

HOUSE BILL NO. 5737

April 24, 2020, Introduced by Rep. Iden and referred to the Committee on Government Operations.

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34b (MCL 400.734b), as amended by 2018 PA 558, and by adding section 34d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34b. (1) In addition to the restrictions prescribed in
2 sections 13, 22, and 31, and except as otherwise provided in
3 subsection (2), an adult foster care facility shall not employ or
4 independently contract with an individual who regularly has direct



1 access to or provides direct services to residents of the adult
2 foster care facility if the individual satisfies 1 or more of the
3 following:

4 (a) Has been convicted of a relevant crime described under 42
5 USC 1320a-7(a).

6 (b) Has been convicted of any of the following felonies, an
7 attempt or conspiracy to commit any of those felonies, or any other
8 state or federal crime that is similar to the felonies described in
9 this subdivision, other than a felony for a relevant crime
10 described under 42 USC 1320a-7(a), unless 15 years have lapsed
11 since the individual completed all of the terms and conditions of
12 his or her sentencing, parole, and probation for that conviction
13 before the date of application for employment or the date of the
14 execution of the independent contract:

15 (i) A felony that involves the intent to cause death or serious
16 impairment of a body function, that results in death or serious
17 impairment of a body function, that involves the use of force or
18 violence, or that involves the threat of the use of force or
19 violence.

20 (ii) A felony involving cruelty or torture.

21 (iii) A felony under chapter XXA of the Michigan penal code,
22 1931 PA 328, MCL 750.145m to 750.145r.

23 (iv) A felony involving criminal sexual conduct.

24 (v) A felony involving abuse or neglect.

25 (vi) A felony involving the use of a firearm or dangerous
26 weapon.

27 (vii) A felony involving the diversion or adulteration of a
28 prescription drug or other medications.

29 (c) Has been convicted of a felony or an attempt or conspiracy



1 to commit a felony, other than a felony for a relevant crime
2 described under 42 USC 1320a-7(a) or a felony described under
3 subdivision (b), unless 10 years have lapsed since the individual
4 completed all of the terms and conditions of his or her sentencing,
5 parole, and probation for that conviction before the date of
6 application for employment or the date of the execution of the
7 independent contract.

8 (d) Has been convicted of any of the following misdemeanors,
9 other than a misdemeanor for a relevant crime described under 42
10 USC 1320a-7(a), or a state or federal crime that is substantially
11 similar to the misdemeanors described in this subdivision, within
12 the 10 years immediately preceding the date of application for
13 employment or the date of the execution of the independent
14 contract:

15 (i) A misdemeanor involving the use of a firearm or dangerous
16 weapon with the intent to injure, the use of a firearm or dangerous
17 weapon that results in a personal injury, or a misdemeanor
18 involving the use of force or violence or the threat of the use of
19 force or violence.

20 (ii) A misdemeanor under chapter XXA of the Michigan penal
21 code, 1931 PA 328, MCL 750.145m to 750.145r.

22 (iii) A misdemeanor involving criminal sexual conduct.

23 (iv) A misdemeanor involving cruelty or torture unless
24 otherwise provided under subdivision (e).

25 (v) A misdemeanor involving abuse or neglect.

26 (e) Has been convicted of any of the following misdemeanors,
27 other than a misdemeanor for a relevant crime described under 42
28 USC 1320a-7(a), or a state or federal crime that is substantially
29 similar to the misdemeanors described in this subdivision, within



1 the 5 years immediately preceding the date of application for
2 employment or the date of the execution of the independent
3 contract:

4 (i) A misdemeanor involving cruelty if committed by an
5 individual who is less than 16 years of age.

6 (ii) A misdemeanor involving home invasion.

7 (iii) A misdemeanor involving embezzlement.

8 (iv) A misdemeanor involving negligent homicide or a violation
9 of section 601d(1) of the Michigan vehicle code, 1949 PA 300, MCL
10 257.601d.

11 (v) A misdemeanor involving larceny unless otherwise provided
12 under subdivision (g).

13 (vi) A misdemeanor of retail fraud in the second degree unless
14 otherwise provided under subdivision (g).

15 (vii) Any other misdemeanor involving assault, fraud, theft, or
16 the possession or delivery of a controlled substance unless
17 otherwise provided under subdivision (d), (f), or (g).

18 (f) Has been convicted of any of the following misdemeanors,
19 other than a misdemeanor for a relevant crime described under 42
20 USC 1320a-7(a), or a state or federal crime that is substantially
21 similar to the misdemeanors described in this subdivision, within
22 the 3 years immediately preceding the date of application for
23 employment or the date of the execution of the independent
24 contract:

25 (i) A misdemeanor for assault if there was no use of a firearm
26 or dangerous weapon and no intent to commit murder or inflict great
27 bodily injury.

28 (ii) A misdemeanor of retail fraud in the third degree unless



1 otherwise provided under subdivision (g).

2 (iii) A misdemeanor under part 74 of the public health code,
3 1978 PA 368, MCL 333.7401 to 333.7461, unless otherwise provided
4 under subdivision (g).

5 (g) Has been convicted of any of the following misdemeanors,
6 other than a misdemeanor for a relevant crime described under 42
7 USC 1320a-7(a), or a state or federal crime that is substantially
8 similar to the misdemeanors described in this subdivision, within
9 the year immediately preceding the date of application for
10 employment or the date of the execution of the independent
11 contract:

12 (i) A misdemeanor under part 74 of the public health code, 1978
13 PA 368, MCL 333.7401 to 333.7461, if the individual, at the time of
14 conviction, is under the age of 18.

15 (ii) A misdemeanor for larceny or retail fraud in the second or
16 third degree if the individual, at the time of conviction, is under
17 the age of 16.

18 (h) Is the subject of an order or disposition under section
19 16b of chapter IX of the code of criminal procedure, 1927 PA 175,
20 MCL 769.16b.

21 (i) Engages in conduct that becomes the subject of a
22 substantiated finding of neglect, abuse, or misappropriation of
23 property by a state or federal agency according to an investigation
24 conducted in accordance with 42 USC 1395i-3 or 1396r.

25 (2) Except as otherwise provided in this subsection or
26 subsection (6), an adult foster care facility shall not employ or
27 independently contract with an individual who has direct access to
28 residents until the adult foster care facility or staffing agency
29 has conducted a criminal history check in compliance with this



1 section or has received criminal history record information in
2 compliance with subsections (3) and (11). This subsection and
3 subsection (1) do not apply to an individual who is employed by or
4 under contract to an adult foster care facility before April 1,
5 2006. On or before April 1, 2011, an individual who is exempt under
6 this subsection and who has not been the subject of a criminal
7 history check conducted in compliance with this section shall
8 provide the department of state police a set of fingerprints and
9 the department of state police shall input those fingerprints into
10 the automated fingerprint identification system database
11 established under subsection (14). An individual who is exempt
12 under this subsection is not limited to working within the adult
13 foster care facility with which he or she is employed by or under
14 independent contract with on April 1, 2006 but may transfer to
15 another adult foster care facility, mental health facility, or
16 covered health facility. If an individual who is exempt under this
17 subsection is subsequently convicted of a crime or offense
18 described under subsection (1)(a) to (g) or found to be the subject
19 of a substantiated finding described under subsection (1)(i) or an
20 order or disposition described under subsection (1)(h), or is found
21 to have been convicted of a relevant crime described under 42 USC
22 1320a-7(a), he or she is no longer exempt and shall be terminated
23 from employment or denied employment.

24 (3) An individual who applies for employment either as an
25 employee or as an independent contractor with an adult foster care
26 facility or staffing agency and who has not been the subject of a
27 criminal history check conducted in compliance with this section
28 shall give written consent at the time of application for the
29 department of state police to conduct a criminal history check



1 under this section, along with identification acceptable to the
2 department of state police. If the individual has been the subject
3 of a criminal history check conducted in compliance with this
4 section, the individual shall give written consent at the time of
5 application for the adult foster care facility or staffing agency
6 to obtain the criminal history record information as prescribed in
7 subsection (4) or (5) from the relevant licensing or regulatory
8 department and for the department of state police to conduct a
9 criminal history check under this section if the requirements of
10 subsection (11) are not met and a request to the Federal Bureau of
11 Investigation to make a determination of the existence of any
12 national criminal history pertaining to the individual is
13 necessary, along with identification acceptable to the department
14 of state police. Upon receipt of the written consent to obtain the
15 criminal history record information and identification required
16 under this subsection, the adult foster care facility or staffing
17 agency that has made a good-faith offer of employment or an
18 independent contract to the individual shall request the criminal
19 history record information from the relevant licensing or
20 regulatory department and shall make a request regarding that
21 individual to the relevant licensing or regulatory department to
22 conduct a check of all relevant registries in the manner required
23 in subsection (4). If the requirements of subsection (11) are not
24 met and a request to the Federal Bureau of Investigation to make a
25 subsequent determination of the existence of any national criminal
26 history pertaining to the individual is necessary, the adult foster
27 care facility or staffing agency shall proceed in the manner
28 required in subsection (5). A staffing agency that employs an
29 individual who regularly has direct access to or provides direct



1 services to residents under an independent contract with an adult
2 foster care facility shall submit information regarding the
3 criminal history check conducted by the staffing agency to the
4 adult foster care facility that has made a good-faith offer of
5 independent contract to that applicant.

6 (4) Upon receipt of the written consent to conduct a criminal
7 history check and identification required under subsection (3), the
8 adult foster care facility or staffing agency that has made a good-
9 faith offer of employment or independent contract to the individual
10 shall make a request to the department of state police to conduct a
11 criminal history check on the individual and input the individual's
12 fingerprints into the automated fingerprint identification system
13 database, and shall make a request to the relevant licensing or
14 regulatory department to perform a check of all relevant registries
15 established according to federal and state law and regulations for
16 any substantiated findings of abuse, neglect, or misappropriation
17 of property. The request shall be made in a manner prescribed by
18 the department of state police and the relevant licensing or
19 regulatory department or agency. The adult foster care facility or
20 staffing agency shall make the written consent and identification
21 available to the department of state police and the relevant
22 licensing or regulatory department or agency. Until June 30, 2020,
23 if the department of state police or the Federal Bureau of
24 Investigation charges a fee for conducting the criminal history
25 check, the charge shall be paid by or reimbursed by the department.
26 Until June 30, 2020, the adult foster care facility or staffing
27 agency shall not seek reimbursement for a charge imposed by the
28 department of state police or the ~~federal bureau of investigation~~
29 **Federal Bureau of Investigation** from the individual who is the



1 subject of the criminal history check. Beginning July 1, 2020, if
2 the department of state police or the Federal Bureau of
3 Investigation charges a fee for conducting the criminal history
4 check, the charge shall be paid by the adult foster care facility,
5 the staffing agency, or the individual. The department of state
6 police shall conduct a criminal history check on the individual
7 named in the request. The department of state police shall provide
8 the department with a written report of the criminal history check
9 conducted under this subsection. The report shall contain any
10 criminal history record information on the individual maintained by
11 the department of state police.

12 (5) Upon receipt of the written consent to conduct a criminal
13 history check and identification required under subsection (3), if
14 the individual has applied for employment either as an employee or
15 as an independent contractor with an adult foster care facility or
16 staffing agency, the adult foster care facility or staffing agency
17 that has made a good-faith offer of employment or independent
18 contract shall comply with subsection (4) and shall make a request
19 to the department of state police to forward the individual's
20 fingerprints to the Federal Bureau of Investigation. The department
21 of state police shall request the Federal Bureau of Investigation
22 to make a determination of the existence of any national criminal
23 history pertaining to the individual. An individual described in
24 this subsection shall provide the department of state police with a
25 set of fingerprints. The department of state police shall complete
26 the criminal history check under subsection (4) and, except as
27 otherwise provided in this subsection, provide the results of its
28 determination under subsection (4) and the results of the Federal
29 Bureau of Investigation determination to the department within 30



1 days after the request is made. If the requesting adult foster care
2 facility or staffing agency is not a state department or agency and
3 if criminal history record information is disclosed on the written
4 report of the criminal history check or the Federal Bureau of
5 Investigation determination that resulted in a conviction, the
6 department shall notify the adult foster care facility or staffing
7 agency and the individual in writing of the type of crime disclosed
8 on the written report of the criminal history check or the Federal
9 Bureau of Investigation determination without disclosing the
10 details of the crime. The notification shall inform the adult
11 foster care facility or staffing agency and the applicant regarding
12 the appeal process in section 34c and shall include a statement
13 that the individual has a right to appeal the information relied
14 upon by the adult foster care facility or staffing agency in making
15 its decision regarding his or her employment eligibility based on
16 the criminal history check. Any charges imposed by the department
17 of state police or the Federal Bureau of Investigation for
18 conducting a criminal history check or making a determination under
19 this subsection shall be paid in the manner required under
20 subsection (4).

21 (6) If an adult foster care facility determines it necessary
22 to employ or independently contract with an individual before
23 receiving the results of the individual's criminal history check or
24 criminal history record information required under this section,
25 the adult foster care facility may conditionally employ the
26 individual if all of the following apply:

27 (a) The adult foster care facility requests the criminal
28 history check or criminal history record information required under
29 this section, upon conditionally employing the individual.



1 (b) The individual signs a written statement indicating all of
2 the following:

3 (i) That he or she has not been convicted of 1 or more of the
4 crimes that are described in subsection (1)(a) to (g) within the
5 applicable time period prescribed by subsection (1)(a) to (g).

6 (ii) That he or she is not the subject of an order or
7 disposition described in subsection (1)(h).

8 (iii) That he or she has not been the subject of a substantiated
9 finding as described in subsection (1)(i).

10 (iv) The individual agrees that, if the information in the
11 criminal history check conducted under this section does not
12 confirm the individual's statement under subparagraphs (i) to (iii),
13 his or her employment will be terminated by the adult foster care
14 facility as required under subsection (1) unless and until the
15 individual can prove that the information is incorrect.

16 (v) That he or she understands the conditions described in
17 subparagraphs (i) to (iv) that result in the termination of his or
18 her employment and that those conditions are good cause for
19 termination.

20 (c) Except as otherwise provided in this subdivision, the
21 adult foster care facility does not permit the individual to have
22 regular direct access to or provide direct services to residents in
23 the adult foster care facility without supervision until the
24 criminal history check or criminal history record information is
25 obtained and the individual is eligible for that employment. If
26 required under this subdivision, the adult foster care facility
27 shall provide on-site supervision of an individual in the facility
28 on a conditional basis under this subsection by an individual who
29 has undergone a criminal history check conducted in compliance with



1 this section. An adult foster care facility may permit an
2 individual in the facility on a conditional basis under this
3 subsection to have regular direct access to or provide direct
4 services to residents in the adult foster care facility without
5 supervision if all of the following conditions are met:

6 (i) The adult foster care facility, at its own expense and
7 before the individual has direct access to or provides direct
8 services to residents of the facility, conducts a search of public
9 records on that individual through the internet criminal history
10 access tool maintained by the department of state police and the
11 results of that search do not uncover any information that would
12 indicate that the individual is not eligible to have regular direct
13 access to or provide direct services to residents under this
14 section.

15 (ii) Before the individual has direct access to or provides
16 direct services to residents of the adult foster care facility, the
17 individual signs a statement in writing that he or she has resided
18 in this state without interruption for at least the immediately
19 preceding 12-month period.

20 (iii) If applicable, the individual provides to the department
21 of state police a set of fingerprints on or before the expiration
22 of 10 business days following the date the individual was
23 conditionally employed under this subsection.

24 (7) The department shall develop and distribute the model form
25 for the statements required under subsection (6) (b) and (c). The
26 department shall make the model form available to adult foster care
27 facilities upon request at no charge.

28 (8) If an individual is conditionally employed under
29 subsection (6), and the information under subsection (3) or report



1 under subsection (4) or (5), if applicable, does not confirm the
2 individual's statement under subsection (6)(b)(i) to (iii), the adult
3 foster care facility shall terminate the individual's employment as
4 required by subsection (1).

5 (9) An individual who knowingly provides false information
6 regarding his or her identity, criminal convictions, or
7 substantiated findings on a statement described in subsection
8 (6)(b)(i) to (iii) is guilty of a misdemeanor punishable by
9 imprisonment for not more than 93 days or a fine of not more than
10 \$500.00, or both.

11 (10) An adult foster care facility or staffing agency shall
12 use criminal history record information obtained under subsection
13 (3), (4), or (5) only for the purpose of evaluating an individual's
14 qualifications for employment in the position for which he or she
15 has applied and for the purposes of subsections (6) and (8). An
16 adult foster care facility or staffing agency or an employee of the
17 adult foster care facility or staffing agency shall not disclose
18 criminal history record information obtained under this section to
19 a person who is not directly involved in evaluating the
20 individual's qualifications for employment or independent contract.
21 An individual who knowingly uses or disseminates the criminal
22 history record information obtained under subsection (3), (4), or
23 (5) in violation of this subsection is guilty of a misdemeanor
24 punishable by imprisonment for not more than 93 days or a fine of
25 not more than \$1,000.00, or both. Except for a knowing or
26 intentional release of false information, an adult foster care
27 facility or staffing agency has no liability in connection with a
28 criminal history check conducted in compliance with this section or
29 the release of criminal history record information under this



1 subsection.

2 (11) Upon consent of an individual as required in subsection
3 (3) and upon request from an adult foster care facility or staffing
4 agency that has made a good-faith offer of employment or an
5 independent contract to the individual, the relevant licensing or
6 regulatory department shall review the criminal history record
7 information, if any, and notify the requesting adult foster care
8 facility or staffing agency of the information in the manner
9 prescribed in subsection (4) or (5). Until the Federal Bureau of
10 Investigation implements an automatic notification system similar
11 to the system required of the state police under subsection (14)
12 and federal regulations allow the federal criminal record to be
13 used for subsequent authorized uses, as determined in an order
14 issued by the department, an adult foster care facility or staffing
15 agency may rely on the criminal history record information provided
16 by the relevant licensing or regulatory department under this
17 subsection and a request to the Federal Bureau of Investigation to
18 make a subsequent determination of the existence of any national
19 criminal history pertaining to the individual is not necessary if
20 all of the following requirements are met:

21 (a) The criminal history check was conducted during the
22 immediately preceding 24-month period.

23 (b) The individual has been continuously employed by an adult
24 foster care facility, mental health facility, or covered health
25 facility, or the staffing agency since the criminal history check
26 was conducted in compliance with this section or meets the
27 continuous employment requirement of this subdivision other than
28 being on layoff status for less than 1 year from an adult foster
29 care facility, mental health facility, or covered health facility.



1 (c) The individual can provide evidence acceptable to the
 2 relevant licensing or regulatory department that he or she has been
 3 a resident of this state for the immediately preceding 12-month
 4 period.

5 (12) As a condition of continued employment, each employee or
 6 independent contractor shall do both of the following:

7 (a) Agree in writing to report to the adult foster care
 8 facility or staffing agency immediately upon being arraigned on 1
 9 or more of the criminal offenses listed in subsection (1)(a) to
 10 (g), upon being convicted of 1 or more of the criminal offenses
 11 listed in subsection (1)(a) to (g), upon becoming the subject of an
 12 order or disposition described under subsection (1)(h), and upon
 13 becoming the subject of a substantiated finding described under
 14 subsection (1)(i). Reporting of an arraignment under this
 15 subdivision is not cause for termination or denial of employment.

16 (b) If a set of fingerprints is not already on file with the
 17 department of state police, provide the department of state police
 18 with a set of fingerprints.

19 (13) In addition to sanctions set forth in this act, a
 20 licensee, owner, administrator, or operator of an adult foster care
 21 facility or staffing agency who knowingly and willfully fails to
 22 conduct the criminal history checks as required under this section
 23 is guilty of a misdemeanor punishable by imprisonment for not more
 24 than 1 year or a fine of not more than \$5,000.00, or both.

25 (14) In collaboration with the department of state police, the
 26 department of technology, management, and budget shall establish
 27 and maintain an automated fingerprint identification system
 28 database that ~~would allow~~ **allows** the department of state police to
 29 store and maintain all fingerprints submitted under this section



1 and ~~would provide~~**provides** for an automatic notification at the
2 time a subsequent criminal arrest fingerprint card submitted into
3 the system matches a set of fingerprints previously submitted under
4 this section. Upon notification, the department of state police
5 shall immediately notify the department and the department shall
6 immediately contact each respective adult foster care facility or
7 staffing agency with which that individual is associated.
8 Information in the database established under this subsection is
9 confidential, is not subject to disclosure under the freedom of
10 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
11 be disclosed to any person except for purposes of this act or for
12 law enforcement purposes.

13 (15) If an individual independently contracts with an adult
14 foster care facility, subsections (1) and (2) do not apply if the
15 individual is not under the adult foster care facility's control
16 and the contractual work performed by the individual is not
17 directly related to the clinical, health care, or personal services
18 delivered by the adult foster care facility or if the individual's
19 duties are not performed on an ongoing basis with direct access to
20 residents. This exception includes, but is not limited to, an
21 individual who independently contracts with the adult foster care
22 facility to provide utility, maintenance, construction, or
23 communication services.

24 (16) The department shall maintain an electronic web-based
25 system to assist the adult foster care facilities and staffing
26 agencies required to check relevant registries and conduct criminal
27 history checks of its employees and independent contractors and to
28 provide for an automated notice to the adult foster care facilities
29 and staffing agencies for the individuals entered in the system



1 who, since the initial criminal history check, have been convicted
 2 of a disqualifying offense or have been the subject of a
 3 substantiated finding of abuse, neglect, or misappropriation of
 4 property. The department may charge a staffing agency a 1-time set-
 5 up fee of up to \$100.00 for access to the electronic web-based
 6 system under this section.

7 **(17) This section is subject to section 34d.**

8 **(18)** ~~(17)~~As used in this section:

9 (a) "Convicted" means either of the following:

10 (i) For a crime that is not a relevant crime, a final
 11 conviction, the payment of a fine, a plea of guilty or nolo
 12 contendere if accepted by the court, or a finding of guilt for a
 13 criminal law violation or a juvenile adjudication or disposition by
 14 the juvenile division of probate court or family division of
 15 circuit court for a violation that if committed by an adult would
 16 be a crime.

17 (ii) For a relevant crime described under 42 USC 1320a-7(a),
 18 convicted means that term as defined in 42 USC 1320a-7.

19 (b) "Covered health facility" means a nursing home, county
 20 medical care facility, hospice, hospital that provides swing bed
 21 services, **or** home for the aged, ~~or home health agency-licensed~~
 22 under article 17 of the public health code, 1978 PA 368, MCL
 23 333.20101 to 333.22260, **or a home health agency.**

24 (c) "Criminal history check conducted in compliance with this
 25 section" includes a criminal history check conducted under this
 26 section, under section 134a of the mental health code, 1974 PA 258,
 27 MCL 330.1134a, or under section 20173a of the public health code,
 28 1978 PA 368, MCL 333.20173a.

29 (d) "Direct access" means access to a resident or resident's



1 property, financial information, medical records, treatment
2 information, or any other identifying information.

3 (e) "Home health agency" means that term as defined in section
4 20173a of the public health code, 1978 PA 368, MCL 333.20173a.

5 (f) "Independent contract" means a contract entered into by an
6 adult foster care facility with an individual who provides the
7 contracted services independently or a contract entered into by an
8 adult foster care facility with a staffing agency that complies
9 with the requirements of this section to provide the contracted
10 services to the adult foster care facility on behalf of the
11 staffing agency.

12 (g) "Mental health facility" means a psychiatric facility or
13 other facility defined in 42 USC 1396d(d) as described under the
14 mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

15 (h) "Staffing agency" means an entity that recruits candidates
16 and provides temporary and permanent qualified staffing for adult
17 foster care facilities, including independent contractors.

18 (i) "Title XIX" means title XIX of the social security act, 42
19 USC 1396 to 1396w-5.

20 (j) "Under the adult foster care facility's control" means an
21 individual employed by or under independent contract with an adult
22 foster care facility for whom the adult foster care facility does
23 both of the following:

24 (i) Determines whether the individual who has access to
25 residents may provide care, treatment, or other similar support
26 service functions to residents served by the adult foster care
27 facility.

28 (ii) Directs or oversees 1 or more of the following:

29 (A) The policy or procedures the individual must follow in



1 performing his or her duties.

2 (B) The tasks performed by the individual.

3 (C) The individual's work schedule.

4 (D) The supervision or evaluation of the individual's work or
5 job performance, including imposing discipline or granting
6 performance awards.

7 (E) The compensation the individual receives for performing
8 his or her duties.

9 (F) The conditions under which the individual performs his or
10 her duties.

11 **Sec. 34d. Notwithstanding any provision of section 34b to the**
12 **contrary, during the states of emergency and disaster declared**
13 **under Executive Order No. 2020-30 or any extension of that order,**
14 **the department may temporarily suspend any law or regulation to the**
15 **extent that it requires fingerprinting of individuals for**
16 **employment or independently contracting with an adult foster care**
17 **facility.**

