Telephone 373-8080
Fax 373-5874

HOUSE FISCAL AGENCY

124 N. Capitol Avenue
4 – North, HOB Lansing, MI

HB4057 SUBSTITUTE
H-2

Sponsor Rep. Patricia Birkholz
Committee SENIOR HEALTH, SECURITY AND RETIREMENT

Analyst(s) Schneider, Bob

Completed 4/25/01

State Fiscal Impact		Local Fiscal Impact	
Cost	Indeterminate/Increase	**Cost**	Indeterminate/Increase
Revenues	Indeterminate/Increase	**Revenues**	Indeterminate/Increase

The bill would prohibit nursing homes, homes for the aged, and county medical care facilities from hiring, entering into a contract with, or granting clinical privileges to an individual without first running a criminal history check on the individual. It would also prohibit a facility from hiring, entering into a contract with, or granting privileges to an individual that has been convicted of a felony or an attempt or conspiracy to commit a felony within the previous fifteen years or of certain types of misdemeanors against a vulnerable adult within the previous ten years. Persons applying for employment or to provide contractual or clinical services to a facility would have to give written consent for the Department of State Police to conduct a criminal history check. The costs of the check are to be borne by the facility. Persons having resided in the state for at least three years would have to undergo a check based on a name search by the Department of State Police. Persons having resided in the state for less than three years would have to undergo a fingerprint-based check by both the DSP and the FBI.

Facilities are allowed to conditionally employ or contract with an individual pending the results of the check if the individual signs a written statement indicating that he or she has not been convicted of a relevant crime and outlining the terms of the conditional employment or privileges. The bill establishes that an applicant who provides false information to a facility regarding his or her criminal history is guilty of a misdemeanor punishable by up to 90 days imprisonment and a fine of up to $500, or both. Finally, the bill requires the Department of Consumer and Industry Services to develop and distribute a model form for the statement regarding the terms of conditional employment at no cost to facilities.

The criminal history check requirement would increase costs to the Department of State Police. These costs, however, would accompanied by increased revenues from any fees charged to facilities for this service. For information purposes, the Department of State Police currently charges $5 for a criminal history check on an individual based on a name search. A fingerprint check can be conducted by the Department of State Police and the FBI for $39. The penalty provisions for providing false information could increase both local incarceration costs and local fine revenue. Finally, the Department of Consumer and Industry Services would bear new costs related to developing and distributing the model statement required under the bill.