self-audits of current employed non-licensed staff and/or contracted staff and attest that the nursing home is in compliance with Federal and State requirements that prohibit the employment of individuals with disqualifying criminal backgrounds and statewide criminal background checks. HSS' expectation is that nursing home self-audits will be completed no later than 90 days from the date of the webinar training. An attestation form is attached for your convenience.

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We greatly appreciate our nursing home provider community's understanding and assistance to ensure compliance with these requirements to protect our most vulnerable population.

Sincerely,

DocuSigned by:

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Tasheka Dukes, RN, BSN

Deputy Assistant Secretary, Health Standards Section
Louisiana Department of Health