

2013

Dear Administrator:

The purpose of this letter is to inform you of the mandated requirements of Act 79 of 1997, known as the Older Adults Protective Services Act (OAPSA). Amendments to OAPSA include Act 169 of 1996; (Criminal History Background Checks) and Act 13 of 1997; (Mandatory Abuse Reporting.) For your guidance, we have enclosed information pertaining to your facility's responsibilities and reporting procedures under OAPSA. The Department of Aging provides on-line, self study training for Mandatory Abuse Reporting and Criminal History Background Checks. The overall aim of the self study course is to give you the concepts, strategies, and techniques that will allow you to understand the basic tenets of the law, and the roles and responsibilities of various individuals and regulatory systems in the provision of protective services in long term care facilities. Further information can be found by visiting our website at www.aging.state.pa.us/psolinettraining.

The Department of Aging is committed to ensuring the protection of Pennsylvania's older adults and we appreciate your help in protecting our older Pennsylvanians. If you have any other questions or need additional information, please do not hesitate to contact a member of the Criminal History Background Check Unit at (717) 265-7887. Thank you.

Sincerely,



Denise A. Getgen, Chief
Consumer Protection Division



NEW PRICE - \$27.50 effective June 3, 2013

The Department of Aging transitioned from a manual to an electronic fingerprinting process for Federal Bureau of Investigation (FBI) criminal history background checks required by the Older Adults Protective Services Act. Due to this conversion from a manual fingerprinting process to an electronic fingerprinting process fingerprints submitted on **fingerprint cards will no longer be accepted.**

All requests for FBI background checks must be made directly through Cogent Systems, a 3rd party electronic background check processor contracted by the Department of Aging. This change will expedite the submission and processing of FBI background check requests.

The fingerprinting registration process is conducted through Cogent at www.pa.cogentid.com. Effective June 3, 2013, the fee for the background check is \$27.50.

Background:

As required by the Older Adults Protective Services Act (OAPSA), applicants/employees of specific facilities or agencies who have **NOT** been a resident of the Commonwealth of Pennsylvania for the last two years must obtain criminal history record information reports from both the Pennsylvania State Police (PSP) and the Federal Bureau of Investigation (FBI). The employment determinations for applicants/employees who require an FBI check must come from the PA Department of Aging.

The Process:

(1) Applicant Registration: Applicants will now register online at www.pa.cogentid.com or by telephone at 1-888-439-2486, Monday through Friday, 8 A.M. to 6 P.M. EST. Following registration, the applicant will be provided with a registration number that they will take with them when they go to the Cogent site for fingerprinting. Applicants must be registered with Cogent Systems prior to arriving at a fingerprinting site.

When registering on-line, please select the Pennsylvania Department of Aging icon. Fingerprint requests processed through any other agency cannot be accepted. If an applicant mistakenly registers through a different department, the registration must be cancelled. The applicant must restart the registration process using the Aging icon. This must be completed prior to being fingerprinted. Once fingerprinted, registration and/or results cannot be transferred to another state agency.

Note to facilities and/or agencies: If your agency chooses to be billed for fingerprinting, Cogent Systems allows the fee to be billed to the facilities/agencies address. In order to use this course of action, the facility/agency must complete and submit the Cogent Systems' Agency Billing Agreement. The agreement is available on the Cogent website at www.pa.cogentid.com. The billing account must be established prior to sending applicants to the fingerprint site.

(2) FEES: The fee for an FBI background check is **\$27.50**. Payment can be made during on-line registration by using a credit or debit card or in-person at the fingerprinting site with a money order or cashier's check made payable to Cogent Systems. No cash transactions or personal checks will be accepted.

(3) FINGERPRINT SITES: Since April 2007, Cogent Systems has established more than 110 sites across the Commonwealth. We encourage all facilities to direct perspective applicants to the most convenient fingerprint service site. To find a site near you visit www.pa.cogentid.com.

(4) Processing FBI Reports: Cogent Systems will forward the applicant's fingerprints electronically to the FBI. Responses from the FBI will be sent to the PA Department of Aging for analysis. The Department of Aging will review the results to determine if any convictions listed in OAPSA would prohibit the applicant/employee from being employed. The Department of Aging will send employment determination letters to both the facility and applicant. Employment determinations from any other source are not acceptable under the law.

Security of Applicant Information: Data collected during the fingerprinting process is secured and regulated by both Cogent Systems and the regulations governing the use of that data. The computer system is housed within a secured network that is protected by firewall devices configured to allow only permissible protocols and traffic. Cogent Systems will ensure that all devices procured under this process continue to adhere to the Commonwealth's Security requirements.

Inquiries or Questions: Individuals who are seeking additional information regarding the process and print locations may contact Cogent Systems at: www.pa.cogentid.com.

For more information on criminal history background checks, please visit the Department of Aging website at www.aging.state.pa.us or call 717-265-7887.

Facility/Agency

Adult Daily Living Center

Assisted Living

Birth Center

Community Homes for Individuals for Individuals with Mental Retardation – Group Home/Community Living Arrangement

Community Residential Rehabilitation Services

Domiciliary Care

Family Living Home

Home Care Agency or Registry - is defined to include those agencies licensed by the Department of Health and any public or private organization which provide care to a care-dependent individual in their place of residence.

Home Health Care Organization or Agency

Hospitals – ONLY those with a *Long Term Care Unit, Skilled Transitional Unit, OR Extended Care Unit AND you must be employed in or potentially rotate to one of these units.*

Hospice

Intermediate Care Facilities for Individuals with Mental Retardation

Living Independence for the Elderly

Long Term Structured Residence

Nursing Home/Long Term Care Nursing Facility

Office of Long Term Living/Waiver Program

Personal Care Home

Residential Treatment Facility for Adults

Nursing Schools - for students doing an internship or clinical rotation, or any other individual, who has been granted access to the facility to perform clinical services.

Sexual Responsibility Treatment Program

State Mental Hospital

South Mountain Restoration Center

Staffing Agency – entity that supplies, arranges for, or refers their employees to provide care in other OAPSA facilities.

Act 169 of 1996

PURPOSE: Requires criminal history background checks for employees of NH, PCH, Dom Care, Home Health and ADC. Employees with convictions for prohibitive offenses are precluded from working in these facilities.

PROHIBITIVE OFFENSES:

- Criminal Homicide
- Aggravated Assault
- Kidnapping
- Unlawful Restraint
- Rape
- Statutory Sexual Assault
- Involuntary Deviate Sexual Intercourse
- Sexual Assault
- Aggravated Indecent Assault
- Indecent Assault
- Indecent Exposure
- Arson and Related Offenses
- Burglary
- Robbery
- Theft (Felony or 2 Misdemeanors)
- Forgery
- Securing Execution of Documents by Deception
- Incest
- Concealing the Death of a Child
- Felony Drug Offense
- Child Endangerment
- Dealing in Infant Children
- Intimidation of Witness
- Retaliation Against a Witness
- Prostitution (Felony Offense)
- Obscene or Other Sexual Materials
- Corruption of Minors

EMPLOYEES: An employee is defined as an applicant or new employee, including contract employees with direct contact with residents or unsupervised access to the personal living quarters. Also included are persons employed or contracted to provide care to a care-dependent individual for monetary consideration in the individual's residence. A volunteer is not considered to be an employee.

FACILITY: The type of facilities covered by the Act are as follows:

- domiciliary care home
- home health care agency
- long-term care nursing facility
- adult daily living center/day care
- personal care home

The Act also includes any private or public organization which provides care to care-dependent persons in their residence.

In addition, PA Department of Public Welfare has determined that the following DPW-licensed and DPW-operated residential facilities for adults are also covered by the Act:

- assisted living residences
- community residential rehabilitation services
- community homes for individuals with mental retardation
- family living homes
- ICF/MR's (private and state)
- residential treatment facilities for adults
- state mental hospitals
- nursing facilities (licensed by DPW)
- long term structured residences
- sexual responsibility treatment programs

(continued)

Act 169 of 1996 (continued)

In addition, PA Department of Health has determined that the following DOH-licensed facilities are also covered by the Act:

- hospices
- birth centers
- home care agencies – any public or private organization which provides care to a care-dependent individual in their place of residence
- home care registry or “registry” – any organization or business entity that supplies, arranges or refers independent contractors to provide activities of daily living or instrumental activities of daily living or specialized care in the consumer’s place of residence or other independent living environment for which the registry receives a fee, consideration or compensation of any kind.

PROCESS: An applicant/new hire who has been a resident of the state for the last 2 years, uninterrupted, needs to obtain a *Request for Criminal History Background Check* from the nearest PA State Police barracks. The applicant/new hire will complete the application and forward it with a money order or cashier’s check for \$10 to the State Police for processing. The Act does allow for the provisional hire of an employee for 30 days if the conditions listed below are met. If there is no criminal history or record, the PSP will forward a letter stating same. If there is a criminal record, the PSP will forward a copy of the *rap sheet* to the applicant.

If the applicant has not been a PA resident for the 2 years before application, he/she will need to have PSP criminal history background check completed **and** an FBI criminal history background check. PDA is the intermediary between the facility and the FBI. PDA uses Cogent fingerprinting systems for the electronic fingerprinting process to the FBI. The applicant will register online at www.pa.cogentid.com or by telephone at 1-888-439-2486. Following registration, the applicant will be provided with a registration number that they will take with them when they go to the Cogent site for fingerprinting. Applicants must be registered with Cogent Systems prior to arriving at the fingerprinting site. Applicants must be sure to register for the Pennsylvania Department of Aging background check. Payment of \$27.50 is required either during registration online by credit or debit card, or in-person at the fingerprinting site with a money order or cashier’s check. The facility can print off a Proof of Fingerprint Submission from the Cogent website. The FBI will run a check and send the results to PDA. PDA will review the results to determine if any convictions listed in OAPSA would prohibit the applicant/employee from being employed. PDA will send employment determination letters to both the facility and applicant. Employment determinations from any other source are not acceptable under the law. The Act does allow for the provisional hire for 90 days of employees receiving an FBI check if the conditions listed below are met.

To provisionally hire an employee for 30 days under PSP, or up to 90 days for FBI, requires:

1. Applicant must have applied for the background check(s) and provided a copy of the completed request forms to the administrator;
2. Applicant must swear/affirm in writing that he/she has not been convicted of offenses that would prohibit them under the Act;
3. Facility must have no personal knowledge that the applicant has been convicted of offenses that would prohibit them under the Act;
4. The provisionally employed applicant shall receive an orientation which provides information on policies, procedures and laws which address standards of proper care and recognition and reporting of abuse or neglect, or both, of recipients;
5. The provisionally employed applicant shall receive regular supervision as directed in PA Code Title 6 § 15.146, with the results of the observations documented in the employee personnel file.

OLDER ADULTS PROTECTIVE SERVICES ACT

Prohibitive Offenses Contained in Act 169 of 1996 as Amended by Act 13

May 2011
Dept. of Aging

Following Offenses as Contained in PA Crimes Code (18 Pa. C.S.)

Offense Code	Prohibitive Offense Description	Type/Grading of Conviction
CC2500	Criminal Homicide	Any
CC2502A	Murder I	Any
CC2502B	Murder II	Any
CC2502C	Murder III	Any
CC2503	Voluntary Manslaughter	Any
CC2504	Involuntary Manslaughter	Any
CC2505	Causing or Aiding Suicide	Any
CC2506	Drug Delivery Resulting in Death	Any
CC2702	Aggravated Assault	Any
CC2901	Kidnapping	Any
CC2902	Unlawful Restraint	Any
CC3121	Rape	Any
CC3122.1	Statutory Sexual Assault	Any
CC3123	Involuntary Deviate Sexual Intercourse	Any
CC3124.1	Sexual Assault	Any
CC3125	Aggravated Indecent Assault	Any
CC3126	Indecent Assault	Any
CC3127	Indecent Exposure	Any
CC3301	Arson and Related Offenses	Any
CC3502	Burglary	Any
CC3701	Robbery	Any
CC3901	Theft	<div style="border: 1px solid black; padding: 10px; text-align: center;"> Any ONE (1) FELONY or TWO (2) MISDEMEANORS within the 3900 Series (CC3901-CC3934) </div>
CC3921	Theft By Unlawful Taking	
CC3922	Theft By Deception	
CC3923	Theft By Extortion	
CC3924	Theft By Property Lost	
CC3925	Receiving Stolen Property	
CC3926	Theft of Services	
CC3927	Theft By Failure to Deposit	
CC3928	Unauthorized Use of a Motor Vehicle	
CC3929	Retail Theft	
CC3929.1	Library Theft	
CC3929.2	Unlawful Possession of Retail or Library Theft Instruments	
CC3929.3	Organized Retail Theft	
CC3930	Theft of Trade Secrets	
CC3931	Theft of Unpublished Dramas or Musicals	
CC3932	Theft of Leased Properties	
CC3933	Unlawful Use of a Computer	
CC3934	Theft From a Motor Vehicle	
CC4101	Forgery	Any
CC4114	Securing Execution of Documents by Deception	Any
CC4302	Incest	Any
CC4303	Concealing Death of a Child	Any
CC4304	Endangering Welfare of a Child	Any
CC4305	Dealing in Infant Children	Any
CC4952	Intimidation of Witnesses or Victims	Any
CC4953	Retaliation Against Witness or Victim	Any
CC5902B	Promoting Prostitution	Felony
CC5903C	Obscene or Other Sexual Materials to Minors	Any
CC5903D	Obscene or Other Sexual Materials	Any
CC6301	Corruption of Minors	Any
CC6312	Sexual Abuse of Children	Any

*Offenses as Contained in PA Controlled Substance, Drug, Device & Cosmetic Act (P.L. 233, No. 64)-PARTIAL LISTING**

Offense Code	Prohibitive Offense Descriptor	Type/Grading of Conviction
CS13A12	Acquisition of Controlled Substance by Fraud	Felony
CS13A14	Delivery by Practitioner	Felony
CS13A30	Possession with Intent to Deliver	Felony
CS13A35 (i), (ii), (iii)	Illegal Sale of Non-Controlled Substance	Felony
CS13A36	Designer Drugs	Felony
CS13Axx*	ANY OTHER FELONY DRUG CONVICTION APPEARING ON PA RAP SHEET	



Dear Employer/Applicant:

Enclosed are the various forms that will need to be completed in order to obtain a criminal history background check to work in a facility as defined by Act 169 of 1996 as amended by Act 13 of 1997. The effective date of the act is July 1, 1998.

Facilities are defined by the act to include Act-13 mandates the following facilities to report: Domiciliary Care Homes, Home Health Care Agencies, Long Term Care Nursing Facilities (licensed by Dept. of Health), Adult Daily Living Centers (licensed by Dept. of Aging), and Personal Care Homes (licensed by Dept. of Public Welfare). In addition, the Pennsylvania Department of Health has defined home health care organization or agency to include: hospices, birth centers, home care agencies and home care registries*. The Pennsylvania Department of Public Welfare (DPW) has concluded that the Act is applicable to all DPW-licensed and DPW-operated residential facilities for adults; specifically: Personal Care Homes, 55 Pa. Code Ch. 2620; Assisted Living Residences, 55 Pa. Code Ch. 2800; Community Residential Rehabilitation Services, 55 Pa. Code Ch. 5310; Long Term Structured Residences, 55 Pa. Code Ch. 5320; Community Homes for Individuals with Mental Retardation, 55 Pa. Code Ch. 6400; Family Living Homes, 55 Pa. Code Ch. 6500; ICF-MRs (private and state), 55 Pa. Code Ch. 6600; State Mental Hospitals; Residential Treatment Facilities for Adults, Sexual Responsibility Treatment Programs, and Nursing Facilities. *A Home Care Agency is further defined to include those agencies licensed by the Department of Health and any public or private organization which provides care to a care-dependent individual in their place of residence. A Home Care Registry or "Registry" is further defined to include those agencies licensed by the Department of Health any organization or business entity that supplies, arranges or refers independent contractors to provide activities of daily living or instrumental activities of daily living or specialized care in the consumer's place of residence or other independent living environment for which the registry receives a fee, consideration or compensation of any kind.

An applicant/employee is defined as an individual who is employed by a facility. The term includes contract employees who have direct contact with residents or unsupervised access to their personal living quarters. The term includes any person who enters into a contractual relationship to provide care to a care-dependent individual for monetary consideration in their place of residence.

If a current employee has been with a facility from July 1, 1998 and prior and is still with the same facility on the effective date of this act, **no** criminal background check is necessary. If the current employee was hired on or after July 1, 1998, the facility has **one year from the effective date of the act** to conduct the background check. Any employee seeking employment on or after July 1, 1998, will need to obtain a criminal history background check. If the applicant/employee has been a resident of the Commonwealth of Pennsylvania for **2 or more consecutive years prior to application for employment**, the applicant will need to

obtain a clearance from the Pennsylvania State Police. This clearance is obtained by doing the following:

The fastest way to obtain results is by using the Pennsylvania State Police Access to Criminal History website at <https://epatch.state.pa.us/Home.jsp> .

If you do not have internet access follow the instructions for the Request for Criminal Record Check Form (SP4-164) below.

REQUEST FOR CRIMINAL RECORD CHECK FORM (SP4-164)

This form is used to obtain a report from the Pennsylvania State Police criminal history files. Complete Part I of the Form. Follow the instructions printed in each section for proper completion of the form. Failure to follow the instructions will result in a considerable delay in the processing of your request. A processing fee of \$10.00 is required. Enclose a money order, cashier's check or certified check made payable to the "Commonwealth of PA". **No cash, personal or business checks will be accepted.**

Mail the completed application and fee to the address below:

PA State Police Central Repository-164
1800 Elmerton Avenue
Harrisburg, PA 17110-9758

The act does allow for a 30-calendar-day provisional hire for those individuals who only need a Pennsylvania State Police Background Check. In order for the provisional hire to be allowed the following items **must** occur:

- 1. The applicants must provide proof they have applied for the background check.*
- 2. Applicants swear or affirm in writing that they have not been convicted of any of the offenses contained in the act.*
- 3. Administrator has no knowledge of information pertaining to the applicant which would disqualify the applicant from employment pursuant to the act.*

When the State Police Criminal History Background Report is received and the provisionally hired applicant has been found to have a conviction for one of the prohibitive offenses, the applicant will be immediately dismissed by the administrator.

The Department has enclosed two informational tools to facilitate the interpretation of the State Police Criminal History Background Reports. The first tool developed by the Department of Aging contains a list of all the prohibitive offenses, corresponding offense code and type of conviction necessary to preclude employment. The second information tool was developed by the Pennsylvania State Police on how to read a criminal history background report.

When the applicant/employee **has not been a resident of the Commonwealth of Pennsylvania for the entire two years (without interruption) immediately preceding the date of application for employment or currently lives out-of-state, in addition to the Pennsylvania State Police Criminal History Check, the applicant/employee will also need to obtain an FBI Criminal History Check.**

This clearance is obtained by doing the following:

(1) Applicant Registration: Applicants will now register online at www.pa.cogentid.com or by telephone at 1-888-439-2486, Monday through Friday, 8 A.M. to 6 P.M. EST. Following registration, the applicant will be provided with a registration number that they will take with them when they go to the Cogent site for fingerprinting. Applicants must be registered with Cogent Systems prior to arriving at a fingerprinting site.

When registering on-line, please select the Pennsylvania Department of Aging icon. Fingerprinting requests processed through any other agency cannot be accepted. If an applicant mistakenly registers through a different department, the registration must be cancelled. The applicant must restart the registration process using the Aging icon. This must be completed prior to being fingerprinted. Once fingerprinted, registration and/or results cannot be transferred to another state agency.

Note to facilities and/or agencies: If your agency chooses to be billed for fingerprinting, Cogent Systems allows the fee to be billed to the facilities/agencies address. In order to use this course of action, the facility/agency must complete and submit the Cogent Systems' Agency Billing Agreement. The agreement is available on the Cogent website at www.pa.cogentid.com. The billing account must be established prior to sending applicants to the fingerprint site.

(2) FEES: The fee for an FBI background check is **\$27.50**. Payment can be made during on-line registration by using a credit or debit card or in-person at the fingerprinting site with a money order or cashier's check made payable to Cogent Systems. No cash transactions or personal checks will be accepted.

(3) FINGERPRINT SITES: Since April 2007, Cogent Systems has established more than 110 sites across the Commonwealth. We encourage all facilities to direct perspective applicants to the most convenient fingerprint service site. To find a site near you visit www.pa.cogentid.com

(4) Processing FBI Reports: Cogent Systems will forward the applicant's fingerprints electronically to the FBI. Responses from the FBI will be sent to the PA Department of Aging for analysis. The Department of Aging will review the results to determine if any convictions listed in OAPSA would prohibit the applicant/employee from being employed. The Department of Aging will send employment determination letters to both the facility and applicant. Employment determinations from any other source are not acceptable under the law.

The act does allow for a 90-calendar-day provisional hire for those individuals who need both the Pennsylvania State Police Background Check **and** the FBI Background Check. In order for the provisional hire to be allowed the following items **must** occur:

- 1. The applicants must provide proof they have applied for the background check.*
- 2. Applicants swear or affirm in writing that they have not been convicted of any of the offenses contained in the act.*
- 3. Administrator has no knowledge of information pertaining to the applicant which would disqualify the applicant from employment pursuant to the act.*

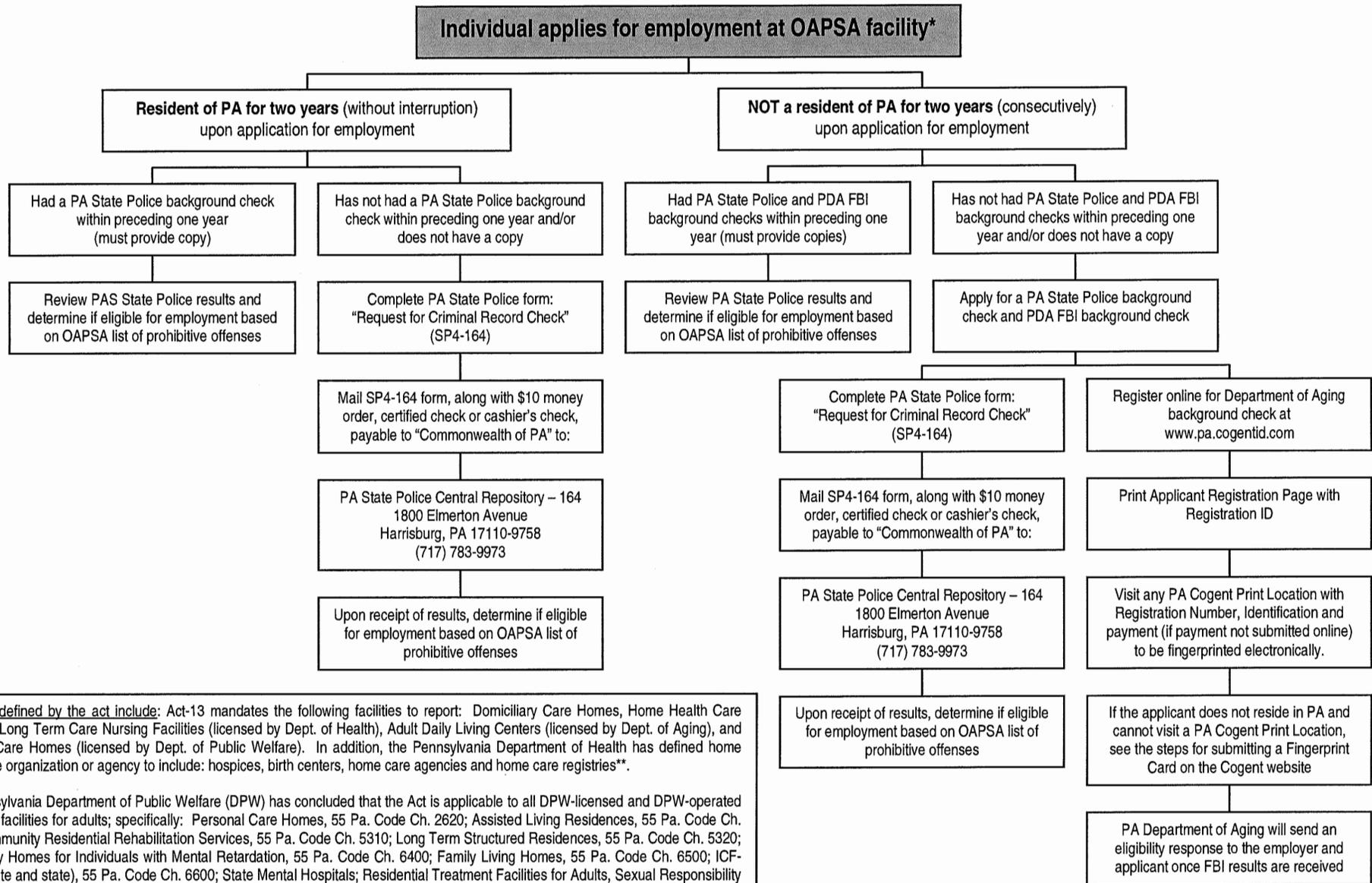
When the PA Department of Aging's response to the FBI Background Check is received for the provisionally hired employee and the provisional employee has been found to have a conviction for one of the prohibitive offenses, the applicant will be immediately dismissed by the administrator.

Enclosed is a summary of Act 169 of 1996 and Act 13 of 1997 for a clearer understanding of both acts. The summary also contains information on Act 28 which was passed during 1995.

If you would have any questions, please contact the PA Department of Aging at (717) 265-7887, Monday through Friday.

Enclosures

Older Adults Protective Services Act (OAPSA) Criminal History Background Checks



*Facilities defined by the act include: Act-13 mandates the following facilities to report: Domiciliary Care Homes, Home Health Care Agencies, Long Term Care Nursing Facilities (licensed by Dept. of Health), Adult Daily Living Centers (licensed by Dept. of Aging), and Personal Care Homes (licensed by Dept. of Public Welfare). In addition, the Pennsylvania Department of Health has defined home health care organization or agency to include: hospices, birth centers, home care agencies and home care registries**.

The Pennsylvania Department of Public Welfare (DPW) has concluded that the Act is applicable to all DPW-licensed and DPW-operated residential facilities for adults; specifically: Personal Care Homes, 55 Pa. Code Ch. 2620; Assisted Living Residences, 55 Pa. Code Ch. 2800; Community Residential Rehabilitation Services, 55 Pa. Code Ch. 5310; Long Term Structured Residences, 55 Pa. Code Ch. 5320; Community Homes for Individuals with Mental Retardation, 55 Pa. Code Ch. 6400; Family Living Homes, 55 Pa. Code Ch. 6500; ICF-MRs (private and state), 55 Pa. Code Ch. 6600; State Mental Hospitals; Residential Treatment Facilities for Adults, Sexual Responsibility Treatment Programs, and Nursing Facilities.

**A Home Care Agency is further defined to include those agencies licensed by the Department of Health and any public or private organization which provides care to a care-dependent individual in their place of residence. A Home Care Registry or "Registry" is further defined to include those agencies licensed by the Department of Health any organization or business entity that supplies, arranges or refers independent contractors to provide activities of daily living or instrumental activities of daily living or specialized care in the consumer's place of residence or other independent living environment for which the registry receives a fee,

PENNSYLVANIA STATE POLICE
REQUEST FOR CRIMINAL RECORD CHECK

**FOR CENTRAL REPOSITORY USE ONLY
(LEAVE BLANK)**

**PART I: TO BE COMPLETED BY REQUESTER
(INFORMATION WILL BE MAILED TO REQUESTER ONLY)**

DATE OF REQUEST

***** TYPE OR PRINT LEGIBLY WITH INK *****

NOTE: IF THIS FORM IS NOT LEGIBLE OR NOT PROPERLY COMPLETED, IT WILL BE RETURNED UNPROCESSED TO THE REQUESTER. A RESPONSE MAY TAKE THREE WEEKS OR LONGER TO PROCESS.

WARNING: A PERSON COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF HE/SHE MAKES A WRITTEN FALSE STATEMENT, WHICH HE/SHE DOES NOT BELIEVE TO BE TRUE.

REQUESTER NAME			
ADDRESS			
CITY	STATE	ZIP	

CONTACT TELEPHONE NUMBER (INCLUDING AREA CODE)

			-				-					
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REQUESTER IDENTIFICATION (ONLY CHECK ONE BLOCK)

INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY – ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$10.00 PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA." THE FEE IS NONREFUNDABLE.

FEE EXEMPT NONCRIMINAL JUSTICE AGENCY

***** DO NOT SEND CASH OR PERSONAL CHECK *****

NAME/SUBJECT OF RECORD CHECK (LAST)	(FIRST)	(MIDDLE)		
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER (SOC)	DATE OF BIRTH (DOB)	SEX	RACE

REASON FOR REQUEST (CHECK ONE BLOCK)

- EMPLOYMENT (IF APPLICABLE, CHECK ONE OF THE FOLLOWING)
 ELDER CARE
 CHILD CARE
 SCHOOL DISTRICT
 ADOPTION/FOSTER CARE
 OTHER (SPECIFY)

ONLY CHECK THIS BLOCK IF YOU WANT TO REVIEW YOUR ENTIRE CRIMINAL HISTORY

INDIVIDUAL ACCESS AND REVIEW OR FIREARMS CHALLENGE—ENTIRE CRIMINAL HISTORY
(AVAILABLE ONLY TO SUBJECT OF RECORD CHECK OR LEGAL REPRESENTATIVE WITH LEGAL AFFIDAVIT OF LEGAL REPRESENTATIVE ATTACHED)

REQUESTER CHECKLIST DID YOU ENTER THE FULL NAME, DOB, AND SOC? DID YOU ENCLOSE THE \$10.00 FEE (CERTIFIED CHECK/MONEY ORDER)? *** DO NOT SEND CASH OR PERSONAL CHECK *** DID YOU ENTER YOUR COMPLETE ADDRESS INCLUDING ZIP CODE AND TELEPHONE NUMBER IN THE BLOCKS PROVIDED?	AFTER COMPLETION MAIL TO PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY – 164 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758 717-783-9973 BUSINESS HOURS 8:15 am - 4:15 pm (Monday – Friday)
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PART II: CENTRAL REPOSITORY RESPONSE ONLY *****DO NOT WRITE BELOW THIS LINE*****

INFORMATION DISSEMINATED <input type="checkbox"/> NO RECORD <input type="checkbox"/> CRIMINAL RECORD ATTACHED	INQUIRY DISSEMINATED BY SID NUMBER
THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER. <input type="checkbox"/> NAME <input type="checkbox"/> SOCIAL SECURITY NUMBER <input type="checkbox"/> DATE OF BIRTH <input type="checkbox"/> RACE <input type="checkbox"/> SEX <input type="checkbox"/> MAIDEN/ALIAS NAME	CERTIFIED BY (DIRECTOR, CENTRAL REPOSITORY)

This response is based on a comparison of data provided by the requester in Part I against the information contained in the files of the Pennsylvania State Police Central Repository only, and does not preclude the existence of criminal records which might be contained in the repositories of other local, state, or federal criminal justice agencies.

SAMPLE

PENNSYLVANIA STATE POLICE
REQUEST FOR CRIMINAL RECORD CHECK

FOR CENTRAL REPOSITORY USE ONLY
(LEAVE BLANK)

PART I: TO BE COMPLETED BY REQUESTER <i>(INFORMATION WILL BE MAILED TO REQUESTER ONLY)</i>	DATE OF REQUEST 1/1/01
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***** TYPE OR PRINT LEGIBLY WITH INK *****

NOTE: IF THIS FORM IS NOT LEGIBLE OR NOT PROPERLY COMPLETED, IT WILL BE RETURNED UNPROCESSED TO THE REQUESTER. A RESPONSE MAY TAKE THREE WEEKS OR LONGER TO PROCESS.

WARNING: A PERSON COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF HE/SHE MAKES A WRITTEN FALSE STATEMENT, WHICH HE/SHE DOES NOT BELIEVE TO BE TRUE.

REQUESTER NAME	ABC Nursing Home		
ADDRESS	789 Oak Drive		
CITY	STATE	ZIP	
Chester	PA	98765	

CONTACT TELEPHONE NUMBER (INCLUDING AREA CODE)

9	9	9	-	9	9	9	-	9	9	9	9
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REQUESTER IDENTIFICATION (ONLY CHECK ONE BLOCK)

INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY - ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$10.00 PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" THE FEE IS NONREFUNDABLE.

FEE EXEMPT NONCRIMINAL JUSTICE AGENCY

***** DO NOT SEND CASH OR PERSONAL CHECK *****

NAME/SUBJECT OF RECORD CHECK (LAST) Brown	(FIRST) Jane	(MIDDLE) Anne
MAIDEN NAME AND/OR ALIASES Jane Anne Doe	SOCIAL SECURITY NUMBER (SOC) 123-45-6789	DATE OF BIRTH (DOB) 4/5/1972
	SEX F	RACE W

REASON FOR REQUEST (CHECK ONE BLOCK)

EMPLOYMENT (IF APPLICABLE, CHECK ONE OF THE FOLLOWING) ELDER CARE CHILD CARE SCHOOL DISTRICT

ADOPTION/FOSTER CARE

OTHER (SPECIFY) _____

ONLY CHECK THIS BLOCK IF YOU WANT TO REVIEW YOUR ENTIRE CRIMINAL HISTORY

INDIVIDUAL ACCESS AND REVIEW OR FIREARMS CHALLENGE-ENTIRE CRIMINAL HISTORY (AVAILABLE ONLY TO SUBJECT OF RECORD CHECK OR LEGAL REPRESENTATIVE WITH LEGAL AFFIDAVIT OF LEGAL REPRESENTATIVE ATTACHED)

<p>REQUESTER CHECKLIST</p> <p>DID YOU ENTER THE FULL NAME, DOB, AND SOC?</p> <p>DID YOU ENCLOSE THE \$10.00 FEE (CERTIFIED CHECK/MONEY ORDER)?</p> <p style="text-align: center;">*** DO NOT SEND CASH OR PERSONAL CHECK ***</p> <p>DID YOU ENTER YOUR COMPLETE ADDRESS INCLUDING ZIP CODE AND TELEPHONE NUMBER IN THE BLOCKS PROVIDED?</p>	<p>AFTER COMPLETION MAIL TO</p> <p style="text-align: center;">PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY - 164 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758 717-783-9973 BUSINESS HOURS 8:15 am - 4:15 pm (Monday - Friday)</p>
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PART II: CENTRAL REPOSITORY RESPONSE ONLY *****DO NOT WRITE BELOW THIS LINE*****

<p>INFORMATION DISSEMINATED</p> <p><input type="checkbox"/> NO RECORD <input type="checkbox"/> CRIMINAL RECORD ATTACHED</p> <p>THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER.</p> <p><input type="checkbox"/> NAME <input type="checkbox"/> SOCIAL SECURITY NUMBER</p> <p><input type="checkbox"/> DATE OF BIRTH <input type="checkbox"/> RACE</p> <p><input type="checkbox"/> SEX <input type="checkbox"/> MAIDEN/ALIAS NAME</p>	<p>INQUIRY DISSEMINATED BY</p> <p>SID NUMBER</p> <p>CERTIFIED BY</p> <p style="text-align: right;">(DIRECTOR, CENTRAL REPOSITORY)</p>
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This response is based on a comparison of data provided by the requester in Part I against the information contained in the files of the Pennsylvania State Police Central Repository only, and does not preclude the existence of criminal records which might be contained in the repositories of other local, state, or federal criminal justice agencies.

SAMPLE CRIMINAL HISTORY REPORT

SP4-137B

PENNSYLVANIA STATE POLICE
CENTRAL REPOSITORY
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110
(717) 787-9092

COMPILED: 08/07/97
PAGE: 1

USE OF THE FOLLOWING CRIMINAL HISTORY RECORD FOR *SID/000-01-23-6*
REGULATED BY ACT 47, AS AMENDED.

III - SINGLE STATE OFFENDER

Single State Offender indicates Record only in PA
Multiple State Offender indicates fingerprints on file in another state

Name used when arrested

DOB: 08/25/44 SEX: M RAC: W SOC: 202-22-5555 FBI: 898989A

Date Arrested

NAME: TEST, RECORD OTN: Q333333-0
ARRESTED: 08/25/87 PAPSP3600 HARRISBURG PSP OCA: E19804
DISTRICT JUSTICE: 06306

OTN=Offense Tracking is assigned by the District Justice

Police Dept. Making arrest

07/24/87 CC5505 PUBLIC DRUNKENNESS - S PLEAD GUILTY
07/24/87 CC5503A DISORDERLY CONDUCT - S PLEAD GUILTY

OCA=Number Assigned by the Police Department

Date of Offense

NAME: TEST, RECORD OTN: E123456-1
ARRESTED: 06/30/90 PA0350400 SCRANTON PD OCA: B25000
DISPOSITION DATE: 10/25/90 COMMON PLEAS DOCKET: 90-1996

Common Pleas Court Docket Number assigned to the case.

Date Disposition made by Court

06/30/90 CC6106 FIREARM CARRIED W/O A LICENSE - M1
GUILTY
CO. PROBATION
05 YRS - 06 YRS

Disposition of the Charge

Code charged with and the section number:
CC=Crimes Code
CS=The Controlled Substance, Drug, Device & Cosmetic Act

06/30/90 CC0908 PROHIBITED OFFENSIVE WEAPONS - M1
GUILTY
CO. PROBATION
05 YRS - 06 YRS

Grade of Crime most serious to least serious:
F-1
F-2
F-3
M-1
M-2
M-3
S

NAME: RECORD, TEST OTN: E949949-7
ARRESTED: 07/04/97 PAPSP54111 McCONNELLSBURG PSP OCA: G12345
DISPOSITION DATE:

07/04/97 CS13A30 VIO CS/DRUG/DEV & COSMETIC ACT DISPOSITION UNREPORTED

IF THE ARREST IS 3 YEARS OR LESS FROM THE DATE OF YOUR REQUEST AND WE HAVE NOT RECEIVED A DISPOSITION FROM THE CLERK OF COURTS, IT IS SHOWN AS "DISPOSITION UNREPORTED" TO LET YOU KNOW CHARGE(S) MAY BE PENDING.

IF YOU DESIRE A DISPOSITION ON THE CHARGE(S), YOU MUST CONTACT THE CLERK OF COURTS IN THE COUNTY WHICH THE POLICE DEPARTMENT THAT MADE THE ARREST IS LOCATED.

F = FELONY, M = MISDEMEANOR, S = SUMMARY AND THE NUMERIC = THE DEGREE

ARREST (S) SUPPORTED BY FINGERPRINT CARD (S) ON FILE.

RESPONSE BASED ON COMPARISON OF REQUESTER FURNISHED INFORMATION AND/OR FINGERPRINTS AGAINST A NAME INDEX AND/OR FINGERPRINTS CONTAINED IN THE FILES OF THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY ONLY, AND DOES NOT PRECLUDE THE EXISTENCE OF OTHER CRIMINAL RECORDS WHICH MAY BE CONTAINED IN THE REPOSITORIES OF OTHER LOCAL, STATE OR FEDERAL CRIMINAL JUSTICE AGENCIES.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGING
555 Walnut Street – 5th Floor
Harrisburg, Pennsylvania 17101-1919

February 2004

Subject: Older Adults Protective Services Act – Criminal Background Check Provisions
Nixon v. Commonwealth of PA, et al, 2003 LEXIS 2604 (12/30/2003)

The Supreme Court of Pennsylvania issued the above-referenced decision on December 30, 2003, which, in effect, held the criminal history background check prohibitive hire provisions of the Older Adults Protective Services Act (OAPSA) to be unconstitutional "as applied to the individual plaintiffs." The Court only granted specific relief to the individual plaintiffs and not to all persons affected by the criminal history background check provisions in OAPSA.

The Pennsylvania Department of Aging (PDA) anticipates legislative action in the near future. In the interim, the protective services program in PDA will operate as follows for all facilities required to comply with OAPSA:

1. Criminal history reports are still required for all applicants.
2. The PA State Police will continue to process applications for state criminal history reports and provide such information to the entity requesting the criminal history report.
3. PDA will continue to process FBI criminal history reports.
4. Letters from PDA will continue to indicate "clear" or "prohibited", based on FBI criminal history background check information.
5. Effective February 4, 2004, facilities will not be sanctioned for hiring or continuing to employ individuals who demonstrate rehabilitation by evidence of a minimum five-year aggregate work history in care-dependent services, without incident, from either the date of conviction or release from incarceration, whichever is later. Applicants are responsible for providing official verification of such dates. Care-dependent services include healthcare, eldercare, childcare, mental health, mental retardation, or care of the disabled. Facilities must reasonably investigate the character of an individual with a previously disqualifying criminal offense by means of interviews, references and evidence of work history. Facilities that hire such an individual are required to obtain specific employer-provided documentation of that individual's employment in care-dependent services and retain it in the individual's personnel file.
6. The Court's ruling in no way prohibits a facility from refusing to employ an individual, even one who has a clean aggregate five-year work history, based on information obtained in a criminal history report. Pennsylvania law, 18 Pa.C.S. § 9125, provides that an employer may consider criminal history felonies and misdemeanors, to the extent they relate to the applicant's suitability for employment in the position sought. The employer is required to notify the applicant, in writing, if the decision not to hire the applicant is based, in whole or in part, on the applicant's criminal history.

If you have any questions, please contact the Pennsylvania Department of Aging, Criminal History Background Check Unit at 717-265-7887.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilmarie González".

Wilmarie González, Director
Bureau for Advocacy, Protection and Education

Act 28 of 1995

The act is effective for conduct committed after September 6, 1995.

Who is protected by the Act? Individuals, 18 years of age and above, who due to physical or cognitive disability or impairment, require assistance to meet their needs for: food, shelter, clothing, personal care, or health care; and who reside in either a nursing home, domiciliary care home, community residential facility; or who receive home health services in their residence; or who receive services from another who has an obligation to care for the person for monetary consideration in either the care dependent person's home or in one of the previously described facilities; or who receives services from an adult daily living center.

Who is subject to prosecution under the Act? Caretakers are subject to prosecution under the Act. A caretaker is any person who: Owns, operates, manages or is employed in a nursing home, personal care home, domiciliary care home, community residential facility, intermediate care facility for the mentally retarded, adult daily living center, home health agency or home health service provider whether licensed or unlicensed who has responsibility to care for a care-dependent person. A caretaker is also any person who has an obligation to care for a care-dependent person in any described facility or the care-dependent's home and who receives monetary consideration for the care.

A caretaker can be a natural person, a corporation, a partnership, an unincorporated association or any other business entity. (This does not include governmental entities, boards or commissions).

What triggers prosecution? (a) Intentionally, knowingly, or recklessly causing bodily injury or serious bodily injury to a care-dependent person by failure to provide treatment, care, goods or services necessary to preserve the health, safety, or welfare of a care-dependent person for who he is responsible to provide care. (b) A caretaker may also be prosecuted if he intentionally or knowingly uses a physical restraint or a chemical restraint or medication on a care-dependent person, or isolates that person, contrary to law or regulation with resulting bodily or serious bodily injury.

What must be observed in order to implement the provisions of the Act? The care-dependent person must have suffered either bodily injury or serious bodily injury. Bodily injury is defined by the Crimes Code at §2301 as, "Impairment of physical condition or substantial pain." Serious bodily injury is defined by the Crimes Code at §2301 as, "Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ."

Who must report? Personnel of PDA (or AAA's), DoH or DPW when they have reasonable cause to believe that a care-dependent person residing in a facility has suffered bodily injury or been unlawfully restrained in violation of the Act, shall report immediately to the local law enforcement agency or to the Office of the Attorney General. The Departments must make these reports when they become aware of care-dependent person's mistreatment in conducting regulatory or investigative responsibilities. (This would include licensure visits and inspections based on complaints.)

Act 13 of 1997

Purpose: Requires employee or an administrator of a facility who has reasonable cause to believe that a recipient is a victim of abuse to immediately report the abuse. The effective date was December 10, 1997.

Abuse: The occurrence of one or more of the following acts: (1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain, or mental anguish; (2) The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health; (3) Sexual harassment; and/or (4) Sexual abuse which is intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest. No older adult shall be found to be abused solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.

Facility: The type of facilities impacted by the Act are: long-term care nursing facility, personal care home, domiciliary care home, home health agency and an adult daily living center.

Recipient: An individual who receives care, services or treatment in or from a facility.

Serious Bodily Injury: An injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

Serious Physical Injury: An injury that causes a person severe pain or significantly impairs a person's physical functioning, either permanently or temporarily.

Sexual Abuse: Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.

Suspicious Death

Process: When an employee or administrator has reasonable cause to believe that a recipient is a victim of abuse they shall immediately make an oral report to the local AAA. Within 48 hours of making the oral report the employee or administrator shall make a written report to the AAA.

If the employee or administrator believes the abuse involves sexual abuse, serious physical injury, serious bodily injury or suspicious death they are also required to make an immediate oral report to law enforcement and to PDA in addition to the oral and written report to the AAA. Within 48 hours of making the oral report the employee or administrator shall follow-up with a written report to law enforcement officials.

Within 48 hours of receiving a report of abuse involving sexual abuse, serious physical injury, serious bodily injury, or suspicious death, the local AAA shall forward a written report to PDA.

When the local AAA receives a report concerning suspicious death, the AAA will make an oral report to the coroner and follow-up with a written report within 24 hours.

Failure to comply with Act 13 can result in administrative and criminal penalties. The licensing agency for the facility will have jurisdiction to determine any administrative violation and may issue a civil penalty up to \$2,500. Additional criminal fines and penalties of up to one year imprisonment are included for criminal violation of the Act.

Act 169 of 1996

Purpose: Requires criminal history background checks for employees of NH, PCH, Dom Care, Home Health and ADC. Employees with convictions for prohibitive offenses are precluded from working in these facilities. The Act takes effect July 1, 1998.

Prohibitive Offenses: Criminal Homicide, Aggravated Assault, Kidnapping, Unlawful Restraint, Rape, Statutory Sexual Assault, Involuntary Deviate Sexual Intercourse, Sexual Assault, Aggravated Indecent Assault, Indecent Assault, Arson and Related Offenses, Burglary, Robbery, Theft (Felony or 2 Misdemeanors), Forgery, Securing Execution of Documents by Deception, Incest, Concealing Death of a Child, Felony Drug Offense, Child Endangerment, Dealing in Infant Children, Intimidation of a Witness, Retaliation Against a Witness, Prostitution (Felony Offense), Obscene or Other Sexual Materials and Corruption of Minors.

Employees: An employee is defined as any applicant or new employee who has been hired since July 1, 1998. Includes contract employees with direct contact with residents or unsupervised access to their personal living quarters. Also includes persons employed or contracted to provide care to a care-dependent individual for monetary consideration in the individual's residence.

Facility: The types of facilities covered by the Act are as follows: domiciliary care homes, home health agencies, long-term care nursing facilities, adult day care facilities, and personal care homes. The Act also includes any private or public organization which provides care to a care-dependent person in their residence.

Process: An applicant/new hire who has been a resident of the state for the last two years uninterrupted needs to obtain a "Request for Criminal History Background Check" from the nearest PA State Police barracks. The applicant/new hire will complete the application and forward it with a money order or cashiers check for \$10 made payable to "Commonwealth of PA" to the State Police for processing. The Act does allow for the provisional hire of an employee for 30 days if the employee can provide proof they have applied for the background check. If there is no criminal history record, the PSP will forward a letter stating the same. If there is a criminal record, the PSP will forward a copy of the rap sheet to the requester.

If the applicant has not been a PA resident for the two years before application, they will need to have a PSP criminal history background check completed and an FBI Background Check. The applicant will obtain an FBI fingerprint card either from their prospective employer or by contacting PDA. After obtaining the fingerprint card the applicant will go to police to be fingerprinted. The completed card (fingerprints and requested information) will be forwarded to PDA along with a money order, cashier's check, or certified check for \$30.25 made payable to the "Commonwealth of Pennsylvania".

The fingerprints will be forwarded to the FBI for processing by PDA. The normal processing time is between 60 and 90 days. The Act does allow for the provisional hire of an employee who requires an FBI check for 90 days, if the employee can provide proof they have applied for the background check. When the application has been processed by the FBI, the results will be returned to PDA. When there is no criminal history record information recorded, a clearance letter will be sent to the applicant/employer. If there is an open disposition for a prohibitive offense, a letter will be sent to the applicant requesting the disposition of the case for determination of eligibility for employment. If there is a conviction for one of the prohibitive offenses, a prohibitive hire letter will be forwarded to the applicant/employer.

IMPORTANT NOTE

All employees of OAPSA facilities* required to conduct criminal history background checks are also required to comply with **Act 13 Mandatory Abuse Reporting** requirements.



www.aging.state.pa.us/psonlinelearning

The PA Department of Aging provides on-line, self-study Training for Mandatory Abuse Reporting and Criminal History Background Checks.

The overall aim of the Self Study Course is to give you the concepts, strategies, and techniques that will allow you to understand the basic tenets of the Act, and the roles and responsibilities of various individuals and regulatory systems in the provision of protective services in long term care facilities.

You can access the training by going to the PA Department of Aging website at **www.aging.state.pa.us** and clicking on “Professionals and Providers” “Protective Services and Ombudsman” and under “Criminal History Background Check Quick Links” click on the **Online Training: Mandatory Abuse Training, Criminal History Background Checks.**

*Facilities defined by the act include: Act-13 mandates the following facilities to report: Domiciliary Care Homes, Home Health Care Agencies, Long Term Care Nursing Facilities (licensed by Dept. of Health), Adult Daily Living Centers (licensed by Dept. of Aging), and Personal Care Homes (licensed by Dept. of Public Welfare). In addition, the Pennsylvania Department of Health has defined home health care organization or agency to include: hospices, birth centers, home care agencies and home care registries**. The Pennsylvania Department of Public Welfare (DPW) has concluded that the Act is applicable to all DPW-licensed and DPW-operated residential facilities for adults; specifically: Personal Care Homes, 55 Pa. Code Ch. 2620; Assisted Living Residences, 55 Pa. Code Ch. 2800; Community Residential Rehabilitation Services, 55 Pa. Code Ch. 5310; Long Term Structured Residences, 55 Pa. Code Ch. 5320; Community Homes for Individuals with Mental Retardation, 55 Pa. Code Ch. 6400; Family Living Homes, 55 Pa. Code Ch. 6500; ICF-MRs (private and state), 55 Pa. Code Ch. 6600; State Mental Hospitals; Residential Treatment Facilities for Adults, Sexual Responsibility Treatment Programs, and Nursing Facilities.

**A Home Care Agency is further defined to include those agencies licensed by the Department of Health and any public or private organization which provides care to a care-dependent individual in their place of residence. A Home Care Registry or “Registry” is further defined to include those agencies licensed by the Department of Health any organization or business entity that supplies, arranges or refers independent contractors to provide activities of daily living or instrumental activities of daily living or specialized care in the consumer’s place of residence or other independent living environment for which the registry receives a fee, consideration or compensation of any kind.