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Senate Bill 1101 (Substitute S-3 as reported by the Committee of the Whole)
Senate Bill 1102 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Mike Nofs (S.B. 1101)
 Senator Dennis Olshove (S.B. 1102)
Committee: Families and Human Services

CONTENT

Senate Bill 1101 (S-3) would amend the Adult Foster Care Facility Licensing Act to do the following:

- Require an applicant for a license, if an individual, and a licensee designee to consent to a criminal history check and a criminal records check.
- Require an owner, partner, or director of an applicant who has direct access to residents of an adult foster care facility or who has on-site facility operational responsibilities to consent to a criminal history check and a criminal records check.
- Prohibit the Department of Human Services (DHS) from issuing a license to or renewing the license of an applicant, a licensee designee, or an owner, partner, or director who has regular direct access to residents or on-site operational responsibilities, if he or she had been convicted of a misdemeanor under Chapter 20A of the Michigan Penal Code (vulnerable adult abuse) or another specified misdemeanor within 10 years before the application, or had been convicted of a felony under Chapter 20A at any time.
- Prohibit a licensee, licensee designee, or owner, partner, or director of a licensee from being permitted on the premises of a facility if he or she had been convicted of adult abuse, neglect, or financial exploitation, or a listed offense under the Sex Offenders Registration Act.

Senate Bill 1102 (S-3) would amend the Public Health Code to do the following in regard to homes for the aged:

- Require an applicant for a license, if an individual, and an authorized representative to consent to a criminal history check and a criminal records check.
- Require an owner, operator, or member of the governing body of a home for the aged who has direct access to residents or who has on-site facility operational responsibilities to consent to a criminal history check and a criminal records check.
- Prohibit the DHS from issuing a license to or renewing the license of an applicant, an authorized representative, or an owner, operator, or governing body member who has regular direct access to residents or on-site operational responsibilities, if he or she had been convicted of a misdemeanor under Chapter 20A of the Penal Code or another specified misdemeanor within 10 years before the application, or had been convicted of a felony under Chapter 20A at any time.
- Require the owner, operator, or member of the governing body of a home for the aged and the authorized representative to be of good moral character.
- Prohibit an applicant, owner, operator, member of a governing body, or authorized representative from being present in a home for the aged if he or she had been convicted of adult abuse, neglect, or financial exploitation, or a listed offense under the Sex Offenders Registration Act.

Both bills also would do the following:

- Require the Department of State Police to conduct the criminal history check, and allow the Department to charge the person subject to the checks a fee that did not exceed the actual and reasonable cost.
- Require the State Police to maintain fingerprints in a database that provided for automatic notification of subsequent criminal arrests.

The bills are tie-barred.

MCL 400.704 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills could lead to increases in administrative cost for the Department of Human Services. The increase would be associated with processing increased requests for checks with the Department of State Police, and ensuring that adult foster care facilities and homes for the aged complied with the background check standard.

The bills would require the Department of State Police to run criminal history and criminal records background checks for all license applicants and licensee designees of adult foster care facilities, and owners, partners, and directors with direct access to residents or facility operational responsibilities; and all license applicants and authorized representatives of homes for the aged, and owners, operators, and governing body members who have direct access to residents or operational responsibilities.

The cost is \$49.25 per check. Under both bills, the cost could be charged to the person subject to the criminal history and criminal records checks. Currently, the cost of background checks for eligible employees in adult foster care facilities and homes for the aged is paid through the Department of Community Health (DCH) appropriation.

The FY 2010-11 executive recommendation for the Department of Community Health assumes savings of \$2.1 million Gross and \$1.7 million GF/GP through the transfer of financial responsibility for criminal history checks from the State to adult foster care facilities and homes for the aged. If enacted, this could influence the fiscal impact of the bills. This would depend upon legislative concurrence with the proposed change and whether the allocation to the DCH for the cost of background checks would be used for license applicants, licensee designees, or authorized representatives.

Date Completed: 4-20-10

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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.