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BILL ANALYSIS



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Senate Bill 1102 (as introduced 2-3-10)
Sponsor: Senator Dennis Olshove
Committee: Families and Human Services

Date Completed: 2-22-10

CONTENT

The bill would amend the Public Health Code to do the following in regard to homes for the aged:

- **Require the applicant for a license and an authorized representative of a home to consent to a criminal history check and a criminal records check.**
- **Require the Department of Human Services to request criminal history and criminal records checks.**
- **Require the Department of State Police to conduct criminal history checks.**
- **Require all owners, operators, and authorized representatives to comply with the criminal history and records check requirements within one year after the bill's effective date.**
- **Require the State Police to maintain fingerprints in a database that provided for automatic notification of subsequent criminal arrests.**
- **Prohibit an home's owner, operator, or authorized representative from being present in a home for the aged if he or she had been convicted of a vulnerable adult offense or a listed offense under Sex Offenders Registration Act.**

Authorized Representative; Application

The bill would define "authorized representative" as the individual designated in writing by the board of directors of the corporation or by the owner or person with legal authority to act on behalf of the company or organization on licensing matters.

A license application and amendments to it would have to be signed by the owner in the case of an individual, or by a member of the corporation, company, or organization.

Criminal History & Records Checks

Under the bill, a person or a partner in a partnership that was the applicant for a license for a home for the aged, at the time of application, and an authorized representative, at the time of appointment, would have to give written consent for the Michigan Department of State Police (MSP) to conduct a criminal history check and a criminal records check. Within one year after the bill's effective date, all owners, operators, and authorized representatives of homes for the aged would have to comply with the requirements for criminal history and records checks.

The Department of Human Services (DHS) would have to request a criminal history check and criminal records check in the manner prescribed by the MSP. The MSP would have to conduct the criminal history check and give a report of the results to the licensing or regulatory bureau of the DHS. The report would have to contain any criminal history information on the person maintained by the MSP and the results of the criminal records check from the FBI. The MSP could charge the applicant, licensee, or authorized representative a fee for the checks that did not exceed the actual and reasonable cost of conducting them.

The MSP would have to store and maintain all fingerprints submitted under the Code in an automated fingerprint identification system database that provided for an automatic notification when a subsequent criminal arrest fingerprint card submitted into the system matched a set of prints submitted under the Code. At the time of notification, the MSP immediately would have to notify the DHS, which would have to take appropriate action.

Good Moral Character

Under the bill, a person or partner in a partnership that was the owner or operator of a home for the aged and the authorized representative would have to be of good moral character.

"Good moral character" would mean that term as defined in Public Act 381 of 1974 (i.e., the propensity to serve the public in the licensed area in a fair, honest, and open manner).

Criminal Convictions

Under the bill, an owner, operator, member of a governing board, or authorized representative of a home for the aged could not be present in a home for the aged if he or she had been convicted of either of the following:

- Vulnerable adult abuse, neglect, or financial exploitation.
- A listed offense as defined in the Sex Offenders Registration Act.

MCL 333.20102 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill could lead to a mild increase in administrative cost to the Department of Human Services. This increase would be associated with processing increased requests for criminal history checks with the Department of State Police.

The bill would require the Department of State Police to perform criminal history and criminal records checks on all owners, operators, and authorized representatives of homes for the aged, at a cost of \$49.25 per check, which could be charged to the applicant, licensee, or authorized representative of a home for the aged.

Fiscal Analyst: Bruce Baker
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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.