

Legislative Analysis



ADULT HOMES: BACKGROUND CHECKS

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Senate Bill 787 as passed by the Senate
Senate Bill 788 as passed by the Senate
Sponsor: Sen. Mike Nofs
House Committee: Health Policy
Senate Committee: Health Policy
Complete to 2-21-12

A SUMMARY OF SENATE BILLS 787 & 788 AS REPORTED BY HOUSE COMMITTEE

Under current law, certain individuals involved in the operation of a home for the aged or adult foster care facility who have regular direct access to residents or who have on-site facility operational responsibilities are required at the time of licensure to undergo state and federal criminal history background checks.

Beginning on the effective dates of the bills, if one of these individuals had previously undergone a state criminal history check and a federal criminal records check and had been continuously licensed or continuously employed as specified in the relevant act since those checks were performed, the person would not have to submit to a subsequent criminal history check or criminal records check when applying for a license or a license renewal.

Senate Bill 787 would amend the Public Health Code (MCL 333.21212) to apply to an applicant, authorized representative, owner, operator, and member of the governing body of a home for the aged. Senate Bill 788 would amend the Adult Foster Care Facility Licensing Act (MCL 400.713) to apply to an owner, partner, or director of an applicant of an AFC facility.

The bills also contain language that clarifies that applicants for licensure must give written consent at the time of application for licensure for both a criminal history check (conducted by the Department of State Police) and a criminal records check through the Federal Bureau of Investigation. The bills add language requiring the Department of Human Services to require the appropriate individuals to submit fingerprints to the Department of State Police for the criminal history check and criminal records check.

FISCAL IMPACT:

The bills would have no fiscal impact on the Department of Human Services.

POSITIONS:

The Michigan Department of Human Services supports the bills. (2-16-12)

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