

Attachment A
State of Louisiana responses to
OIG recommendations
Report Number: A-06-21-02000

Recommendation #1: Conduct routine monitoring of nursing homes' compliance with background check requirements.

State Response: The State concurs with this recommendation.

The State will update its standard survey process to ensure routine monitoring of nursing homes' compliance with background check requirements by reviewing a sample size of 5% of current non-licensed staff, including staffing agency employees or contracted staff, with a hire or assignment date on or after the previous standard survey. Additionally, a survey tool will be created for surveyors to document all survey sampled unlicensed staff, staff agency employees, or contracted staff, and to obtain the names, and hire/assignment dates of unlicensed staff.

In addition, during a scheduled training webinar (see recommendation #5), the State will direct nursing homes to conduct a self-audit of current personnel files to ensure compliance with federal and state regulations. Nursing homes will be given 90 days to complete the self-audit and provide to the Department an attestation that they have completed the self-audit and are in current compliance.

Recommendation #2: Advise nursing homes to ensure that all background checks are conducted by authorized agencies and include a search of State police records.

State Response: The State concurs with this recommendation.

The State will send a memorandum to all nursing homes stating that state-wide criminal background checks are to be conducted by the State Police or authorized agencies. The memorandum will include the following:

- 1) Federal and state requirements
- 2) an attachment of State Police authorized agencies.

Recommendation #3: Advise nursing homes to contractually require staffing companies to conduct background check searches that include State police

records and to adjudicate the results of background checks in accordance with Federal and State requirements.
<p>State Response: The State concurs with this recommendation.</p> <p>The State will advise nursing homes, within the above mentioned memorandum, that under La. R.S. 40:1203.2(F), a nursing home should receive and maintain letters from staffing businesses, certifying that the contracted staff meet license or certification standards of their profession and have undergone and passed criminal background checks as required by law.</p> <p>In addition, during the 2022 State Legislative session, Act No. 577 was enacted relative to the licensure and regulation of nurse staffing agencies by the Louisiana Department of Health. Licensing standards for Nurse Staffing Agencies (LAC Tit 48:I.Chapter 77) were promulgated and published in the Louisiana Register Vol. 49, No. 10 October 20, 2023. In accordance with the nurse staffing agency licensing regulations at LAC Tit. 48.I.7735 B, the governing body of nurse staffing agencies shall ensure federal and statewide criminal background checks on all unlicensed persons providing direct care and services to clients in accordance with R.S. 40:1203.1 et seq., or other applicable current state law upon hire.</p>
Recommendation #4: Advise nursing homes to verify that contracted employees' background checks are completed in a timely manner and in accordance with applicable requirements.
<p>State Response: The State concurs with this recommendation.</p> <p>The State will advise nursing homes within the above mentioned memorandum in response to Recommendation #3.</p>
Recommendation #5: Make training or informational material available to nursing homes on the applicable Federal and State regulations for background checks of employees.
<p>State Response: The State concurs with this recommendation.</p> <p>Currently, and during the audit period, informational material is and was available on the Department's website located at https://ldh.la.gov/page/criminal-background-check-information. The nursing home specific criminal background check memorandum created in response to Recommendation #3, based on the OIG recommendations, will be posted to the website.</p> <p>A training webinar will be conducted with nursing homes to advise the nursing homes of the information included in the State's responses to the OIG</p>

recommendations. This webinar will be posted to the Departments website. The training will include the OIG recommended best practices, which are not regulatory, that nursing homes include language within their nurse staffing agency contracts to address criminal background checks and the use by nursing homes of national criminal background checks for prospective unlicensed staff.