

Crimes Barring Employment

A reference guide to IC 16-28-13-3

Applies to Certified Nurse Aides & Qualified Medication Aides



May 2024

Indiana Code 16-28-13-3

A health care facility or an entity in the business of contracting to provide nurse aides or other unlicensed employees for a healthcare facility may not knowingly employ a person as a nurse aide or other unlicensed employee if one or more of the following exclusions exists.

Lifetime Exclusions:

- A sex crime conviction (IC 35-42-4)
- Exploitation of an endangered adult conviction (IC 35-46-1-12)
- Failure to report battery, neglect, or exploitation of an endangered adult conviction (IC 35-46-1-13)
- Murder conviction (IC 35-42-1-1)
- Voluntary Manslaughter conviction (IC 35-42-1-3)
- Abuse finding on any state's nurse aide registry
- Misappropriation finding on any state's nurse aide registry
- *Neglect

Five Year Exclusions:

- Theft conviction (IC 35-43-4)
- Involuntary Manslaughter conviction (IC 35-42-1-4)
- Battery (Felony convictions only)
- Controlled substances (Felony convictions only)

*The aide can petition the Department of Health to have the finding removed after one year of placement.

Reporting Aides

It is a crime for an individual to knowingly or intentionally apply for a job as a nurse aide or other position (ex: dietary, laundry, etc) at a healthcare facility or any entity in the business of contracting to provide nurse aides or other unlicensed employees for a health care facility if convicted of one or more of the offenses listed under this code.

If an individual who fits these exclusions applies for any position at the facility, then the facility must notify IDOH via email at: aideinvestigations@health.in.gov.

Questions on a background check?

Contact:

aideinvestigations@health.in.gov