

Legislative Analysis



REVISE CRIMINAL BACKGROUND CHECK FOR HEALTH FACILITIES AND AGENCIES

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Senate Bill 1161 (Substitute S-1)

Sponsor: Sen. Patricia L. Birkholz

House Committee: Senior Health, Security, and Retirement

Senate Committee: Health Policy

Complete to 4-21-08

A SUMMARY OF SENATE BILL 1161 AS REPORTED FROM HOUSE COMMITTEE

The bill would amend the Public Health Code (MCL 333.20173a) to delay by one year the requirement that certain employees of specified types of health facilities and agencies provide the State Police with a set of fingerprints for a background check.

The bill would also require the Department of Community Health and the Michigan State Police to "maintain," rather than develop and implement, an electronic web-based system to assist health facilities and agencies in identifying individuals who are convicted of offenses disqualifying them from employment. The bill also makes a number of technical amendments to update the Code.

A package of bills enacted in 2006 requires, among other things, that applicants for employment in a variety of specified health facilities and agencies undergo criminal history checks before being employed. Public Act 28 of 2006 (Senate Bill 621) put these requirements in place in the Public Health Code for a health care 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.

Public Act 28 exempted individuals employed by or under contract to specified types of health care facilities and agencies as of the effective date of the act, which was April 1, 2006. However, it required an exempt individual to provide the Department of State Police a set of fingerprints for background check purposes within 24 months. Senate Bill 1161 would amend this provision and require an exempt individual to provide the fingerprints beginning April 1, 2009 (a delay of one year).

A similar bill, House Bill 5894, provides a one-year delay for adult foster care facilities. That bill has passed the House.

FISCAL IMPACT:

The bill would delay the date upon which a person who was already employed, under contract, or had clinical privileges in a health facility or agency on April 1, 2006 (the effective date of the previous amendatory act) will have to submit fingerprints to the Department of State Police for inclusion in the fingerprint identification system

established in the act. Since the bill only delays but does not change the requirement, it would have no overall cost impact on the State or on local units of government.

POSITIONS:

The Department of Community Health testified in support of the bill. (4-15-08)

Health Care Association of Michigan supports the bill. (4-15-08)

Michigan Association of Homes and Services for the Aging supports the bill. (4-15-08)

Legislative Analyst: E. Best
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