

Louisiana State Police: Background Check Rule Update

Effective Date: January 2026

Applicability: Employers conducting criminal history screenings for nonlicensed staff in **Nursing Homes and Adult Residential Care Providers.**

Overview

The Louisiana Department of Public Safety and Corrections, Office of State Police, through the Bureau of Criminal Identification and Information (BCII), recently updated **LAC 55:I, Chapter 2** ("Criminal History Background Checks on Licensed Ambulance Personnel and Nonlicensed Persons"). Although the title mentions ambulance personnel, these changes apply broadly to nonlicensed staff hiring practices across various healthcare and senior living sectors.

Note: This update was enacted through the **administrative rulemaking process**, not new legislation.

Key Updates & Changes

1. Expanded Eligibility for Third-Party "Authorized Agencies"

The rule clarifies and expands the criteria for third-party vendors (Authorized Agencies) permitted to request and receive criminal history data on behalf of employers. To qualify, the entity must be:

- **Domiciled in Louisiana.**
- **Registered and in good standing** with the Louisiana Secretary of State.
- **Primarily engaged** in conducting background screenings.

2. New \$5 Technology Fee

A mandatory **\$5 technology fee** now applies to every civil background check. This is added to the existing \$26 base fee.

- **Standard Fee:** \$26
- **Technology Fee:** \$5
- **Total Cost per Check:** \$31
- May have an additional fee for fingerprinting.

3. Mandatory Fingerprint Verification for "Possible Arrests"

This is a significant procedural change. If a name-based criminal history check returns "possible arrest information," the check **must** be resubmitted to the BCII for a **fingerprint-based background check** to ensure positive identity verification.

- **Impact:** Expect potential delays in onboarding and hiring timelines when a "hit" occurs.

- **Purpose:** To reduce errors caused by name-matching and ensure the record belongs to the correct individual.

4. Stricter Confidentiality & Data Usage Rules

The update reinforces that all criminal history information is strictly confidential.

- **Permitted Use:** Results must be used **only** to determine an applicant's eligibility for the specific employer stated.
 - **Penalties:** Authorized agencies that misuse or improperly share data may lose their approval status and face legal penalties.
 - **Storage:** Results should be treated as restricted HR records with controlled access.
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Action Items for Providers

To remain compliant and avoid hiring bottlenecks, organizations are encouraged to:

- **Verify Vendor Status:** Confirm your background screening partner meets the new "Authorized Agency" requirements (Louisiana domicile and good standing).
- **Budget Adjustment:** Update recruitment budgets to reflect the new **\$31 total cost** per check. May have an additional fee for fingerprinting.
- **Adjust Onboarding Timelines:** Prepare for longer lead times if fingerprinting is triggered by a "possible arrest" result.
- **Audit Data Security:** Review internal procedures to ensure background check records are stored securely and access is restricted to essential HR personnel.