



June 28, 2007

MEMORANDUM

TO: Owners and Administrators of:
Personal Care Homes
Private Home Care Providers
Community Living Arrangements
Maternity Homes
Child Welfare Agencies (Child Caring Institutions, Child Placing Agencies, Outdoor Child Caring Programs)

FROM: Sharon E. Dougherty
Office of Regulatory Services

RE: Criminal Records Check Legislation, House Bill 155

The Georgia General Assembly recently passed House Bill 155 to require criminal background checks for owners of the above-listed licensed programs who have access to the clients of these programs. Effective July 1, 2007, owners of these types of facilities must obtain mandatory criminal background check clearance prior to the issuance of a license, and periodically as determined necessary by the Department of Human Resources. A copy of the law is enclosed for your review.

Beginning July 1, 2007, any application for a license for the above-listed facilities must include fingerprint cards for use in the criminal background check for the owner. The fees necessary to obtain the records check for the owner also must accompany the application. Alternatively, an appointment for a Live Scan fingerprint check can be scheduled at the 2 Peachtree offices by calling the Office of Investigative Services at (404) 657-5723 (this service should be available locally at some time in the future).

A license will not be issued to an owner with a result showing conviction or arrest and charge pending for any of the following:

- A violation of Code Section 16-5-1, relating to murder and felony murder;
- A violation of Code Section 16-5-21, relating to aggravated assault;
- A violation of Code Section 16-5-24, relating to aggravated battery;
- A violation of Code Section 16-5-70, relating to cruelty to children;
- A violation of Code Section 16-5-100, relating to cruelty to a person 65 years of age or older;
- A violation of Code Section 16-6-1, relating to rape;
- A violation of Code Section 16-6-2, relating to aggravated sodomy;
- A violation of Code Section 16-6-4, relating to child molestation;
- A violation of Code Section 16-6-5, relating to enticing a child for indecent purposes;
- A violation of Code Section 16-6-5.1, relating to sexual assault against persons/patients in hospitals or other institutions;
- A violation of Code Section 16-6-22.2, relating to aggravated sexual battery;
- A violation of Code Section 16-8-41, relating to armed robbery; or
- A violation of Code Section 30-5-8, relating to abuse, neglect, or exploitation of a disabled adult or elder person.

The new law also applies to current owners of the designated licensed programs or corporate owners who meet the definition in the law. Those persons may be required to submit to a criminal background check at time of renewal or periodically as deemed necessary by the Department. No owner may continue to hold a license if they have been arrested or convicted of any of the crimes listed above. The owner would have a right to an administrative hearing on any licensure action related to the results of the criminal background check.

If an owner or corporate designee does not work or live onsite at the facility, does not have access to clients/residents, and does not participate in the day-to-day operations of a facility seeking licensure, they may be exempt from the requirement. Please contact your licensing office should you have any questions about the new process for applications.

Enclosure