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BILL ANALYSIS

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Senate Bill 1253 (Substitute S-2 as reported)
Senate Bill 1254 (Substitute S-1 as reported)
Senate Bill 1255 (Substitute S-1 as reported)
Sponsor: Senator Patricia L. Birkholz (S.B. 1253)
 Senator Tony Stamas (S.B. 1254)
 Senator Buzz Thomas (S.B. 1255)
Committee: Health Policy

CONTENT

Senate Bill 1253 (S-2) would amend the Public Health Code to revise requirements related to criminal history checks of applicants for employment, an independent contract, or clinical privileges with a health facility or agency that is a nursing home, county medical care facility, hospice, hospital that provides swing bed services, home for the aged, or home health agency (which the bill would refer to as a "covered facility"). Specifically, the bill would do the following:

- Eliminate a requirement that a person who has been the subject of a criminal history check undergo a new check when transferring to another covered facility under different ownership; and allow such a person also to transfer to an adult foster care facility or mental health facility without undergoing a new criminal history check.
- Require a covered facility or staffing agency to comply with the Code's criminal history check requirements if certain conditions regarding a previous criminal history check, continuous employment, and Michigan residency were not met.
- Require a covered facility or staffing agency that had made a good faith offer to an applicant to request criminal history record information from the relevant licensing or regulatory department and request that department to conduct a check of all relevant registries.
- Allow the facility or agency to rely on information from a licensing or regulatory department if the applicant met requirements regarding a previous criminal history check, continuous employment, and Michigan residency.
- Prohibit a covered facility from granting conditional employment, a contract, or clinical privileges to a person before obtaining criminal history information unless the facility did not allow the person to have regular direct access to or provide direct services to patients or residents without supervision; or the facility conducted a public records search on the person through the Michigan State Police's (MSP's) Internet Criminal History Access Tool, the person had been a Michigan resident for the preceding 12 months, and, if applicable, the person gave the MSP a set of fingerprints within 10 business days.
- Allow the Department of Community Health to charge a staffing agency a one-time fee of up to \$100 for access to the Department's electronic web-based system that assists facilities required to check registries and conduct criminal history checks.

Senate Bill 1254 (S-1) would amend the Adult Foster Care Facility Licensing Act to make revisions to background check requirements applicable to an adult foster care facility, similar to the revisions proposed by Senate Bill 1253 (S-2).

Senate Bill 1255 (S-1) would amend the Mental Health Code to make revisions to background check requirements applicable to a psychiatric facility or intermediate care facility for people with mental retardation, similar to the revisions proposed by Senate Bill 1253 (S-2).

MCL 333.20173a (S.B. 1253)
400.734b (S.B. 1254)
330.1134a (S.B. 1255)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills include provisions that would permit individuals seeking employment in a covered facility, an adult foster care facility, or a mental health facility to demonstrate compliance with criminal history requirements through criminal history checks completed by other State agencies. To the extent that these provisions would be less administratively burdensome than the processing of new criminal history checks, the State could see minor, indeterminate cost savings. To the extent that facilities are affiliated with local units of government, provisions that would permit the use of already complete criminal history checks to meet State requirements could lead to small cost savings.

The Departments of Community Health and Human Services could see an increase in restricted revenue from staffing agencies. This revenue would likely offset the cost of maintaining a web-based background check system.

Date Completed: 5-11-10

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.