



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5168 (Substitute S-2 as reported)
Sponsor: Representative Paula K. Zelenko
House Committee: Senior Health, Security, and Retirement
Senate Committee: Senior Citizens and Veterans Affairs

CONTENT

The bill would amend the Public Health Code to require an applicant for a health profession license or registration, or for reinstatement or reclassification of a license or registration, to undergo a criminal background check. In addition, the bill would allow a licensing board for good cause to request a licensee or registrant to have a criminal background check.

Beginning May 1, 2006, an applicant for initial licensure or registration under the Code would have to submit his or her fingerprints to the Michigan Department of State Police (MSP) to have a criminal history check conducted, and request that the MSP forward the fingerprints to the FBI for a national criminal history check. The MSP would have to give the Department of Community Health (DCH) a written report of the criminal history check, if it contained any criminal history record information. The MSP also would have to forward the results of the FBI determination to the DCH within 30 days after the request was made. The DCH would have to notify the licensing board and the applicant of the type of crime disclosed on the FBI determination, without disclosing the details of the crime. The MSP could charge a reasonable fee to cover the costs of conducting the criminal history check.

The Code allows a person whose license is limited, suspended, or revoked to apply for reinstatement of a revoked or suspended license or reclassification of a limited license. The bill would require an applicant to have a criminal history check conducted and submit a copy of the results of the background check with his or her application.

Criminal history record information obtained under the bill could be used only to evaluate an applicant's qualifications for licensure or registration. Information obtained from the background check would be confidential, would not be subject to disclosure under the Freedom of Information Act, and could not be disclosed to any person except for the purposes of the bill or for law enforcement purposes.

The bill is tie-barred to Senate Bills 621 and 622, which would amend the Public Health Code and the Adult Foster Care Facility Licensing Act, respectively, to repeal and replace provisions that disqualify a person from employment for certain convictions and that require criminal history checks of applicants for employment. The bill also is tie-barred to House Bill 5448, which would amend the Mental Health Code to require criminal history checks on individuals seeking employment, an independent contract, or clinical privileges with a psychiatric facility or intermediate care facility for people with mental retardation.

MCL 333.16146 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The Department of Community Health could incur some additional administrative expense associated with managing a criminal background check process for individuals seeking licensure or registration.

Criminal history fingerprint background checks cost \$54 each. Background check costs required by an applicant for an initial license or registration or for reinstatement would have to be paid by the applicant under the bill.

Date Completed: 1-27-06

Fiscal Analyst: Bruce Baker
David Fosdick

Floor\hb5168

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.