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CRIMINAL CHECKS ON HEALTH FACILITY EMPLOYEES

House Bill 4495
Sponsor: Rep. Lingg Brewer
Committee: Health Policy

Complete to 4-27-98

A SUMMARY OF HOUSE BILL 4495 AS INTRODUCED 3-13-97

The bill would amend Part 201 of Article 17 of the Public Health Code, which regulates health facilities and agencies, to require background checks on employees. Under the code, the definition of health facilities and agencies include medical first response services, clinical laboratories, hospitals, nursing homes, hospices, and homes for the aged. Under the bill, a health facility or agency could not employ an individual or allow him or her to volunteer in the facility if he or she had been convicted in Michigan or any other state or in federal court of either a felony or an attempt or conspiracy to commit a felony, or a misdemeanor that involved abuse, neglect, assault, battery, or fraud.

The bill would require that an individual applying for employment or for a volunteer position with a facility obtain information regarding a criminal record. A health facility or agency would have to provide an applicant with information on a form provided by the Department of Consumer and Industry Services (DCIS) regarding how and where to obtain the required information. First, the individual would have to be fingerprinted (two sets) by a law enforcement agency on forms furnished by the Department of State Police (DSP) and the Federal Bureau of Investigation (FBI) and pay any fee charged by the law enforcement agency. Next, the individual would have to submit the forms to the DSP along with the appropriate state and local fees. The DSP would have to compare the person's fingerprints with state criminal history records and submit the second set of fingerprints to the FBI for comparison with federal criminal history records. The DSP would then have to send the results of the criminal checks to the health facility or agency. If the FBI report stated that the person may not meet the bill's requirements (because of a prior conviction as specified in the bill), the facility would have to notify the person of his or her right to obtain a copy of the federal criminal history record from the FBI and to challenge the record's accuracy.

In addition, health facilities and agencies would have to report to the DCIS any disciplinary action taken by a facility against an employee that resulted in a change in the employee's employment status and that involved abuse, neglect, physical harm, theft, or fraudulent behavior against a patient of the facility. (This report would be in addition to a report currently required regarding disciplinary actions against employees licensed or registered under the code). Such a report, as well as reports currently required by law regarding licensed and registered employees, would be public information. Further, failure to report under either of these requirements would be added to the list of actions that can result in the denial, limitation, suspension, or revocation of a facility's or agency's license or certification.

House Bill 4495 (4-27-98)

The bill is part of a package of bills that are tie-barred to each other. House Bills 4497 and 4498 would similarly amend the Adult Foster Care Facility Licensing Act (MCL 400.701 et al.) and the Mental Health Code (MCL 330.1001 et al.), respectively, to apply to adult foster care facilities licensed by the Family Independence Agency and residential facilities operated by the state or licensed by the Department of Community Health, and House Bill 4496 would amend Public Act 2 of 1867 (MCL 51.221) to require sheriffs and deputy sheriffs to take an applicant's fingerprints when so requested.

MCL 333.20165 and 333.20175.

Analyst: S. Stutzky

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