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BILL ANALYSIS

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Senate Bill 1161 (Substitute S-1 as reported)
Sponsor: Senator Patricia L. Birkholz
Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do the following:

- Delay for one year the deadline by which employees of specified types of health facilities and agencies must submit fingerprints to the Michigan State Police (MSP) for a background check.
- Require the Department of Community Health (DCH) and the MSP 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 for employment.

Under the Code, subject to specific exceptions, a health 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 may not employ, independently contract with, or grant clinical privileges to an individual who regularly has direct access to or provides direct services to patients or residents if he or she has been convicted of certain crimes. Additionally, the specified health facilities may not employ, independently contract with, or grant privileges to an individual without conducting a criminal history check, subject to certain exceptions.

These provisions do not apply to an individual who was employed by, under independent contract to, or granted clinical privileges in a health facility or agency before April 1, 2006. An individual exempt under this provision must provide the MSP with a set of fingerprints by April 1, 2008. The MSP must enter the fingerprints into the automated fingerprint identification system. The bill would delay the deadline until April 1, 2009.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

It should be noted, however, that the FY 2008-09 Executive budget recommendation proposes transferring the cost of background checks to the facilities required to conduct such screenings, with the exception of adult foster care homes and homes for the aged. This proposed change would require statutory changes and would require facilities to cover charges totaling approximately \$3.1 million.

Date Completed: 3-14-08

Fiscal Analyst: Matthew Grabowski